

State Criminal Justice Functions



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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), and the Office of the State Public Defender (SPD), 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 2014-15 totals \$122,491,800 (all funds) and 674.74 full-time equivalent positions. The Department's total funding is comprised of \$47,302,500 general purpose revenue (GPR), \$49,961,700 program revenue (PR), \$24,838,100 federal revenue (FED), and \$389,500 segregated revenue (SEG). Among the staff authorized for the Department are special agents (law enforcement officers), crime laboratory personnel, and attorneys. 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 2014-15 totals \$48,785,300 (all funds) and 429.05 positions. The state funded DA function is comprised of \$45,319,000 GPR and \$3,466,300 PR. All of the 429.05 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.

Both the United States Constitution and the Wisconsin Constitution provide the right to counsel for individuals accused of a crime. The Office of the State Public Defender is generally responsible under state law for providing this required counsel to the indigent. The budget for the SPD in 2014-15 totals \$83,325,100 (all funds) and 579.85 positions. The Office's total funding is comprised of \$82,023,800 GPR and \$1,301,300 PR. Among the staff authorized for the SPD are attorney positions in the trial and appellate divisions. The State Public Defender 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 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 the criminal justice-related grant programs administered by DOJ. The fourth and fifth chapters discuss the prosecutorial functions of DAs and DOJ respectively. 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 2014-15 is \$56,469,400 (all funds) and 280.04 positions. The Division is organized into four bureaus. These are the: (a) Training and Standards Bureau; (b) Crime Information Bureau; (c) Bureau of Justice Information and Analysis; and (d) Crime Laboratory Bureau. The Crime Laboratory Bureau is comprised of the three state crime labs located in Madison, Milwaukee, and Wausau.

Training and Standards Bureau

Generally, 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 2014-15 is \$7,302,900 and 22.32 positions, comprised of \$150,000 GPR, \$7,152,900 PR and 22.32 PR positions. The Bureau's staff consists of education consultants, training officers, attorneys, grants specialists, and other supervisory and support personnel.

The Bureau's program revenue-funded budget is supported by the penalty surcharge (\$7,152,900 and 22.32 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 50% of all penalty surcharge revenues spent in 2013-14 were 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 2013-14, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$2,048,000. The penalty surcharge fund is projected to close the 2014-15 state fiscal year with a cumulative deficit of \$1,611,600.

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) seven 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; and (h) the designee of the Secretary of the Department of Natural Resources. 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 service."

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, as determined by the results of a background investigation and a search of local, state, and national fingerprint records; (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.

Recruits who have been convicted of any crime of domestic violence may not be permitted to become a law enforcement officer or tribal law enforcement officer unless the individual has been granted an absolute and unconditional pardon for the crime. The statutes do not bar recruits who have been convicted of a domestic violence crime from becoming jail or secure juvenile detention officers. However, as indicated above, jail and secure juvenile detention recruits may not have been convicted of any federal felony or any offense which, if committed in Wisconsin, could be punished as a felony, unless they have been granted a pardon.

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 officer in Wisconsin. Officers receive this training through academies certified by the Board based on adequacy of facilities and competence of instructional staff. The Board may authorize and

approve a training program or training academy only if the program or academy is operated by an agency of the state or by a political subdivision of the state. Only training provided by and from Board certified academies is eligible for reimbursement from DOJ. Political subdivisions must be reimbursed for expenses incurred by recruits who satisfactorily complete training at schools certified by the Board. Reimbursable preparatory training costs include Board-approved tuition, living and travel expenses.

Under 2013 Act 241, the Legislature increased the preparatory training requirements for law enforcement and tribal law enforcement recruits. Prior to 2013 Act 241, the statutes required recruits to complete a 400 hour Board-prepared training curriculum. However, increased funding provided by 2001 Act 16 permitted the Department to develop and reimburse law enforcement agencies for providing up to 520 hours of preparatory training. Under 2013 Act 241, the Board must prepare a training curriculum requiring law enforcement and tribal law enforcement recruits to successfully complete a minimum of 600 hours of preparatory training before becoming certified as officers. In June, 2014, the Board approved an increase in training hours for new law enforcement and tribal law enforcement officers from 520 hours to 714 hours. The new curriculum is still in development and will be provided to the Board for review and approval in late 2014. While the Board has determined that all academies must implement the new 714 hour curriculum by no later than January 1, 2016, several academies will pilot the 714 hour curriculum in 2015.

Table 1 identifies the amounts expended by the Board in 2013-14 to provide reimbursement for training to certified academies for 229 law enforcement and tribal law enforcement recruits. The reimbursements covered the recruit's tuition, lodging, meals, and mileage costs.

Table 1: DOJ Reimbursement of Law Enforcement Recruit Training (2013-14)

Type of Law Enforcement Recruits	Recruits Trained	Reimbursement
Local	173	\$584,000
State	50	355,500
Tribal	<u>6</u>	<u>17,700</u>
Total	229	\$957,200

In order to be certified as jail and secure juvenile detention officers, recruits must complete a 160 hour preparatory training curriculum prepared by the Board. In 2013-14, the Department provided reimbursements totaling \$331,700 (\$221,200 PR and \$110,500 GPR) to certified academies for providing this preparatory training to 310 jail and secure juvenile detention recruits. The reimbursements covered costs for tuition, lodging, meals, mileage, salary and fringe benefits.

Annual Recertification Training. Law enforcement (except locally elected sheriffs), tribal law enforcement, jail, and secure juvenile detention officers must maintain appropriate employment as a law enforcement, tribal enforcement, jail, or juvenile detention officer in order to remain certified. Additionally, officers must complete a minimum of 24 hours of additional training each fiscal year in order to maintain their certification.

As part of the annual 24 hours of recertification training, law enforcement and tribal law enforcement officers must biennially complete at least four hours of training in police pursuit from curricula based upon model standards established by the Board. Additionally, under 2013 Act 241, law enforcement and tribal law enforcement officers must annually complete a handgun qualification course from curricula based upon model standards established by the Board. The Department has indicated that officers will start to meet the annual handgun training requirement in 2014-15. Both the handgun and police pursuit training required of law enforcement and tribal law en-

forcement officers may be counted towards the required 24 hours of annual recertification training.

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 officer is set at a maximum of \$160. In 2013-14 these reimbursements totaled \$2,301,900 PR.

In addition to providing reimbursements for annual recertification training, the Bureau sponsors training events for law enforcement officers. The Bureau-sponsored training events provide both advanced and specialized training in areas such as: sexual assault, sexual assault of a child, domestic violence, the mentally ill, and leadership within police organizations. In 2013-14, the Bureau sponsored 91 advanced and specialized criminal justice training events. These 91 events provided training to 6,615 officers at a cost of \$725,900 PR.

Certification of Schools and Instructors to Train Recruits and to Provide Recertification Training. The Board may authorize and approve a training program or training academy only if the program or academy is operated by an agency of the state or by a political subdivision of the state. 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 2013-14. Table 3 identifies the 21 academies that were certified by the Board to provide preparatory and recertification training, as of the end of 2013-14. While only Board-certified academies can provide preparatory training to recruits, the Department has indicated that any law enforcement

agency can provide recertification training for its officers. 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, such as for police pursuit or handgun training. Law enforcement agencies are not required to utilize Board-approved training guides or curriculum for recertification training. Beyond the requirement for biennial police pursuit training and annual handgun training, individual agencies may specify the content of their 24-hour annual recertification training, although many agencies do use Board approved curriculum.

Table 2: Number of Certified Academies and Instructors (2013-14)

Training Certifications	Number
Academies	21
New Instructors*	818
All Instructors	3,163

*New instructors include individuals who became certified as an instructor and certified instructors who received a certification in an additional topic.

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 Area Technical College
- Northcentral Technical College
- Northeast Wisconsin Technical College
- Southwest Wisconsin Technical College
- Waukesha County Technical College
- Western Wisconsin Technical College
- Wisconsin Department of Natural Resources
- Wisconsin Indianhead Technical College
- Wisconsin State Patrol Academy

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; (c) failure to make child or family support payments; (d) falsifying information to obtain or maintain certified status; (e) conviction of a felony, or any crime that, if committed in Wisconsin, could be punished as a felony; or (f) conviction of a misdemeanor crime of domestic violence. Table 4 identifies the number and type of active certified officers on the roster as of the end of 2013-14.

Table 4: Number of Active, Primary and Certified Officers, 2013-14

Type of Officer	Number
Law Enforcement	12,228
Jail	2,199
Law Enforcement and Jail	1,645
Jail and Secure Juvenile Detention	161
Secure Juvenile Detention	150
Tribal Law Enforcement	83
Law Enforcement, Jail and Secure Detention	8
Law Enforcement and Secure Detention	0
Total	16,474

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 licen-

sure 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."]

Under 2013 Act 20, the Department of Administration's Office of Justice Assistance (OJA) was eliminated. In addition to the responsibilities enumerated above, the Crime Information Bureau assumed the following duties from OJA: (a) justice information sharing; and (b) managing the Wisconsin Interoperability System for Communications (WISCOM).

The Bureau's budget in 2014-15 totals \$9,600,800 (\$369,700 GPR, \$9,098,600 PR, and \$132,500 FED) and 75.39 positions (11.33 GPR positions, 63.06 PR positions, and 1.0 FED position). The Bureau's staff consists of license and permit program associates, criminal history record personnel, information technology personnel, and supervisory and support personnel.

The Bureau's program revenue-supported budget is funded by: criminal history search fees (\$3,507,400 and 31.01 positions); TIME System user fees from law enforcement agencies (\$2,344,800 and 5.0 positions); handgun purchaser record check and concealed weapons licensure fees (\$1,402,100 and 19.5 positions); the \$21.50 justice information surcharge imposed on an individual who, as a result of being convicted of a crime, is charged a fee or forfeiture (\$1,362,200 and 6.25 positions); and interagency and intra-agency fees received by DOJ for services provided to other state agencies (\$482,100 and 1.3 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. Revenue from the justice information surcharge is transferred to the Bureau to fund the Wisconsin justice information sharing program as well as the interoperable communications 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. In addition, beginning April 1, 2015, if an individual is arrested for a violent crime or is a juvenile who is taken into custody for an offense which would be a violent crime if committed by an adult, a law enforcement or tribal law enforcement agency must obtain a biological sample from that individual for DNA analysis when the agency obtains the other identifying information enumerated above. [The requirement to submit a biological sample at arrest beginning April 1, 2015, is a new provision under 2013 Acts 20 and 214, and is discussed in the section of this chapter entitled, "DNA Collection, Analysis, Data Storage, and Usage."] In calendar year 2013, 158,884 new arrest events were submitted by Wisconsin law enforcement agencies to the Crime Information Bureau. The majority of this information is submitted electronically.

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.

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 ad-

ministration 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 Department's 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

electronically stores the fingerprints that are required to be submitted to DOJ. The 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 June, 2014, 1,416,824 tenprints were stored on AFIS. Approximately 3,900 additional tenprints are added to the system monthly. Currently, the system has a storage capacity of 2,000,000 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 June, 2014, 65,281 sets of palm prints were stored on AFIS. Approximately 5,900 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 June, 2014, there were 13,906 cases

with latent fingerprint or latent palm print records stored on AFIS. There were 35,392 latent fingerprint lifts and 3,984 latent palm lifts associated with these cases.

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 2013, Department and local law enforcement personnel completed: (a) 233,620 tenprint to tenprint verifications; (b) 892 unsolved latent fingerprint to tenprint verifications; (c) 117 unsolved latent palm print to palm print verifications; (d) 478 latent fingerprint to tenprint verifications; and (e) 35 latent palm print to palm print verifications.

In order to expand the accessibility and usability of AFIS, as of June, 2014, 340 mobile identification devices are in place at law enforcement agencies and Department of Corrections' (DOC) 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. Additionally, as of June, 2014, 96 desktop computers in law enforcement agencies and DOC facilities across the state contain special software and an add-on fingerprint capture device to allow the agencies to capture fingerprints and electronically compare them to the files in AFIS.

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 2013, the crime information bureau received more than 813,000 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, government agencies and nonprofit organizations may request a fingerprint-based search of the Wisconsin criminal history database.

In addition, a \$5 surcharge is assessed if the requestor must have a paper copy of the results of the search. In 2013-14, the Department received criminal history search fees revenues of \$5,926,800.

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 October, 2014, the TIME System consists of 11,833 workstations located in 575 local, state and federal law enforcement agencies in Wisconsin. Approximately 5,260 of these terminals are mobile units that provide information directly to the patrol officer. On an average day, the TIME system processes approximately 138,000 initiator transactions returning approximately 565,000 responses.

The Department is authorized to assess fees to law enforcement agencies for the costs of terminal rental, usage, and related services to support the operation of the TIME System. In 2013-14, the Department collected a total of \$2,150,500 in TIME System user fees. The TIME System's 2014-15 budget is \$3,069,100 PR and 9.0 PR positions.

The TIME System's 2014-15 budget includes \$2,344,800 PR and 5.0 PR positions, funded from TIME system user fees, for the crime information bureau to administer the system. The TIME System's 2014-15 budget also includes \$724,300 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 2013-14, the penalty surcharge fund concluded the fiscal year with a cumulative deficit of \$2,048,000. The penalty surcharge fund is projected to close the 2014-15 state fiscal year with a

cumulative deficit of \$1,611,600.

Wisconsin Justice Information Sharing Program

Under 2013 Act 20, DOJ was charged with the responsibility of promoting and coordinating automated justice information systems between counties and state criminal justice agencies. The Department's justice information sharing initiative is known as the Wisconsin Justice Information Sharing (WIJIS) program. For 2014-15, the WIJIS program budget is \$661,700 PR and 4.40 PR 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 Prosecutor Technology for Case Tracking (PROTECT) system under the district attorney information technology (DA IT) program; 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 the end of 2013-14, the Gateway contained approximately 10.2 million accessible records from 167 local law enforcement agencies, 72 circuit court branches, 71 district attorney offices, 40 sheriff's offices, and three universities.

Access to the Gateway is not limited to agencies that make their records accessible. As a result, 372 local law enforcement agencies have registered 1,024 users on the Gateway as of October, 2014. In 2013-14, the Gateway conducted a total of 25,822 searches, an average of 497 searches per week.

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 established 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. According to the Department of Transportation, approximately 83% of Wisconsin law enforcement agencies, including the State Patrol, submit electronic traffic citations via eCitations.

Wisconsin Interoperability 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 Attorney General; (c) the Wisconsin Adjutant General (head of the Department of Military Affairs); (d) the Secretary of the Department of Natural Resources; (e) the Secretary of the Department of Transportation; 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 DOJ in identifying and obtaining funding to implement a statewide public safety interoperable communication system; and (e) advise DOJ and the Department of Military Affairs 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 DOJ 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.

With the dissolution of the Office of Justice Assistance, DOJ is now required to provide staff support for the Interoperability Council, as well

as oversee 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 federal emergency responders statewide to communicate with each other.

From inception through 2013-14, the state has expended more than \$25 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 core WISCOM system consists of communications equipment installed at 80 radio towers statewide. As of July 1, 2014, equipment at 78 of these radio towers was active providing targeted 95% mobile radio coverage statewide. In addition to the core WISCOM system: (a) communications equipment has been installed in the Cities of Lake Mills and Reedsburg, in May, 2014, and June, 2013, respectively; 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 core 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 primarily 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.

Sawyer, Taylor, Iowa, Kewaunee, and Juneau Counties, as well as the City of Fond du Lac and the City of Greenfield are daily users of WISCOM. It is anticipated that Dunn County will become a daily user of WISCOM by the end of calendar year 2014, and Douglas County will become a daily user by the middle of 2015. 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 23 local enhanced coverage sites that have been installed to provide expanded coverage for portable radios. In addition to the \$25 million in federal grant and state matching funds provided to develop the core WISCOM system, the Office of Justice Assistance provided six, \$1 million dollar grants with federal grant funding (\$5 million from homeland security funding and \$1 million from American Recovery and Reinvestment Act (ARRA) justice assistance grant funding) to Sawyer, Taylor, Iowa, Kewaunee, and Douglas County, as well as the City of Fond du Lac, to fund the development

of 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. The Department of Justice is not currently provided federal grant funding to local jurisdictions to fund the development of local enhanced coverage sites.

The Department of Health Services, through the Wisconsin Hospital Emergency Preparedness Program, utilized \$49,000 of grant funding for an additional VHF channel in Madison and Milwaukee.

As of September, 2014, WISCOM is used by: seven federal agencies, 17 state agencies, 637 local agencies, four non-governmental agencies, and three tribal agencies. These agencies have 19,594 subscriber radios registered to participate on WISCOM. Department of Justice staff indicates that private agencies are not eligible users of WISCOM due to Federal Communications Commission licensing restrictions which restrict WISCOM to be used only for public safety.

The Department 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 Department is also authorized to charge a person that is not a state agency (such as a local or federal agency) a fee for the use of the public safety interoperable communication system.

Under 2011 Act 32, the Legislature created a program revenue appropriation to provide funding to operate WISCOM. Under Act 32, the ap-

propriation 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 for this appropriation was increased to \$1,078,400 PR and 2.0 PR positions annually under 2013 Act 20. 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 5.

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 are \$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 Department has not charged for Tier 4, 5, or 6 use.

The Department charges the federal Drug Enforcement Agency (DEA) \$200 per year for each of the 44 radios the DEA has registered on the WISCOM system. Additionally, the Department charges the Department of Health Services a per facility annual fee of \$100 for each hospital within Wisconsin that has a WISCOM base station (134 hospitals). Notwithstanding the Department's authorization to charge a public safety agency that is a state agency, DOJ indicates that

while the Department of Transportation and the Department of Natural Resources utilize WISCOM, they are not assessed WISCOM user fees due to their contribution to WISCOM's infrastructure.

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. Department 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.

Bureau of Justice Information and Analysis

In August, 2014, DOJ reorganized its Division of Law Enforcement Services and created the Bureau of Justice Information and Analysis (BJIA). The Department has indicated that the Bureau is intended to develop capacity to conduct research, analysis, and program evaluation efforts to address a variety of criminal justice research needs and to support data-driven decision making and policy development. The Bureau will contain the state's Statistical Analysis Center (SAC) and the Uniformed Crime Reporting program, both of which were administered by the Office of Justice Assistance prior to its dissolution under 2013 Act 20. Research will be conducted by the Bureau at the request of the Department, the state Criminal Justice Coordinating Council (CJCC), and Legislature. The Bureau will also assist in developing studies and setting metrics for grant programs administered by DOJ. Finally, BJIA, along with

Table 5: Interoperable Communications Fee Structure

Tier	Usage Type	Description
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 involves 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 involves 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 involves 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 involves 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.

the Training and Standards Bureau, will staff the state CJCC to provide the Council with information regarding the state's criminal justice system.

The Department has indicated that as of October, 2014, BJIA was not fully operational as the Department was still filling vacant positions and developing its planned operations. As a result, BJIA's primary operations involve maintaining the Statistical Analysis Center and Uniform Crime Reporting Program. However, the Department intends to develop a Research and Evaluation Unit which will be responsible for program evaluation, with a particular focus on grant-funded programs. The Unit will also conduct research on a wide variety of criminal justice issues. Additionally, the Bureau will be directly involved in the development of the Comprehensive Outcome, Research, and Evaluation (CORE) Reporting System, which is an integrated, online web application for tracking participant data for various treatment court and diversion programs in Wisconsin.

The Department indicates that, "the current budget for the Bureau of Justice Information and Analysis (BJIA) is still under development as planning for the new bureau is underway." However, the Department has also indicated that in 2014-15, the budget for the Statistical Analysis Center and Uniform Crime Reporting Program is \$339,900 FED and 1.2 FED positions.

Statistical Analysis Center and Uniform Crime Reporting

Statutory Authorization. Under s. 165.845 of the statutes, the Department must: (a) maintain a statistical analysis center to serve as a clearinghouse of justice system data and information and conduct justice system research and data analysis; (b) collect and publishing statewide crime and arrest data from all participating law enforcement agencies (primarily local law enforcement agencies); and (c) forward statewide crime

and arrest data to the FBI and participating in the FBI's Uniform Crime Reporting (UCR) program. Data collected and managed by SAC is utilized to satisfy federal grant reporting requirements for two federal programs, as well as to produce statewide crime publications.

SAC and UCR Operations. The state's Statistical Analysis Center, which encompasses the state's Uniform Crime Reporting (UCR) program, has generally been funded through federal grant monies since 2003. As a result, the work of the SAC is completed under the restrictions of utilized federal funding. For 2014-15, the SAC has a budget of \$339,900 FED and 1.2 FED positions. Additionally, the Department has indicated that it utilizes its federal funding to support two limited-term employees and contract hours for project support from the Department's Bureau of Computing Services. The Department primarily utilizes federal Justice Assistance Grant (JAG) funds to support SAC/UCR. However, due to reductions in federal funding, annual JAG funds have not been sufficient to support the operating budget of SAC/UCR. As a result, the Department has utilized unused federal grant money from initiatives in prior years to support the annual operating costs for SAC/UCR.

Data currently collected by the SAC is utilized to satisfy federal grant reporting requirements for DOJ's Violence Against Women Act (VAWA) and Juvenile Justice programs. The Department'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 DOJ utilizes this data to assess the state's compliance with the federal Ju-

venile Justice Delinquency Prevention Act (JJDPA) and to satisfy federal reporting requirements. Maintaining compliance with JJDPA 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. The system 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 of Justice Assistance, and now the Department of Justice, has been working towards transitioning more law enforcement agencies from summary-based reporting to incident-based reporting as local technology capacity improves and federal grant funding becomes available.

The Department collects, validates, and synthesizes this crime data. Of the 590 law enforcement agencies in Wisconsin, 319 law enforcement agencies in Wisconsin report offense and arrest data under the UCR-SBR system and 97 law enforcement agencies report this data under the UCR-WIBRS system, as of the end of 2013-14. The Department has indicated that, for a variety of reasons, not all law enforcement agencies are required to report UCR data to DOJ. Some small law enforcement agencies, for example, report UCR data through the county sheriff.

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. At the end of 2013-14, 97 law enforcement agencies in Wisconsin have been certified to participate in the WIBRS system, including 30 sheriff's offices and the three largest police departments (Milwaukee, Madison, and Green Bay). As of July 1, 2014, 41% of the state's population 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 DOJ 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, 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.

Crime Laboratory Bureau

Three state crime laboratories, located in Madison, Milwaukee, and Wausau, comprise the Department's Crime Laboratory Bureau. 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 2014-15 for the state crime laboratories (less amounts budgeted for deoxyribonucleic acid (DNA) analysis) totals \$14,349,500 (all funds) and 103.33 positions. The state crime laboratories' funding is comprised of \$6,162,800 GPR, \$8,133,200 PR, and \$53,500 FED and 50.33 GPR, 52.0 PR, and 1.0 FED positions.

The 2014-15 budget for DNA analysis totals \$6,167,700 (all funds) and 72.0 positions. The DNA analysis funding is comprised of \$3,270,300 GPR and \$2,897,400 PR, and 42.5 GPR and 29.5 PR positions.

The state crime laboratories' program revenue-supported budget (including amounts budgeted for DNA analysis) is funded from a variety of sources: (a) the crime laboratory and drug law enforcement surcharge and the DNA surcharge (\$9,203,200 and 73.5 positions); (b) criminal history search fees (\$1,042,200 and 7.0 positions); and (c) penalty surcharge revenues (\$785,200 and 1.0 position).

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. Additionally, a court must impose a DNA surcharge when it either imposes a sentence or places a person on probation for committing a felony or misdemeanor. The DNA surcharge is \$250 for each felony conviction and \$200 for each misdemeanor 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.

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 2013-14, the crime laboratories and drug law enforcement surcharge and DNA surcharge fund concluded the fiscal year with a balance of \$1,420,500. The crime laboratory and drug law enforcement surcharge fund is projected to close the 2014-15 state fiscal year with a cumulative balance of \$1,934,900.

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. The Madison and Wausau crime laboratories have a Field Response Unit which provides 24 hour/seven days a week crime scene investigation assistance to law enforcement agencies at major violent crime scenes and autopsy examinations investigations. Madison's field response unit provides assistance to the Milwaukee service area.

The Department is authorized to decline 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

Appendix III identifies the geographic areas of the state served by each crime laboratory. Below is a list of services provided by the state crime labs:

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. Drug identification services are provided by the Madison, Milwaukee, and Wausau crime labs.

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. Toxicology services are provided by the Madison and Milwaukee crime labs. The Wausau crime lab region is served by the Madison crime lab.

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. The Milwaukee crime lab provides trace analysis services for the entire state.

4. *DNA/Serology.* 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. DNA/serology analysis services are provided by the Madison and Milwaukee crime labs. The Wausau crime lab region is served by Madison crime lab.

5. *DNA Databank.* The DNA Databank stores DNA profiles from samples on all convicted offenders and, beginning on April 1, 2015, the profiles of certain individuals arrested for violent felonies. The state system is connected to the national system to help identify suspects when unknown DNA is found at a crime scene. The DNA databank is located at the Madison crime laboratory, however it includes DNA profiles from samples which were analyzed and catalogued at the Milwaukee crime laboratory.

6. *Firearms/Toolmarks.* This activity involves the: examination of firearms and ammunition, as well as 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. Recovered firearms and cartridges may also be compared to other firearms cases in the Midwest through the use of the National Integrated Ballistic Information Network (NIBIN) computer system. The Milwaukee crime lab provides firearms analysis services for the entire state.

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. Fingerprint, footprint, and tire tread identification services are provided by the three crime labs.

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. Documentation

examination is no longer provided by any of the state crime laboratories. Instead, the FBI Crime Laboratory in Washington D.C. provides documentation examination services for the Wisconsin criminal justice system free of charge.

9. *Photo Work Orders.* 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. Photo work order services are provided by each of the crime labs.

10. *Forensic Imaging.* 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). Forensic imaging services are provided by the three crime labs.

The three state crime laboratories are currently authorized the following types of specialists (excluding specialists for DNA analysis): (a) fingerprint and footwear examiners; (b) controlled substance analysts; (c) forensic program technicians; (d) toxicologists; (e) forensic imaging specialists; (f) firearms and toolmark examiners; (g) trace evidence examiners; (h) forensic science training coordinators; and (i) identification technicians. In addition to these specialist positions, additional supervisory and support positions include forensic scientist supervisors, office associates, forensic science program chiefs, justice supervisors, a crime laboratory director, information services personnel, and an executive staff

assistant.

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

Table 6 identifies the caseload of the state crime laboratory analysts during 2013-14. Many cases referred to the state crime laboratories require more than one type of analysis. As a result, the total number of case types opened and completed by the crime laboratories, as identified in Table 6, is larger than the total number of distinct law enforcement cases referred to the crime laboratories.

Table 6: Analyst Caseloads in 2013-14

Case Type	Opened	Completed
Controlled substances	5,697	6,301
DNA analysis*	2,774	2,721
Toxicology	2,417	2,525
Identification	2,082	1,984
Firearms	745	787
Photo work order	544	583
DNA screening*	192	188
DNA databank*	189	190
Trace evidence	161	182
Footwear or tire track	64	62
Toolmarks	61	44
Crime scene response	53	66
Forensic imaging	32	30
Field photo	27	34
Bloodstain pattern analysis	7	1
Familial search	1	1
Questioned documents	<u>0</u>	<u>11</u>
Total	15,046	15,710

*The Department has indicated that DNA caseload numbers have declined since the crime labs introduced evidence submission guidelines. These guidelines decreased the number of cases submitted, focused analysis on best evidence, and reduced its case analysis turnaround time.

DNA Collection, Analysis, Data Storage, and Usage. The analysis of DNA evidence at crime scenes has become an increasingly important forensic tool for law enforcement agen-

cies in recent years. In recent years, several laws have been enacted affecting the frequency and manner in which DNA is utilized during the criminal justice process.

Individuals who, after January 1, 2000, have either been found guilty of a felony or are in prison for any felony committed in this state must submit a biological sample to be sent to the state crime laboratories for DNA analysis. Individuals committed as sexually violent persons must also submit a biological sample. Further, under 2013 Act 20, individuals who have been found guilty of a misdemeanor on or after April 1, 2015, must submit a biological sample for DNA analysis. Prior to April 1, 2015, individuals who were convicted of the following misdemeanors were required to submit a biological sample: (a) intentional failure to submit a required biological specimen; (b) fourth-degree sexual assault; (c) lewd or lascivious behavior; and (d) exposing genitals, pubic area, or intimate parts. Additionally, under 2013 Acts 20 and 214, and beginning April 1, 2015, adults who are arrested for or charged with a felony defined as a violent crime must submit a biological sample for DNA analysis. Appendix IV identifies the offenses which, under s. 165.84(7) of the statutes, constitute a violent crime for the purpose of biological sample submission.

Under 2013 Act 20 and beginning April 1, 2015, juveniles who have been adjudicated delinquent on the basis of a violation that would be a felony if committed by an adult in this state must submit a biological specimen for DNA analysis. Additionally, beginning April 1, 2015, juveniles who have been adjudicated delinquent for an act that, if committed by an adult in this state, would constitute a violation of any of the following misdemeanors must submit a biological sample: (a) fourth-degree sexual assault; (b) endangering safety by use of a dangerous weapon; (c) lewd or lascivious behavior; (d) prostitution; (e) patronizing prostitutes; (f) pandering; (g) failure to submit a required biological sample; and (h) expos-

ing genitals, pubic area, or intimate parts. Prior to April 1, 2015, juveniles were required to submit biological samples if they were adjudicated delinquent on the basis of a violation that would constitute: (a) sexual assault; (b) 1st or 2nd-degree sexual assault of a child; (c) engaging in repeated acts of sexual assault with the same child; and (d) sexual assault of a child placed in substitute care. Moreover, beginning April 1, 2015, juveniles who are taken into custody or before a court for committing an offense which would constitute a felony violent crime if committed by an adult must submit a biological sample. Appendix IV identifies the offenses which constitute a violent crime for the purpose of biological sample submission.

Individuals who have been placed in institutional care or found not guilty by reason of mental disease or defect as a result of committing an offense which would constitute a felony must also submit a biological sample for DNA analysis. Additionally, those placed in institutional care or found not guilty by reason of mental disease or defect as a result of committing any of the following misdemeanor violations must submit a biological sample: (a) failure to submit a required biological specimen; (b) fourth-degree sexual assault; (c) lewd or lascivious behavior; and (d) exposing genitals, pubic area, or intimate parts.

Those who are on parole, extended supervision, or probation in another state, but are supervised in Wisconsin, for a violation in the other state that the Department of Corrections determines would constitute a felony if committed in Wisconsin must submit a biological sample for DNA analysis. Finally, the courts may order an individual to submit a biological sample if the individual is before the court for certain crimes or the court determines that a biological sample was not collected from an individual who is required under statute to submit a sample.

After biological specimens are submitted, the specimens are sent to the state crime labs for

DNA analysis. Biological samples collected as a result of one of the reasons discussed above (except if the biological specimen is obtained from an individual at arrest, or when a juvenile is taken into custody, for a violent crime) are analyzed by the crime laboratories. The crime laboratories enter the data obtained from the DNA analysis into the DNA databank. The laboratories may compare the data obtained from one specimen with data obtained from other specimens. The laboratories may also make the data obtained from the analysis available to those in connection with criminal or delinquency investigations, including law enforcement agencies, prosecutors, defense attorneys, and the subject of the data.

Beginning April 1, 2015, law enforcement officers and tribal law enforcement officers must collect a biological specimen from individuals arrested or taken into custody for committing a felony violent crime (or for a juvenile offense that would be a felony violent crime if committed by an adult) and submit the biological specimen to the state crime laboratories in a manner specified by DOJ by rule. Biological specimens collected from arrested individuals (or juveniles taken into custody) are only analyzed and included in the DNA databank if, within one year of the date the biological sample was submitted to the state crime laboratory, the court has notified the crime laboratory that one of the following applies: (a) the individual was arrested, or the juvenile was taken into custody, pursuant to a warrant; (b) the court has made a finding that there is probable cause that the individual committed a violent crime, or that the juvenile committed an offense that would be a violent crime if committed by an adult; (c) the individual failed to appear at the initial court appearance or preliminary examination, or the individual waived the preliminary examination; or (d) the individual failed to appear for a delinquency proceeding under Chapter 938 of the statutes (Juvenile Justice Code). If one year passes and the court has not notified the crime laboratory that one of preceding conditions applies, then the

crime laboratory must destroy the biological sample.

In addition to analyzing biological specimens submitted as a requirement under state law, the crime laboratories must analyze the DNA in human biological specimens that are provided pursuant to any of the following requests: (a) a law enforcement agency regarding an investigation; (b) a defense attorney regarding his or her client's specimen, pursuant to a court order; and (c) an individual regarding his or her own specimen, subject to rules established by the Department. The laboratories may compare the DNA data from the provided specimen with data obtained from other specimens. The laboratories may also make this data available to those in connection with criminal or delinquency investigations, including law enforcement agencies, prosecutors, defense attorneys, and the subject of the data. The data obtained from one of these provided specimens may be used in a criminal or delinquency proceeding. However, the DNA data obtained from a specimen provided pursuant to one of the requests enumerated above may not be included in the DNA databank.

Furthermore, s. 165.77(7) of the statutes specifies that DNA data obtained from biological specimens analyzed pursuant to a request from a Wisconsin law enforcement agency or health care professional collecting evidence in a case of alleged or suspected sexual assault may not be included in the DNA databank. This provision ensures that the privacy of sexual assault victims and individuals erroneously suspected of committing sexual assault is not violated.

Individuals whose DNA data is stored in the DNA databank may have the data expunged if all of the following conditions are satisfied: (a) all convictions, findings, or adjudications for which the person was required to submit a biological specimen have been reversed, set aside, or vacated; (b) if the individual was required to provide a biological sample for being arrested or charged

with a violent crime, then either: (1) all charges for which the person was required to provide the biological specimen have been dismissed; (2) the trial court adjudged the individual not guilty on all charges for which the person was required to provide a biological specimen; (3) at least one year has passed since the arrest and the individual has not been charged with a violent crime in connection with the arrest; or (4) the person was adjudged guilty of a violent crime, and all such convictions for a violent crime have been reversed, set aside, or vacated; and (c) if the individual is a juvenile and the juvenile was required to submit a biological specimen because he or she was taken into custody or before a court for an offense which would be considered a violent crime if committed by an adult, then either: (1) all criminal complaints or delinquency petitions that allege the juvenile committed an offense which would be considered a violent crime if committed by an adult have been dismissed; (2) the juvenile was neither convicted nor adjudged delinquent by a trial court on all violations that would be considered a violent crime if committed by an adult; or (3) at least one year has passed since the juvenile was taken into custody and no criminal complaint or delinquency petition has been filed alleging that the juvenile committed a violation, in connection with the juvenile being taken into custody, that would be a violent crime if committed by an adult. If DOJ determines that all of the conditions enumerated above have been satisfied, and the individual sends DOJ a written request for expungement and any other documentation DOJ requires by rule, then the laboratories must purge all records and identifiable information in the data bank pertaining to the individual, as well as destroy all samples from the person.

As of September, 2014, there were 182,729 DNA profiles in the state's convicted offender 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 of-

fender 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 September, 2014, there were 13,270 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. Approximately 800 DNA profiles are added to the DNA databank every month, however this

number varies significantly.

The convicted offender DNA database and the casework DNA profiles have become increasingly effective crime-solving tools. In calendar year 2012, there were 587 matches or "hits." These hits matched unknown profiles with 545 known offender profiles and 42 casework profiles, for an average of 49 hits per month. In calendar year 2013, there were 571 hits matching unknown profiles with 518 known offender profiles and 53 casework profiles, for an average of 48 hits per month.

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; (c) smoking; and (d) carrying carry concealed weapons.

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 under s. 165.70, 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. 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, DCI will also provide investigative assistance to local law enforcement, when requested, to help solve serious crimes.

The budget for the Division in 2014-15 is \$16,434,600 (all funds) and 148.0 positions. The Division is organized into three bureaus: the Field Operations Bureau, the Special Operations Bureau, and the Arson 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 the Field Operations Bureau and the Special Operations Bureau. 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. Finally, in 2012-13, the Arson Unit, formerly a part of the Field Operations Bureau, was converted into the Arson 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 2014-15 totals \$7,588,400 (all funds) and 52.0 positions. Funding is comprised of \$2,025,900 GPR, \$4,373,000 PR, and \$1,189,500 FED, supporting 18.0 GPR, 28.0 PR and 6.0 FED positions. Narcotics enforcement staff consists of special agents, criminal analysts, and supervisory and support personnel.

The program revenue-funded budget for narcotics enforcement is provided from the \$13 crime laboratory and drug law enforcement surcharge and the DNA surcharge (\$1,974,600 and 16.0 positions), as well as the penalty surcharge (\$2,398,400 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. A court imposes the DNA surcharge either when it imposes a sentence or places a person on probation. The DNA surcharge is \$250 for each felony conviction and \$200 for each misdemeanor 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 2013-14, the crime laboratory and drug law enforcement surcharge and DNA surcharge fund concluded the fiscal year with a positive balance of \$1,420,500. The crime laboratory and drug law enforcement surcharge fund is projected to close the 2014-15 state fiscal year with a cumulative balance of \$1,934,900.

Statutory Authorization. Under s. 165.70 of the statutes, the Department is charged with enforcing the Uniform Controlled Substances Act (Chapter 961 of the statutes) 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 33 prosecution referrals in 2012-13, and 51 prosecution referrals in 2013-14.

Wisconsin High Intensity Drug Trafficking Area Task Force. The Bureau is also involved in the Wisconsin 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 Wisconsin HIDTA consists of three investigative bodies: (a) the Heroin Initiative; (b) the Drug Gang Task Force; and (c) the Interdiction Initiative. The Heroin Initiative, supervised by a DCI special agent in charge, investigates high level heroine drug trafficking organizations in the Wisconsin HIDTA region. The Drug Gang Task Force is a multi-agency initiative supervised by the Milwaukee Police Department. The Drug Gang Task Force focuses on the identification, infiltration, disruption, and dismantling of violent street gangs involved in drug trafficking in the Milwaukee area. Finally, the Interdiction Initiative 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 Wisconsin HIDTA area of responsibility.

The Heroin Initiative made 38 prosecution referrals in 2012-13 and an additional 52 prosecution referrals in 2013-14. The Drug Gang Task Force made 299 prosecution referrals in 2012-13 and 312 prosecution referrals in 2013-14. Finally, the Interdiction Initiative made 65 prosecution referrals in 2012-13 and an additional 37 prosecution referrals in 2013-14.

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. Program management for CEASE compiles statewide statistics and intelligence data. Program management also distributes funds, equipment, and information to be used for the investigation and eradication of domestic marijuana grow operations. 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 189 prosecution referrals in 2012-13, and 158 in 2013-14. Under the CEASE program, 144 marijuana grow operations were destroyed in 2012-13, and an additional 126 marijuana grow operations were destroyed in 2013-14.

Methamphetamine Laboratories. The Department of Justice has identified as a significant challenge the proliferation of methamphetamine laboratories, particularly in northwestern Wisconsin. To combat the spread of methamphetamine laboratories, the Department coordinates a group of certified law enforcement officers to investigate clandestine laboratories. This multi-jurisdictional team is comprised of 29 DCI Special Agents and 33 local officers representing 22 agencies.

The Field Operations Bureau identified and decommissioned 46 laboratories in 2012-13 and 54 laboratories in 2013-14. In 2012-13, DOJ opened 74 methamphetamine-related investigations and closed 60 investigations. In 2013-14, DOJ opened 79 methamphetamine-related investigations and closed 36 investigations.

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 67 tips in 2012-13 and 64 tips in 2013-14.

Training. The Field Operations Bureau provides specialized training to certified law enforcement officers. Topics include search and seizure law, execution of search warrants, undercover activity, surveillance, consent searches, and the latest drug trends throughout the state. The Bureau also provides training to communities around Wisconsin on heroin awareness. In 2012-13, the Bureau provided one 80-hour drug investigation school that was attended by 50 investigators, as well as 131 drug presentations that were attended by 4,703 attendees. In 2013-14, the Bureau provided one 80-hour drug investigation school that was attended by 50 investigators, as well as 204 drug presentations that were attended by 12,078 attendees.

Bureau Caseload. In 2012-13, the Field Operations Bureau opened 608 narcotics cases and closed 390 narcotics cases, while in 2013-14, the Bureau opened 674 narcotics cases and closed 186 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

2014-15 is \$2,962,200 (all funds) and 36.0 positions. The unit's total funding is comprised of \$2,352,400 GPR, \$441,500 PR, and \$168,300 FED, supporting 30.0 GPR, 5.0 PR, and 1.0 FED positions. The unit's program revenue-funded budget is supported by the \$13 crime laboratory and drug law enforcement surcharge and the DNA surcharge.

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 enforcement, 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, 2014, there were 206 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 cyber-tips 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 2012-13, the ICAC task force opened 1,429 ICAC investigations, while in 2013-14 the ICAC task force opened 1,414 ICAC investigations. The Division took the lead on 476 investigations in 2012-13 and 632 investigations in 2013-14.

All 206 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 addi-

tion, many 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 cyber-tiplines program at the National Center for Missing and Exploited Children. In 2012-13, the Wisconsin ICAC task force received 882 cyber tips from the National Center for Missing and Exploited Children. From these 882 cyber tips, the ICAC task force opened 882 cases, of which 650 were investigated by DOJ and 232 were referred to affiliate law enforcement agencies. In 2013-14, the Wisconsin ICAC task force received 1,006 cyber tips from the National Center for Missing and Exploited Children. From these 1,006 cyber tips, the ICAC task force opened 1,006 cases, of which 574 were investigated by DOJ and 432 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.

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 both 2012-13 and 2013-14, the entire ICAC task force opened 176 child enticement investigations. Of the 176 child enticement investigations initiated by the Wisconsin ICAC task force in 2012-13, DOJ special agents initiated 46 of these investigations. Of the 176 child enticement investigations opened by the Wisconsin ICAC task force in 2013-14, DOJ special agents initiated 53 of these cases.

"Peer-to-peer" investigations identify the illegal sharing of child pornography images and videos over the Internet. 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 "peer-to-peer" investigations. However, data does exist for the number of peer-to-peer investigations initiated by DOJ staff. In 2012-13, DOJ special agents initiated 43 peer-to-peer investigations, while in 2013-14 DOJ special agents initiated 58 peer-to-peer investigations.

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 2012-13, the Wisconsin ICAC task force made 133 arrests, and in 2013-14 the Wisconsin ICAC task force made 190 arrests. Of the 133 arrests made by the Wisconsin ICAC task force in 2012-13, 65 arrests were made by DOJ special agents. Of the 190 arrests made by the Wisconsin ICAC task force in 2013-14, 65 arrests were made by DOJ special agents. The Department staff indicates that it does not currently have an electronic reporting system that would permit it to report the case types to which these arrests could be attributed, either for the ICAC task force as a whole or for DOJ.

Department staff further indicates that its electronic statistical analysis system does not currently permit it to provide data on annual ICAC case closings.

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 2012-13, the ICAC task force conducted 3,164 forensic ICAC examinations. In 2013-14, the ICAC task force conducted 3,524 forensic ICAC examinations.

Criminal analysts in the DOJ ICAC Computer Forensics Unit investigate crimes committed using the computer and analyze 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 2012-13, these DOJ criminal analysts at the DOJ ICAC Computer Forensics Unit opened 325 cases and closed 336 cases, while in 2013-14 they opened 392 cases and closed 467 cases. Forensic ICAC cases are opened separately from criminal investigations initiated by the Wisconsin ICAC task force. Forensic ICAC cases are opened for the specific purpose of conducting forensic examinations of electronic devices. One forensic ICAC case is designated for the total number of devices submitted in a case.

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. Under 2011 Act 32, an additional 11.0 GPR-funded FTE positions were created for the unit. Finally, 2013 Act 20 provided the unit an additional 3.5 GPR-funded FTE and 1.5 PR-funded FTE.

Since 2006-07, the number of positions at the unit has increased from 10.0 FTE to 36.0 FTE. The unit is currently authorized the following positions: (a) 15.0 criminal analysts; (b) 15.5 special agents; (c) 2.0 operations program associates; (d) 1.0 program and policy analyst-advanced; (e) 1.0 office operations associate; (f) 1.0 IS network services specialist; and (g) 0.5 criminal investigation director.

Special Operations Bureau -- Gaming Investigation Program

The budget for the gaming investigation program in 2014-15 is \$546,000 (all funds) and 4.0 positions. The program's total funding is comprised of \$156,500 PR and \$389,500 SEG, supporting 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 enactment 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 commercial gaming and illegal gambling. In addition, under Chapters 562, 563, 565, and 569 of the statutes, DOJ is granted law enforcement responsibilities relating to racing and pari-mutuel betting, bingo and raffle control, the Wisconsin Lottery, and Indian gaming. Department of Revenue's Division of Lottery and Department of Administration's (DOA) 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 2014, Wisconsin had 17 casinos and eight ancillary gambling facilities with more limited games. As of September, 2014 these 25 casinos and ancillary gambling facilities had 15,660 gaming devices.

In 2012-13, the program's staff opened three gaming cases and closed 20 gaming cases. In 2013-14, program staff opened 16 gaming cases and closed 25 gaming cases. The gaming investigation program is generally the lead agency in these cases.

In 2012-13, the gaming investigation program conducted 176 background investigations for DOA's Division of Gaming and 23 background

investigations for the Wisconsin Lottery. In 2013-14, the program conducted 247 background investigations for DOA's Division of Gaming and 25 background investigations for the Wisconsin Lottery.

Remaining DCI Operations for the Special Operations Bureau and Field Operations Bureau

The budget in 2014-15 for the Special Operations and Field Operations Bureaus (less amounts specifically budgeted for narcotics enforcement, the ICAC task force unit, and the gaming investigation program) is \$4,020,300 (all funds) and 46.0 positions. This funding is comprised of \$3,377,500 GPR supporting 39.5 GPR positions and \$642,800 PR supporting 6.5 PR positions. The staff authorized for these operations consists of special agents, criminal analysts, program and policy analysts, technicians, and supervisory and support staff.

The program revenue-funded portion of these budgets is supported by inter- and intra-agency assistance funding (\$573,900 and 5.5 positions); and annual subscriber fees assessed on members of the private sector participating in the crime alert network (\$68,900 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 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 WSIC to serve as the state agency intelligence lead for any criminal investigation resulting from a major incident.

The Information Center 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 functions, most WSIC staff has obtained varying security clearances to receive sensitive information from the federal government. 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 Wisconsin Intelligence Network (WIN). The Wisconsin Intelligence Network is a general intelligence sharing platform for sharing intelligence related to criminal activity. The Intelligence Network is utilized to store data related to the following areas of criminal intelligence: domestic threat groups; unsolved crimes; narcotics trafficking; gangs; traveling criminals; and indemnity theft. There are 92 law enforcement agencies that participate in WIN.

In carrying out these responsibilities, WSIC undertakes 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 Wisconsin State Information Center 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 is 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, 2014, 68 counties have a trained officer participating in the threat liaison officer program. In 2013-14, the program trained 35 command-level government officials, as well as 100 emergency service providers and 17 private sector individuals.

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 ac-

tivity. 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 252 case assists in 2012-13, and 193 case assists in 2013-14.

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 2012-13, the unit provided 1,898 case assists, while during 2013-14, the unit provided 2,485 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 2012-13, the clearinghouse received 1,200 calls for service, while in 2013-14, 1,386 calls for service were received. In 2012-13, the clearinghouse opened and closed 155 cases. In 2013-14, 198 cases were opened and closed

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 is 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.

In order to activate Amber Alert, local law enforcement who suspect that a child abduction has occurred contact the Dane County Public Safety Communications Center (DCPSCC). The DCPSCC relays the information provided by local law enforcement to the on-call Bureau director or special agent in charge. After confirming the information with local law enforcement, DOJ instructs DCPSCC to issue an Amber Alert if the following criteria are met: (a) the child is 17 years of age or younger; (b) the child is in danger of serious bodily harm or death; and (c) the initiating agency has enough descriptive information about the child, the suspect(s), and/or the suspect's vehicle(s) to believe an immediate broadcast alert would help locate the child. In 2012-13, the clearinghouse evaluated six requests for Amber Alert activation, fully activated the system on one occasion, and safely recovered three chil-

dren. In 2013-14, the clearinghouse evaluated seven requests for Amber Alert activation. None of the requests evaluated in 2013-14 met the necessary criteria for activation, and as a result the system was never activated.

Field Operations Bureau

Major Crime Caseload. The Field Operations Bureau is in charge of investigating major crimes. According to DOJ, major crimes include violent crimes and cases of a sensitive nature. Sensitive cases are those cases of statewide nature, scope, or importance that may require special investigative techniques and close coordination with local law enforcement or a prosecutor. Sensitive cases may also require special victim resources, depending on the nature of the criminal conduct. Examples of sensitive cases could include: serial sexual assaults; missing person investigations; child abductions; or crimes committed against a public official. These cases are handled at the field office level within the Bureau. During 2012-13, the Field Operations Bureau opened 67 major crime investigations and closed 48 major crime investigations. In 2013-14, the Bureau opened 76 major crime investigations and closed 41 investigations.

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 reports. In 2012-13, the Bureau opened 46 financial crimes cases and closed 13 cases, while in 2013-14, the Bureau opened 28 cases and closed 67.

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 2012-13, the Bureau opened 20 public integrity cases and closed 28 cases. In 2013-14, the Bureau opened 23 public integrity cases and closed 67.

Cold Case Homicide Caseload. In September of 2010, the Division of Criminal Investigation received a federal grant in the amount of \$506,300 to conduct cold case homicide investigations. To conduct the investigations, DCI hired two, part-time retired police detectives and utilized special agents assigned to the Field Operations Bureau. The investigators worked with local, state, and federal enforcement agencies to resolve cold case homicides. The cold case grant expired in December, 2013, with all funds exhausted. Cold case homicides are currently investigated exclusively by special agents assigned to the Field Operations Bureau. In both 2012-13 and 2013-14, the Field Operations Bureau opened five cold case homicides and closed three of these cases.

Arson Bureau

Prior to the 2013-15 biennium, the Arson Unit of the Field Operations Bureau was responsible for carrying out DOJ's responsibility to investigate cases related to arson. In 2012-13, DOJ reorganized its Division of Criminal Investigation and the Arson Unit was removed from the Field Operations Bureau and converted into the Arson Bureau (also known as the Office of the State Fire Marshall).

The Department has indicated that it does not separately budget for the Arson Bureau, and instead utilizes existing funds to support the Bureau. However, DOJ has estimated that in 2014-15, the budget for the Arson Bureau is \$1,317,700 GPR, supporting 10.0 GPR positions. The Arson Bureau is comprised of 8.0 special agents/deputy state fire marshals; one special agent in charge, and one state fire marshal. The State Fire Marshal acts as the director of the Arson Bureau and is appointed by the Attorney General.

Statutory Authorization

Under s. 165.50 of the statutes, the Department of Justice is responsible for conducting arson investigations. Under s. 165.55(1) of the statutes, the fire chief or chief executive of every Wisconsin municipality must investigate the cause, origin, and circumstances of every fire in their jurisdiction causing more than \$500 in damage, and, when the fire is of unknown origin, the fire chief or chief executive must especially investigate whether the fire was the result of negligence, accident, or design. The municipality's fire chief or chief executive must report any investigation that discloses the fire may have been of incendiary origin to the state fire marshal. In addition, the Arson Bureau must supervise and direct the investigation of fires of incendiary origin when the state fire marshal deems the investigation expedient.

Program Administration

The Arson Bureau 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 Bureau does not respond to requests from insurance companies or private citizens.

When supervising arson investigations, the

state fire marshal and his or her deputies have the authority to conduct hearings, take testimony, seize evidence, apply for special inspection warrants, obtain records from insurance companies, and obtain information relating to a juvenile from a law enforcement agency. All investigations conducted by the Arson Bureau may, at the discretion of the state fire marshal, be kept private. If an investigation leads to the discovery of sufficient evidence to charge an individual with arson or criminal damage to property (or the attempt to commit arson or criminal damage to property), the state fire marshal must have the suspect prosecuted and provide the prosecuting attorney with the testimony, information, and names of witnesses gathered during the course of the Arson Bureau's investigation.

In 2012-13, the Bureau opened 154 arson cases and closed 181 arson cases, while in 2013-14, the Bureau opened 155 arson cases and closed 91. It should be noted that arson cases are often complex and may be investigated for a year or two before charges are filed, much less closed.

In addition to their arson caseload, Bureau staff provides fire and arson investigation training to local fire and law enforcement officials. In 2012-13, the Arson Bureau provided 31 presentations on specialized training in fire investigation to 1,247 attendees. In 2013-14, the Bureau provided 23 presentations to 670 attendees.

CRIMINAL JUSTICE-RELATED GRANT PROGRAMS OF THE DEPARTMENT OF JUSTICE

To assist local units of governments, tribes, and organizations provide the public with law enforcement, rehabilitation, and victim and witness services, the state administers several state and federally funded criminal justice grant programs. Prior to 2013 Wisconsin Act 20, it was the responsibility of the Office of Justice Assistance, along with DOJ, to administer the criminal justice grant programs. With the dissolution of the Office of Justice Assistance under Act 20, DOJ is now generally responsible for administering all criminal justice related grant programs funded at the state and federal level.

The responsibilities of administering criminal justice related grant programs are split between DOJ's Division of Management Services, Division of Law Enforcement Services, Division of Criminal Investigation, and Office of Crime Victim Services. The 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 Office of Crime Victim Services is generally responsible for providing direct assistance to victims and witnesses of crimes and administering programs that support services to crime victims.

In addition to transferring certain grant programs to DOJ, Act 20 created new reporting rules for DOJ regarding the Treatment Alternatives and Diversion grant program, the Drug Court grant program, the Child Advocacy Center grant program, the Law Enforcement Officer grant program, and the Youth Diversion grant program. Under these new reporting rules, beginning January 15, 2015, and annually thereafter, DOJ must provide the Legislature the following infor-

mation: (a) the amount of each grant awarded by DOJ under the relevant grant program for the prior fiscal year; (b) the grantee to whom each grant was awarded; (c) the agency's methodology for awarding grants and determining the level of grant funding to be provided to each grant recipient; (d) performance measures created by DOJ for each grant program; and (e) reported results of each grant recipient in each fiscal year as to the attainment of performance measures developed for it under the relevant grant program.

With the exception of grant programs intended to provide support to crime victims and witnesses, the remainder of this chapter discusses the state funded grant programs administered by DOJ. Grant programs intended to provide support to crime victim and witnesses (including the Child Advocacy Center grant program) are discussed in the Legislative Fiscal Bureau's informational paper, "Crime Victim and Witness Services."

Youth Diversion Grant Program

Under s. 165.987 of the statutes, DOJ is required 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 the Department to enter into the following contracts for the following amounts: (a) \$500,000 to an organization which provides services in a county having a population of 500,000 or more; (b) \$150,000 to an organization in Racine Coun-

ty; (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 DOJ has awarded to the City of Racine).

During the 2013-15 biennium, funding for youth diversion contracts was supported by \$321,000 GPR and \$627,400 PR annually. 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.

In addition to the budget for youth diversion contracts, the statutes specify that DOJ may not distribute more than \$300,000 PR annually to the

organization it has contracted with which provides services to a county with a population of 500,000 or more 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 7 identifies the youth diversion grants awarded in 2013-14, including: the county in which the grantee operates; the amount of the award; and a description of the youth diversion project for 2013-14. For 2013-14, 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.

Table 7: Youth Diversion Grants Awarded in 2013-14

County	Award	Project Description
Brown	\$124,350	The grant is utilized to support the Brown County Ties project. This project is a gang diversion initiative for Brown County youth involving collaboration between local youth service agencies and law enforcement. Project activities include educational, recreational and employment readiness programs. The program also provides culturally appropriate services for youth susceptible to recruitment by Asian and Hispanic gangs and works with the Green Bay Police Department to enhance the relationship between youth and law enforcement officers during outings and recreational programming. During 2013-2014, a total of 1,910 youth participated in project activities, educational services were provided to 437 youth, and 177 youth termed high risk regularly attended after school programming for homework assistance.
Kenosha	\$124,350	The grant supports a Gang Prevention Committee that oversees 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 2013-2014, educational services were provided to all 144 youth who participated in the program, recreational services were provided to 133 youth, and employment services were provided to 89 youth.
Milwaukee	\$414,100	The grant supports the Community Relations-Social Development Commission’s (SDC) project to continue programs that target at-risk youth through its Youth Development Program (YDP). The Youth Development Program’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. Project elements include peer training, education opportunities, targeting of youth with prior records, and aggressive family-based services including family prevention. During 2013-2014, educational services were provided to 564

County	Award	Project Description
		youth, recreational services were provided to 1087 youth and employment services were provided to 406 youth.
Milwaukee	\$281,600	The grant is utilized to reduce the incidence of drug use among youth and reduce the number of juvenile arrests for narcotics, drugs and alcohol use. During 2013-2014, 2,122 youth attended prevention and educational programming, 610 were referred for pre-assessments of suspected alcohol and other drug abuse (AODA) needs, 205 youth were referred for more intensive assessment regarding a possible dual diagnosis of mental health and alcohol and other drug abuse concerns, and 198 individuals were actively engaged in receiving treatment services. In addition, intensive case management services were provided to 148 youth.
Racine	\$124,350	The George Bray Neighborhood Center utilizes the grant for the Center's "Operation Survival" program to divert young people from joining or staying involved in gang activity and other violent behavior. The target population is at least 100 youth between ages 12-18, plus parent involvement. The Bray Center is located in the heart of the target community.
Racine	\$81,900	The grant supports the efforts of the 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 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 2013-2014, a total of 430 youth were reached through this project. Of these, 154 were identified gang members referred from law enforcement, juvenile court and the school district.
Racine	\$124,350	The grant is utilized to improve low income, minority segments of the community. Three sites of the Youth Leaders Academy, a community-based organization, work 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 2013-2014, a total of 285 youth were served.
Total	<u>\$1,275,000</u>	

Law Enforcement Officer Grants

Under 1993 Wisconsin Act 193, the Legislature created a law enforcement officer supplement grant program under the Office of Justice Assistance. After the dissolution of the Office of Justice Assistance, the responsibility to administer this grant program was transferred to DOJ's Division of Law Enforcement Services. Under this program, DOJ provides grants to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling.

Under s. 165.986 of the statutes, a city is eligible to apply for a grant under this program if

it has a population of at least 25,000. The Department of Justice must make grant awards to the 10 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 uniform crime reporting (UCR) system. The Department may not award an annual grant in excess of \$150,000 to any one city. Awards are made on a calendar year basis and a city may receive a grant for three consecutive years without submitting a new application each year.

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). Grant funding under this program must result in a net increase in the number of uniformed law enforcement officers assigned to beat patrol duties, when compared to the number of uniformed law enforcement officers the city assigned to beat patrol on April 21, 1994.

Under 1993 Act 193, initial funding for the grant program totaled \$1,000,000 GPR. This annual level of grant funding was maintained in each succeeding fiscal year through 2006-07. 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 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 further 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, funding for the law enforcement officer grant program totaled \$1,224,900 PR annually

during the 2013-15 biennium.

Table 8 indicates that in the 2013-14, the Cities of Madison and Milwaukee each received a grant of \$126,714 under the program. The remaining eight cities receiving grant funding under the program in 2013-14 received grants totaling \$121,434. In addition to the amount of each grant, Table 8 provides, for 2013-14, the amount of each city's local match, as well as a description of how the grant funding was utilized.

Treatment Alternatives and Diversion Grant Program

Provisions of 2005 Wisconsin Act 25 created the Treatment Alternatives and Diversion (TAD) grant program under the Office of Justice Assistance (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.

A county is eligible for a TAD grant if its

Table 8: Law Enforcement Officer Supplement Grants Awarded in 2013-14

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	

proposed program meets all of the following conditions:

- Is designed to meet the needs of an individual who abuses alcohol or other drugs and who has been or may be charged or convicted of a crime related to the individual's use of alcohol or other drugs;
- Is designed to promote public safety, reduce prison and jail populations, reduce prosecution and incarceration costs, reduce recidivism, and improve the welfare of participants' families;
- Establishes eligibility criteria for an individual's participation in the program, and the criteria specify that a violent offender is not eligible to participate in the program;
- Provides services that are consistent with evidence-based practices in substance abuse and mental health treatment, and the program provides intensive case management;
- Utilizes graduated sanctions and incentives to promote successful substance abuse treatment;
- Provides holistic treatment to its participants and provides its participants services to eliminate or reduce their alcohol or other drug use, improve their mental health, facilitate their gainful employment, education or training, provide them stable housing, facilitate family reunification, ensure child support payments, and increase the payment of other court-ordered obligations;
- Is designed to integrate all mental health services provided to program participants by organizations and government agencies;
- Provides substance abuse and mental health treatment services through providers that are certified by the Department of Health Services;

- Requires participants to pay a reasonable amount for their treatment, based on their income and available assets, and utilizes all possible resources available through insurance and government aid programs;

- Is developed and implemented in collaboration with at least one circuit court judge, the district attorney, the state public defender, local law enforcement officials, and county agencies responsible for providing social services; and

- Complies with other eligibility requirements established by DOJ.

Under 2005 Act 25, funding for the TAD program grants and evaluation was supported by a continuing PR appropriation. Program revenue for this appropriation was 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. Act 25 also created an annual GPR appropriation to support the TAD program, but provided no GPR funding.

Under 2009 Wisconsin Act 28, the Legislature created a PR appropriation to provide additional funding to the TAD program from revenue generated from the justice information surcharge. The justice information 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.

Under 2013 Acts 20 and 197, the TAD program was transferred to DOJ's Division of Law Enforcement Services and expanded. Act 20 provided an additional \$1,000,000 GPR annually to support grants under the TAD program, and Act 197 provided an additional \$1,500,000 GPR to support grants under the program. As a result,

during the 2013-15 biennium, the TAD program is supported by \$2,500,000 GPR and \$1,085,900 PR annually. The program revenue funding is comprised of \$1,078,400 annually from the justice information surcharge and \$7,500 annually from the drug abuse program improvement surcharge and the drug offender diversion surcharge.

Any county receiving a grant under the TAD program must provide matching funds equal to 25% of the amount of the grant. Beginning in 2012-13 and every five years thereafter, DOJ must make TAD grants available to counties on a competitive basis.

In addition to providing increased funding for the TAD program, Acts 20 and 197 awarded DOJ new evaluative responsibilities. Under Act 20, DOJ must evaluate the TAD grant program every two years. Under Act 197, each month, a county receiving TAD grant funding must submit to DOJ any data requested by the Department. The Department must analyze the data provided by the counties and prepare an annual progress report that evaluates the effectiveness of the TAD program. The Department must make this annual progress report public. Moreover, every five years, DOJ must analyze both the data it receives from the counties and its own annual progress reports and prepare a comprehensive report on the TAD program. The comprehensive report must include a cost benefit analysis of the program. The Department's five-year comprehensive report must be submitted to the Legislature.

Prior to the expansion of TAD under Acts 20 and 197, seven TAD projects were operational in the following jurisdictions: (a) Ashland County and Bayfield County (a joint program); (b) Burnett County, Washburn County, and the St. Croix Tribe (a joint program); (c) Dane County; (d) Milwaukee County; (e) Rock County; (f) Washington County; and (g) Wood County. These seven projects are supported by TAD's program revenue funding.

The expansion of the program's GPR budget under Act 20 allowed the Department to award grants to nine additional counties to develop TAD projects. These nine projects began operation in January, 2014. The later expansion of TAD's GPR budget under Act 197 allowed the Department to award grants to 14 counties and two tribes to develop 14 TAD projects (there is one joint project between Jackson County, Monroe County, and Ho-Chunk Nation). These 14 projects began operation in June, 2014. Appendix V lists all of the TAD projects in 2014-15, by county, as well as the date each project began operation, the grant which will be awarded to each project in calendar year 2015, and a description of each project.

Table 9 identifies the number of individuals who successfully completed TAD treatment, by county, in 2013-14 ("program graduates"). While all of the TAD projects were operational at one time during 2013-14, the Department has indicated that staff for new TAD projects generally spend the initial months after a project's inception planning and developing future operations. As a result, Kenosha County's TAD program is the only program established after TAD's expansion under Acts 20 and 197 that reported program graduates in 2013-14.

Table 9: Number of TAD Program Graduates in 2013-14

County	Program Graduates
Ashland, Bayfield	23
Burnett, Washburn	5
Dane	11
Kenosha*	5
Milwaukee	95
Rock	21
Washington	40
Wood	<u>5</u>
Total	205

*Project began operation on January 1, 2014.

From 2006-2014, the University of Wisconsin Population Health Institute (UWPHI) was under contract to provide the required evaluation of the TAD program and assist the participating counties and tribes in the implementation and operation of the TAD programs. In July, 2014, UWPHI issued a comprehensive report on the TAD program and concluded that, "the TAD Program successfully diverts non-violent offenders with substance abuse treatment needs from further criminal justice system involvement and reduces criminal justice system costs." The contract with UWPHI expired on December 31, 2014.

On November 12, 2014, the Joint Committee on Finance granted the Department of Justice 5.0 GPR positions (2.0 research analysts, 2.0 program and policy analysts, and 1.0 grants specialist) so that the Department could assume the responsibilities of evaluating the TAD program and providing the participating counties and tribes assistance in developing the individual TAD projects.

Drug Court Grant Program

Under 2013 Act 20, the Department of Justice was charged with administering a new drug court grant program. A drug court is a court that diverts a substance-abusing individual from prison or jail into treatment by increasing direct supervision of the individual, coordinating public resources, providing intensive community-based treatment, and expediting case processing. Several TAD projects, discussed in the section "Treatment Alternatives and Diversion Grant Program," are drug courts.

Under the drug court grant program, DOJ may only provide grants to counties without an established drug court, in order for those counties to establish and operate a drug court. Table 10 lists the 27 counties with established drug courts

Table 10: Counties with Drug Courts in 2013-14

Ashland County	Marquette County
Barron County	Milwaukee County
Brown County	Outagamie County
Burnett County	Pierce County
Chippewa County	Polk County
Dane County	Rock County
Douglas County	Sawyer County
Eau Claire County	St. Croix County
Fond du Lac County	Trempealeau County
Grant County	Walworth County
Iowa County	Waukesha County
Jefferson County	Winnebago County
Kenosha County	Wood County
La Crosse County	

in 2013-14.

During the 2013-15 biennium, the Department was appropriated \$500,000 GPR annually to provide grants to counties without an established drug court. In 2014-15, the Department awarded grants totaling \$500,000 for drug courts in: Columbia County; Jefferson County; Vilas County (a joint project between Vilas County and the Lac du Flambeau tribe); and Waushara County. These new drug courts began operation in January, 2014. Appendix VI provides the amount which will be awarded for each of these new drug courts in calendar year 2015, as well as brief description of each project.

County/Tribal Law Enforcement Grant Programs

The budget for the Division of Management Services includes \$1,886,300 PR and 1.0 PR position in 2014-15 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 2014-15: (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) \$70,100 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 receive and administer the grant funding and the method by which the funding will be disbursed, this includes 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. The Department 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 Department also considers the county crime rate and the tribal unemployment rate. The Department 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 11 identifies the grant amounts awarded to counties and tribes for calendar year 2014

Table 11: Grants Awarded to Counties and Tribes in 2014

County/Tribe	Grant
Ashland/Bad River Chippewa	\$49,755
Barron/St. Croix Chippewa	13,917
Bayfield/Red Cliff Chippewa	49,335
Brown/Oneida Nation	36,444
Burnett/St. Croix Chippewa	14,740
Forest/Potawatomi	34,663
Forest/Sokaogon Chippewa	30,009
Jackson/Ho Chunk Nation	27,625
Juneau/Ho Chunk Nation	30,764
Menominee/Menominee Nation	68,724
Monroe/Ho Chunk Nation	22,496
Outagamie/Oneida Nation	32,075
Polk/St. Croix Chippewa	15,706
Sauk/Ho Chunk Nation	26,188
Sawyer/Lac Courtes Oreilles Chippewa	58,508
Shawano/Ho Chunk Nation	16,432
Shawano/Stockbridge Mohican Nation	36,602
Vilas/LDF Chippewa	49,190
Wood/Ho Chunk Nation	<u>18,027</u>
Total	\$631,200

grant activities. 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.

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. The Department utilizes a three-criteria formula in making the awards. 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 12 identifies the grant amounts awarded to tribes for calendar year 2014 activities. 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

Table 12: Grants Awarded to Tribes in 2014

Tribe	Grant
Bad River	\$122,839
St. Croix	109,555
Lac du Flambeau	85,408
Red Cliff	83,063
Menomonie	72,379
Lac Courtes Oreilles	71,205
Stockbridge Munsee	52,851
Oneida	49,762
Ho Chunk	23,097
Potawatomi	14,736
Sokaogon	<u>10,105</u>
Total	\$695,000

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 under the program to Forest County to fund law enforcement services. The Department also utilizes a modified three-criteria formula (county population, county crime rate, and county unemployment rate) to make awards of the remaining \$190,000 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 13 identifies the grant amounts awarded to counties for calendar year 2014 activities. All counties use these grant funds to support law enforcement services, typically near bordering reservation lands.

Table 13: Grants Awarded to Counties in 2014

County	Grant
Forest	\$300,000
Menominee	35,551
Shawano	31,676
Oneida	31,465
Burnett	29,102
Oconto	24,381
Langlade	21,608
Barron	<u>16,217</u>
Total	\$490,000

Local Anti-Drug Task Force Grants

The Field Operations Bureau within the Department's Division of Criminal Investigation 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 administers a program to provide grant funding to local anti-drug task forces. The Department provides funding for the task forces through the state penalty surcharge and federal Byrne Justice Assistance Grants.

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 VII identifies the grant funding provided to local anti-drug task forces for calendar year 2014. The appendix also identifies budgeted allocations for the task forces for calendar year 2015. For calendar year 2010, an advisory panel, including local law enforcement officials, made recommendations on funding to the previously existing Executive Director of the Office of Justice Assistance. These recommendations were adopted and are reflected in the funding allocations for calendar year 2014. These recommendations continue to be the basis for budgeted calendar year 2015 allocations.

Global Positioning System Grant Program

Under 2013 Act 20, the Department of Justice was charged with administering a new pilot pro-

gram which would provide funding to counties to establish a global positioning system (GPS) tracking program for individuals who are subject to a temporary restraining order or injunction for violations of domestic abuse or harassment. Act 20 provided DOJ \$250,000 GPR to administer the program in 2013-14.

Funding for the program was not expended. In a letter to the Co-Chairs of the Joint Committee on Finance dated November 15, 2013, the Department stated that, "Based on a thorough review and analysis, the Department has established that 2013 Wisconsin Act 20 does not confer upon the courts sufficient statutory authority to carry out the...GPS tracking system grant program. Therefore, [the GPS tracking system grant program] cannot be fully implemented under current law."

ShotSpotter Program

Under 2013 Act 263, the Department was charged with administering a new grant program which provides funding to the City of Milwaukee for the ShotSpotter program. The ShotSpotter program is a system of sensors that are installed throughout Milwaukee. When a gun is fired, installed sensors pick up the sound of the gun shot and transmit information on the location of the gun shot to police communications and squad cars equipped with special software.

Act 263 appropriated \$175,000 GPR in 2014-15 to the City of Milwaukee's ShotSpotter program. In October, 2014, the City announced that it would utilize the grant provided from the state in conjunction with \$175,000 provided by Milwaukee County to fund the installation of sensors within eight square miles of the north and south sides of central Milwaukee. With the addition, ShotSpotter sensors will cover 11 square miles of Milwaukee.

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. Assistant DAs must be admitted to practice law in this state. If a county has a population of 100,000 or more, the DA may also 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. A court may appoint a special prosecutor 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 has acted as the attorney for the accused party in the past; (e) the district attorney is near of kin to the party to be tried on a criminal charge; (f) the district attorney is physically unable to attend to his or her duties; (g) the district attorney has a mental incapacity that impairs his or her ability to perform his or her required duties; (h) the district attorney is serving in the armed forces; (i) the district attorney is charged with a crime; or (j) the district attorney is the subject of a John Doe proceeding.

The state pays for the compensation of special prosecutors, while other expenses reimbursed to special prosecutors are paid by counties. Generally, any private attorney appointed as a special

prosecutor is paid by the state at the following rates, as specified under 977.08(4m)(b) of the statutes: (a) \$50 per hour for time spent in court; (b) \$40 per hour for time spent out of court; and (c) \$25 per hour for time spent in travel related to a case if the trip is outside the county in which the attorney's principal office is located or if the trip requires travelling a distance of more than 30 miles, one way, from the attorney's principal office. In order to be reimbursed by the state, private attorneys serving as special prosecutors must submit a listing of the time they spent on a case to the court for approval. If a special prosecutor is not paid within 30 days of the court approving their compensation, the special prosecutor receives interest, at a rate of 12% compounded monthly.

Payments to special prosecutors are made from the District Attorney's annual GPR appropriation. In 2012-13, the state incurred \$558,300 GPR in special prosecutor expenses, comprised of \$529,700 in costs and \$28,600 in interest charges. In 2013-14, the state incurred \$534,700 GPR in special prosecutor expenses, comprised of \$513,600 in costs and \$21,100 in interest charges. Due to budgetary considerations, some of the payments made to special prosecutors in 2012-13 and 2013-14 were for services rendered in prior fiscal years. Table 14 identifies for 2012-13 and 2013-14 payments made by the state to special prosecutors (excluding interest), by county.

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

Table 14: Payments to Special Prosecutors (Excluding Interest) By County, 2012-13 and 2013-14

County	2012-13	2013-14	County	2012-13	2013-14
Adams	\$4,700	\$22,600	Marathon	\$1,900	\$300
Bayfield	300		Marinette	1,100	200
Buffalo	3,200	800	Monroe		14,000
Columbia		3,900	Oconto	28,400	72,100
Crawford	100	500	Oneida	17,300	10,300
Dane	154,800	61,900	Ozaukee	200	
Dodge	14,300		Polk	17,200	
Door	8,200	1,300	Portage	16,900	
Dunn		2,400	Racine		16,300
Eau Claire	41,400		Rusk		11,800
Florence	11,100	4,200	Sawyer		400
Fond du Lac	2,100	2,200	St. Croix	44,800	57,700
Forest	1,400	20,400	Sheboygan	20,100	6,600
Green Lake	600		Trempealeau	25,700	
Iron		5,000	Washburn		37,100
Jackson	29,200	2,200	Washington	12,600	10,300
Jefferson	100		Waukesha		11,800
Kenosha	31,200	31,900	Waushara	2,200	6,400
Lafayette	100	200	Winnebago	16,700	11,700
Manitowoc	1,200	37,200	Wood	<u>20,600</u>	<u>49,900</u>
			Total*	\$529,700	\$513,600

* Totals exclude incurred interest charges.

plaint 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 2014-15, \$354,000 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 \$179,400 GPR and 1.0 position in 2014-15.

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 information between DAs and the courts, law en-

forcement, and other justice agencies. These systems are being implemented on a county-by-county basis. Budgeted funding for the DOA program in 2014-15 is \$4,097,000 PR supported with an allocation from the \$21.50 justice information surcharge. Through September 30, 2014, 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 71 DA offices, plus Milwaukee Children's Court; (c) a connection to the state court system's database (CCAP) in 71 DA offices; (d) an interface to the criminal history repository to provide updated criminal history records to 71 DA offices; (e) an interface with the State Patrol and other law enforcement agencies to process criminal citations in 71 DA offices; and (f) an interface with law enforcement agencies to electronically process other referrals in 21 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 1 of this paper.] 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 September, 2014, 429.05 prosecutor positions were authorized, including 383.95 funded from general purpose revenue and 45.1 funded from program revenue. Of the 429.05 prosecutors statewide, 69.8 are elected DAs, 23 are Deputy DAs, and the remaining 336.25 are ADAs. Salary and fringe benefit funding for DAs, ADAs, and deputy DAs in 2014-15 is \$45,319,000 GPR and \$3,112,300 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, both Brown County and Milwaukee County have 1.0 GPR-funded sexually violent person commitment prosecutor position. These sexually violent person prosecutors are hired and assigned by the DA of Brown County and Milwaukee County, respectively. Under s. 978.043 of the statutes, 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 2013, the Brown County sexually violent person commitment prosecutor handled six original cases and 46 post-commitment petitions for supervised release or discharge. In calendar year 2013, the Milwaukee County sexually violent person commitment prosecutor handled two original cases and 43 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 the \$13 crime laboratory and drug law enforcement surcharge (which is imposed in certain criminal and forfeiture actions) and the DNA surcharge (which is imposed whenever a court imposes a sentence or places a person on probation, totaling \$250 for each felony conviction and \$200 for each misdemeanor conviction). 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 60% of the PR funded prosecutorial positions.

Wisconsin's share of the Federal Byrne Justice Assistance Grant (JAG) funds is awarded: (a) directly to the local governments; and (b) to the State for further sub-grant programs and statewide initiatives. Wisconsin's Department of Justice is in charge of awarding the state's share of JAG funds for sub-grant programs. Funds for the program may be used for, among other things, funding personnel, training, and equipment relating to criminal prosecution and law enforcement programs. As of September, 2014, 10.0 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 September, 2014, 10.5 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 (VAWA). 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 September, 2014, 7.0 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 popu-

lation size of each prosecutorial unit. For DA terms beginning January 7, 2013, the rates have been established as shown in Table 15. [Under the Wisconsin Constitution, the compensation of elected officials may generally not change during their terms in office. As elected district attorneys serve four-year terms, compensation for elected district attorneys will not change again until January, 2017.]

Table 15: 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 and deputy 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 2013-15 state compensation plan, the minimum annual assistant DA and deputy DA salary is \$49,430 and the maximum is \$119,472.

Under 2011 Act 238, the Legislature created an annual pay progression plan for assistant DAs to provide increased compensation for assistant district attorneys. The pay progression plan was then expanded under 2013 Act 20 to include deputy DAs, assistant public defenders, and assistant attorneys general. The pay progression plan for assistant and deputy DAs consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest salary (\$49,430) and the highest salary (\$119,472). [In addition to the salary under the pay progression plan, deputy DAs may be awarded, on merit, an additional \$2.75 per hour be-

cause they hold a supervisory or managerial position.] Under the 2013-15 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 or deputy 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 or deputy DAs; and (b) increase the salary of individual assistant DAs or deputy DAs by up to 10% per year. Even at the minimum annual salary of \$49,430, a 10% annual wage increase (\$4,943) exceeds the value of the current hourly step (\$4,120). In order to fund pay progression costs, Act 20 provided \$1,018,400 GPR in 2013-14 and \$3,625,500 GPR in 2014-15 to support the costs of salary adjustments for assistant and deputy DAs under the pay progression plan.

Table 16 shows the number of prosecutor positions authorized for each county as of September, 2014.

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

Table 16: State Prosecutor Positions – 2014-15

County	Positions	County	Positions
Adams	1.20	Marathon	11.00
Ashland	2.00	Marinette	2.60
Barron	3.00	Marquette	1.00
Bayfield	1.00	Milwaukee	121.50
Brown	14.00	Monroe	3.00
Buffalo	1.00	Oconto	2.00
Burnett	1.00	Oneida	2.50
Calumet	2.00	Outagamie	10.00
Chippewa	5.00	Ozaukee	3.00
Clark	2.00	Pepin	0.80
Columbia	4.75	Pierce	2.50
Crawford	1.00	Polk	3.00
Dane	27.85	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	6.00
Fond du Lac	8.00	Sauk	5.00
Forest	1.00	Sawyer	2.00
Grant	2.00	Shawano/ Menominee	3.00
Green	2.00	Sheboygan	7.50
Green Lake	1.50	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	15.50
LaCrosse	8.00	Waupaca	3.50
Lafayette	1.00	Waushara	2.00
Langlade	1.50	Winnebago	10.00
Lincoln	2.00	Wood	4.00
Manitowoc	5.00		
		Total	429.05

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 17 identifies the case weights assigned by the WDAA to various types of cases.

Table 17: 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

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 prosecutorial 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 2010 through 2012, the WDAA caseload measurement of prosecutorial workload estimates that an additional 260.52 prosecutors would be needed across the state in order to permit prosecutors, on average, to address their case-

load and work 40-hour work weeks. This would represent a 61% increase in the number of authorized prosecutor positions when compared to the number of authorized prosecutor positions as of September, 2014.

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. 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 a felony or other significant criminal or juvenile delinquency case before the state Court of Appeals or Supreme Court 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.

Additionally, the unit evaluates requests for discretionary appeals in the Wisconsin Court of Appeals when a district attorney receives an adverse circuit court ruling in a felony case (for ex-

ample, dismissal of charges after a preliminary examination hearing or suppression of evidence) or when a circuit court orders a new trial after post-conviction proceedings. The criminal appeals unit handles any resulting appeal.

The unit also represents the state in state and federal courts on appeals arising from sexual predator commitments, and on appeals of selected misdemeanor, 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 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 2012-13, the criminal appeals unit opened 1,584 cases and closed 1,896 cases. In 2013-14, the unit opened 1,551 cases and closed 2,303 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, unless a court finds that there is a substantial risk to the prisoner's health or safety.

Under s. 165.25(6) of the statutes, the Attorney General may, at the request of the head of any department of state government, 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 2012-13, the unit opened 316 prisoner conditions cases and closed 424 such cases, while in 2013-14, the unit opened 270 of these cases and closed 411.

During 2012-13, the unit opened 11 sexual predator condition of confinement cases and closed nine such cases, while in 2013-14, the unit opened 28 of these cases and closed six.

Criminal Litigation Unit

Statutory Authorization. Attorneys in the Criminal Litigation Unit frequently act as "spe-

cial 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 Unit.

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. 165.60 of the statutes, the Department of Justice is authorized to enforce Chapter 108 of the statutes (Unemployment Insurance and Reserves). Furthermore, under s. 108.14(3m) of the statutes, the Department of Workforce Development, the Labor and Industry Review Commission, or the state may request representation from the Department of Justice in cases regarding unemployment insurance fraud. The Criminal Litigation Unit is responsible for handling such cases regarding unemployment insurance fraud.

Finally, 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 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. Table 18 identifies the criminal referrals to the unit by case type and case disposition for 2012-13 and 2013-14.

Table 18: Criminal Referrals

<i>Case Type</i>	2012-13	2013-14
Special Prosecution	240	412
Original Jurisdiction -- Security		
Fraud & Tax	<u>3</u>	<u>2</u>
Total	243	414
<i>Case Resolution</i>		
Charged	204	388
No Charge or Ongoing Investigation	<u>39</u>	<u>26</u>
Total	243	414

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 the authority or duty to release or discharge the person (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 2012-13, the unit assumed responsibility for 11 of the 20 sexually violent person referrals it received. In 2013-14, the unit assumed responsibility for 12 of the 19 sexually violent person referrals it received. The remaining sexually violent person commitments were 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 2012-13, the unit handled 130 sexually violent person post-commitment proceedings, while in 2013-14, the unit represented the state in 104 post-commitment proceedings.

The Criminal Litigation 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.

In addition to its duties discussed above, the Criminal Litigation Unit handles cases regarding the enforcement of unemployment insurance regulations. These cases are generally referred to the unit by the Department of Workforce Development. In 2012-13, the unit opened 34 cases regarding unemployment insurance fraud, and closed 26 such cases. In 2013-14, the unit opened one case and closed 19.

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 49.846 of the statutes, DOJ and the district attorneys are 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 of the statutes).

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 2012-13, the unit received 124 referrals, opened 110 cases, closed 78 investigations, and obtained eight criminal convictions for Medicaid fraud. In 2013-14, the unit received 96 referrals, opened 96 investigations, closed 66 investigations, and obtained seven criminal convictions. Unit attorneys are also periodically appointed special prosecutors by district attorneys for Medicaid-related offenses.

In addition to the Medicaid fraud workload, the unit received 41 referrals, opened 10 cases, and closed 14 investigations in 2012-13 related to elder abuse. In 2012-13, the unit did not obtain any convictions related to elder abuse. In 2013-14, the unit received 24 referrals, opened four cases, closed 12 investigations, and obtained one criminal conviction related to elder abuse.

During 2012-13, the unit recovered a total of

\$30,197,500 in restitution, fines, forfeitures, attorney fees, and investigation costs, while in 2013-14, the unit recovered \$78,026,100. In Medicaid fraud cases, restitution recovered by the unit is used to reimburse the Wisconsin Medicaid program. In cases of elder abuse, recovered restitution is used to reimburse either the Medicaid program, identified victims, or both, depending on the court judgment. In both Medicaid fraud cases and cases of elder abuse, fines and forfeitures are deposited in the common school fund.

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 en-

forcement" 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 file of evidence and materials that justify the prosecution request.

When received by DOJ, DNR's enforcement "referral file" 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 Department of Natural Resources referred, and the environmental protection unit brought, two criminal prosecutions in calendar year 2010, four in 2011, and none in 2012, 2013, or 2014.

Unit attorneys may also occasionally act as special prosecutors upon request of district attorneys under s. 978.045 of the statutes. During 2012-2014, the unit handled two criminal cases as special prosecutor.

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 State Public Defender 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; (e) involved in certain post-conviction or post-judgment appeals; and (f) undergoing proceedings for modification of a bifurcated sentence, if representation has been requested by the indigent person or the case has been referred by a court, and the Public Defender determines that the case should be pursued.

The Public Defender's 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's indigency standard no longer adjusts for any future changes to the W-2 asset standard.

The State Public Defender is required to determine whether a person has the ability to pay the costs of representation. The Public Defender Board is also 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 SPD. Table 19 identifies the optional prepayment amounts for the different types of SPD representation, as established

Table 19: Prepayment Options for SPD Representation

Case Type	Amount
First-degree intentional homicide	\$600
Other class A or B felony	120
Chapter 980 proceedings*	120
Trial appeal (category I)**	120
Trial appeal (category II)***	60
Felony diversion	60
Other felony	60
Misdemeanor	60
Revocation	60
Termination of parental rights	60
Paternity	60
Special proceeding	30

*Chapter 980 proceedings are in regards to sexually violent person commitments.

** Category I includes misdemeanor cases, unclassified crimes, sentencing after revocation cases, paternity cases, and class G to I felony cases.

***Category II includes all of Category I cases, and class A to F felony cases.

by rule by the Public Defender Board.

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 20 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 20: Schedule for Repayment of SPD Costs by Clients Determined to Have Ability to Pay

Case Type	Amount
First-degree intentional homicide	\$7,500
Other class A or B felony	1200
Chapter 980 proceedings*	1200
Trial appeal (category I)**	1200
Trial appeal (category II)***	480
Juvenile felony	480
Other felony	480
Termination of parental rights	480
Chapter 55 proceedings****	480
Felony diversion	240
Misdemeanor	240
Other juvenile offense	240
Revocation	240
Paternity	240
Commitment to mental health/rehab facility	120
Special proceeding	120

*Chapter 980 proceedings are in regards to sexually violent person commitments.

** Category I includes misdemeanor cases, unclassified crimes, sentencing after revocation cases, paternity cases, and class G to I felony cases.

***Category II includes all of Category I cases, and class A to F felony cases.

****Chapter 55 proceedings are in regards to protective services and placement for persons with mental illnesses, degenerative brain disorders, developmental disorders, or other like incapacities.

In 2013-14, the SPD received \$1,182,800 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 VIII identifies expenditures, recoupment and net costs, for counties in calendar year 2013 for court-appointed defense counsel by county. While 69 counties reported \$3.9 million in costs for providing defense counsel in 2013, the net expenditure by these counties for these cases in 2013 totaled \$1.2 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 2013, 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 State Public Defender 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 State Public Defender was directed to phase-in its services at the trial level over the biennium to the extent that funding and position authority permitted. The Public Defender 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, beginning 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 revocation 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 6,315 misdemeanor and commitment cases in 2014-15.

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 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. Members of the Board may not be employed by, or themselves be, a judicial or law enforcement officer, district attorney, corporation counsel, or the state public defender.

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.

After being appointed by the Board, the State Public Defender serves for a period of five years. However, that individual must continue to serve in his or her role until a successor is appointed.

In 2013-14, state SPD expenditures totaled \$92,869,600 to provide legal representation for eligible indigent persons in Wisconsin. Of that amount, \$33,518,300 (36%) was paid to private attorneys for their time and certain legal expenses (investigators and expert witnesses). The remaining \$59,351,300 (64%) funded staff attorneys, their legal expenses and program overhead. The SPD has been budgeted \$82,023,800 GPR and \$1,301,300 PR in 2014-15 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. 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 36 local offices across the state. (See Appendix IX 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 attor-

neys 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. Under 1999 Wisconsin Act 9, 10 attorney supervisor positions were exempted from the statutory caseload requirement. This caseload exemption is spread among 50.80 supervising attorneys. In practice, most supervisors are relieved of some portion of their caseload responsibilities. In 2013-14, 80,566 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 2013-14, 1,379 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, 2014, 1,100 private attorneys were certified by the SPD to represent indigent clients. In 2013-14, 54,241 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.

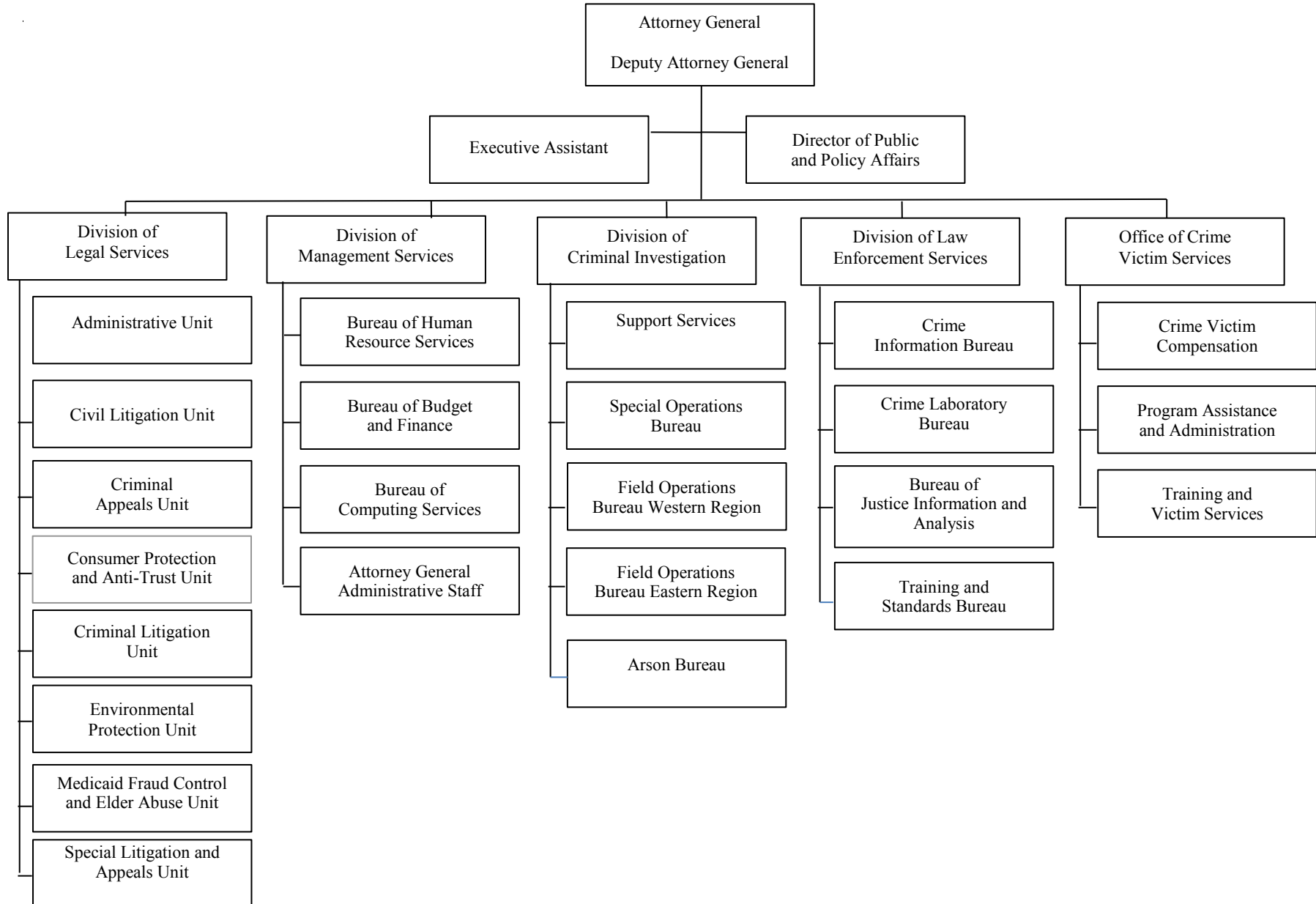
Compensation for the Public Defender and Assistant Public Defenders

The salary of the State Public Defender is established by the Public Defender Board. Limitations on the Board's power to set the State Public Defender's salary exist, however, as the Public Defender is considered a state agency head under s. 20.923(4) of the statutes, and, therefore, must be paid within a given salary range. Furthermore, anyone serving as the State Public Defender may not have his or her salary decreased while serving in that position.

Assistant state public defenders (ASPD), however, are paid based on a pay progression plan created under 2013 Act 20. The pay progression plan created for ASPDs mirrors the pay progression plan for assistant and deputy district attorneys (discussed in Chapter 4 of this paper). The ASPD pay progression plan is merit-based and consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest annual salary (currently \$49,430) and the highest annual salary (currently \$119,472). The value of one hourly salary step equals \$4,120 annually. Beginning July 1, 2014, the State Public Defender may increase the hourly salary of an ASPD by an hourly salary step, or part thereof, above the individual's hourly salary on the immediately preceding June 30. Notwithstanding the creation of a 17 hourly salary step pay progression plan, the State Public Defender is authorized to: (a) deny annual salary increases to individual ASPDs; and (b) increase the salary of individual ASPDs by up to 10% per year. Even at the minimum annual salary of \$49,430, a 10% annual wage increase (\$4,943) exceeds the value of the current hourly step (\$4,120). Act 20 provided \$997,000 GPR in 2013-14 and \$1,978,600 GPR in 2014-15 to fund salary and fringe benefit adjustments for ASPDs under the pay progression plan.

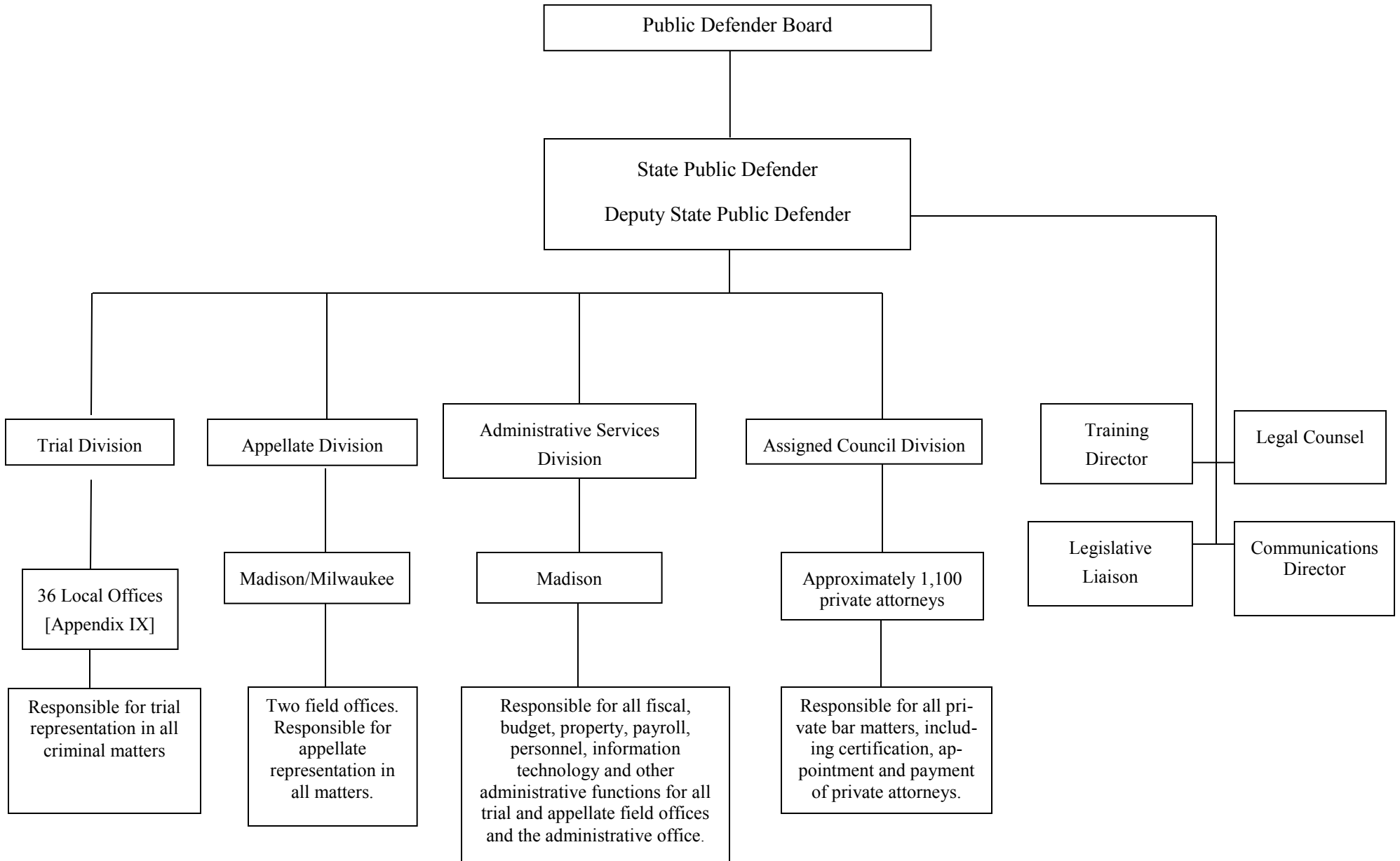
APPENDIX I

Department of Justice Organizational Chart



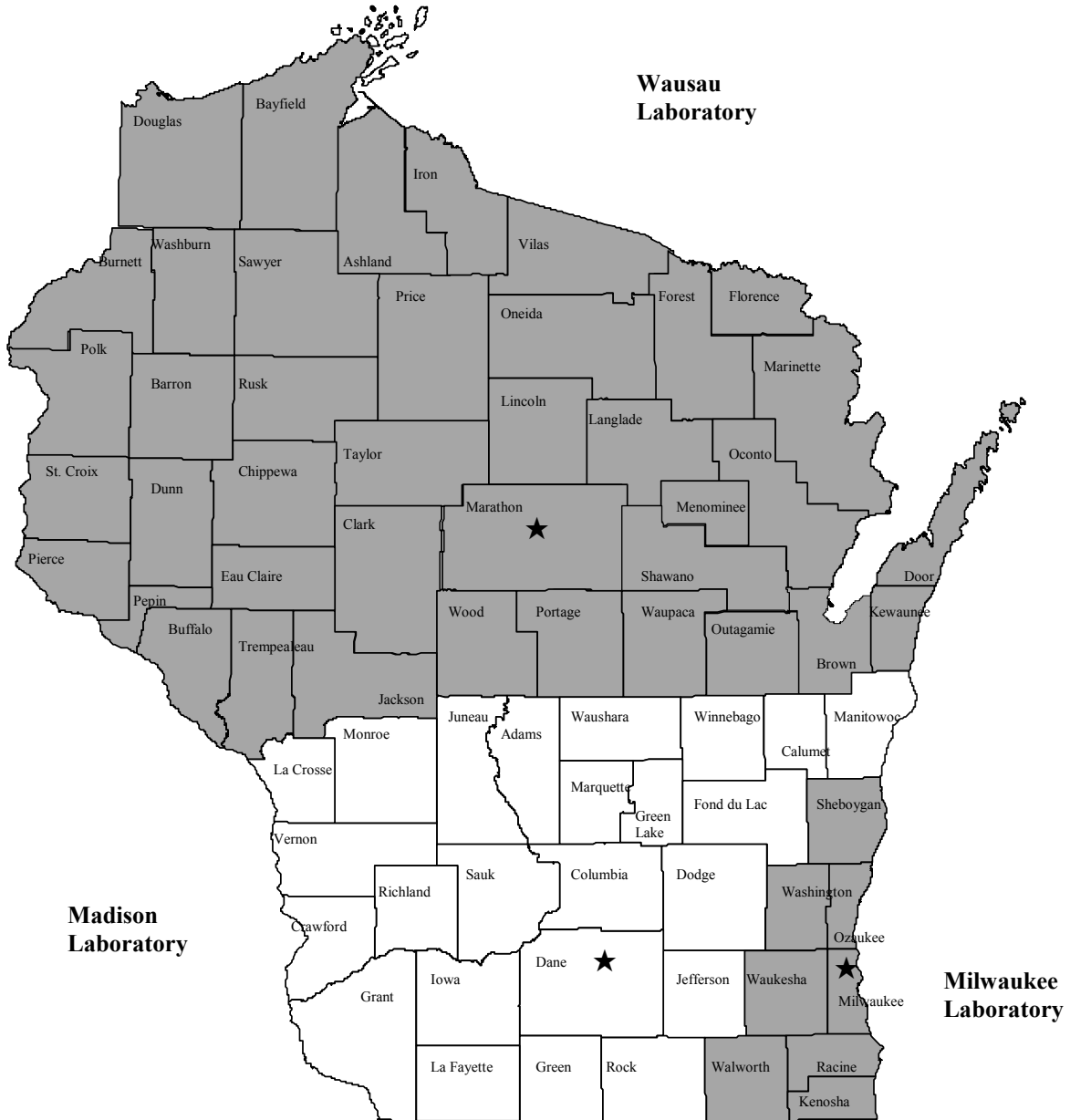
APPENDIX II

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.

APPENDIX IV

Offenses Considered Violent Crimes for DNA Submission

Arson of buildings/damage of property by explosives*

Battery (felony violation)

Battery or threat to an employee of the Department of Revenue, Department of Safety and Professional Services,
or Department of Workforce Development

Battery or threat to a judge

Battery or threat to a witness

Battery, special circumstances

Battery to an unborn child (felony violation)

Battery to certain employees of counties, cities, villages, or towns

Burglary*

Causing a child to view or listen to sexual activity*

Child abduction by use or threat of force*

Child enticement*

Disarming a peace officer*

Endangering safety by use of a dangerous weapon (felony violation)*

False imprisonment*

Felony murder

Homicide (1st degree)*

Homicide (2nd degree)*

Homicide by negligent handling of a dangerous weapon, explosives, or fire

Homicide by intoxicated use of a vehicle or firearm

Homicide by negligent operation of a vehicle

Homicide resulting from negligent control of a vicious animal

Human trafficking*

Intentional causation of great bodily harm, or harm that creates a high probability of great bodily harm, to a child*

Intimidation of witnesses (felony violation)*

Intimidation of victims (felony violation)*

Kidnapping*

Mayhem*

Possession, manufacturing, selling, or transferring a fire bomb*

Repeated sexual assault of the same child*

Robbery*

Reckless injury

Reckless homicide (1st degree)

Reckless homicide (2nd degree)

Reckless causation of bodily harm to a child

Recklessly endangering safety

Sexual assault (1st degree)*

Sexual assault (2nd degree)*

Sexual assault (3rd degree)*

Sexual assault of a child (1st degree)*

Sexual assault of a child (2nd degree)*
Sexual assault of a child placed in substitute care*
Sexual assault of a child by a school staff person or a person who works or volunteers with children*
Sexual exploitation of a child*
Soliciting a child for prostitution*

Stalking*
Strangulation or suffocation*
Taking a vehicle without owner's consent*
Taking hostages*
Tampering with household products*

Trafficking of a child*
Any felony, if an increased penalty for certain domestic abuse offenders, under s. 939.621 of the statutes, could be imposed

*The solicitation, conspiracy, or attempt to commit this crime constitutes a violent crime.

APPENDIX V

Treatment Alternatives and Diversion Grant Projects, Calendar Year 2015

County/Tribe	Initial Funding	Grant Award	Project Description
Ashland, Bayfield	January, 2012	\$176,250	The grant will be used to begin a jail diversion program, a deferred entry of judgment program, and a day report center to divert individuals from jail and relieve crowding in the jail. The target populations are offenders who have alcohol and drug problems, are non-violent, and have been charged with a crime. The program utilizes a graduated system of monitoring, sanctions, and incentives to promote behavioral and cognitive change.
Brown	June, 2014	139,006	The grant will be used by the Brown County Criminal Justice Coordinating Committee and all of the criminal justice partners to create an integrated TAD program that will individually meet the specific treatment needs of non-violent offenders in Brown County charged with criminal actions related to their drug and alcohol abuse.
Burnett, Washburn, St. Croix Tribe	January, 2007	105,358	Burnett and Washburn Counties, along with the St. Croix Tribe, applied jointly to continue TAD projects. Burnett (2006) and Washburn (2007) Counties developed Drug and Alcohol Courts (DAC), and in 2011 continued a two-county joint Matrix program with TAD funds. A Matrix program is a multi-service package of therapeutic strategies that combine to produce an integrated out-patient experience. The grant will be used to continue the Matrix program, under which the following services will be provided: 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.
Chippewa	June, 2014	91,236	The grant will enable Chippewa County to supplement its Intoxicated Driver Intervention Program (IDIP), Deferred Acceptance of Guilty Plea Program (DAGP), and Chippewa County Drug Court. The grant will support a Diversion Specialist to determine appropriate risk level and criminogenic needs of candidates referred for diversion. In addition to enhancing the aforementioned programs, the grant will support a diversion program for non-violent high and medium risk offenders for whom substance abuse is a contributing factor in their criminal activity.
Dane	January, 2007	115,820	The grant will allow the Dane County Department of Human Services to maintain a criminal justice day reporting and treatment program (DART), and support the county's Treatment Alternatives Program (TAP) and Drug Court Treatment Program (DCTP). The DART program 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.
Dodge	January, 2014	140,800	The grant will be used to deliver treatment and diversion alternatives to jail for non-violent offenders with assessed drug and alcohol dependencies. Funds will be used by Dodge County to support a Diversion Program Director position and training for both the Program Director and Program Team Members. Funds

County/Tribe	Initial Funding	Grant Award	Project Description
			will also be allocated toward enhancement of the County's Electronic Monitoring system and urine analysis testing. Additionally, funds will be used for a qualified Human Service Treatment provider to facilitate treatment plans specific to diversion requirements.
Eau Claire	January, 2014	132,326	The grant will be used to hire a Treatment Courts Program Supervisor, purchase alcohol testing and other drug testing for Veterans Treatment Court (VTC) participants, and provide a range of vital support services to strengthen families. The Treatment Court's Program Supervisor provides centralized oversight and administration of three of the county's four problem-solving courts and serves as a liaison to the fourth. The project also provides parenting, co-parenting, financial literacy, and healthy relationships classes to help meet the needs of participants and their families.
Fond du Lac	June, 2014	46,807	The grant will support Fond du Lac County's Safe Neighborhoods Drug and Alcohol Court Program, which is a three-phase intervention program for adults who are involved with the criminal justice system due to non-violent, drug/alcohol-motivated offenses, and who are having difficulty staying drug-free and sober. It is a collaborative effort between the circuit courts, District Attorney's office, Public Defender's office, probation officers, Department of Community Programs, police agencies, the Safe Neighborhoods Coordinator, and treatment providers. The Drug Court involves frequent court appearances, random drug testing, as well as group and individual counseling. The court awards incentives for compliant behaviors and imposes sanctions for negative behaviors. Each Safe Neighborhood participant is assessed a fee of \$750 to participate in the program.
Grant	June, 2014	101,840	The grant award will support a collaborative effort of the Circuit Court, Unified Community Services, Southwest Wisconsin Workforce Development Board, Social Services, and other agencies to found and operate a drug treatment court that will operate in conjunction with the county's existing OWI treatment court. Participants in the drug court will be those who have been convicted of drug possession and/or delivery, or otherwise drawn into the criminal justice system by substance abuse and the need to finance addictions. The priority will be heroin and methamphetamine users.
Iowa	June, 2014	60,648	The grant will be used to found a post-disposition/post-sentencing drug treatment court. This is a complimentary effort to the county's pre-disposition/sentencing OWI program. Participants in the drug treatment court will be those convicted of drug possession or otherwise drawn into the criminal justice system by substance abuse issues and the need to finance addictions. The priority for services is for heroin, opiate, and methamphetamine users. The Court will supervise the participants' recovery and continued sobriety.
Jackson, Monroe, Ho-Chunk Nation	June, 2014	98,439	The grant will support a joint project between Jackson and Monroe County, in collaboration with the Ho-Chunk Nation, a federally recognized Native American Tribe. This grant will support two full time Diversion Directors. These two positions will be shared with several counties and other rural regions which have Ho-Chunk population of more than 100. This project will enhance Pre-Trial Diversion Programs through screening, early identification of needs, specific case planning, case management, and referral services. The Diversion Programs will primarily focus on individuals at the post-charge, pre-disposition decision point.

County/Tribe	Initial Funding	Grant Award	Project Description
Kenosha	January, 2014	86,873	The grant will allow the Kenosha County Drug and Alcohol Treatment Court to increase the number of random drug tests it performs, expand the role and functions of the Drug Court Coordinator, provide Medication-Assisted Treatment (MAT), provide staff development and training for team members, and maintain services of a Recovery Coach. The Drug Court will serve non-violent, chemically dependent offenders.
La Crosse	June, 2014	147,268	The grant will be used by La Crosse County to implement a pretrial diversion project using a continuum of services focused on risk and needs assessments. The grant will allow the County the opportunity to hire staff to fully implement pretrial services, including evidence-based practices.
Marinette	January, 2014	124,502	Marinette County Health and Human Services, in collaboration with the District Attorney's Office, Clerk of Courts, the Circuit Court Judges, Law Enforcement, Marinette County Administration and the Criminal Justice Committee, will utilize the grant to operate an integrated Drug Court. The treatment program will divert opiate and heroin addicted individuals from jail. The program will serve non-violent offenders who have an identified substance abuse treatment need and are a medium to high risk of re-offending. Offenders with low risk and high alcohol and other drug abuse needs will also be considered for the treatment alternatives and diversion program.
Marquette	June, 2014	112,171	The grant will be used to enhance the activities of an existing Drug Treatment Court. The court was initiated in 2008. The County will use this project to modify its current practices to implement more evidence based practices and ensure continuity of care to project participants.
Menominee Tribe of Wisconsin	June, 2014	148,710	The grant will initiate a Treatment Alternatives program for pre-trial diversion. Offenders will be referred to treatment designed to address criminal thinking behaviors and substance abuse. Treatment will be managed by the Maehnowesekiyah Wellness Center, the Tribal substance abuse and mental health treatment facility.
Milwaukee	January, 2007	333,900	The grant funds a 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 are also used to contract with Justice 2000 to provide community supervision of TAD eligible offenders who entered into a diversion/deferred prosecution agreement.
Outagamie	June, 2014	157,825	The grant award will allow the County to continue and expand existing pretrial diversion, alternatives, and treatment-focused programs throughout the County's Justice System. The grant will address issues such as: preventing low risk offenders from being placed on state probation, developing a risks and needs assessment tool for referrals to the District Attorney's office, training law enforcement personnel to refer offenders to diversion resources properly, and providing the District Attorney's office the time and ability to review police reports to determine appropriate charges.
Ozaukee	June, 2014	95,120	The grant will be used to support a contract with a local alcohol and drug center in an effort to divert alcohol and other drug abuse involved offenders from further processing into the criminal justice system.

County/Tribe	Initial Funding	Grant Award	Project Description
			Funds will be used to support the development of safe and sober housing opportunities, detoxification monitoring, drug testing supplies, transportation, and will provide funding to support the individual needs of each participant.
Pierce	January, 2014	82,120	The grant will be used to implement and sustain a pre-trial diversion program and intoxicated driver improvement program. These programs target low-medium to medium-high risk non-violent offenders. Funds will also support the Pierce County Criminal Justice Coordinating Committee (CJCC), and the CJCC coordinator, that serves as advisory and oversight body for the TAD project.
Racine	June, 2014	92,494	The grant will support the Racine County Alcohol and Drug Treatment Court. The Treatment Court focuses primarily on individuals at the post plea/negotiated plea agreement point, and also provides treatment alternatives to individuals set for revocation for violating their conditions of probation. The Treatment Court is offered to individuals who have been screened and completed a comprehensive assessment with a finding of alcohol or substance dependence. Funds will support: increasing the number of random drug tests; implementing evidence-based interventions; providing staff development training for team members; and resuming internal evaluation and data management services.
Rock	January, 2007	110,931	The grant will support Community Rock County Education and Criminal Addictions Program (Community RECAP), the treatment and case management portion of the Rock County Drug Court Program. Community RECAP is a program that includes alcohol and other drug abuse (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.
Rusk	June, 2014	122,436	The grant will be used to implement a new Drug Court. The project team consists of the judge, District Attorney, Public Defender, Sheriff, Chief of Police, Department of Corrections representative, County Department of Health and Human Services representative, a Drug Court coordinator/case manager, and mental health and alcohol and other drug abuse treatment providers. The program components will include: weekly court appearances at which the team reviews progress reports and offers support, rewards, or sanctions; supervision that includes increased contact with the participant's probation officer as well as the Drug Court coordinator; drug/alcohol testing two to three times a week; and treatment which is individualized and holistic.
St. Croix	January, 2014	74,584	The grant will be used collaboratively by St. Croix County's Adult Drug Court, Pre-Trial Diversion Program and Community Justice Collaborating Council. The programs implement a risk/needs assessment tool for participants, provide educational alternatives for low-risk offenders, and facilitate Moral Reconnection Therapy for treatment-resistant participants. The grant will fund a Criminal Justice Collaborating Council coordinator who will provide risk/needs assessments to the Adult Drug Court and Pre-Trial Diversion programs, as well as a diversion program outreach worker who will conduct evidence-based educa-

County/Tribe	Initial Funding	Grant Award	Project Description
			tional sessions. Funds will also be used for skills training and enhancement of evidence-based practices for participants.
Taylor	June, 2014	86,000	The grant will be used to enhance the County's current OWI treatment court. The OWI treatment court is a post-conviction program, in which participants are placed on probation for at least one year. As part of the probation supervision, the participant agrees to abide by the requirements of the treatment court, including periodic court review hearings, intensive treatment, and testing to ensure sobriety. The participant receives reduced penalties, including less jail time, as conditions of probation, with higher penalties being imposed and stayed in the effect of probation revocation and expulsion from the OWI court treatment program. The program only accepts individuals with 2nd and 3rd OWI offenses, were found with a blood alcohol content (BAC) higher than 0.15%, and are residents of Taylor County.
Trempealeau	January, 2014	58,303	The grant will be used to modify the Trempealeau County Recovery Court that has been in operations for the past few years. TAD funds will allow the Recovery Court to provide mental health assessments and coordinate with mental health providers. In addition, funding will support a separate Recovery Court for individuals with opiate or heroin issues.
Walworth	January, 2014	157,609	The grant will be used to develop a Drug Court with a specific focus on heroin abuse. The grant supports a Drug Court clinical coordinator, interdisciplinary education training, and random drug testing supplies and procedures.
Washington	January, 2007	92,635	The grant will support new and expanded services to non-violent offenders with AODA and mental health issues through court diversion and alternatives to revocation. Clinicians provide counseling, daily intensive case management, recovery support coordination, court-based risk-need evaluation, crisis management, and diversion services for individuals convicted of a second OWI offense. Clinicians also provide individual and group education and counseling for individuals under Department of Corrections supervision as an alternative to revocation.
Waukesha	January, 2014	142,883	The grant will support a full time case manager for the Waukesha County Drug Treatment Court program. This will increase the capacity of the program by 25 slots, thereby eliminating the existing waiting list for the program and bringing the capacity of the drug court program to 50 participants. Funding will also support drug testing and client assistance, such as transportation and incentives, as well as medication-assisted treatment costs for TAD-funded participants enrolled in the program. The project primarily focuses on opiate abuse.
Wood	January, 2007	104,006	The grant will support a Drug Treatment Court which provides a collaboration of judicial, treatment, community resource, probation, social, law enforcement, and case management services to meet the needs of the community and Drug Court participants.
Total		<u>\$3,538,900</u>	

APPENDIX VI

Drug Court Grant Awards, Calendar Year 2015

County/Tribe	Initial Funding Date	Grant Award	Project Description
Columbia	January, 2014	\$132,096	The grant will permit Columbia County to operate a new Drug Treatment Court that will focus on 3rd OWI offenders with a blood alcohol content of 0.20 or more. The Court will provide case management, treatment to participants, and judicial oversight.
Jefferson	January, 2014	112,714	The grant will permit the Jefferson County Circuit Court to operate the Jefferson County Alcohol Treatment Court (JCATC). The Alcohol Treatment Court will provide court supervision and community based treatment to individuals with 3rd-6th OWI offenses.
Lac du Flambeau Tribe, Vilas County	January, 2014	130,190	The grant will support a collaborative project between the Lac du Flambeau Tribe and the Vilas County Circuit Court, utilizing evidence-based practices, to provide selected non-violent offenders the opportunity for intensive, case-managed and culturally-based addiction treatment.
Waushara	January, 2014	125,000	The grant will allow the implementation of a two tiered, interdisciplinary TAD program serving Waushara County. Resources will be devoted to employing a program coordinator who will apply evidence based assessments to determine the criminogenic and treatment needs of offenders displaying alcohol and controlled substance dependency. Monitoring and follow-up will be coordinated through the Waushara Circuit Court during weekly sessions where the judge presides over drug court activities.
Total		<hr/> \$500,000	

APPENDIX VII

Local Anti-Drug Task Force Funding

Task Force	Participating Counties	Lead Agency	2014 Funding		2015 Funding	
			Byrne	Penalty Surcharge	Byrne	Penalty Surcharge
Milwaukee Metropolitan Drug Enforcement Group	Milwaukee	Milwaukee County District Attorney's Office	\$321,147	\$222,218	\$321,147	\$222,218
South East Area Drug Operations Group	Dodge, Jefferson, Kenosha, Racine, Walworth	Walworth County Sheriff's Office	\$125,176	\$86,616	\$125,176	\$86,616
Lake Winnebago Area MEG Unit	Calumet, Fond du Lac, Outagamie, Winnebago	Lake Winnebago Area MEG Unit	\$78,759	\$54,498	\$78,759	\$54,498
Dane County Narcotics and Gang Task Force	Dane	Dane County Sheriff's Department	\$78,141	\$54,070	\$78,141	\$54,070
Central Wisconsin Drug Task Force	Adams, Green Lake, Juneau, Marquette, Portage, Waupaca, Waushara, Wood	Berlin Police Department	\$53,977	\$37,349	\$53,977	\$37,349
Waukesha County Metropolitan Drug Enforcement Unit	Waukesha	Waukesha County Sheriff's Department	\$52,871	\$36,584	\$52,871	\$36,584
Brown County Drug Task Force	Brown	Brown County Sheriff's Department	\$49,024	\$33,922	\$49,024	\$33,922
West Central Drug Task Force	Buffalo, Clark, Chippewa, Dunn, Eau Claire, Pepin	Eau Claire County Sheriff's Department	\$41,761	\$28,896	\$41,761	\$28,896
NADGI Tribal Task Force	Wisconsin Tribes	Oneida Police Department	\$37,833	\$26,179	\$37,833	\$26,179
St. Croix Valley Drug Task Force	Pierce, Polk, St. Croix	St. Croix County Sheriff's Department	\$33,379	\$23,097	\$33,379	\$23,097
North Central Drug Enforcement Group	Forest, Langlade, Lincoln, Oneida, Price, Taylor, Vilas	Oneida County Sheriff's Department	\$30,302	\$20,967	\$30,302	\$20,967
Central Area Drug Enforcement Group	Marathon	Marathon County Sheriff's Department	\$26,269	\$18,177	\$26,269	\$18,177
Northwest Area Crime Unit	Ashland, Bayfield, Burnett, Douglas,	Douglas County Sheriff's Department	\$24,288	\$16,806	\$24,288	\$16,806

Task Force	Participating Counties	Lead Agency	2014 Funding		2015 Funding	
			Byrne	Penalty Surcharge	Byrne	Penalty Surcharge
	Iron, Sawyer, Washburn					
West Central MEG Drug Task Force	Jackson, La Crosse, Monroe, Trempealeau, Vernon	La Crosse County Sheriff's Department	\$23,173	\$16,035	\$23,173	\$16,035
Washington County Multi-Jurisdictional Drug Unit	Washington	Washington County Sheriff's Department	\$19,030	\$13,168	\$19,030	\$13,168
Manitowoc County Metro Drug Unit	Manitowoc	Manitowoc County Sheriff's Department	\$14,624	\$10,119	\$14,624	\$10,119
Sheboygan County MEG Unit	Sheboygan	Sheboygan Police Department	\$14,251	\$9,861	\$14,251	\$9,861
Richland-Iowa-Grant Drug Task Force	Grant, Iowa, Richland	Iowa County Sheriff's Department	<u>\$13,495</u>	<u>\$9,338</u>	<u>\$13,495</u>	<u>\$9,338</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 2015.

APPENDIX VIII

Court-Appointed Counsel, 2013

County	Court-Appointed <u>Counsel Expenditures</u>		Court-Appointed <u>Counsel Recoupment</u>		<u>Net Expenditure</u>	
	Amount	%	Amount	%	Amount	%
Adams	\$30,900	0.8%	\$17,900	0.7%	\$13,000	1.1%
Ashland	14,600	0.4	17,500	0.6	-2,900	-0.2
Barron	70,100	1.8	30,500	1.1	39,600	3.3
Bayfield	9,900	0.3	4,300	0.2	5,600	0.5
Brown	202,800	5.2	139,000	5.1	63,800	5.3
Buffalo	11,800	0.3	10,000	0.4	1,800	0.1
Burnett	13,800	0.4	10,800	0.4	3,000	0.2
Calumet	22,300	0.6	16,100	0.6	6,200	0.5
Chippewa	19,800	0.5	24,000	0.9	-4,200	-0.3
Clark	16,000	0.4	12,300	0.5	3,700	0.3
Columbia	102,500	2.6	53,000	2.0	49,500	4.1
Crawford	9,800	0.3	6,400	0.2	3,400	0.3
Dane	402,800	10.3	113,200	4.2	289,600	24.0
Dodge	38,800	1.0	48,200	1.8	-9,400	-0.8
Door	12,100	0.3	11,300	0.4	800	0.1
Douglas	25,900	0.7	9,300	0.3	16,600	1.4
Dunn	13,100	0.3	0	0.0	13,100	1.1
Eau Claire	72,000	1.8	75,600	2.8	-3,600	-0.3
Florence	9,800	0.3	7,800	0.3	2,000	0.2
Fond du Lac	173,200	4.4	101,300	3.7	71,900	6.0
Forest	23,200	0.6	6,100	0.2	17,100	1.4
Grant	44,300	1.1	60,300	2.2	-16,000	-1.3
Green	38,400	1.0	30,000	1.1	8,400	0.7
Green Lake	15,500	0.4	10,000	0.4	5,500	0.5
Iowa	17,700	0.5	18,000	0.7	-300	0.0
Iron	1,900	0.0	3,000	0.1	-1,100	-0.1
Jackson	14,700	0.4	25,600	0.9	-10,900	-0.9
Jefferson	71,200	1.8	64,900	2.4	6,300	0.5
Juneau	15,100	0.4	0	0.0	15,100	1.3
Kenosha	61,600	1.6	28,700	1.1	32,900	2.7
Kewaunee	20,600	0.5	11,800	0.4	8,800	0.7
La Crosse	228,700	5.8	62,700	2.3	166,000	13.7
Lafayette	17,200	0.4	4,300	0.2	12,900	1.1
Langlade	5,700	0.1	6,200	0.2	-500	0.0
Lincoln	19,900	0.5	32,300	1.2	-12,400	-1.0

County	Court-Appointed Counsel Expenditures		Court-Appointed Counsel Recoupment		Net Expenditure	
	Amount	%	Amount	%	Amount	%
Manitowoc	\$29,500	0.8%	\$26,600	1.0%	\$2,900	0.2%
Marathon	196,400	5.0	157,200	5.8	39,200	3.2
Marinette	72,500	1.8	44,000	1.6	28,500	2.4
Marquette	57,000	1.5	39,900	1.5	17,100	1.4
Menominee	0	0.0	0	0.0	0	0.0
Milwaukee	176,900	4.5	130,500	4.8	46,400	3.8
Monroe	85,900	2.2	26,900	1.0	59,000	4.9
Oconto	72,600	1.9	86,500	3.2	-13,900	-1.2
Oneida	35,200	0.9	31,800	1.2	3,400	0.3
Outagamie	107,300	2.7	61,300	2.3	46,000	3.8
Ozaukee	38,800	1.0	34,400	1.3	4,400	0.4
Pepin	4,900	0.1	4,600	0.2	300	0.0
Pierce	19,100	0.5	17,700	0.7	1,400	0.1
Polk	50,700	1.3	18,500	0.7	32,200	2.7
Portage	59,700	1.5	41,800	1.5	17,900	1.5
Price	0	0.0	0	0.0	0	0.0
Racine	80,100	2.0	61,800	2.3	18,300	1.5
Richland	18,500	0.5	9,300	0.3	9,200	0.8
Rock	139,000	3.5	80,700	3.0	58,300	4.8
Rusk	24,100	0.6	12,000	0.4	12,100	1.0
Sauk	68,200	1.7	62,700	2.3	5,500	0.5
Sawyer	23,300	0.6	21,700	0.8	1,600	0.1
Shawano	1,300	0.0	3,000	0.1	-1,700	-0.1
Sheboygan	78,200	2.0	72,600	2.7	5,600	0.5
St Croix	49,200	1.3	51,800	1.9	-2,600	-0.2
Taylor	5,400	0.1	11,100	0.4	-5,700	-0.5
Trempealeau	28,400	0.7	29,600	1.1	-1,200	-0.1
Vernon	16,100	0.4	5,300	0.2	10,800	0.9
Vilas	17,600	0.4	8,500	0.3	9,100	0.8
Walworth	38,200	1.0	54,000	2.0	-15,800	-1.3
Washburn	26,700	0.7	25,700	0.9	1,000	0.1
Washington	94,900	2.4	101,300	3.7	-6,400	-0.5
Waukesha	102,600	2.6	92,300	3.4	10,300	0.9
Waupaca	30,900	0.8	27,400	1.0	3,500	0.3
Waushara	30,600	0.8	41,800	1.5	-11,200	-0.9
Winnebago	131,200	3.3	106,600	3.9	24,600	2.0
Wood	<u>40,600</u>	1.0	<u>38,600</u>	1.4	<u>2,000</u>	0.2
Total	\$3,919,300		\$2,711,900		\$1,207,400	

APPENDIX IX

State Public Defender Trial Division Offices

