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To: Members of the Special Committee on Criminal Justice Funding and Strategies

From: Mark Rinehart, Department of Justice Legislative Liaison

Subject: Department of Justice Organization and Operations

The information below supplements the Attorney General's testimony and Power Point presentation on the organization and operations of the Wisconsin Department of Justice. You will find brief descriptions of DOJ's divisions (except the Division of Management Services) and the subunits within those divisions.

1) Division of Criminal Investigation:

The Division of Criminal Investigation (DCI) investigates crimes that are statewide in nature or importance. DCI special agents work closely with local, state, and federal officials to investigate and prosecute crimes involving homicide, arson, financial crimes, illegal gaming, multi-jurisdictional crimes, drug trafficking, computer crimes, homeland security, public integrity & government corruption, and crimes against children. DCI performs special investigations requested by the Governor or the Legislature. In addition, DCI provides extensive training to local, state, and federal officers on current issues in law enforcement. The Division is organized into the following three bureaus: 1) Field Operations Bureau; 2) Administrative Services Bureau; and 3) Gaming Bureau.

DCI is funded with GPR, the crime lab & drug law enforcement surcharge, the penalty surcharge, Indian gaming program revenue, and federal dollars.

Field Operations Bureau:

The Field Operations Bureau is responsible for the majority of investigative resources deployed throughout the state by DCI. Special Agents, Criminal Analysts, and Support Staff investigate the crimes listed above and several specialized units are assigned to two regions for oversight purposes.

The Bureau is divided into Eastern and Western Regions. The Eastern Region is comprised of the Milwaukee and Appleton Regional Field Offices, as well as the High Intensity Drug Trafficking Areas (HIDTA) and the Lake Winnebago Area Multi-Agency Enforcement Group (LWAM). The Eastern Region oversees the state's high profile drug programs such as the Drug Endangered Children program (DEC), the Cannabis Eradication and Suppression Effort

(CEASE) and the Methamphetamine Clandestine Lab Enforcement and Response (CLEAR) Task Force.

The Western Region is comprised of the Madison, Eau Claire, Superior, and Wausau Regional Field Offices. The Western Region also includes the critically important Internet Crimes Against Children (ICAC) Statewide Task Force and the DCI Computer and Electronic Forensics Sections. The Western Region oversees the Wisconsin Statewide Information Center (WSIC), which is the state's intelligence fusion center, the DCI Tactical Response Team, and the Mobile Support Unit.

Administrative Services Bureau:

The Administrative Services Bureau includes the Office of the State Fire Marshal, the Amber Alert Program, Wisconsin Clearing House for Missing and Exploited Children and Adults, and the Cold Case Homicide Unit.

Specialized training for law enforcement officers throughout Wisconsin is coordinated by the Administrative Services Bureau. Several training programs are requested by local, state, and federal partners, including Drug Investigation, Arson, Drug Endangered Children, Methamphetamine Labs, Death Investigation, Technical Services & Covert Surveillance, Human Trafficking, and Missing Person Investigations.

Gaming Bureau:

The Gaming Bureau supports local law enforcement efforts to curtail the spread of illegal gambling in Wisconsin. The bureau investigates allegations of gaming-related crime and assists local law enforcement in meeting its responsibility to enforce the state's gambling laws. The bureau is also charged with investigating allegations of criminal activity in existing forms of legal gaming in Wisconsin.

The Gaming Bureau directs its resources to the gaming industry's most vulnerable areas and to those gambling investigations that are of statewide concern. The Bureau has trained Special Agents who have developed relationships with Wisconsin's local, state, and federal law enforcement communities, as well as with the Division of Lottery, the Division of Gaming, and Indian tribes.

2) Division of Law Enforcement Services:

The Division of Law Enforcement Services (DLES) provides technical and scientific assistance to state and local law enforcement agencies, administers law enforcement training and standards, and acts as a criminal information reporting and exchange center. DLES is organized into the following five bureaus: the three Crime Laboratory Bureaus in Madison, Milwaukee, and Wausau; the Training and Standards Bureau; and the Crime Information Bureau.

Crime Laboratory Bureaus:

The crime labs in Madison and Milwaukee provide all of the following analytical services to Wisconsin law enforcement agencies: drug identification; toxicology; trace chemistry; dna/serology; firearms/toolmarks; fingerprint/tire/footwear identification; document examination; and forensic imaging. The crime lab in Wausau offers drug identification, fingerprint/tire/footwear identification, and forensic imaging. The Madison and Wausau labs maintain 24/7 Emergency Field Response Units which provide assistance to law enforcement agencies at major crime scenes and autopsy examinations.

The crime labs are funded by GPR, the crime lab and drug law enforcement surcharge, the dna analysis surcharge, and the penalty surcharge.

Training and Standards Bureau:

The Training and Standards Bureau administers the programs of the Law Enforcement Standards Board for the training and certification of law enforcement and tribal law enforcement officers, jail officers, secure juvenile detention officers, and schools and instructors that provide preparatory training to recruits and recertification training to certified officers.

The Training and Standards Bureau is funded with GPR and the penalty surcharge.

Crime Information Bureau:

The Crime Information Bureau operates and manages:

- 1) Transaction Information for the Management of Enforcement (TIME) System – a network that provides law enforcement agencies access (in most cases directly to an officer's squad car) to a number of law enforcement related databases;
- 2) Wisconsin Criminal History Repository – a statutorily required database of fingerprints, photographs, and any other identifying information on persons who have been arrested or taken into custody for most crimes; and
- 3) Handgun Hotline – a program that requires handgun purchasers to pass a criminal background check before a gun dealer can transfer the handgun.

The Crime Information Bureau is funded with GPR, TIME System user fees, criminal history search fees, and handgun check fees.

3) Division of Legal Services:

Attorneys in the Division of Legal Services (DLS) defend state agencies and employees in lawsuits, represent the state in all felony appeals and litigation brought by prison inmates, initiate criminal prosecution of economic crimes, prosecute violations of state laws related to Medicaid fraud and abuse, and draft Attorney General opinions. DLS enforces state environmental laws and handles matters related to employment, public records, Indian law, and fair housing. At the

request of district attorneys, DLS provides special prosecutors in complex homicide, drug, and white collar crime cases.

DLS includes the following specialized legal units: Civil Litigation; Criminal Litigation, Antitrust, and Consumer Protection; Criminal Appeals; Medicaid Fraud Control and Elder Abuse; Environmental Protection; and State Programs, Administration, and Revenue.

DLS is primarily funded with GPR. Seventy-five percent of the Medicaid Fraud Control and Elder Abuse Unit is funded with federal funds.

Civil Litigation Unit:

The Civil Litigation Unit has responsibility for providing legal defense at both the trial and appellate levels in civil rights, tort, and employment cases brought against the State, its agencies, its university system, and its employees. The Civil Litigation Unit handles the subrogation and labor standards enforcement programs. It provides representation to university medical faculty physicians in malpractice cases. It handles eminent domain litigation and appeals, and defends the state when it is sued as an employer under state or federal law. It also enforces state labor standards laws, advises and represents the Department of Employee Trust Funds on retirement and benefit matters, and represents administrative agencies when their employment-related decisions are challenged in court.

Criminal Litigation, Antitrust, and Consumer Protection Unit:

The Criminal Litigation, Antitrust, and Consumer Protection Unit performs a number of important functions involving criminal related matters, including: 1) direct prosecution of securities and tax violations, and the Wisconsin Organized Crime Control Act; 2) special prosecution at the request of district attorneys; 3) prosecuting sexual predator commitments and handling post-commitment proceedings in those cases; 4) providing advice, assistance, training, and education to prosecutors and law enforcement through a variety of means, including the Statewide Prosecutors Education and Training (SPET) program.

The unit enforces Wisconsin's anti-trust laws, including laws related to bid rigging, price fixing, secret rebates, and territorial allocation. The unit works with the Federal Trade Commission and U.S. Department of Justice to review proposed mergers. The unit investigates alleged monopolistic practices and conspiracies amongst competitors, assists state agencies with investigations of illegal bidding on state contracts, and defends the state against antitrust allegations.

The unit investigates and prosecutes violations of state consumer laws, including laws relating to deceptive advertising, credit, charitable solicitations, landlord/tenant, home improvement, telecommunications (including violations of Wisconsin's "no-call" list), telemarketing, and sales.

Criminal Appeals Unit:

The Criminal Appeals Unit represents the state in all felony appeals before the Wisconsin Court of Appeals, the Wisconsin Supreme Court, and the United States Supreme Court. The unit

represents the state in the above courts in appeals arising from sexual predator commitments as well as selected misdemeanor, traffic, and juvenile cases. It defends state criminal convictions against collateral attack in federal habeas corpus litigation and advises the Governor on extradition matters. The unit works closely with the state's local prosecutors, providing training, support, and legal advice.

Medicaid Fraud Control and Elder Abuse Unit:

The Wisconsin Medicaid Fraud Control and Elder Abuse Unit, in conjunction with local law enforcement agencies and DAs, 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. The unit also works cooperatively with state regulatory agencies, including the Department of Health Services, the Department of Regulation and Licensing, and the Department of Revenue, in investigating and prosecuting its cases.

Environmental Protection Unit:

The Environmental Protection Unit enforces state environmental laws. The unit enforces the laws relating to air pollution, solid and hazardous waste, wastewater, hazardous substance spills, water supply, water regulation and zoning, underground storage tanks, superfund, water pollution, public nuisance, natural resource protection, radioactive waste, land use, and the public trust in navigable waters. The unit defends the state and state agencies in environmental or natural resource related lawsuits, actions raising regulatory takings, and constitutional claims related to environmental protection. The unit also engages in litigation on environmental matters related to Indian law.

State Programs, Administration, and Revenue Unit:

The State Programs, Administration and Revenue Unit provides legal advice and handles litigation in a variety of areas, with an emphasis on issues relating to governmental authority, constitutional and administrative law, revenue, and finance. The unit represents state constitutional officers and about 50 agencies and boards in constitutional and civil rights litigation, and in judicial review of administrative agency actions. The unit's substantive areas of law include tax, elections, public benefits and social services, professional licensing, insurance, education, health care regulation and finance, and commercial law. The unit defends its clients in litigation challenging the lawfulness of state statutes or the administration of state programs, and handles the defense of complex systemic challenges affecting entire agency programs or substantial agency functions. The unit provides legal advice relating to state bonds, contracts relating to the procurement of goods and services, intellectual property, and economic development matters, and represents state agencies in lawsuits relating to those matters. In addition, the unit brings actions to recover debts owed to the state, unpaid wages owed to private-sector employees, and represents the state's interest in bankruptcy proceedings and foreclosures. The unit provides advice and renders opinions with respect to the acquisition, sale, and lease of property, and defends the state's interest in disputes involving real property. This unit also enforces the tobacco Master Settlement Agreement, defends state agencies before the Claims Board, advises the public and governmental agencies on open meetings and public

records issues, and defends state agencies in these cases. Most attorney general opinions are drafted by this unit.

4) The Office of Crime Victim Services:

The Office of Crime Victim Services (OCVS) provides assistance to crime victims and witnesses. Generally, the office provides funding to counties for services to victims and witnesses, compensates crime victims for medical and related expenses which they incur as the result of a crime, and administers federal funds which go to local victim service providers.

Victim/Witness Assistance Program

Under Chapter 950 of the Wisconsin Statutes, the Department of Justice administers the Crime Victim and Witness Assistance (CVWA) program and the program is implemented at the county level. The department reviews and approves CVWA program plans submitted by counties, provides training and technical assistance to county victim/witness personnel, and supports the professionalization and standardization of victim/witness services statewide. No county plan may be approved by DOJ unless it provides:

- 1) notification services to victims and witnesses regarding case status, subpoena cancellation, final disposition, etc.;
- 2) information to victims and witnesses regarding protection services and who to contact if they are threatened or harassed;
- 3) safe and convenient facilities for victims and witnesses to wait upon their arrival to appear in court;
- 4) information and referrals specially suited for child victims;
- 5) victim notification of the state Crime Victim Compensation program;
- 6) social services referrals for victims;
- 7) notification of witness fees and how to apply for them;
- 8) public information regarding the CVWA program;
- 9) escort and transportation services to victims & witnesses;
- 10) notification to the employers of victims & witnesses of their employees involvement in cases;
- 11) information to victims of their right to have personal property held as evidence returned within a reasonable amount of time; and
- 12) notification to victims of convicted offenders' applications for pardon or parole and their rights to submit written statements concerning the applications.

Counties are eligible to receive reimbursement from the state for their costs for providing victim and witness services. State reimbursement payments are funded by GPR, Parts A & B of the crime victim/witness assistance surcharge, the penalty surcharge, and federal Byrne Justice Assistance Grant dollars.

Crime Victim Compensation (CVC) Program

Under Chapter 949 of the Wisconsin Statutes, the Department of Justice administers the CVC program. The CVC program compensates victims for certain expenses related to crimes and dependents of crime victims who died as a direct result of enumerated crimes. Compensable economic losses include: medical treatment costs; lost wages; funeral expenses; costs to replace property held for evidentiary purposes; and costs for securing and cleaning a crime scene. The maximum compensation award for any one claim is \$40,000, and another \$2,000 for funeral expenses. The CVC program is a "payer of last resort," meaning it only covers expenses remaining after all other payment sources, such as insurance, worker's compensation, unemployment compensation, etc., have been exhausted.

The CVC program is funded by GPR, parts A & B of the crime victim/witness assistance surcharge, restitution payments received by the state from defendants to offset prior awards made to victims under the program, and federal Victims of Crime Act (VOCA) grants that match 60% of state funding for crime victim compensation.

Grants and Administration

Sexual Assault Victim Service (SAVS) grant program:

The SAVS program provides grants to nonprofit corporations and public agencies to expand, enhance, and support services for sexual assault victims. Qualified SAVS grant applicants must provide: 1) advocacy and counseling services; 2) crisis telephone services 24/7; 3) professional intervention and prevention education; and 4) services for victims with special needs or that are hard to reach (i.e., rural residents, men, children, elderly, disabled, minority groups)

The SAVS program is funded by a portion of the crime victim/witness assistance surcharge.

Sexual Assault Forensic Exam (SAFE) Program:

Sometimes a victim does not wish to report a sexual assault to law enforcement or does not wish to report the crime to his or her insurance provider. In such instances, the SAFE Fund can provide limited financial assistance to help pay for the sexual assault forensic exam and medications, other than Plan B, directly related to the assault. There is no application, but a request for payment form must accompany each bill. The individual wishing to receive assistance from the SAFE Fund must contact the billing department at the hospital, inform them that they wish to have the forensic exam paid by the SAFE Fund, and the hospital can then submit the itemized bills to the Fund, along with the completed request for payment form.

The Safe Program is funded by \$50,000 GPR annually.

Wisconsin Victim Resource Center:

OCVS operates the Wisconsin Victim Resource Center, providing the following statewide services to victims of crime:

- 1) telephone counseling;
- 2) information and referrals for crime victims who are experiencing problems;
- 3) problem-solving assistance relative to victimization;
- 4) victim/witness assistance services in matters the Attorney General's Office is prosecuting and no other services are available;
- 5) resource person to district attorneys in counties with no victim/witness programs;
- 6) informational materials on topics such as sexual assault, child sexual abuse, and victims' rights in Wisconsin;
- 7) an advocate for victims in exercising their rights, including informal mediation.
- 8) operating the Victim Appellate Notification (VAN) program that provides information to victims and witnesses regarding any appeals in their cases.

The Victim Resource Center is funded by a federal Victims of Crime Act grant and a 25% state match.

VOCA Grants:

OCVS administers the federal VOCA program in Wisconsin. VOCA provides federal dollars to support direct services to victims through public and nonprofit community agencies. Funds are used primarily to provide crisis intervention, counseling, support, and advocacy for victims of domestic violence, sexual assault, child abuse, and other violent crimes.

Grantees must provide a 25% match for the federal funds.

Crime Victim Complaint Mediation:

If victims or witnesses feel their rights victim/witness rights have been violated by a public official or service provider, they may file a complaint with DOJ. OCVS staff contact the parties involved and attempt to address the issue. If mediation is unsuccessful, the victim may choose to file a formal complaint with Crime Victims Rights Board for review.