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Prepared by:

Emily Hicks and Peggy Hurley, Staff Attorneys

EXECUTIVE SUMMARY

Since 1990, district attorneys (DA), deputy district attorneys (DDA), and assistant district attorneys (ADA) (collectively, “prosecutors”) have been state employees, funded primarily by general purpose revenue. Each year, the State Prosecutors Office (SPO) within the Department of Administration (DOA) calculates prosecutorial staffing needs in each county using a weighted caseload formula that considers current staffing levels and the number and types of cases prosecuted by each county. The 2019-21 biennial budget act allocated 64.95 new prosecutor positions throughout the state. Nonetheless, stakeholders continue to express concern regarding the ability of prosecutors to handle growing, and increasingly complex, caseloads and the difficulty in attracting and retaining prosecutors. Stakeholders also express concerns over the current the weighted caseload formula and its usefulness for determining how prosecutor positions are allocated.

At the direction of the Joint Legislative Council co-chairs, this legislative interim research report provides background information and describes current law on how prosecutors are funded by the state, how caseloads are measured to determine whether a DA’s office is adequately staffed, and how positions are allocated based on the weighted caseload formula and other considerations. The report describes stakeholders’ concerns with the current weighted caseload formula and position allocation, and sets forth alternatives for revising or replacing the formula.

Specifically, this report includes the following parts:

- Part I provides certain background information on how DAs’ offices are organized, staffed, and funded, and includes a discussion of the weighted caseload formula.
- Parts II and III discuss concerns raised by stakeholders and sets forth their recommendations for legislative consideration. Specifically, these parts include the following sections:
 - A discussion of the challenges faced by DAs’ offices in recruiting and retaining prosecutors and a recommendation for increased funding for these positions.
 - A discussion of the potential for the weighted caseload formula, in its current form, to create incentives to overcharge in criminal cases and to discourage alternatives to prosecution and other policy initiatives created by the Legislature. These sections describe and analyze two legislative alternatives to: revise the weighted caseload formula or replace it.
 - An explanation of stakeholders’ concern that the weighted caseload formula does not accurately reflect their workload and recommendations for revising the formula so as to maximize its usefulness in determining staffing needs.
 - A recommendation that the Legislature rely more heavily on the weighted caseload formula and less heavily on other considerations when allocating positions.

This report was prepared by Emily Hicks and Peggy Hurley, Staff Attorneys.

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PART I

BACKGROUND AND CURRENT LAW

Before 1990, prosecutors in Wisconsin were employees of the counties they served. Because prosecutors were county employees, there was no statewide uniformity in their salaries and benefits. 1989 Wisconsin Act 31 was enacted to remedy this lack of uniformity by establishing prosecutors as state employees and creating a centralized statewide prosecution system administered by the SPO within the DOA. In 2001, in order to fulfill its duty to prepare the biennial budget request for the prosecution system, the SPO began utilizing a weighted caseload formula to quantify the staffing needs of prosecutors' offices throughout the state. Later, in an effort to increase prosecutor retention, 2011 Wisconsin Act 238 and 2013 Wisconsin Act 20 established a merit-based pay progression plan for DDAs and ADAs.

STATEWIDE PROSECUTION SYSTEM

1989 Wisconsin Act 31 created a centralized, statewide prosecution system overseen and administered by DOA. Additionally, effective January 1, 1990, Act 31 established DAs, DDAs, and ADAs (collectively, "prosecutors") as state, rather than county, employees.

The goal of Act 31 was to increase uniformity in compensation of prosecutors, reduce prosecutor turnover, and ease the tax burden of counties by centralizing the financing and administration of prosecutors' offices.¹ Prior to Act 31, the individual counties, rather than the state, were responsible for the financing and administration of prosecutors' offices. County funding for prosecutors' offices came primarily from property taxes; therefore, a prosecutor's salary and a prosecutor's office's available resources could vary drastically across the state.

Pursuant to Act 31, the statewide prosecution system is made up of 71 prosecutorial units: one for each county, with the exception of Shawano and Menominee counties, which are combined to form a single, two-county prosecutorial unit. Each prosecutorial unit is headed by an elected DA

¹ <https://legis.wisconsin.gov/lab/media/1743/07-9full.pdf>.

whose salary and benefits are paid by the state. A DA's salary depends on the population size of the jurisdiction the DA serves:

Size of County by Population	Prosecutorial Unit (Population according to DOA's 2020 estimates ²)			DAs' FTE Salaries (as of January 3, 2021) ³
750,001+	Milwaukee (944,009)			\$148,200
250,001 – 750,000	Brown (264,821)	Waukesha (406,785)	Dane (543,408)	\$134,098
75,001 – 250,000	Dodge (90,005) Eau Claire (103,959) Fond du Lac (104,370) Jefferson (84,692) Kenosha (170,514) La Crosse (120,447)	Manitowoc (81,349) Marathon (137,237) Outagamie (187,661) Ozaukee (90,630) Racine (195,766) Rock (160,120)	St. Croix (90,949) Sheboygan (116,924) Walworth (104,086) Washington (138,268) Winnebago (169,861) Wood (75,381)	\$127,359
35,001 – 75,000	Barron (46,522) Calumet (53,338) Chippewa (65,339) Columbia (57,134) Douglas (44,246) Dunn (44,788)	Grant (52,572) Green (36,967) Marinette (41,255) Menominee/Shawano (46,006) Monroe (46,882) Oconto (38,853)	Oneida (36,268) Pierce (42,413) Polk (44,628) Portage (71,670) Sauk (63,343) Waupaca (52,155)	\$121,264
35,000 or less	Adams (20,701) Ashland (15,871) Bayfield (15,014) Buffalo (13,671) Burnett (15,486) Clark (34,725) Crawford (16,679) Door (28,770) Florence (4,467) Forest (9,183)	Green Lake (19,178) Iowa (23,915) Iron (5,909) Jackson (20,828) Juneau (27,250) Kewaunee (20,746) Lafayette (17,007) Langlade (20,063) Lincoln (28,800) Marquette (15,387) Pepin (7,393)	Price (14,170) Richland (18,034) Rusk (14,879) Sawyer (16,903) Taylor (20,793) Trempealeau (30,047) Vernon (30,496) Vilas (21,769) Washburn (15,993) Waushara (24,436)	\$108,431

The DA is authorized to appoint a specified number DDAs and ADAs, whose salaries and benefits are also paid by the state. 2011 Wisconsin Act 238 and 2013 Wisconsin Act 20 established a merit-based pay progression plan for ADAs and DDAs. The merit-based pay progression plan consists of 17 hourly salary steps, with each step equal to 1/17th of the difference between an attorney's lowest hourly salary and the attorney's highest possible annual salary. ADAs and DDAs receive pay increases at the discretion of their supervising DAs. In other words, pay progression for ADAs and DDAs is authorized but not required. Additionally, in order to be eligible for pay progression, individuals must have served the State as an ADA or DDA for a continuous period of 12 months or more. [s. 230.12 (10) (a), Stats.]

The SPO in DOA is responsible for preparing the biennial budget request for the prosecution system and administering the salaries and benefits of the state's prosecutors. [ss. 978.11 and

² https://doa.wi.gov/DIR/Final_Ests_Co_2020.pdf.

³ https://dpm.wi.gov/Documents/BCER/Compensation/Section_B_19-21.pdf.

978.13, Stats.] Currently, the SPO bases its biennial budget request on the prosecutor weighted caseload formula, discussed in further detail below. [ss. 978.11 and 978.13, Stats.]

WEIGHTED CASELOAD FORMULA

In 2001, the SPO began using the weighted caseload formula to assess prosecutorial staffing needs in order to create its biennial budget request for the prosecution system.⁴ The weighted caseload formula was developed cooperatively by the SPO and Wisconsin District Attorneys Association (WDAA). The formula calculates prosecutorial staffing needs for each prosecutorial unit using each unit's charging data from the previous calendar year.

In its current form, the weighted caseload formula assumes that a full-time prosecutor position is 2,088 hours per year. The formula also assumes 300 hours of authorized leave per year and 561 hours of noncase specific activities.⁵ As a result, the formula assumes that a full-time prosecutor spends 1,277 hours per year to prosecute individual cases.

Currently, the weighted caseload formula utilizes data from the PROTECT Case Management system. PROTECT is a digital case management program that provides prosecutors with comprehensive tracking of defendants and case information from the time a referral is received from law enforcement to final case disposition. Through PROTECT, the SPO obtains a count of each case type that each prosecutorial unit charged during the previous calendar year.

Under the formula, each type of case is assigned a weight that represents the average number of hours a prosecutor is expected to spend on a single case of that type. The different case types and their respective weights are as follows:

Case Type	Allocated Hours per Case
Class A or Class B Homicide	100
All Other Homicides	50
Persistent Felony Repeaters ⁶	50

⁴https://docs.legis.wisconsin.gov/misc/lfb/budget/2001_03_biennial_budget/103_budget_papers/381_district_attorneys_additional_prosecutors.pdf.

⁵ The weighted caseload formula assumes that a full-time prosecutor spends 561 hours per year on noncase specific activities as follows: 50 hours for administrative and personnel duties; 55 hours for community service work and serving on board and commissions; 124 hours for investigative work with and training law enforcement; 50 hours for preparing search warrants and subpoenas; 40 hours for attending trainings and conferences; 35 hours for reviewing case referrals that are not prosecuted; 25 hours for attending post-conviction hearings; 100 hours for prosecuting traffic and forfeiture cases; 50 hours for prosecuting criminal case appeals; and 32 hours for prosecuting probation revocation and other cases.

⁶ If a person charged with a felony has previously been convicted of two or more serious felonies or at least one serious child sex offense, that person is considered a "persistent repeater" under s. 939.62 (2m) (b), Stats. A person convicted as a persistent repeater may be penalized in excess of the statutory maximum penalty. If a felony

Case Type	Allocated Hours per Case
Security Fraud	30
All other Felonies	8.49
Misdemeanors	2.17
Criminal Traffic	1.68
Juvenile Delinquency	3.32
Children in Need of Protection or Services (CHIPS)	2.61
CHIPS Extensions	3.5
Guardianships	3.5
Termination of Parental Rights (TPR)	35
Writs of Habeas Corpus	2
Inquests	64
Sexual Predator ⁷	100

[Legislative Audit Bureau Report 07-9, “Allocation of Prosecutor Positions” (2007).]

To assess the total annual hours each prosecutorial unit needs to prosecute cases, SPO multiplies the case weight for each case type by the number of cases of that type a prosecutorial unit charged in the previous calendar year.

To determine the number of full-time prosecutors a prosecutorial unit needs to address its caseload, the total annual hours needed to prosecute cases is divided by the annual hours available per prosecutor (1,227).

For example, assume that a prosecutorial unit’s entire charging history for the previous calendar year included two Class A or B homicides, 200 other felonies, and 256 misdemeanors. That prosecutorial unit’s total annual hours needed to prosecute cases would equal 2,454. Therefore,

prosecution is of a person considered a persistent repeater, the prosecutor is allocated 50 hours for that case under the weighted caseload formula.

⁷ Court hearings to consider original commitments of sexually violent persons, as defined in ch. 980, Stats. Hearing for periodic re-examination and supervised release petitions are not included in case counts.

under the current formula, that prosecutorial unit would need two full-time prosecutors to address its workload needs determined by the formula.

The first step in developing the state budget is the state agencies submitting to DOA their budget requests. Upon reviewing these requests, the Governor submits a proposed budget to the Legislature. Once the Legislature passes a budget, the Governor may veto portions and sign the remainder into law.

In the fall of even-numbered years, the state agencies submit their budget requests to DOA. DOA compiles all state agency budget requests for the Governor's review. After reviewing the budget requests, the Governor creates a proposed budget which is submitted to the Joint Committee on Finance (JCF) of the Legislature. JCF revises the budget and votes to send it to the Assembly or Senate. After both houses have passed the budget, it returns to the Governor's desk; the Governor may veto portions of the budget and sign the remainder into law.

In developing its budget request, SPO relies on the weighted caseload formula to determine the staffing needs of each prosecutorial office. Though neither the Governor nor the Legislature is required to adhere to the specifics of any state agency's budget request, the information they receive from SPO, which they review in creating their budgets, is based upon the weighted caseload formula.

PART II

SUMMARY OF STAKEHOLDERS' CONCERNS

The following stakeholders were contacted for input and recommendations regarding how district attorneys are currently funded by the legislature:

- The Wisconsin District Attorneys Association.
- SPO.
- The Office of the State Public Defender.
- The Badger Institute.
- Individual district attorneys.

These stakeholders expressed some concerns with the current system, and many offered solutions or suggestions for improvement.

The most frequently cited concerns were: (a) the current salary and merit-based pay progression are insufficient to attract and retain prosecutors; (b) the weighted caseload formula may work to incentivize certain charging decisions and de-incentivize others, to the detriment of the criminal justice system; (c) the weighted caseload formula insufficiently reflects the real-world caseload managed by prosecutors; and (d) factors other than the weighted caseload formula are used by the Legislature to determine position allocation.

DA OFFICE SALARIES ARE INSUFFICIENT FOR RECRUITMENT AND RETENTION

In order to be minimally qualified to serve as an ADA, candidates must hold an undergraduate degree, a law degree, and, unless they graduated from either the Marquette Law School or the University of Wisconsin School of Law, must pass a bar examination in order to practice law in Wisconsin. DAs must additionally run for four-year terms of elected office (unless they are appointed by the Governor to fill a vacancy).

Several stakeholders express concern that the current compensation plan for prosecutors affects offices' ability to recruit and retain qualified attorneys. In its response to the Division of Personnel Management's 2021-23 Compensation Reserve Planning Survey, [Appendix 4], the SPO notes that despite the stringent requirements for the position, the starting salary for prosecutors is lower than many other government positions that do not require an advanced degree. Comparing prosecutors' salaries to those offered to other governmental attorneys, stakeholders note that the starting salary is lower for ADAs than for other attorneys in state civil service, lower than for city or county attorneys, and quite a bit lower than most attorneys could earn in the private sector.

The SPO cites a recent study it conducted that found that the average educational debt burden carried among the 145 respondents to the study is \$135,000 [Appendix 4]. Several respondents to the study indicated that they are serving as ADAs out of a deep commitment to public service, but

expressed significant concern over their ability to pay down their academic debt or achieve goals, such as purchasing a home, due to the low pay the position offers.

Several respondents indicated that a very significant factor in remaining with the DA's office is the potential to have student loans forgiven through the federal Public Service Loan Forgiveness program (PSLF) after 10 years of wage-based payments.⁸ Many respondents stated that the PSLF is so important to their financial security that, if the program was eliminated or narrowed, they would be compelled to seek more lucrative employment immediately or that, if the PSLF hadn't been available when they were seeking employment, they would not have applied for an ADA position, despite their desire for public service. Moreover, many ADAs indicated that, although they are committed to their jobs and would like to continue serving the public, they intend to leave the DA's office in order to find a better paying position when the remainder of their loans are forgiven through the PSLF.

According to the SPO, the financial incentives to serve the public as an ADA are even weaker for attorneys who may be recruited to make mid-career transfers. In a similar vein, the SPO notes that for ADAs with a few years of experience, the pay increase associated with becoming a DDA is often too low to create an incentive to assume the additional responsibilities of the position.

Additionally, stakeholders assert that it is increasingly difficult to find qualified ADAs or other experienced attorneys to accept an appointment as, or run for the office of, DA. This is particularly true in smaller counties. Currently, there are five different base salaries for DAs, depending on the size of the county served.⁹ Because the DA's salary is tied to the county's population size, an ADA in a smaller county may earn as much as, or even more than, the DA in that same county. The SPO describes the problem as so significant that in several counties, the position of DA stayed vacant for an inordinate length of time, with highly qualified ADAs unwilling to accept the position because it would result in a salary cut; in other counties, DAs have opted to move to a larger county to become an ADA for a higher salary.

The SPO and other stakeholders have offered suggestions, discussed in Part III, for legislative consideration that they assert would improve the state's ability to attract and retain prosecutors.

Weighted Caseload Formula Risks Incentivizes Felony Charges and Discourages Lower Level Charges and Alternatives to Prosecution

Several stakeholders expressed concern that the weighted caseload formula, whether by design or accident, serves to encourage prosecutors to pursue higher level charges than are necessarily warranted, in order to produce a higher showing of need for their offices under the formula. The

⁸ The [Public Service Loan Forgiveness program](#) is a federal program under which a person may have the remainder of his or her student loans forgiven if all of the following apply: (a) the person [is employed full-time by a U.S. federal, state, local, or tribal government or not-for-profit organization](#); (b) the person has [Direct Loans \(or consolidates other federal student loans into a Direct Loan\)](#); and (c) the person makes 120 payments toward his or her [loans under an income-driven repayment plan](#).

⁹ The salary for highest paid DAs, serving a county with a population greater than 500,000, is \$148,200. The salary for the lowest paid DAs, serving counties with populations of 35,000 or less, is \$108,431.

weighted caseload formula counts cases and case types using information from cases that are filed in court after a referral through the PROTECT Case Management system.

The formula counts separate cases as they are initiated by each prosecutor; that is, each individual case that contains a felony charge is counted as a single prosecuted felony for the purposes of the formula, regardless of whether the charge results in a felony conviction, a misdemeanor conviction, or a dismissal or acquittal. Similarly, if a prosecutor opens a single case for the purpose of prosecuting multiple felony charges or felony and misdemeanor charges, only one felony is counted for the purposes of the weighted caseload formula.

Criminal matters that are referred to DA offices by law enforcement but that are not prosecuted, that are returned to law enforcement for further investigation, or that are managed through a precharge diversion program are not included in the data measured for the weighted caseload formula. Thus charging decisions made by prosecutors are reflected in weighted caseload formula and relied upon to determine prosecutorial needs for each county.

Prosecutors' Discretion in Charges to File

When a law enforcement officer believes a person has committed one or more crimes, the officer refers the matter to the DA's office, where the DA reviews the relevant information and determines whether to bring charges against the person. The DA may also, at his or her discretion, send the case back to law enforcement for additional investigation, decide that the matter does not warrant further investigation or prosecution, or enter into a deferred prosecution agreement or a precharge diversion agreement, with the person. In a precharge diversion agreement, also called an alternative to prosecution agreement, charges are not filed against the offender and, if the offender completes required programming, such as substance abuse counseling or anger management classes, no charges will be filed. In a deferred prosecution agreement, charges are filed against the defendant, the defendant accepts responsibility for the charged crimes but, if the defendant completes the required programming, the charges are ultimately dismissed.

If the DA decides to bring charges, he or she must then determine whether to bring multiple charges under a single case or whether to separate the criminal charges and open multiple cases against the person. For incidents of alleged criminal conduct, the DA often must exercise discretion in deciding what to charge. While many crimes do not lend themselves to prosecutorial discretion and must clearly be charged as a felony or a misdemeanor, a significant number of crimes could be charged as either a felony or a misdemeanor, and a significant number may be charged as either a misdemeanor or a civil violation. Concerns surrounding the use of the weighted caseload formula have focused on the influence of the formula on these "discretionary" charges [Appendix 2 and 3].

To illustrate, consider a case in which a person with no prior criminal record intentionally took a \$550 cell phone from a mall kiosk without paying for it and, in attempting to elude mall security, shoved to the ground a 15-year-old boy, causing abrasions to the boy's knees. The DA could decide that this crime is not worth the resources to prosecute, or could decide to agree not to prosecute if the accused agrees to complete a diversion program that requires him to pay restitution, perform community service, and obtain counseling.

If the DA decides to file criminal charges against the accused, there are several more discretionary choices to make in this case: the DA could charge the accused with a Class I felony for retail theft or with a Class A misdemeanor for theft.¹⁰ Similarly, the DA could plausibly charge the accused with a Class I felony for recklessly causing injury to a child, with a Class A misdemeanor for intentionally causing bodily harm to another person without that person's consent, or both.¹¹

Additionally, the DA must decide whether to file each charge as a separate case or whether to combine the charges into one criminal case. The implications for the accused are clear: a Class I felony carries a maximum penalty of 3.5 years in prison, a fine up to \$10,000, or both; a Class A misdemeanor carries a maximum penalty of 9 months in jail, a fine up to \$10,000, or both;¹² collateral consequences of a criminal conviction, especially a felony conviction, ranging from loss of professional licensing to inability to own a firearm, are extensive and well documented.¹³ Moreover, a decision to prosecute or to file charges to pursue a diversion agreement will appear in a search of the public courts database commonly referred to as CCAP; each case filed in the matter will appear separately in a search of CCAP. Therefore, the prosecutor's decision could result in no CCAP "footprint," or in as many as three separate "hits" on CCAP if the prosecutor decides to bring two felony charges and one misdemeanor charge as separate cases.¹⁴

In addition to the direct consequences for the accused and the associated costs of incarceration and supervision for each person convicted of a felony or misdemeanor, each decision determines how the prosecutor's actions will be weighted for purposes of determining whether the DA's office is sufficiently staffed under the weighted caseload formula. A decision not to prosecute or to enter into a precharge diversion agreement will not be weighed at all for purposes of the formula. If the DA decides to enter felony charges for the theft and the shove and a misdemeanor charge for the shove, the DA's office may be credited for one felony (if all charges are entered in one case), two felonies (if the two felonies are entered in separate cases and the misdemeanor charge is entered within one of those cases), or two felonies and a misdemeanor (if separate cases are entered for each). Recall that for each Class I felony case that is filed, the prosecutorial unit will get credit for 8.49 hours the next time the weighted caseload formula is calculated. Alternatively, if the prosecutor decides to charge the case as a Class A misdemeanor, the prosecutorial unit will only get credit for 2.17 hours toward the next calculation for prosecutorial need for that unit.

¹⁰ Under s. 943.50 (4) (bf), Stats., it is a Class I felony to: (a) intentionally take and carry away merchandise held for resale by a merchant; (b) with the intention of depriving the merchant permanently of the possession or full purchase price of the merchandise; and (c) the value of the merchandise is between \$500 to \$5,000. Under s. 943.20 (3) (a), Stats., it is a Class A misdemeanor to: (a) intentionally take and carry away the movable property of another; (b) without the owner's consent; (c) with the intent to deprive the owner permanently of possession of the property; and (d) the value of the property does not exceed \$2,500.

¹¹ Under s. 948.03 (3) (b), it is a Class I felony to recklessly cause bodily harm to a child. Conduct is "reckless" when it creates a situation of unreasonable risk of harm to, and demonstrates a conscious disregard for, the safety of the child.

¹² ss. 939.50 and 939.51, Stats.

¹³ See the State Public Defender's [Index of Collateral Consequences](#).

¹⁴ Even in cases where all charges are dismissed or result in acquittal, criminal case information remains viewable on CCAP for two years. If there is a conviction on any single charge in a case, the case information remains viewable for 20 to 75 years, depending on the severity of the charge. For a discussion of concerns raised regarding public access to criminal case information and recommendations to mitigate harms caused by misuse of information found thereon, see the [Wisconsin Circuit Court Access Oversight Committee's Final Report \(November 2017\)](#).

Several stakeholders identified concerns that the formula, as crafted, creates an incentive for prosecutors to exercise their discretion to charge criminal acts as felonies rather than misdemeanors and to file charges as separate cases rather than consolidate several charges into one case.

Alternatives to Prosecution

Stakeholders raised the related concern that, at the same time the weighted caseload formula may be creating an incentive to charge incidents as more serious crimes than necessary, it may also create a disincentive to enter into diversion agreements and referrals for noncriminal civil or ordinance violations. Diversion agreements are designed to offer an alternative to criminal prosecution, thus sparing the offender a criminal record, and the general public the significant costs associated with prosecution, incarceration, and supervision. The offender is generally required to complete rehabilitative or restorative actions, such as substance abuse treatment, community service, counseling, or education and job training. Diversion programs are generally viewed as a valuable and effective prosecutorial tool, but if a prosecutor does not open a criminal case in order to pursue a diversion agreement, his or her prosecutorial unit receives no credits under the weighted caseload formula when the offender enters or completes a program.

In a report entitled “Government Funding Incentives and Felony Charge Rates” researchers found significant differences among counties in whether discretionary cases tend to be filed as felony or as misdemeanor cases [Appendix 3]. The authors examined prosecutorial discretion as exercised before and after the weighted caseload formula was adjusted, compared “set” criminal charges with those that require discretionary decision-making. They concluded that prosecutors’ decisions are affected by the manner in which resources are allocated according to the weighted caseload formula. Several stakeholders have expressed concern that, as currently designed, the potential exists for resource-strapped DAs’ offices to design a greater showing of “need” for their prosecutorial units by filing more cases, at higher levels, to the detriment of more effective and less costly alternatives.

Stakeholders generally agree that a weighted caseload formula can be a useful tool to determine counties’ needs for prosecutorial resources. Stakeholders also generally agree that the weighted caseload formula should be revised in order to reduce its potential to influence DAs in a manner that promotes overcharging and discourages lower-level charges, precharge diversion agreements, or deferred prosecution agreements. Stakeholders have identified two separate means of accomplishing this goal: one revises the current formula and another replaces it altogether. Those alternatives are discussed in Part III and offer legislators distinct options for addressing the weighted case formula.

WEIGHTED CASELOAD FORMULA INSUFFICIENTLY REFLECTS PROSECUTOR CASELOADS

Several stakeholders support updating the weighted caseload formula in a manner that more accurately measures the actual caseloads managed by prosecutors. As described in Part I, the weighted caseload formula assigns an average number of hours to each of several categories of cases. Felony Class A and Class B homicides are in a separate category, as are all other homicides, persistent felony repeaters (called 2nd and 3rd strike nonhomicides in the formula), and security

fraud; all other felonies are assigned to a single category. All misdemeanors are assigned to a single category, as are all criminal traffic and juvenile delinquency adjudications. Services related to children, such as children in need of protection or services (CHIPS), CHIPS extensions, and termination of parental rights (TPR) are each assigned their own category, as are guardianships, writs of habeas corpus, inquests, and court hearings to consider original commitments of sexually violent persons.

Although the weighted caseload formula has been modified to more accurately reflect the number of hours that a prosecutor has available to prosecute cases, the categories employed, and the hours assigned to them, have not changed since the Legislative Audit Bureau (LAB) reviewed the formula in 2007. Even at that time, the LAB report noted that, “Although the formula’s basic methodology is sound, most of its specific elements are more than ten years old, and fully addressing the formula’s limitations will require more accurate data.”

Additionally, several stakeholders have expressed concern that even if the data was updated and entirely accurate in each category, several categories of cases or prosecutorial activities are missing, others should be discarded, and the broad categories of “felony,” “misdemeanor,” and “juvenile delinquency” should be further delineated.

In order to provide useful information to the Legislature, stakeholders agree that the weighted caseload formula should be as reflective as possible of the actual caseloads of DAs’ offices. Several stakeholders note that the weighted caseload formula does not measure prosecutors’ caseloads in a uniform manner across the state, taking into account differences among counties in the types of cases that prosecutors handle.¹⁵ Additionally, several stakeholders expressed concerns that the formula does not accurately reflect a prosecutor’s caseload because the categories of cases, and the assigned number of hours for each category, are outdated. In addition, the stakeholders assert that the formula does not account for, or undercounts, several categories of cases on which prosecutors spend a great deal of time and resources.

Stakeholders point to the 2006 LAB report, in which LAB endorsed the use of PROTECT data generally,¹⁶ but also noted that:

The weighted caseload methodology is generally consistent with nationally accepted practices for measuring prosecutorial workloads, and most of the prosecutors with whom we spoke believed it was generally an appropriate method for measuring staffing needs. However, prosecutors expressed a number of concerns with how the formula measures caseload and how it weights different factors. We found that most of these concerns arise from the fact that the formula uses incomplete data and out-of-date measures of the time required to prosecute cases. In the short term, limited changes to the formula

¹⁵ In some counties, for example, prosecutors handle CHIPS and TPR proceedings, while corporation counsel handles those cases in other counties.

¹⁶ When the LAB report was published, PROTECT was used in 66 counties; the report recommended statewide implementation of the program, training for its consistent usage, and using its data to inform the weighted caseload formula in the future.

could improve consistency and accuracy. However, effectively updating the formula would require a new time study to measure prosecutors' work[.]

While stakeholders may desire a new time study in order to improve the weighted caseload formula, they acknowledge that such an undertaking is unlikely to be feasible at this time. Instead, their recommendations for improving the accuracy and completeness of the weighted caseload formula are set forth in Part III.

POSITION ALLOCATIONS SHOULD BE BASED ON THE WEIGHTED CASE WORKLOAD FORMULA

The weighted caseload formula was designed in part to inform legislative decision-making on position allocation and funding for DAs' offices across the state. However, as noted in Appendix 1, stakeholders have expressed concerns that positions are often allocated with little regard to need as determined by the weighted caseload formula.

Stakeholders express the opinion that prosecutor position allocations often appear to be based on political influence or other factors outside of the weighted caseload formula. Stakeholders indicate that this appears to be due, in part, to the lack of credibility of the formula and the impression that the formula is insufficient to assess county workload and county need accurately. In addition, rather than rely on the need shown by the weighted caseload formula, DAs often submit their funding requests with explanations as to why the formula does not accurately reflect their offices' workload or the needs they truly face. When the SPO, the Legislature, and the Governor are determining whether, and where, to create new prosecutorial positions, they are unable to rely as heavily as may be desired on the weighted case formula, given its limitations. Stakeholders urge the reformation of the formula in a manner that promotes reliance on its assessment of prosecutorial needs; their suggestions for legislation are discussed in Part III.

PART III

RECOMMENDATIONS FOR LEGISLATIVE CONSIDERATION

PROSECUTOR SALARIES AND CLASSIFICATIONS

Proponents of increasing funding for DAs' offices point to the crucial functions of DAs and their importance to public safety. Stakeholders stress that prosecutors have long operated with understaffed offices, limited pay progression, and a reliance on federal debt forgiveness programs that threatens to drive more experienced prosecutors from public service; they argue that changes are due in order to preserve the ability of prosecutors to serve the public good.

Accordingly, the SPO and several DAs propose raising the starting salary for ADAs, increasing each pay progression step, or both. Additionally, the SPO notes that the pay increase for a DDA is not commensurate with the increased workload and responsibilities associated with that position. The SPO recommends establishing a larger pay increase to incentivize more ADAs to assume the responsibilities of the DDA and to abolish as redundant one of the two classifications of DDA.¹⁷

The SPO further proposes that the state pay all or a portion of annual Wisconsin bar fees to help with recruitment and retention, noting that bar membership is required for any attorney to practice in the state and its annual cost is higher than for most other occupations.

Finally, in light of the difficulty recruiting qualified attorneys to serve as DAs, stakeholders offer two possible options. The first option is to amend the compensation plan and pay all DAs the same salary, regardless of the population of the counties they serve. Proponents of this option note that judges across the state are paid the same amount, regardless of county size or the cost of living in each county, and that the job duties and core functions of DAs are very similar in counties of all sizes.

The second option is to retain the compensation plan that weds DAs' salaries to the population of the counties they serve, but to reduce the number of salary levels from five to three. Proponents of this option note that while the job duties and core functions of DAs are similar across the state, significant differences in the cost of living among smaller, medium-sized, and larger counties justify varying salaries. In addition, reducing the number of pay grades would narrow the pay gap among counties, which proponents argue would reduce the financial disincentive to serve as a DA and reduce the incentive for some DAs to move to a county that offers ADAs a higher salary than a DA could earn in his or her county.

¹⁷ Under current law, there is a classification for DDA and deputy district attorney supervisor. According to the SPO, all DDAs perform as supervisors so it is unnecessary to have two different classifications.

WEIGHTED CASELOAD FORMULA

Revise Formula for Greater Accuracy and Completeness

Several stakeholders recommend revising the weighted caseload formula in a manner that better reflects the actual caseload handled by prosecutors, is sensitive to the differences between case types within charging classifications, and includes case categories that the formula does not currently consider.

The LAB report found, and the SPO and others agree, that the following categories of cases were underutilized and should be removed from the formula: security fraud, habeas corpus, inquest, and second and third strike nonhomicide cases.

Additionally, within the existing categories, stakeholders recommend that several types of cases be disaggregated, given their own categories, and weighted appropriately. Suggestions for this include:

- Separate sexual assault and child sexual assault from “general non-homicide felony,” because cases involving sexual assault tend to be much more time-intensive than other cases charged at the same level.
- Separate domestic violence cases from “general misdemeanor.”
- Separate drug offenses into a new category (and potentially create subcategories of drug offenses, such as methamphetamine or opioid prosecutions).
- Separate cases involving violations of probation, extended supervision, or parole into a new category.
- Weigh cases that were resolved by a trial more heavily than cases that are resolved without a trial, because of the time-intensive nature of a trial.

Additionally, stakeholders recommend that the weighted caseload formula be revised to include several categories of cases that currently receive no weight, but that often take a large amount of prosecutorial time and resources. The most commonly cited types of cases include precharge diversion programs, post-conviction proceedings, and reviews of referrals from law enforcement agencies that do not result in prosecution. Further, stakeholders recommend adding additional weight for the use of treatment courts, deferred prosecutions, and rehabilitative justice programs, as prosecutors devote significant additional resources in processing cases through these programs.

Some stakeholders suggest that, in addition to modifying the weighted caseload formula to track case types more accurately and completely, the Legislature consider modifying the formula to weigh referrals to prosecution, rather than opened case types, to obtain data on how many cases prosecutors are handling (either through diversion, nonprosecution decisions, or charging) per year. The PROTECT Case Management system provides this data and is used in each county across the state. However, stakeholders caution that it is important to ensure that, to the extent possible, users across the state enter data in the PROTECT system in a consistent manner to provide reliable comparisons among counties.

If the weighted caseload formula is to be used to determine the allocation of resources by the Legislature, stakeholders emphasize that revisions to the formula should endeavor to make the formula as inclusive, precise, and consistent as possible. To that end, stakeholders recommend that the formula be modified to reflect a complete and accurate list of case types, account for differences among counties in the types of cases handled by the DAs' offices, use PROTECT data to measure accurately the cases referred to each county, and use an updated time study to accurately assign weight to each case type.

Revise Formula to Incentivize More Appropriate Charging Decisions

The discussion in the previous subsections are pertinent to stakeholders' recommendations related to prosecutorial discretion, as well. Using a more detailed, accurate, and complete formula that assigns weight to cases considered by prosecutors, but declined or diverted into a deferred prosecution agreement, could remove any financial disincentive for those discretionary choices that are potentially inherent in the current formula. Assigning a more finely attuned weight to different types of cases within the felony or misdemeanor categories would result in a more accurate reflection of the work performed by prosecutors and narrow the difference in weights afforded to felonies and misdemeanors under the current formula. Assigning additional weight to cases that are charged with a deferral agreement would acknowledge that prosecutors expend significant time and resources following through on these agreements to ensure compliance over time.

Several stakeholders support revising the weighted caseload formula to recognize the additional work required for certain types of cases, such as sexual assault cases or crimes against children, and for processing cases through specialty courts. As pointed out in Appendix 1: "Drug, veteran and domestic violence courts require additional work on the part of all participants, including prosecutors, but are left out of the calculation. If Wisconsin continues to expand these options, the formula should be updated to provide accurate workload information."

Additionally, the Legislature could consider revising the formula in a manner that assigns greater weight to prosecutorial decisions the Legislature wishes to encourage, such as alternatives to prosecution, deferred prosecution agreements, or the use of specialty courts. Stakeholders point out that the Legislature may consider, as it determines how to revise the weighted caseload formula, that the charging decisions of a DA's office often reflect the values and fiscal realities of the community that elected that person. For example, a DA who consistently seeks higher-level charges and minimizes participation in diversion programs or treatment courts may be responding to a demand for harsher punishment of criminals, or the DA's county may not have the resources for treatment courts, rehabilitative services, and social services associated with deferred prosecution agreements, diversion programs, and specialized prosecutions. When assessing need according to a revised formula, stakeholders state it may be advisable to take into account local practices and fiscal constraints.

Replace Formula With an Allocation Formula That Relies on Objective Data

There is significant support among stakeholders for revising the weighted caseload formula, but proponents of replacing the formula point out that, even if the formula is revised to be more accurate and complete, DAs, through their discretionary acts, could still determine how to use the

formula to meet their offices' needs. These stakeholders propose, instead, a weighted caseload formula that does not rely on prosecutorial discretion at all, but instead relies on historical, objective data to assess each county's prosecutorial needs.

This alternative divorces needs determinations from discretionary charging decisions entirely and focuses instead on objective measures. Proponents of this option urge the Legislature to replace the weighted caseload formula with a formula that determines workload based on each county's population, population density, median income, and owner occupied housing [Appendix 2].

According to the stakeholders who support this alternative, county population, population density, median income, and owner occupied housing are appropriate variables on which to rely for two reasons. First, these variables are consistent with a large study connecting crime to community demographics,¹⁸ and second, these variables are not easily manipulated. While there are other variables that could be utilized in a prosecutor allocation formula, such as reported crime statistics, stakeholders warn against using any variable that would be susceptible to manipulation.

Proponents of replacing the weighted caseload formula cite the negative effects of overcharging and point out that under this alternative, needs are assessed without taking into account charging decisions at all. These stakeholders assert that this will eliminate any temptation to charge cases separately or to file higher charges than may be warranted in order to generate a higher need assessment. Instead, this approach reflects the needs of the community, and adjusts automatically with changing demographics within each county. Proponents also point out that separating need assessments from prosecutorial decisions will promote uniformity in charging decisions across counties, as counties will be neither compensated for higher level charges nor penalized for lower level charges or alternatives to prosecution.

If the Legislature proposes adopting this alternative, it may wish to consider that divorcing the assessment of need from prosecutorial decisions may mean that DAs whose charging decisions are intended to reflect the desires of their constituents for higher level charges that require more prosecutor time could find their offices understaffed for those purposes, if the formula was the only means of determining need. Additionally, using any formula based solely on objective criteria does not lend itself to promoting alternatives to prosecution, treatment courts, or any other prosecutorial decisions that the Legislature may wish to emphasize. If the Legislature wishes to encourage or discourage certain prosecutorial behavior, it would need to find means outside the use of the needs assessment formula to do so.

The stakeholders who promote this alternative do not believe past or current prosecutor allocations are incorrect, but believe that future prosecutor allocations should be made using a formula that does not encourage overcharging. The proponents do not propose any prosecutor

¹⁸ Galle, O.R., Gove, W.R. & McPherson, J.M. (1972) Population density and pathology: What are the relations for man? *Science*, 176 (4030), 23-30 (regarding population density and its relationship to crime); Sampson, Robert J., and W. Byron Groves. (1989) Community structure and crime: Testing social-disorganization theory. *American Journal of Sociology* 94, no. 4: 774-802 (regarding stable housing and its relationship with crime); and Machin, S., and Meghir, C. (2004) Crime and economic incentives. *The Journal of Human Resources* 39, no. 4 (regarding income and its relationship to crime).

positions be abolished or transferred between counties, only that future prosecutor positions be allocated by need as demonstrated by a formula based on variables that do not encourage overcharging.

PROCESS FOR ALLOCATING PROSECUTOR RESOURCES

Stakeholders recommend the Legislature remove, to the extent possible, the appearance of unfairness or political bias in the allocation of prosecutorial resources. To that end, stakeholders recommend investing in revising or replacing the weighted caseload formula, as discussed in the subsections above, so that the Legislature may rely on the formula to assess workload and determine the needs for each county in the state. Stakeholders recognize that, even with a modified weighted caseload formula, resources may continue to be scarce generally and a county's needs may, at times, exceed its allocation of resources.

To ensure that each county is as fully staffed as possible, some proponents suggest the Legislature assign "floating prosecutors" to a region, judicial district, or other combination of counties in which there has been an identified shortage of ADAs. The floating prosecutors would be authorized to prosecute or otherwise manage cases in any county in the identified region or group of counties. It is likely that the DAs for the counties or regions to which a floating prosecutor may be assigned would need to enter into a memorandum of understanding to determine how cases would be assigned and how the floating prosecutor would be supervised.

MATERIALS SUBMITTED BY THE BADGER INSTITUTE



To: Legislative Council
From: Badger Institute
Re: DA Funding Research Report
October 29, 2020

There are significant problems with prosecutor funding in Wisconsin. Below is a summary of our research and recommendations on this topic.

Many of the problems stem from the current funding structure, known as the “weighted caseload formula,” which is based on the number and type of cases charged in each county. More serious charges are weighted more heavily because they take more time to prosecute. Misdemeanors are weighted at 2.91 hours, for instance, while most felonies are weighted at 8.49 hours. More labor-intensive prosecutions, such as Class A felony homicides, are calculated at 160 hours. A higher tally, in theory, would translate into higher funding levels.

The State Audit Bureau collects the number of charges filed in each county to determine how many cases are calculated with the weighted hours averaged over three years.

This formula was developed in the 1990s when Wisconsin lawmakers trying to provide property tax relief decided to use state, rather than county, funds to pay for assistant district attorneys. The DA’s, instead of making spending decisions with county funds, must now petition state officials for more positions to help prosecute their caseload.

The problem is that this formula may incentivize prosecutors to over-charge defendants since more serious crimes can translate into greater state funding. While prosecutors might eventually amend or even drop charges, that would result in the funding formula not accurately reflecting workloads. The formula may also disincentivize prosecutors from pursuing alternatives to criminal sentencing – for example, deferred prosecution agreements – which are not counted in the formula and therefore not considered for funding purposes.

This caseload formula, utilized by DOA to allocate prosecutor positions, is often bypassed altogether, and not for good reasons. The process, as demonstrated in the 2019-2020 budget cycle, is inherently political, and positions are disproportionately and arbitrarily allocated to some counties over others. Gov. Tony Evers and the Legislature each offered different proposals for where positions should be allocated. The governor’s allocation, which was ultimately enacted, provided new positions to counties with no explanation for the reasoning.

Wisconsin needs a better process that more accurately measures prosecutorial workload, eliminates perverse incentives, decreases the politicization of the process and addresses understaffing in district attorney’s offices.

700 W. Virginia Street ■ Suite 301 ■ Milwaukee, WI 53204 ■ 414-225-9940 ■ www.Badgerinstitute.org



A few recommendations for improving this process:

- Measure prosecutor workload in a way that takes into account information besides or in addition to charging decisions. This might include looking at county population and crime rates, whether and to what extent a county participates in deferred prosecution agreements, the number of cases referred to prosecutors or appearances in court.
- Measure the workload created by special courts throughout the state. Drug, veteran and domestic violence courts require additional work on the part of all participants, including prosecutors, but are left out of the calculation. If Wisconsin continues to expand these options, the formula should be updated to provide accurate workload information.
- Weight jury trials more than plea bargains. While jury trials take more time than plea bargains, they are weighted the same. It may be appropriate to account for this difference when applying the formula.
- Ensure that positions are granted based on need. Very few counties are fully staffed (most are close to 70%). One possible solution is to allow for “floating district attorneys” who move between different counties experiencing shortages.

We detail many of these same concerns and recommendations in our January 2020 article titled, [“Problems with prosecutor funding in Wisconsin.”](#) As we’ve found in our research, some county DA offices are overstaffed; some are understaffed. The weighted caseload formula is supposed to determine need and allocate positions, but it’s rarely used — and when it is used, the formula may create perverse incentives with regard to charging practices, deferred prosecution or diversion programs.

MATERIALS SUBMITTED BY DA GOSSETT

District Attorney offices are allocated prosecutors by the Governor of Wisconsin after being funded by the legislature. A workload analysis is completed every two years utilizing a formula based on charges filed by each District Attorney's Office in order to inform the legislature on overall staffing needs and the Governor regarding county allocations.

Summary of Current Prosecutor Allocation Formula:

The current workload analysis consists of a weighted caseload formula where felonies receive more weight than misdemeanors and criminal traffic offenses.¹ After implementation of this formula, Wisconsin saw an increase in discretionary felonies filed.²

Summary of Proposed Prosecutor Allocation Formula:

The proposed prosecutor allocation formula assesses need and proposes staffing levels and allocations based on each county's population, population density, median income and owner occupied housing.

Rationale for Change:

District Attorney offices choosing to file cases as felonies rather than misdemeanors, irrespective of the final verdict, show an increased need for more prosecutors. As a result, the current formula incentivizes offices to "overcharge," i.e., charge cases with discretion as a felony rather than a misdemeanor.³

To eliminate incentives to overcharge, the proposed formula allocates prosecutors based on work load as determined by population, population density, median income and owner occupied housing rather than the number of cases filed.

Actual and Proposed Prosecutor Allocations

We propose a formula that is consistent with the current allocation of prosecutors and eliminates incentives to overcharge. To be clear, we take the current and past allocations as the correct allocations on average. From these allocations, we determine a formula for future allocations that does not include incentives to overcharge.

The proposed formula is based on key determinants of crime: population, population density, median income, and owner occupied housing. The mathematical representation of the proposed prosecutor allocation formula is:

¹ Refer to recent Legislative Fiscal Bureau reports on "Prosecutor Staffing (District Attorneys)" for details.

² Refer to Cotti, Engelhardt, and Richie (2020) *Government Funding Incentives and Felony Charge Rates* for a formal evaluation of over charging.

³ Refer to Cotti, Engelhardt, and Richie (2020) *Government Funding Incentives and Felony Charge Rates* for a formal evaluation of over charging.

$$\begin{aligned} \text{Prosecutor Allocation} = & \sum_{\text{year}} \alpha_{\text{year}} \times \text{Year (Indicator Variable)} \times [\beta_0 + \beta_1 \text{ Population} + \beta_2 \\ & \text{Population}^2 \\ & + \beta_3 \text{ Pop. Density} + \beta_4 \text{ Pop. Density}^2 + \beta_5 \text{ Median Income} \\ & + \beta_6 \text{ Owner Occupied Housing (\%)}] \end{aligned}$$

The formula's allocations by district are in Table 1. The estimates for the β 's are in Table 2. Details of how the formula is estimated and used to determine allocations is in the Section "Replication and Application of Proposed Prosecutor Allocation Formula" below.

Discussion of Proposed Prosecutor Allocation Formula and Variables

The proposed formula and variables are consistent with a large literature connecting crime to community demographics.⁴ Furthermore, the proposed formula is extremely consistent with the actual allocations of prosecutors. Specifically, the proposed formula explains greater than 99% of the variation in prosecutor allocations across DA offices (refer to as an R^2). As a comparison, the current prosecutor allocation formula explains only 94% of the actual allocated prosecutors. Other variables were considered including education levels, poverty rates, and a community's age distribution. However, the additional variables did not significantly improve the predictive power (or fit) of the proposed formula. Therefore, they were excluded to ensure the model is simple and stays consistent overtime.⁵

The proposed formula is not the only alternative to the current formula. For instance, we investigated and rejected a formula based on the number of crimes reported at the district level. Intuitively, if there is more crime, then a district should get more prosecutors. Furthermore, it would eliminate the incentive to over charge. However, such a formula is unable to consistently explain current DA allocations.⁶ The results from a crime based formula are also nonsensical as an increase in robberies and larcenies suggest offices should receive less prosecutors. Finally, a reported crime based formula may incentivize manipulation in crime statistics as well - something the proposed formula is built to eliminate.

Although the proposed formula is less transparent than the current formula, it is consistent with the current DA allocations, is based on community characteristics, and does not incentivize prosecutors or police to inefficiently deploy their limited resources.

Replication and Application of Proposed Prosecutor Allocation Formula

⁴ Refer to Galle, Gove and McPherson (1972) for a highly cited study on population density and crime, Sampson and Groves (1989) on stable housing, and Machin and Meghir (2004) on income and crime.

⁵ Too many variables in a model can overfit a particular data set and produce errors when extending it to other situations such as when the formula needs to be used to allocate prosecutors in the future.

⁶ Reported crimes as measured by the UCR (murder, rape, robbery, assault, burglary, larceny, motor-vehicle theft, and arson) explain less than 50% of the variation in current DA allocations.

To replicate Table 1 or propose future prosecutor allocations:

- Collect historical data on actual prosecutor allocations, population, population density, median income, and owner occupied housing by year and district/county. We initially used 2012 and 2019 data, but settled on 2019 data only.
- Given the historical data, use ordinary least squares to estimate the parameters of the model: $(\beta_0, \dots, \beta_6)$ and α_{year} for each year in your historical dataset. The estimates using just 2019 data are in Table 2.⁷
- Determining whether the legislator wishes to increase the aggregate number of prosecutors in year "20XX" ($\alpha_{20XX} > 1$) or decrease them ($\alpha_{20XX} < 1$).
- To determine individual district allocations, plug into the formula the district's data (e.g., population) from (a), the β estimates from (b), and the assumed α from (c). We assumed $\alpha_{2019} = 1$ for Table 1.

Table 1: Proposed Formula Prosecutor Allocations by District/County

District/County	Prosecutors, Actual (2019)	Prosecutors Based on Proposed Formula (2019)	Additional Prosecutors Based on Proposed Formula	Legislative Directed Additional Prosecutors Based on 2019-2021 Budget
Adams	1.2	1.5	0.3	0.8
Ashland	2	3	1	0.6
Barron	3	3.3	0.3	1
Bayfield	1	0.5	0	0.7
Brown	14	16.4	2.4	3
Buffalo	1	1	0	0.2
Burnett	1.25	0.9	0	0.75
Calumet	2	1.5	0	1
Chippewa	5	4.3	0	1
Clark	2	2.3	0.3	0
Columbia	4.75	3.3	0	0.25
Crawford	1	1.7	0.7	0
Dane	28.85	26.8	0	1.15

⁷ We set $\alpha_{2019} = 1$ in Table 2 because we estimated the parameters using 2012 and 2019 data and failed to reject the hypothesis $\alpha_{2019} = \alpha_{2012}$.

Dodge	4	5.9	1.9	1
Door	2	1.5	0	0
Douglas	3.5	4.1	0.6	1.5
Dunn	3	3.9	0.9	2
Eau Claire	9	7.9	0	2
Florence	0.5	0.5	0	0.1
Fond du Lac	7	6.5	0	1
Forest	1	1.4	0.4	1
Grant	2	4.2	2.2	0
Green	2	2.2	0.2	0.6
Green Lake	1.5	1.7	0.2	0.5
Iowa	1.75	1.5	0	0.25
Iron	1	1.8	0.8	0
Jackson	2	1.8	0	1
Jefferson	5.3	5.4	0.1	0.7
Juneau	2.5	2	0	0.5
Kenosha	16	12.5	0	1
Kewaunee	1.5	0.6	0	0
La Crosse	8	8.9	0.9	2
Lafayette	1	0.9	0	0
Langlade	1.5	2.1	0.6	1
Lincoln	2	1.7	0	1
Manitowoc	5	5.1	0.1	1
Marathon	11	8	0	1
Marinette	3	3.3	0.3	0
Marquette	1	1	0	0.6
Menominee/Shawano	3	3.1	0.1	1
Milwaukee	118.5	118.5	0	3
Monroe	3	3.5	0.5	1
Oconto	2	1.5	0	0
Oneida	2.5	1.4	0	0
Outagamie	9	11	2	2

Ozaukee	3	4.3	1.3	1.6
Pepin	0.8	0.5	0	0
Pierce	2.5	2.1	0	0.5
Polk	3	2.4	0	1
Portage	4	5.1	1.1	2
Price	1	1.3	0.3	0.5
Racine	18	13.5	0	2
Richland	1.8	1.6	0	0
Rock	14	10.5	0	1
Rusk	1.5	1.7	0.2	0.5
Sauk	6	4.8	0	0
Sawyer	2	2.3	0.3	1
Sheboygan	7.5	7.5	0	1.5
St. Croix	6	3.7	0	1
Taylor	1	1.5	0.5	0.5
Trempealeau	2	2.5	0.5	0
Vernon	2	2.3	0.3	0
Vilas	2	2.3	0.3	0
Walworth	5	7	2	1
Washburn	1.25	1.3	0.05	0.75
Washington	5	6.9	1.9	1.4
Waukesha	16.5	20.6	4.1	2.5
Waupaca	3.5	3.3	0	0.5
Waushara	2	1.3	0	0.6
Winnebago	10	11.8	1.8	2
Wood	4	5.1	1.1	2

Note: The proposed prosecutor allocations can be rounded, but the precision at the tenths has been left for transparency. The additional prosecutors suggested in column 4 are constrained to be non-negative. Finally, the proposed prosecutor allocation formula does not constrain proposed prosecutors to be above the state minimum (0.5 prosecutor) as the standard statistical techniques requiring such a fact result in a worse model as measured by the model's mean squared error. As a result, we set the minimum proposed prosecutor allocation at 0.5 although the model prediction, in particular for Florence and Pepin, are below the state minimum.

Table 2: Proposed Formula Estimates using Ordinary Least Squares

<u>Parameter</u>	<u>Estimate</u>	<u>Standard Error of Est.</u>
Constant (β_0)	13.647	-3.282
Population, 1000s (β_1)	0.059	-0.011
Pop. Squared, bil. (β_2)	-0.027	-0.016
Pop. Density, 1000s (β_3)	0.037	-3.353
Pop. Density Squared, 1000s (β_4)	0.005	-0.001
Median Income, 1000s (β_5)	-0.069	-0.025
Owner Occupied Housing, % (β_6)	-12.577	-4.242

Note: We use 2019 data only and thus set $\alpha_{2019} = 1$ in Table 2. We estimated the parameters using 2012 and 2019 data and failed to reject $\alpha_{2019} = \alpha_{2012}$.

MATERIALS SUBMITTED BY CHAD COTTI, BRYAN ENGELHARDT, AND MATT RICHIE, UNIVERSITY OF WISCONSIN-OSHKOSH

Government Funding Incentives and Felony Charge Rates

Chad Cotti* Bryan Engelhardt†
University of Wisconsin - Oshkosh University of Wisconsin - Oshkosh
Matt Richie‡
University of Wisconsin - Oshkosh

October 28, 2020

Abstract

Using data from the State of Wisconsin's Consolidated Court Automation Programs (CCAP), we find evidence that Wisconsin's District Attorneys decisions on how to file criminal complaints (charges) changed meaningfully in 2001 and 2009. These changes align with changes in the State's funding process for District Attorneys (DAs). Specifically, after the introduction and alterations of a formula based funding process, which is determined by charges filed, we find an increase in the number of felony charges. Further, we only observe this increase where prosecutorial discretion exists. Finally, relative to misdemeanors, we find a discontinuous increase in charges that is consistent with the formula. In summary, we find evidence policies determining DA funding affects DA behavior.

WORKING PAPER

Keywords: Crime, Government Funding Formula, Prosecutorial Discretion

*College of Business, University of Wisconsin - Oshkosh, 800 Algoma Blvd., Oshkosh, WI. cottic@uwosh.edu
†Corresponding Author: College of Business, University of Wisconsin - Oshkosh, 800 Algoma Blvd., Oshkosh, WI. engelhab@uwosh.edu
‡University of Wisconsin - Oshkosh, 800 Algoma Blvd., Oshkosh, WI. richiem@uwosh.edu

1 Introduction

Prosecutors in the U.S. are able to exercise discretion on how to apply the U.S. penal code. Depending upon the system, prosecutors can (i) help determine law enforcement priorities in what types of crimes to pursue, (ii) decline to pursue charges after a law enforcement referral, (iii) determine what charges to file and thus the likelihood of a plea bargaining and severity of sentencing if convicted, and (iv) negotiate a plea bargain. In the State of Wisconsin, county level District Attorneys (DAs)¹ have been given the responsibility of making choices, or applying their personal discretion, at all four levels.

The focal concerns perspective provides a framework to better understand the DA decision-making process. Much of the prior literature on DA decision-making has utilized the blameworthiness and desire to protect the community concerns. We propose that the current funding mechanism serves as a practical constraint in that the funding for the DA is established by the State legislature and allocated based on the number of charges filed.

In this paper, we investigate whether we can observe whether funding encourages Wisconsin DAs to file criminal complaints, i.e., what crimes to charge suspected criminals. Specifically, DA caseloads and staffing needs were calculated as a weighted formula based on the types of cases filed (charged). The formula provides a greater reward for felony charges (not convictions) than misdemeanors. Furthermore, the initial felony charge in a case affects funding and not subsequent felony charges in the same case. Hence, in cases where prosecutorial discretion is present, the system presents an incentive to charge more cases as felonies and at least one felony per case.

In the following work, we descriptively observe a meaningful break in the relationship between misdemeanors and felonies in Wisconsin. As a result, we investigate if either switching the caseload funding formula in 2001 and/or altering it in 2009 is consistent with the change in prosecutorial charging that is observed. In particular, we are asking whether the formula provided a sufficient incentive to file some cases as a felony rather than a misdemeanor even though the prosecutor may expect to convict them, or negotiate a plea, for a misdemeanor.

Our results show a statistically significant change in case filings with a felony charge (or felony case) after the changes in 2001 and 2009 to the formula based mechanism. Specifically, we find felony cases increased by roughly 25.4 and 45.5 per DA office, or 6.5% and 11.7%, after the introduction of the formulaic funding mechanism in 2001 and 2009, respectively. Our estimates control for local and national arrest and charging behavior.

¹There are 71 DA offices in total covering 72 counties. Shawano and Menominee counties are combined.

Beyond an increase in the number of felony cases, we are able to test for other expected changes in behavior assuming the formula affects DA behavior. Specifically, we find (i) the change in the number of felony cases only in cases where prosecutors have the most latitude to charge a case as a felony or misdemeanor, and (ii) we find the increase in the number of felony charges per case was discontinuous as the number of cases with one felony increased (a case counts as a felony in the funding formula if one or more of the charges are a felony).

Our results indicate DAs prosecutorial discretion is affected by external incentives. As a result, our work ties into the theoretical discussions of Wright (2017) and others who analyze the principle-agent related problems inherent in prosecutorial discretion, and in particular how financial incentives can reduce the related issues as considered in Meares (1995) and Bibas (2008). As our work is shown to affect how crimes are charged, we tie into the literature on the determination of prosecutorial discretion in initial filings (Albonetti (1992), Shermer and Johnson (2010) and others). Furthermore, our work ties into the large discussion on how prosecutorial discretion can be used to induce plea bargaining such as Reinganum (1988), Ulmer, Kurlychek, and Kramer (2007), and Silveira (2017). Specifically, we demonstrate how DA funding can induce similar ramifications as the effect of plea bargaining, i.e., prosecutors face a criminal justice system that induces them to over-charge due to financial and time related constraints.

2 Background

To understand our investigation, it is important to understand the history of how DA offices (which are organized by county) are allocated funding and staff. Prior to 1990, the offices were funded by the county for which a DA's office served. In 1990, the responsibility of funding DA offices was transferred from the local counties to the State as a means of providing property tax relief (Wisconsin Legislative Audit Bureau (2007)). Between 1990 and 2000, the state used a legislative process to fund offices based on DA requests. However, an audit of the process was pursued and "Some members of the Legislature and district attorneys have raised questions about the methods used during state budget deliberations to determine the need for prosecutor positions," Wisconsin Legislative Audit Bureau (1995), p. 3. Basically, it was concluded that the funding process was too subjective and political. As a result, in 2001, the legislative funding process became informed by a formula based on a DA caseload metric (Legislative Fiscal Bureau (2001)). Specifically, DA funding was based on caseloads, which were calculated as a weighted formula of types of cases filed (charged). Table 2 provides the caseload weights used in the formula.

The primary change between the years is the number of hours available to a prosecutor was altered in

2009 (Legislative Fiscal Bureau (2009)). Specifically, prior to 2009, the State assumed a prosecutor had 1,788 hours available for cases, or 2088 work hours per year less 300 hours devoted to activities not part of a specific case including preparing search warrants, attending post-conviction hearings, leave, etc. The estimate was revised down to 1,227 in 2009.

Table 1: Case Weights for DA Funding	
Category	Allocated Hours per Case
Class A/B Homicides	100
Inquests	64
All Other Felonies	8.49
Juvenile delinquency	3.32
Misdemeanors	2.17
Criminal traffic	1.68
Source: Legislative Fiscal Bureau (2009)	

For example, suppose a county was charging roughly 565 misdemeanors in 2010, which according to the formula would require one prosecutor ($565 \times 2.17 \approx 1,227$). If the DA had sufficient discretion to charge the 565 misdemeanors as a felony, then the formula would state the DA should be allocated an additional 2.9 prosecutors. Specifically, switching the 565 misdemeanors to 565 felonies would result in the formula stating a need of an additional 3,571 prosecutor hours ($8.49 \times 565 - 2.17 \times 565$). Given the additional hours, the formula states an additional 2.9 prosecutors ($3,571/1,227$) would be needed.

The primary things to note is (i) the formula is based on the number of cases with a felony, not the number of felonies in the case, and (ii) the formula is not based on the number of cases with a conviction. So, beginning in 2001, DA's office that increased their number of felony cases charged (not convicted) would receive more funding. Further, misdemeanors were given a lower reward than felonies, hence, the formula creates a financial incentive to charge cases where such discretion exists as felonies (rather than misdemeanors). Importantly, in 2009 the funding formula was further adjusted (number of hours assumed to be available to prosecutors), which served to both bring attention to and reinforce the associated incentives for DA's to shift toward more felony charges.

3 Theory

While many factors go into a prosecutor's decision to charge an individual with a felony or a misdemeanor, the way in which prior research has understood this decision is typically through the focal concerns perspective (Steffensmeier (1980); Steffensmeier, Ulmer, and Kramer (1998)). This perspective has been used to understand decision making throughout the criminal justice system; including criminal sentencing (Freiburger

(2009); Holmes, Feldmeyer, and Kulig (2020); Holmes, Feldmeyer, and Kulig (2020); Kramer and Ulmer (2002); Steffensmeier and Demuth (2001); Stemen, Rengifo, and Amidon (2015)), prosecutorial discretion (Brady and Reynolds (2020); Hartley, Maddan, and Spohn (2007); Romain and Freiburger (2013); Shermer and Johnson (2010); Spohn and Holleran (2001); Ulmer, Kurlychek, and Kramer (2007)), probation and parole (Buglar (2016); Freiburger and Hilinski (2011); Huebner and Bynum (2006); Leiber, Reitzel, and Mack (2011); Lin, Grattet, and Petersilia (2010)), and policing (Campbell and Fehler-Cabral (2018); Crow and Adrion (2011); Higgins, Vito, and Grossi (2012); Ishoy and Dabney (2018)). Steffensmeier, Ulmer, and Kramer (1998) initially used the focal concerns perspective to better understand sentencing practices and that judges develop a “perceptual shorthand” because of incomplete information on the defendant and the nature of the case. They note that this perceptual shorthand leads to extralegal variables having an effect on sentencing practices. Spohn and Holleran (2001) also used the focal concerns perspective to understand prosecutor charging decisions, but found that the uncertainty of convictions in criminal cases also plays a part in the decision to charge an individual.

The three focal concerns are blameworthiness, protection of the community, and practical constraints and consequences. Blameworthiness is rooted in the retributive philosophy of “just deserts” (Steffensmeier, Ulmer, and Kramer (1998), p.768) and that severity of the offense plays a role in sentencing an offender. In terms of aggravating and mitigating factors, the defendant’s criminal history would yield a greater degree of blameworthiness whereas prior victimization could mitigate their sentence. Protection of the community is similar to blameworthiness in the sense that it relies on criminal history, but it is largely concerned with recidivism. As such, extralegal factors such as substance abuse history, family issues, education, and employment are taken into account to predict the risk that the defendant will reoffend. In contrast to the first two focal concerns, practical constraints and consequences has little to do with the defendant’s criminal history. The final focal concern is concerned with the defendant and the system in which he or she is being charged. For the defendant, there are certain concerns about the individual’s ability to live in an incarcerated environment. Mental and physical health issues may persuade a judge to deliver a more lenient sentence simply because the defendant’s health would increase the burden on jail and prison officials. Judge’s must take into consideration the effect their sentence will have on the courtroom work group as well as custodial issues such as overcrowding in their local county jail or the state prison system. Because judges and district attorneys are elected officials in Wisconsin, there is the added burden of thinking about how this case will impact their reelection efforts.

Much of the literature examining prosecutorial discretion with the focal concerns perspective has exam-

ined variables associated with the blameworthiness and community protection. Less attention has been paid to practical constraints, such as overcrowding or the working relationship between the actors in the courtroom. However, the formula-based funding utilized in Wisconsin presents a potential practical constraint in that it incentivizes felony charges for discretionary offenses, where misdemeanor charges might suffice. To date, the authors are unaware of any study that has examined a district attorney office’s funding as a practical constraint that would impact their charging decisions. As such, it is important to understand how the funding for a prosecutor’s office can impact charging decisions.

4 Data

The primary data source used in this investigation is the official administrative records of criminal processing in Wisconsin, i.e., the Consolidated Court Automation Programs (CCAP) for the years 1998 - 2015.² CCAP data provides us with information on the county and year of a criminal charge, the type of crime charged, and the severity of the charge (e.g. felony). Given individual level data, we aggregate to the DA (i.e. county) and year level to determine DA charging and conviction behavior.

Beyond CCAP, we use the Uniform Crime Reports data as published by the Federal Bureau of Investigation (FBI) on crime rates at the county level. As county level crime rates are not provided directly by the FBI, we use the aggregation to the county level that has been completed by the Inter-university Consortium for Political and Social Research (ICPSR), or United States Department of Justice and Federal Bureau of Investigation (1998-2015). Key descriptive statistics are provided in Table 2.

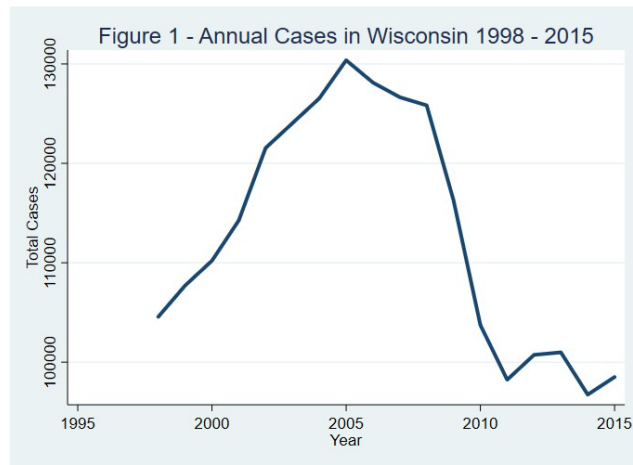
	Mean	Std. Dev.
WI Counties (annual)		
Total Cases (all types)	1583.3	1791.0
Felony Cases	389.3	447.9
Felony Charges	597.1	723.8
Felony Cases: Single Felony Charge	197.6	236.5
Arrests: Violent Crimes Only	55.5	91.6
US/National Felony Arrests		
Violent Crimes Only (in thousands)	43.2	1.0
Observations	1207	
Annually from 1998-2015 excluding 2003 due to CCAP availability.		

²The State Prosecutors Office has provided the legislature with annual reports on DA office workloads based on the caseload formula with minor adjustments as noted in Legislative Fiscal Bureau (2009)

5 Methods and Results

Our primary question of interest is: Do we observe changes in felony charging habits consistent with the implementation or alteration of the funding scheme? Before addressing this question formally, we begin by discussing and attempting to observe the presence of predicted behaviors in unconditional aggregate data. In particular, we hypothesize two large-scale plausible reactions that could occur given the new funding mechanism.

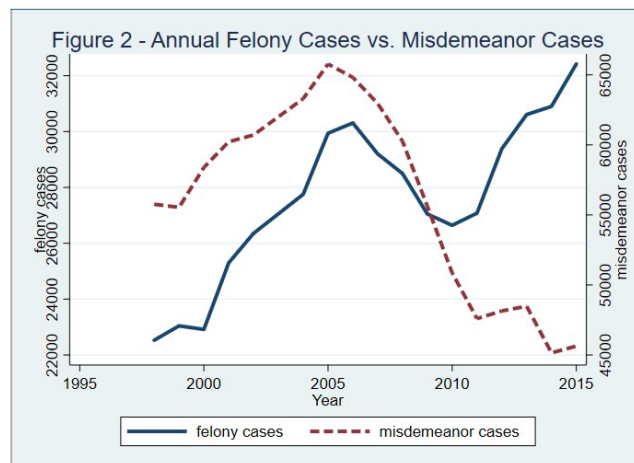
First, simply increase cases (all types). This incentive is potentially weaker, however, as implicitly past funding was related to caseload, albeit in a completely subjective way. That said, what we actually observe is that total cases (felony, misdemeanor, etc.) increase dramatically until 2005, but then fall back to a lower level by 2010 (See Figure 1). Unfortunately, while we have data on crime rates from other states (which we use to help account for regional and national trends in crime), we do not have the comparable case level data from other states, and as a result, do not have a similar out-of-state control group to compare these trends to directly.

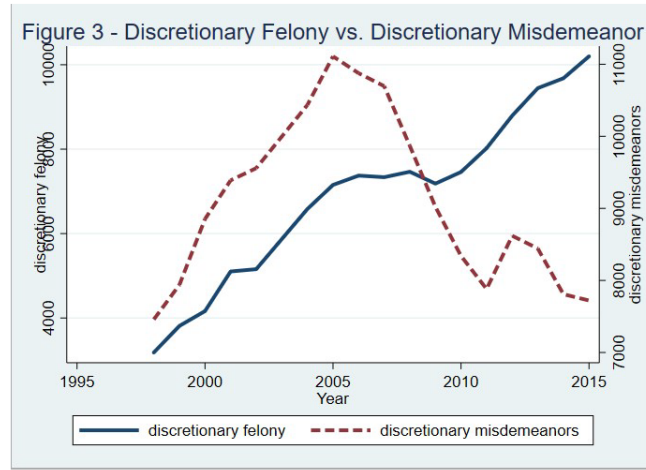


A second possible behavioral change the policy could create would be to alter the charging behaviors of DA's offices with regard to "discretionary" crimes. Specifically, while some crimes are almost exclusively (or by rule) misdemeanors or felonies in nature, other crimes have a high degree of discretion associated with how they are charged. Under the current funding scheme, felony cases are now worth a deal more. So, on this margin, the incentives suggest DAs may charge more felony cases relative to misdemeanor cases, and, in particular, this would largely occur within the type of crimes that hold the highest degree of discretion.

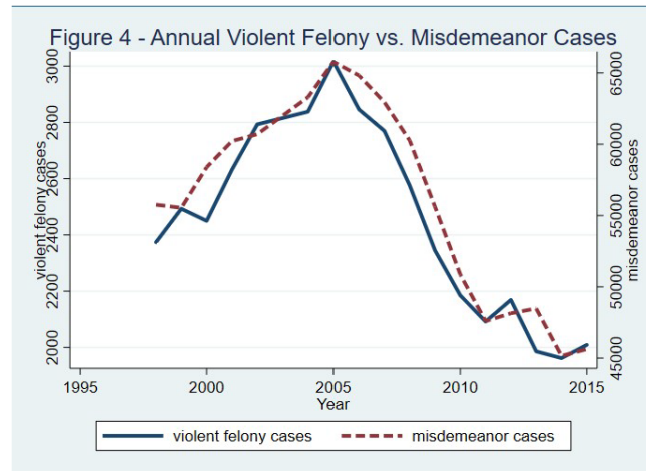
Hence, in looking at total misdemeanor and felony cases (and separately highly discretionary cases) over time, we could see if a large negative correlation in their relative relationship occurs. A negative change would be consistent with the incentives created by the State funding formula.

Figures 2 and 3 shows these relationships at the state level, and illustrate exactly this sort of behavior beginning in 2009. In particular, as shown in Figure 2, prior to 2009 we observe a very high positive correlation between misdemeanor cases and felony cases ($r = 0.925$), but in subsequent years the correlation is suddenly highly negative ($r = -0.708$). Figure 3 presents an even sharper contrast. We see the association between felonies we classify as highly "discretionary" (the classification of which we discuss in detail below) to be highly correlated with discretionary misdemeanor cases prior to 2009 ($r = 0.940$), but in subsequent years the correlation is again suddenly very negative ($r = -0.687$).





As a further juxtaposition, we note in Figure 4, that the correlation between misdemeanor cases and cases for violent felonies did not exhibit the same disassociation as is observed with more discretionary felony cases (Figure 3) or felony cases overall (Figure 2). In fact, the two series are nearly identical throughout the entire time frame of study ($r=0.976$). These trends suggests a strong relationship between felony charging and misdemeanor charging, in general, but it is in discretionary charging where we observe a drastic shift.



The patterns presented in Figures 2-4 clearly show either a) an increase in the occurrence of felonies of a discretionary charging type in Wisconsin beginning in 2009, which is very different from the trends in all other crime types, or b) a change in the charging behavior around these crimes, which occurred in and

around the 2009 time frame. Identifying the cause of this change is more difficult, of course. Nevertheless, to this point, all of the descriptive trends are consistent with a change in charging habits following the 2009 funding change. Next, we undertake a conditional analysis of the data at the county-level to see if, after accounting for other factors, the same change charging behavior is presents and correlated with one or both of the changes in the funding scheme, but unrelated to other crime trends.

5.1 Conditional Fixed Effects Analysis

To estimate this relationship, we undertake an identification strategy that attempts to account for outside factors and important correlates. By utilizing an array of Wisconsin and national crime measures we seek to see if the unconditional pattern in cases mix observed at the state-level for Wisconsin broadly in Figures 1-4 remains present in a conditional analysis. The first model utilizes the following fixed-effects identification strategy while accounting for variation in local charging frequency, violent crime arrests, and national trends for felonies. Specifically, we estimate:

$$FELONY\ CASES_{cy} = \beta_0 + \beta_1 TREAT01_y + \beta_2 TREAT09_y + \beta_3 CASES_{cy} + \beta_4 VARREST_{cy} + \beta_5 NATLTREND_y + C_y + \epsilon_{cy} \quad (1)$$

$$FELONY\ CHARGES_{cy} = \beta_0 + \beta_1 TREAT01_y + \beta_2 TREAT09_y + \beta_3 CASES_{cy} + \beta_4 VARREST_{cy} + \beta_5 NATLTREND_y + C_y + \epsilon_{cy} \quad (2)$$

where FELONY CASES is cases with at least one felony in each county(c) and each year(y), and FELONY CHARGES is the number of felonies charged at the county year level. Note, the former is how the funding formula determines whether the DA needs additional funding. TREAT01 is a policy change indicator variable that is equal to one after the year 2000, indicating the implementation of the change in the funding scheme, while TREAT09 is a policy change indicator variable that is equal to one starting in the year 2009, indicating the alteration of the of funding scheme. This basic setup relies on four important control variables. First, CASES, which accounts for the total number of cases of any kind (e.g., felony, misdemeanor, or traffic) that occurred in each county year, and, hence, controls for trends in case habits, arrests, or crime patterns, which fluctuate over time and would influence felonies. Second, VARREST, which measures the number of arrests for violent crimes in each county year, and, hence accounts for variation in police arrest behavior with respect to felonies (e.g., greater focus of police efforts on crimes highly correlated with felonies).³ Third,

³The correlation between county-year arrests and county-year felony charges is 0.795, so this measure capture a lot of the variation in felony charges, hence is a very strong control variable.

NATLTREND, which is the national trend in the felonies arrest rate, and helps account for changes in the felony charge rate in Wisconsin that is simply a product of national patterns in crime or law enforcement behaviors. Finally, fourth, C, which is a vector of county fixed effects to account for persistent differences in county felony charges.

β_0 is a constant coefficient and ϵ_{cy} is the error term. Standard errors are robust and clustered at the county level to account for within county correlations in felony charges.

6 Results

We begin by estimating equation 1. The results are provided in Table 3. As expected, we find an increase in cases, arrests, and national trends, increases the number of felony cases. However, we also observe increases in felony cases that correspond with both funding policy changes (2001 and 2009). Specifically, in 2009, we observe a positive estimate that is significant at the 0.01 level after controlling for external factors. That said, estimates (consistent with Figures 2 and 3) show that, even after conditioning on changes in total cases (all types) in Wisconsin, national trends, and violent crimes, we observe an increase in felony cases after each policy alteration, and a notably larger increase in felony case after the 2009 change, as this estimate is twice as large as that observed for the early change.

In terms of the “economic significance,” according to our estimates, felonies cases rose by roughly 25 per county per year after the 2000 change and over 45 cases per county per year after the 2009 change. Relative to the average felony charges per year in each county, our results suggest felony cases ultimately rose by over 11.7% due to the change in formula after 2009.

While estimates in Table 3 Column (1) provide the main result, as cases with at least one felony defines additional funding in the legislative formula. In the second column, we find similar results, indicating that total charges are rising as well as cases.

We recognize that without a clear control group (such as having very similar data from other states), identifying a clear causal relationship between changes in the funding scheme and charging practices is more challenging and has limitations. That said, we can use intuitive investigation to attempt to evaluate if other outcomes are also consistent with this practice as well. Specifically, the difference between columns (1) and (2), and the way in which the formula is defined, suggests an additional test for whether the formula is actually affecting DA behavior. Specifically, the state formula provides felony-level funding for all cases with at least one felony charge. Therefore, an economist would predict the key margin for DAs to acquire the additional funding is to switch non-felony cases to a single felony case.

Table 3: Effect of Changing the State Funding Mechanism on Felony Charge Behavior

VARIABLES	(1) FELONY CASES	(2) FELONY CHARGES	(3) SINGLE FELONY CASES
TREAT01	25.37* (13.18)	44.51** (22.26)	5.709 (3.487)
TREAT09	45.51*** (7.638)	106.2*** (17.37)	7.261** (2.975)
FELONY CHARGES			0.193*** (0.0181)
CASES	0.109*** (0.0154)	0.134*** (0.0235)	0.0434*** (0.0102)
VARREST	0.454* (0.264)	1.172** (0.447)	-0.0555 (0.0991)
NATLTREND	4.521 (2.938)	8.753* (4.876)	2.303* (1.251)
Constant	-42.93 (151.3)	-139.0 (221.1)	-90.77 (63.97)
Observations	1,207	1,207	1,207
R-squared	0.974	0.948	0.986

Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

To evaluate this we estimate the impact of the treatment variables on the number of felony cases with a single felony charge with the following equation.

$$\begin{aligned}
SINGLE\ FELONY\ CASES_{cy} = & \beta_0 + \beta_1 TREAT01_y + \beta_2 TREAT09_y + \beta_3 CASES_{cy} \\
& + \beta_4 VARREST_{cy} + \beta_5 NATLTREND_y \\
& + \beta_6 FELONY\ CHARGES_{cy} + C_y + \epsilon_{cy}
\end{aligned} \quad (3)$$

This model is similar to equations 1 and 2, except we control for total felony charges, as well. By explicitly accounting for felony charges, we are isolating if we observe an increase in single felony charge cases, aside from general felony cases. If the policy funding changes correspond to this change, it would suggest that either a) these single charge felony crimes began to increase in a correlated fashion with the changes with the funding changes, b) they were caused by an unknown factor that increased only single charge felonies, relative to other trends, or c) they are the result of incentives created by the funding alterations or attention to it, which would be consistent with the economic incentives at hand.

Column (3) of Table 3 presents the results of this investigation. Specifically, we see an increase in single felony cases after both the policy changes although the p-value on the 2001 indicator variable is only 0.106, so less conclusive. Again, these estimates suggest that, even after controlling for any potential increase in the total number of felony cases overall, we observe an increase in single charge cases. In particular, we find

that after 2009 the number of cases with a single felony rose by over 1.9% relative to total felony cases.

Next, we continue our investigation of whether DA behavior is intuitively consistent with the economic incentives of the State funding model. In particular, if DA's offices are responding to the policy change by increasing the rate of felony cases, we would anticipate that the increase in felony assignment would be most likely to occur on charges for crimes where the level of the case (e.g., felony or misdemeanor) is most subjective. For example, drug possession is frequently charged as either a misdemeanor or a felony in the data. Conversely, we would not expect a change in charge type among "violent" crimes, such as murder, sexual assault, etc. So, we investigate an aggregation of five categories of crimes which the data indicate have a high degree of subjectivity in whether they are charged as a felony or misdemeanor, which we deem "Highly Discretionary." These are the cases where we would expect to see the biggest increase in felony charge likelihood to occur if a behavioral response is present. Further, we also evaluate a grouping of violent crimes, which should logically be unaffected if the identification presented in Table 3 is sound and the results are intuitive. Hence, this test serves as a good placebo test.

Specifically, using pre-treatment years of 1998 and 1999 we identify a group of crimes that are charged as a felony or misdemeanor frequently as a share of that crime type and relative to charges in general (so should provide reasonably stable shares). There are five general type of crime which met this "highly discretionary" type; they are drug possession, weapon possession, operating while intoxicated, theft, and intimidation. Similarly, we also we identify a group of violent crimes that are almost always charged as a felony, which provide us with measures of felonies for the placebo analysis.

Results are presented in Table 4 where column (1) simply replicates the main policy result from Table 3 column (1) to allow for easy comparison. We begin in column (2) of Table 4 by presenting the results of the placebo analysis discussed above. In particular, if the estimated coefficients of the relationship between the funding model policy variables and violent felonies were similar either quantitatively or qualitatively to the results presented in Table 3, it would raise serious concerns about confounding trends or omitted variable. As is evident, however, estimates are virtually zero following the 2000 funding model change and actually negative following the 2009 alteration in the policy model. Hence, the placebo test presents no concern that the estimates in the models represented by equation 1 (or similar) are biased upward. In Table 4 column (3) we present the estimates of the policy impact on charges for highly discretionary felony cases, as defined above. Here we see that estimates on these "discretionary" crime groups present the same story as we observe in Table 3, indicating clearly that the estimated relationship between the funding model and charging behaviors are largely isolated to felonies that are more discretionary in charging nature.

Table 4: Effect of Changing the State Funding Mechanism on Felony Charge Behavior

VARIABLES	(1) FELONY CASES	(2) VIOLENT	(3) HIGHLY DISCRETIONARY
TREAT01	25.37* (13.18)	1.279 (1.222)	12.86* (7.062)
TREAT09	45.51*** (7.638)	-4.973*** (1.132)	25.13*** (5.585)
CASES	0.109*** (0.0154)	0.0143*** (0.00123)	-0.00380 (0.0174)
VARREST	0.454* (0.264)	-0.000651 (0.0207)	0.430*** (0.123)
NATLTREND	4.521 (2.938)	-0.101 (0.399)	-0.896 (1.837)
Constant	-42.93 (151.3)	17.25 (17.84)	97.81 (106.7)
Observations	1,207	1,207	1,207
R-squared	0.974	0.938	0.919

Robust standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

7 Conclusion

We find evidence consistent with the theory that DAs are overcharging, or opting to file a criminal complaint as a felony rather than a misdemeanor, in order to increase their offices funding/staff. Specifically, we find felonies increase by over 25 per DA office, or approximately 6.5%, after the introduction of the the policy change in the year 2000, but this increases to by an additional 45 per DA office per year or approximately 11.7% after the 2009 adjustments. Furthermore, this increase is observed in felony cases with DA discretion and follows the dichotomous funding method of any case with at least one felony is provided felony funding.

Research on the practical constraints focal concern is scarce and does not always appear as salient as conclusions related to the blameworthiness and desire to protect the community concerns do. However, our results point to a potentially more harmful reality for defendants entering the criminal justice system. By incentivizing felony charges, not only do more individuals become entangled in the system, but there are also implications for race. Given Wisconsin's racial segregation issues (Loyd and Bonds (2018)) and the evidence surrounding race and policing (Desmond, Papachristos, and Kirk (2016); Epp, Maynard-Moody, and Haider-Markel (2017); Rojek, Rosenfeld, and Decker (2012)), it is not unreasonable to assume that the current funding structure would disproportionately impact communities of color.

Given the incentives the WI funding model places on over-charging, and the evidence we find of such behavior, we recommend policy makers be cognizant of how the funding model will affect a DAs behavior.

Although there are many theoretical alternatives on funding mechanisms, policy makers could consider optimal incentives for DAs such as those discussed in Bibas (2008) or Meares (1995). For a simpler and potentially more practical solution, we note a model based on crime rates rather than criminal complaints (charges) could reduce the potential for over-charging as funding is not based on DA behavior. Since crime rates, as documented in the UCR, can be manipulated (e.g., Levitt (1998)), funding could be provided based on predicted crime rates rather than reported. To ensure DAs and local law enforcement do not have an incentive to manipulate the variables used to predict crime, the variables used would need to be exogenous to DA decisions such as population size and density. Alternatively, when running for election, a DA could stipulate their budget and be allocated the proposed funding if elected.

Whatever the mechanism, our results indicate DA behavior is affected by the rules that determine their resource allocations. As a result, policy makers setting their budgets should be cognizant of how their funding rules may change DA behavior.

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2018

MATERIALS SUBMITTED BY STATE PROSECUTORS OFFICE



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Joel Brennan, Secretary
James M. Langdon, Administrator

October 26, 2020

Dear Members Wisconsin Legislative Council,

I would like to thank you for your consideration of funding issues related to the District Attorney program, Agency 475. As the Director of the State Prosecutors Office I am tasked with managing various financial, human resource, logistic and legislative efforts related to the District Attorney program.

In the past year, we have taken efforts to begin the process of updating the workload analysis to better capture, assess and credit the important work that is being done in the 71 individual District Attorney offices across the state. The final product is expected to include consideration of more case specific types as well as better assessing the critical role District Attorneys play outside of litigating charged cases. This would include diversions, deferrals, declinations, treatment courts and post-conviction matters. The State Prosecutors Office is committed to joining with the relevant stakeholders to improve existing methodologies for workload assessment and we would value the input of the legislative council regarding these efforts.

Retention and recruitment continue to be a challenge for the District Attorney program in all corners of the state. Entry level wage for Assistant District Attorneys is quite low considering that a minimally qualified ADA must possess two degrees requiring seven years of post-high school education. A recent survey conducted by my office found that the average current student debt burden among 145 prosecutor respondents was \$135,000. The compensation for elected District Attorneys has also posed both recruitment and retention challenges. As elected District Attorney salary is tied to county population size, in the last term we've seen qualified candidates refuse to run due to the low pay in smaller counties, and we've seen experienced District Attorneys resign to pursue more lucrative options available to them. Increasing the salary for elected District Attorneys, and/or removing the tie to county population would help alleviate these issues.

The State Prosecutors Office stands ready to assist the Legislative Council as you continue to delve into matters related to District Attorney funding. Thank you for your interest in our program.

Sincerely

Kasey Deiss
Director, State Prosecutors Office

Division of Enterprise Operations, State Prosecutors Office
101 East Wilson Street, PO Box 7869, Madison, WI 53707-7869 | (608) 267-2700 | DOA.WI.GOV

DPM Compensation Reserve Planning Survey 2021-23

Every Compensation Plan cycle, the Division of Personnel Management (DPM) requests input from agencies regarding workforce factors including compensation, retention, recruitment, and benefits. The information collected is analyzed to identify issues and discuss with management the overarching trends demonstrated. In the biennial cycle agency input is essential to building an enterprise compensation strategy.

For any questions and/or completed surveys should be returned to Rachel Martin at (Rachel2.Martin@wisconsin.gov).

Recruitment and Retention Questions

Recruitment and retention challenges identified by agencies are used in conjunction with the compensation market research conducted by DPM. This information is used to understand emerging or ongoing issues related to the compensation package of the State.

1. List your agency's most challenging recruitment and/or retention classifications or job families and explain the challenges. Rank the list based on priority or need to evaluate.
The workforce consists of 3 job functions currently in 4 classifications: Elected DAs, Deputy DAs (plus a supervisory title) and ADAs. There have actually been challenges recruiting and retaining all three functions for various reasons.

ADAs. The entry level wage for ADAs is quite low considering that to be minimally qualified as an ADA you must have two degrees and 7 years of post high school education. It is more common than not for a new ADA to be carrying six figures of student loans. Please see the recent survey results attached that detail the student debt burden many of our Assistant District Attorneys carry. Additionally, merit based pay progression while markedly better in recent years, has been inconsistently funded in the biennial budget. A significant adjustment to the ADA payscale is needed. We are proposing an increase to a starting wage of \$33.50/hour (\$69,680 annually) and simultaneously increasing every existing ADAs salary by a corresponding amount. Attached is an excel file with two compensation options for the 17 pay points that are statutorily identified as required. Entry level wages for ADAs are often less than other government employees who do not need any college degree, let alone 7 years of post secondary education. County attorneys, city attorneys, DOJ and other state agencies are commonly hiring entry level attorneys at significantly higher levels than we can offer. The current lowest rate of attorneys in classified civil service is \$37.01/hour (\$76,980 annually). Our request starts the ADA's at about \$7,000 below this. An alternative option has a lower starting rate with higher progression increases. Current progression is \$2.10/hour but funding is typically provided at only \$1.75/hour. One option is to raise the hiring rate by more and have the increases at \$1.85 and the other option is a slightly lower hiring rate with increases at \$2.00 for progression.

We recognize this will impact the State Public Defenders as well.

DDAs. While the least challenging of the three classifications to staff, the additional work responsibilities thrust upon a Deputy District Attorney are not commensurate with the current \$2.75/hr supervisor add-on. We are requesting that this be increased. We will also be requesting the abolishment of one of the two classifications this group is assigned to. There is a classification for Deputy District Attorney and Deputy District Attorney Supervisor. All DDA's are in fact supervisory and it is not necessary to have two different classifications.

DAs. District Attorneys are paid based on the size of their prosecutorial unit according to state statutes. In addition to all the same management responsibilities, a DA in a small county is expected to carry a full caseload. Homicide cases and sexual assaults are no less complicated and require no less experience if they occur in Langlade or Crawford County than if they occur in Milwaukee or Waukesha counties. We've had several DA vacancies over the last four years that stayed vacant for an inordinate amount of time as no attorneys were willing to move into the prosecutorial unit for a \$100,000 per year salary. In other examples, experienced ADAs who would have made great DAs were unwilling to assume the mantle as it would have required a pay cut. In other cases, we've had senior DAs leave their office to become ADAs because they would make more money. Judges in every county in the state are paid the same wage. We would like to recommend that the current five pay levels be modified to three pay levels.

The bottom five breakdowns from prosecutorial size of 100,000 and below would be at \$127,359 (rate on 1/3/2021); the rate for prosecutorial size of 100,000 to 250,000 at \$134,098 the over 250,000 prosecutorial size at \$148,200. This breakdown places the top four counties together rather than Milwaukee County being singled out. It also addresses the concern that the smaller locations are equally complex to each other.

2. List any classifications in which your agency has experienced internal (within the agency or state) or external market struggles.
ADA, DAs
3. Describe any positive or negative outcomes your agency has experienced with the sign-on bonus program.
The District Attorney Program has not utilized the sign-on bonus program.
4. Identify any issues or recommendations your agency would request to the sign-on bonus program.
N/A
5. Identify any additional compensation strategy ideas or recommendations to improve recruitment and/or retention.
The entry level wage for ADAs needs a large increase. Along with that, all existing ADAs should see a similar increase in their salaries. Prosecutors serve as a lynchpin in our criminal justice system, deciding how to act on some of the greatest controversies and tragedies affecting our communities. Across the board, they are being underpaid for the services that they are

performing and at a rate that is not commensurate with the training and experience they require to be even minimally capable to do their jobs.

A provision for payment of annual WI bar fees up to \$496 would help with recruitment and retention. While the amount is not significant, the annual cost is higher than most other occupations and is a requirement for any attorney to practice in the state. Allowing agencies to pay this fee would make an impact.

6. Describe any internal initiatives your agency has implemented to improve retention including any ideas/suggestions regarding non-compensation retention incentives (i.e. wellness days or meet-ups, positive notes from management).
The District Attorney program is comprised of 71 individual District Attorney offices, headed by 71 elected officials. Each DA is charged with managing his/her own office. DAs use a variety of methods to improve their staffs quality of life, but when the program remains understaffed and the workforce is underpaid, there is only so much that can be done.

Travel Questions (References are to Section F of the Compensation Plan)

7. Section 3.01 describes the parameters for air travel. In the 2019-21 there were some adjustments made to this provision. Identify any issues or provide feedback with the current air travel provisions.
N/A
8. Section 3.05(3) describes mileage reimbursement for private vehicle use. Describe any issues or provide feedback with the current mileage reimbursement provisions.
N/A
9. Section 4.02 describes the parameters for meal reimbursement amounts and administration. Describe any issues or provide feedback with the current reimbursement amounts, methods, or rules (e.g. the business hours or windows of hours).
N/A
10. Section 5.02 describes the lodging rates for in-state travel. Describe any concerns or provide feedback regarding the current lodging rates. If there are concerns, please specify geographic locations or counties within the state.
N/A
11. Section A, 5.01 provides Relocation Incentive Awards (moving stipends) available for employees in certain pay schedules. Identify any changes your agency recommends to the eligibility provisions or maximum amount.
N/A
12. Due to the increased demand of telework, identify any over concerns with the travel provisions (e.g. mileage, home city, meal reimbursements) that should be evaluated and/or modified.
N/A

13. Describe any other travel issues your agency has identified.

N/A

Compensation Plan Questions

14. Provide any feedback your agency has related to supplemental or add-on pay, under section A of the Compensation Plan.

Deputy DA Supervisory Add-on Pay should be increased. \$2.75/hr is not sufficient compensation to assume an attorney managerial role in a DA office.

15. Provide any feedback your agency has related to night and weekend differentials, under section A of the Compensation Plan.

N/A

16. Provide any feedback your agency has related to standby pay, under section A of the Compensation Plan.

N/A

17. Provide any feedback your agency has related to call-back or call-in pay, under section A of the Compensation Plan.

N/A

18. Provide any feedback your agency has related to crafts worker pay, under section A of the Compensation Plan.

N/A

19. Identify any concerns with the administration of add-on pay (e.g., should the add-on pay be a lump sum vs. hourly adjustments for licensing costs).

N/A

20. Identify any classifications your agency has identified as “under market” (either internal or external), where the agency has needed to adjust starting rates for entry level staff to attract employees.

ADA entry pay is under market for new law school graduates. It is significantly under market for mid-career transfers. We’ve utilized HAMs on occasion to lure experienced attorneys into the field of prosecution, but available funding is insufficient to meet the need.

21. Identify any concerns with the provisions or current practices for the Discretionary Merit Compensation (DMC) program.

N/A

22. Identify any concerns with the provisions or current practices for the Discretionary Equity or Retention Award (DERA) program.

N/A

23. Identify any new concepts for pay progression that should be considered.
Merit Based Pay Progression for prosecutors should be consistently funded at a rate of up to the pay schedule progression amounts identified.
24. As a result of employees teleworking and working alternative schedules, are there additional provisions that should be included or considered within in the Compensation Plan?
Employees should receive \$50/month to cover broadband access.

Compensation Market Questions

If funds are made available by the legislature, the Division of Personnel Management (DPM) may provide market increases for certain classifications. In determining classifications to receive market, the principal factors considered are pay comparisons with competitor private and public employers, and our internal experience with recruitment and retention. Parity provisions in the Compensation Plan allow additional market adjustments to be applied immediately after implementation of the Compensation Plan to classifications performing work similar to market classifications which may have been overlooked, and to individuals performing work similar to that of a market classification. DPM solicits and considers parity requests from agencies as soon as possible after approval of the Compensation Plan.

25. Describe any positive or negative effects from the market and parity adjustments in the 2019-21 Compensation Plan.
The effect was negative since ADAs did not receive the market adjustments.
26. Identify any classifications for which market money or parity was requested but not granted that you want to be considered for the 2021-23 Compensation Plan.
A request for increased compensation for ADA's was not approved in the last budget cycle and they were not given any market increases.
27. If market money is available for the 2021-23 Compensation Plan, prioritize any classifications or job families that your agency would recommend for market adjustments.
ADAs

General Information

28. Describe your top 3 compensation priorities and how your agency would like to address these issues through the Compensation Plan.
Item 1: ADA entry level pay and similar adjustment to all existing ADAs per the new schedule we proposed and fund progression according to schedule.
Item 2: Modify elected District Attorney prosecutorial size compensation schedule to three different amounts.
Item 3: Increase the attorney supervisory add-on from the current \$2.75/hour.
29. Other Comments

We have a significant portion of our workforce that is working for us on the hope that the Federal Public Service Loan Forgiveness program will erase their student loan debt after ten years of service. Each year, the PSLF program seems to inch closer to non-existence. If the program ever ends, and without a significant increase in prosecutor salaries, there will be a mass exodus of prosecutors that will cause a significant effect on public safety.

What year did you graduate from Law School?	What was your approximate total student loan debt burden upon graduation?	What is your approximate total student loan debt burden today?	What Law School did you graduate from?	How many total years of post high school education do you have? (include Undergrad, Masters, JD, etc)
2016	\$150,000	\$150,000	Other Public School	8
2014	\$167,000	\$201,000	Marquette	8
1999	\$90,000	\$61,178	Other Private School	7
2016	\$86,000	\$82,000	UW Madison	9
2001	\$100,000	\$55,000	Other Private School	8
2015	\$110,000	\$120,000	Marquette	7
2019	\$68,000	\$65,000	Marquette	7
2018	\$270,000	\$314,102	Marquette	6
2020	\$52,000	\$52,000	UW Madison	7
1999	\$200,000	\$150,000	Other Private School	7
2001	\$120,000	\$52,000	Marquette	7
2001	\$101,000	\$40,900	UW Madison	8.5
2018	\$245,000	\$244,000	Marquette	7
2003	\$127,000	\$137,500	Marquette	10
1994	\$75,000	\$13,000	Marquette	7
2003	\$110,000	\$60,000	Marquette	7
2013	\$120,000	\$45,000	Other Private School	8
2014	\$175,000	\$175,000	UW Madison	5
2012	\$160,000	\$173,000	UW Madison	7
2005	\$75,000	\$45,000	Marquette	7
2014	\$50,000	\$0	UW Madison	8
2012	\$400,000	\$500,000	Marquette	9
2010	\$90,000	\$168,000	Other Private School	7
2012	\$180,000	\$220,000	Other Private School	8.5
2001	\$77,000	\$0	Marquette	8
2018	\$58,000	\$43,700	Marquette	7
2016	\$120,000	\$100,000	UW Madison	6
2011	\$227,000	\$260,000	Marquette	7
2013	\$283,223	\$320,901	Marquette	7
2006	\$190,000	\$95,000	Marquette	7
2008		\$55,000	UW Madison	7
2006	\$110,000	\$0	Marquette	7
2010	\$150,000	\$150,000	UW Madison	9
2010	\$130,000	\$200,000	Marquette	9
2019	\$60,000	\$60,000	UW Madison	7
2000	\$140,000	\$196,000	Other Private School	7
2007	\$70,000	\$38,000	UW Madison	7
2018	\$166,000	\$164,000	Marquette	8
1996	\$90,000	\$0	Marquette	7
2007	\$67,000	\$70,000	UW Madison	8
2016	\$165,000	\$185,000	UW Madison	7.5
2015	\$150,000	\$189,000	UW Madison	7
2014	\$230,000	\$286,000	Marquette	7
2002	\$72,000	\$80,556	UW Madison	7
2020	\$160,000	\$160,000	UW Madison	7
2019	\$80,000	\$77,000	Marquette	5

1996	\$60,000	\$47,000	Other Public School	7
2014	\$200,000	\$225,000	Other Private School	7
2006	\$100,000	\$95,000	Marquette	7
2013	\$214,000	\$146,306	UW Madison	7
2012	\$160,000	\$180,000	UW Madison	7
2020	\$25,000	\$24,000	UW Madison	7
2006	\$105,000	\$50,000	Marquette	7
2011	\$154,000	\$125,000	Marquette	7.5
2017	\$260,000	\$290,000	Marquette	7
2018	\$150,000	\$148,000	Marquette	7
2006	\$60,000	\$40,000	UW Madison	8
many thousands.....I do Zero. I paid every cent				
1985	not remember	with interest.	UW Madison	7
2020	\$82,000	\$84,000	Marquette	7
2015	\$270,000	\$360,000	Marquette	7
2014	\$200,000	\$250,000	Marquette	7
2005	\$60,000	\$30,000	UW Madison	7
2009	\$185,000	\$228,000	Marquette	7
1997	\$130,000	\$90,000	Other Private School	9.5
2013	\$250,000	\$275,000	Marquette	7
1997	\$125,000	\$72,000	Other Private School	7
2020	\$115,000	\$115,000	UW Madison	7
2018	\$144,000	\$142,000	Marquette	7
2015	\$90,000	\$90,000	Other Private School	6.5
2013	\$220,000	\$280,000	Marquette	8
2014	\$85,000	\$90,000	UW Madison	7
2017	\$345,000	\$320,000	Marquette	8
2005	\$45,000	\$5,000	Marquette	7
2009	\$125,000	\$100,000	UW Madison	7
2014	\$240,000	\$260,000	Other Private School	7
2015	\$150,000	\$150,000	UW Madison	7
2018	\$263,000	\$263,000	Marquette	6
2010	\$100,000	\$125,000	Other Public School	8
2007	\$115,000	\$17,000	Other Private School	7
2004	\$120,000	\$29,000	Marquette	8
1994	\$130,000	\$120,000	Other Private School	7
2003	\$85,000	\$43,000	Other Public School	7
2014	\$110,000	\$85,500	UW Madison	7
2010	\$150,000	\$184,000	Other Public School	7
2020	\$250,000	\$250,000	Marquette	3
2014	\$250,000	\$250,000	Other Private School	10
2004	\$25,000	\$15,000	Other Public School	7
1995	\$70,000	\$9,000	Other Public School	7
2017	\$70,000	\$65,000	UW Madison	7
2003	\$60,000	\$55,000	Marquette	7
2017	\$68,306	\$79,400	Marquette	7
2013	\$120,000	\$130,000	UW Madison	7
1987	\$100,000	\$100,000	Marquette	3
2013	\$180,000	\$17,000	Other Public School	7
2017	\$165,000	\$155,978	Marquette	8
2012	\$121,000	\$146,000	Marquette	7
2015	\$115,000	\$134,000	UW Madison	9
2013	\$75,000	\$60,000	UW Madison	7
2014	\$194,000	\$254,000	Other Private School	7

2010	\$120,000	\$101,000	Other Private School	8
2014	\$210,000	\$240,000	Other Private School	7.5
2016	\$164,000	\$190,000	Marquette	6.5
2010	\$125,000	\$131,000	Marquette	7
2019	\$107,191	\$108,905	UW Madison	8
2014	\$245,000	\$292,400	Marquette	7
2018	\$190,000	\$250,000	Other Private School	7
2012	\$140,000	\$155,000	Marquette	7
2006	\$120,000	\$120,000	Marquette	9
2009	\$135,000	\$115,000	Other Private School	7
2020	\$90,000	\$90,000	Marquette	7
2012	\$175,000	\$250,000	Other Private School	6
2017	\$280,000	\$280,000	Marquette	7
2015	\$220,000	\$220,000	Marquette	10
2008	\$25,000	\$7,500	Other Private School	9
2013	\$135,000	\$160,000	UW Madison	6
2009	\$150,000	\$210,000	Marquette	7
2005	\$45,000	\$300,000	UW Madison	7
2004	\$42,000	\$10,000	Marquette	7
2011	\$189,000	\$188,500	Marquette	7
2009	\$60,000	\$32,000	UW Madison	6.5
2008	\$125,000	\$100,000	Other Private School	8
2011	\$150,000	flexible	Other Private School	7
2005	\$50,000	\$29,000	Marquette	7
2019	\$110,000	\$110,000	UW Madison	7.5
1992	\$50,000	\$0	Marquette	7
2011	\$160,000	\$160,000	Other Private School	7
2010	\$66,000	\$6,000	Marquette	7
2016	\$175,000	\$230,000	Marquette	7
2018	\$220,000	\$220,000	Marquette	7
2020	\$100,000	\$100,000	Marquette	7
2009	\$207,000	\$197,000	UW Madison	10
2018	\$130,000	\$135,000	Other Public School	9
2014	\$165,000	\$217,000	Other Public School	8
1998	\$85,000	\$26,000	Marquette	8
2019	\$110,000	\$110,000	UW Madison	9
2015	\$90,000	\$90,000	UW Madison	6.5
2019	\$200,000	\$200,000	Marquette	6
2016	\$90,000	\$87,000	UW Madison	7
2011	\$150,000	\$170,000	UW Madison	7
2019	\$90,000	\$90,000	Marquette	7
2015	\$100,000	\$82,000	UW Madison	7
2010	\$80,000	\$60,000	Other Public School	7
2009	\$200,000	\$200,000	Marquette	7
2017	\$90,000	\$85,000	UW Madison	7
2004	\$80,000	\$65,000	UW Madison	7

TOTAL DEBT BURDEN OF SURVEY RESPONDENTS	\$19,441,720	\$18,972,325	1,051
AVERAGE DEBT BURDEN OF SURVEY RESPONDENTS	\$135,956	\$132,674	7.24

Authors' note: some of the responses have been redacted in order to protect the respondents' privacy.

How has your student debt burden affected your life and career choices?

I have less disposable income as I must make significant monthly payments on my student loans and must do so for at least the next decade.

It is difficult to buy a home or car as the monthly loan payments are high, and it will be almost impossible to ever pay it off. The interest rates are extremely high, so unless I am able to get them forgiven through Federal Loan Forgiveness program, I will likely never pay them off.

It says something that I'm in the extremely lucky category with less than \$100k debt. I was able to swing that by living at home for law school. I don't have a meaningful expectation of owning a home in the near future which is also making establishing ties here more difficult. The private bar atty who started the same year I did bought a place this year. To get this job I ended up moving 3 times in 3 years which all went on credit cards. I was a returning student so got my credit limit pre-recession; the kids I graduated with didn't even have that cushion. The payments themselves aren't bad because UW Madison hired a guy to counsel us all into the proper IBR plan but I'm not making any meaningful progress on paying them off. Having PSLF be a political football is terrible for morale.

The ability to pay off the debt continues to be a deterrent to remaining in public service.

Love my job but if an opportunity to make more \$ comes I feel pressure to accept in order to support my family.

i am looking to buy a house and my mortgage lender was significantly concerned about my amount of debt when looking to take out a mortgage. i understand some people have more debt than i do, but i chose marquette for the scholarship and still have this amount of debt. i owe more than I make in salary a year.

I have had to put my loans in deferment in order to start a family because I could not afford daycare and student loan debt.

I set my student loans up on an income-based repayment (IBR) plan. My first year out of law school, they said I made too little to even have a payment owed. Thus, my first year of paying student loans, my monthly payment was 0. This meant my credit to debt ratio looked upside down to lenders when I was trying to buy a house. Only in October 2019 when I started working for the DA's office part-time did I start making enough, with two incomes combined to actually have a payment due on my student loans. Even with my two incomes now, the IBR calculation only requires that I pay 83.00 per month. Due to my part-time ADA status, I don't qualify for loan forgiveness. My student loan debt is astronomical. Even to this day, without someone co-signing a loan with me, or without a significant other to contribute an income for purposes of a home loan, I only qualify for a minimal home loan (120K) with a conventional mortgage. I don't qualify for any FHA loans because with my two incomes I apparently make too much money. Ha! Ugh. Honestly, it's absurd. Then, I've been asked whether I would like to take my ADA position to full-time. Truthfully, I would love to, but I can't afford to lose 10K annually to take this job full-time. Yet, here I am, working as a part-time ADA that actually means I work full-time hours, and I work as a private attorney where I consistently ignore my clients because I can't make it to my office because I have to be here. It's limited me financially in day to day living. I'm not able to purchase a condo or small home due to the debt and it hurts my credit rating. I've been in public service since 2006.

My husband calls my employment as a State of WI ADA my "volunteer career." If it weren't for his job, I could not do this job.

I live on a strict budget and I only have loans from law school because I had a full scholarship to undergrad. Recently I realized I won't have my student loans paid off before my own children go to college.

Going into public service pays less (A LOT) less and I cannot pay off loans faster.

I have chosen public service to my loan debts forgiven in 10 years. I have thought about other career choices, but due to the loan debt, getting the loan forgiveness is really the only option.

Creates a massive debt:income ratio problem. Would hurt more if I did not have Veterans programs to assist in loans and such.

While I no longer have any student debt under my name, we face crushing student debt from my spouse. My debt was paid by a generous family member just before I got married. Spousal debt is something that should be considered as even though it is "his debt", it still impacts the whole family. We have approximately 125,000 in debt from my husband still (undergrad/grad school). Because of this debt and because I do not qualify for loan forgiveness for this debt since this isn't "my debt", but really, we are married, so it is my debt - I had to quit working as a prosecutor in an office that I loved so that we could move several hours away to where the cost of living was much lower. We have been aggressively paying on this debt for about six years with no end in sight. Despite both my husband and I having "good jobs", we live paycheck to paycheck with very little in our savings. With a third child on the way, we've discussed the feasibility of me continuing to work as an ADA because I would be able to make more in a different job. Also, when I start paying on a third child for daycare I will literally have almost no take home pay. I'm 33. I should be able to make enough to pay my bills and not have crushing student debt at 6.8% interest (the high interest rates are another issue altogether). It's quite demoralizing.

changed careers at 40 - went from a CPS supervisor to ADA and took a 20K pay cut. 7 years after starting with the DA's office I am still about 10K below the wage I left as a social worker!

I was interested in / worked in government prior to law school, but I can't say that was the sole reason for becoming a government attorney. The Public Service Loan Forgiveness was the main factor. That said, had I been offered a high-paying attorney job right out of high school, I might have considered that instead. Due to my family size and income level, I am on the income-based repayment plan. What I pay per month does not even cover the interest. So I am really counting on loan forgiveness, which should occur in about 1 year for me. I have heard horror stories of people not qualifying, but I am confident in that I had family working in the student loan servicing industry at the time and they made sure I had the correct loan types. Plus, I have been doing all of the annual certifications. So we'll see. I would obviously not be able to afford my student loans on the State salary without the income-based repayment plan. The Public Service Loan Forgiveness program was a huge factor for me to remain working in public service.

A lot

I am incredibly lucky in that my parents got divorced when I was 35 and instead of buying me a pony, they paid off my student loans when dividing their assets. (I would've paid less per month had I known they'd do that at year 9 of paying on 30 years.) The principal effect on life choices is that I didn't get the condo I wanted and bought a house in a less well-off area when I became a homeowner and I drove a crappy car for a very long time (still do) and I didn't move to Washington DC to be a lawyer there as I didn't think I could afford it vs housing costs/government lawyer pay in Wisconsin is a better balance. That being said, I'm happy where I am in my career and grateful I ended up getting a gigantic gift many years ago so I don't have to worry about money to the same degree. Student debt at the time meant I really couldn't afford anything beyond the basics - plane tickets for vacation trips even if I had the time to take off, and nice clothes, and the wondering if law school and government service was worth it.

Can't afford a car currently, not much savings because I'm on a repayment plan of 800/mo

I've been able to make minimum payments, but even so it is 240.00 a month, which adds up after other monthly expenses. Loan forgiveness is a significant factor in staying in my current job.

The numbers I provided are just for law school. I have another 50,000.00-75,000.00 for undergrad loans. I am stuck in this government job with the hope I can get loan forgiveness because I will never be able to pay it all off. I don't have any ability to leave the legal profession because I will never find a job that pays enough to make it worth it. This job technically doesn't pay enough either, because my debt is always more than my income on a monthly basis, but I scrape by, and I have the possibility of forgiveness to keep me going. I am no better off now than I was before I went to law school, financially speaking. I have no security. No savings. Every time I get a pay raise, my student loan payments increase so much that it's like the raise never happened. I can't make large purchases. And with how many hours I work beyond 40 that I don't get paid for, it's a huge loss. I honestly think that if I had a high school or college education with minimal or no debt, and was working a basic job that met my financial needs and allowed me to save and maybe spend some money on a vacation every now and again, I would be better off financially than I am right now. I haven't ever had the money to afford a vacation as a working adult.

My wife is also an attorney, so we started with about twice the debt that's listed above. She works as a corporate attorney for an insurance company, so her debt load is decreasing over time, while mine increases. It has affected many things, including dramatically pushing back our purchase of a home and cars (even though we're both employed lawyers).

I love my career with the DA's Office. After nearly 15 years, I consider myself a lifer. However, the debt has and will remain a significant burden upon me and my family. It is sad that about a third of my salary goes to repayment of student loans.

I was one of the few lucky people who had his or her loans forgiven, so staying employed at the DA's office actually helped me out. Now that my loans are all forgiven, I can afford to spend the rest of my career as an ADA.

My first year of law school was at a private school where a lot of the debt was amassed before transferring to and graduating from UW. I was in public service before law school and realized after cancer that I only had so much time left and wanted to give more. There have been no vacations both because of the extreme work load of a prosecutor and financial constraints. Who knew I'd still be around and now can't afford to retire because of this debt. Even if forgiven, there will a huge tax liability as the amount will be treated as income.

I have to work for a non-profit or govt agency so I can qualify for Fed Student Loan Forgiveness. My husband and I have 2 children and have to file taxes separately so we are not able to claim childcare costs or a number of other deductions. We file separately so his income isn't counted toward my monthly loan payment.

It has delayed my purchasing a home and beginning a family in the community I serve.

Drastic. Major Reason I joined public service has to do with student loans. I was in private practice for 10 years making substantially more. Note: My wife also went to law school (not a practicing attorney) and owes 200,000 as well. Thus, in essence my loans are 400,000 for the family. YUCK!!

I never took out a private loan. Most loans prior to 2007 fell under the FFEL program and did not qualify for the Public Service forgiveness program. However, since we could not apply until 2017, I had 120 payments (10 years) in before being denied. At that point, it was not worth consolidating under a direct loan program as you are then required to make 10 more years worth of payments. My student loans continue to be my largest monthly expenditure! I continue to live paycheck to paycheck hoping my vehicle doesn't break down as I cannot afford to pay a car note and student loans.

I love being a prosecutor, but sometimes I feel like I have to choose between continuing to work as a prosecutor and having children. It's very difficult to afford both because my husband is a police officer so he is also in public service. I never thought I'd have to choose between kids and my dream job.

I waited to buy a house or get married until I paid them off. It delayed having children and will delay my retirement so that I can pay for schooling for my children.

I do greatly enjoy working as a state prosecutor. However, at this point, when I'm almost half-way through being eligible for Public Service Loan Forgiveness. I feel almost compelled to remain in government service for 10 yrs. to ensure that I receive forgiveness regardless of whether another opportunity comes up. I should also note that I'm continuing to rent and not purchase a home due to my heavy debt from law school and the fact that I need to save for a down payment on a house.

Yes. Been practicing 6+ years and have been offered private practice jobs. PSLF keeps me working for the gov't

Yes. Also, even though I've been paying for 18 years, I have only been paying on interest apparently because, as you can see, the amount has NOT gone down but up.

I seriously considered going into private practice because I knew I would make more money. I know classmates who wanted to be prosecutors but chose to do private practice due in large part to low prosecutor wages in contrast to the high stress/volume of the job.

Has affected family planning and housing decisions

I had difficulty getting a home loan since my debt to income ratio was so high.

My student loan debt is more than my mortgage debt. Because I started with only being able to get a part-time lawyer job after law school, I went on a reduced payment plan, which only increased my total loan debt even though I was faithfully making payments every month. I was not been able to take advantage of public interest loan repayment programs because I was not working full time, which is a requirement. Now I'm working full time and can start the 10 year clock but it's been a crushing debt that I'm not sure I would do again, if I knew then what I know now.

For now it has not, but am aware it will be an issue in the future when I decide to start a family.

It's been a burden, especially to maintain a position that compensates similarly as other occupations that require far less in student loans and years in school. It hasn't been crippling, but it is a primary factor in my decision to never recommend law school to any inquiring student. The issue of student loan debt will drive away talented individuals from our profession.

Difficulty in acquiring a loan for buying a house

Currently planning on the federal student loan forgiveness program. Loans take up a decent size of my paycheck. Have to plan around them and stress from size relative to ability to pay them.

Chose public service anyway

Of course there was an effect. My debt repayment was a part of my overall budget. I believe that people who take out student loans should repay them in full. I am not in favor of debt forgiveness.

student debt adds a significant amount of stress --fiscal and other--to my life. I love my work and love public service, but it is very difficult to know that I will have trouble having a family, buying a house, or doing other things because I am committed to public service.

I need a job that can get me public student loan forgiveness. My current loan payment doesn't even cover the interest so my loan debt just keeps going up. It is an amount that I will never be able to pay off. I really do love working as a prosecutor but the small salary has made it really hard to achieve either life goals like buying a house (on top of student loan payments).

Can only make the minimum monthly payment based on my income. Honestly, can't imagine having to pay off the entire debt - relying on loan forgiveness, especially since it continues to increase and increase each year. Can't even put a dent into it with the minimum payment given the interest. Stuck being a prosecutor to get forgiveness.

It obviously hasn't affected my career choices, or I wouldn't be doing this almost 15 year in. However, I have needed help from family at times to pay for kids' teeth and appliances when they have unexpectedly gone out. My family lives in a small house, we drive modest cars, my children wear hand-me-down clothes. We make ends meet at the end of the month, but there is little savings to be had. The hundreds of dollars I spend a month on student debt would make the difference between making ends meet, and being on solid ground.

The loan forgiveness is nice for public service employees but I wish it was less than 10 years.

the student debt, with the interest rates of 7 % or greater is completely suffocating. The debt amount has affected all credit that i apply for as they offer only large interest rates. It is near impossible to buy much for the creature comforts etc.

unknown

Prior to entering the student forgiveness track, it was a significant financial burden, which negated the financial incentive/benefit/consequence of attending law school.

I know no matter what I have to stay in a DA's office to hopefully get student loan forgiveness otherwise I don't know how I will pay my student loans off. It also means now that I have a kid, I don't have a choice but to work full time. Student loans have limited mine and my husbands ability to expand our family for several reasons. 1. we have to adopt cause I can't have children and the cost of that is hard to save for when paying student loans and 2. the cost of daycare for more than one kid and the monthly student loans makes it so we are having trouble figuring out if we can afford the second kid we wish to have. If my student loans don't get forgiven in 10 years, I have no idea what I will do cause right now I can't even afford to put extra money in my retirement to save so I can retire someday. oh and my loan debt is only law school loans because I paid my undergrad loans before going to law school.

I have paid 40,000 toward my student loans, and they have gone up. My family lives in a house for us. We have not taken a single vacation. All because we cannot afford the immense burden of law school student loans

It made it difficult for starting a family. My wife and I decided to have kids after I finished law school. We both worked full-time and the costs of daycare on top of student loan payments and a mortgage made the budget tight every month. I made the smallest amount I could on my student loan every month and I didn't start making progress on reducing my loan debt until my kids were done with day care. My wife and I may have made some different career choices in the past if I didn't have to worry about student loan debt. The need for a steady paycheck outweighed the risk associated with potential career changes.

It's a huge impact. Personally, I could not even consider buying a home until I was married. I have to file taxes married and separate to keep the payments manageable, which typically means we pay taxes every year. We have also had to decide that children are not an option for us because of the additional financial burden and my age once a majority of the loans are hopefully forgiven. In terms of career, I have stayed in toxic work environments simply because of the pay. I paid a significant mental toll as a result of years of staying in a bad work environment.

I pay nearly 800 a month just in student loans and that is under an income based repayment plan. Thus, it affects everything about my life financially and impacts my ability to take care of my family in the way that I want too. It hasn't affected my career choice. I do this job because I love it, not because of how much money I can make. With that said, it would be nice to be able to care for my family on a similar level as my classmates who went into other areas of the law.

It's a constant strain on my mind and causes anxiety as well as affects other financial aspects of my life (getting other loans for a home or car, for example)

Can't leave a public interest position for 9 more years.

Between my wife and I we owe over 2000 per month. The entry wage is about 50,000 - the math is not hard to determine that when I started taking a job for the state as a public defender made me poor. I would have actually qualified for my own services a state attorney - that is all that needs to be said.

While I love this job, as an ADA I wasn't earning enough to justify working as a prosecutor. Luckily, I ran for DA and was elected, but had I not been, I would have went back to the private sector.

Student debt has impacted my life choices significantly. It impacted what type of mortgage I was able to obtain because I knew I would have student debt payment for a considerable amount of time (I graduated 16 years ago and still have 29,000 in debt) and it has impacted choices concerning my children - public school v. private school etc.

I have often thought of leaving the DA program because I can not afford to pay of my debt. However, with kids in school that was not a possibility. Will rethink it when the last one graduates next year.

I consolidated my stafford loans after graduation to a 30 year loan. Initially payments were 435 per month. I recently paid off some law school (bar study, study in France) loans. Now payment is 315/month. It is certainly an expense I could do with out. Early in my career it effected my housing options and the car I drove at a minimum.

It has made me want to get into public service in hopes of getting the remaining balance waived at some point.

Significantly. Living paycheck to paycheck and every amount of payment made on loans has gone solely to interest versus principal - hence the same debt now as then. Loan payments are income based, but still significant.

Well not having a huge amount of debt has made it easy for me to be a government attorney. If I had more than 100,000 in debt like other attorneys I would never be doing this job.

It is important to note that I had no undergraduate debt and my student loan debt is entirely from law school. I drive a 1999 Toyota Camry. My payments which were more than 1000 a month when I started prevented me from saving as much as I could have toward retirement through the State's deferred compensation program. I live modestly, mainly purchase clothing through resale shops for myself and my children. There are other factors that go into my financial life for instance: my husband is a small business owner with uncertain income; we had a house fire and lost many of our belongings and although we had insurance it doesn't replace everything due to depreciation and our new house payments are more than our old house payments; my kids attend parochial school. However, life would be much easier if I didn't have to pay 255+ a month in my remaining student loan debt. I have lots more to say, but it may not be that helpful. I know the trade off I made to serve the public and I don't expect to get rich doing this job (which I love), but being my age and basically living paycheck to paycheck is scary and not how I envisioned where I would be at this point in my life. That is personal. I also am concerned that student debt burden and the lower than average starting wage for a prosecutor deters good people from joining our ranks because it isn't economically feasible.

I am pursuing public service loan forgiveness ("PSLF"). If that doesn't go through my life is basically screwed since I will have worked for 10 years a low paying lawyer job while my debt continued to accumulate. If PSLF didn't exist I would not be an ADA since ADA pay is basically minimum wage for lawyers. Almost every person I went to law school with makes more money than me, the only exceptions are classmates who became ADAs also.

Could never work anywhere without the PSLF. I've paid 0 on the principal - it's all been to interest, which is stacking up faster than I can pay the minimum payments.

Significantly

When I first started practicing, my salary barely covered living expenses. Spouse had simultaneously done grad school on loans, and we both did much of our undergrad on loans. I deferred, we paid his down. he became disabled and his were discharged, mine have been too have burgeoned on interest and minimal payments. The forgiveness program started after I left the state the first time, and probably would not have qualified for it due to deferrals/ missed payments anyway. The years I paid big, on time, and even caught up, have really counted for naught. They will be collected from my Social Security.

I wanted to be a prosecutor coming out of school but couldn't afford to - now after being married (with a joint income) and receiving an inheritance, I was able to become a prosecutor with such a low salary. My husband and I have a budget we developed for when I started working as an ADA and it causes extreme stress.

It has drastically slowed everything down, despite help from my in-laws. Madison is much more expensive than other areas of the state. My finances can be a struggle at times.

Almost all of my debt is from law school as I have paid off most of my undergrad. My law school debt is always hanging over my head, and I have a near constant fear that the PSLF program will be killed. If it is, I will have spent the last 8 years working towards forgiveness and increasing my debt. When I first graduated from law school and was working in Madison, I was making less than 45K. I lived check to check and often relied on credit cards for 2 years until my salary increased. The cost of housing in certain areas of the State is significant. And when we are required to contribute so much to retirement, it can be hard to make ends meet in those early years.

I would probably be done with it if I stayed in private practice (I took a pay cut to be an ADA), so, negatively, I guess.

It was hard for my husband and I to approved for a get a house. I could not afford the monthly payment if not for Public Service Loan Forgiveness. My loans factor into any financial decision my husband and I make.

Even though I love being a prosecutor if my loans are forgiven after 10 years (through the public student loan forgiveness program) I will have to look for a higher paying job.

Hoping for loan forgiveness but not holding my breath. Definitely hangs over my head and keeps going up every year even though making payments. Have to file federal taxes separately from my husband to keep the payments at a manageable level. Thankfully I have a dual income home but have kids that are going to college soon so the debt is even more stressful.

I love my job but I wouldn't be able to work as an Assistant DA is it wasn't for loan forgiveness. My monthly payments, under in loan forgiveness program, is approx. 252 per month. If I did not do the loan forgiveness program, my regular payments would be approx. 1,900

I have remained with the DAs office to qualify for PSLF. My anticipated forgiveness date is Oct of 2021.

I only have student debt from law school. This is something that is always hanging over my head. I do not like having any kind of debt, so I am trying to pay it down but I don't have much to contribute each month. I feel like I am being punished for wanting this career.

The only reason I can be a prosecutor and not go bankrupt is Public Service Loan Forgiveness. If that program goes away or caps the amount of forgiveness, I'll have to quit that day and join a firm.

It consumes my thoughts and can be overwhelming. It also forces me to consider other options of employment that pay more vs. opportunities that make a difference and serve the public. Does not give me financial security and causes me to continue to look for a second job.

It is a huge burden. I bought a house two years ago and my the price of my house was lower than my student debt. With the repayment plan offered, I don't even make the interest payment on my loans so they continue to grow each month. I am just hopeful that the 10 year forgiveness is available in 4 years otherwise I don't know what I would do.

I've just accepted that I'll never pay them off.

Although I love what I do, I feel "stuck". I keep making payments, but I don't feel hopeful I'll ever have the loans paid off or that Loan Forgiveness will actually still be around for me to take advantage of. My partner and I have one child, and we're talking about a second, but frankly, I don't think I can afford the daycare fees for two kids and still stay on top of all my other financial obligations and save any sort of money.

I pay roughly 1000 a month for my student loans to pay off my loans earlier rather than die with student loans. I spend almost every additional penny I have after paying bills towards my student loans

I'm never going to get out from under it. Having a career where I can get public service forgiveness is the only possible way I might clear it. My law school has a program where, if I'm working in public service, they will pay my loan interest (or a portion thereof). So, working for the government was attractive that I might not have to pay so much in loans every month.

I looked for jobs in the public sector in hopes to get some type of relief in the long-term. However, those jobs are usually low paying themselves. Having the burden of the student loan has made it extremely difficult to save and work to own anything on my own. If I did not have the benefits I get from being a state employee things financially would be extremely tight.

I can't get a traditional mortgage on my home. I had to get a differently-structured loan with higher interest rate. We can't pay off the credit cards we need to use from time to time. We have nothing extra, all money goes towards staying alive. The kids come first, we are last. I couldn't start my own practice, or buy into an existing one as a partner. My credit score is not good because of my debt to income ratio. But, this debt has never affected my career choices, even when taking the ADA job with a decrease in pay.

I would never be able to pay off my debt with the amount of money I made starting off. If not for the PSLF, I would have likely gone the private route to pay off debt before turning to my passion of prosecution.

Hahahahaha. Add a stressful job to managing debt that is more than my mortgage. It's great. The financial impact is almost subconscious at this point. You don't even think about what you want because you can barely handle what you have. It's impossible to save money. And I have chosen to do the PSLF, so I have had to stay with prosecution (which would likely be my choice anyway, but we'll never know!) It makes it very difficult to continue to choose to remain in a profession I love and something I believe I am good at and make a difference doing.

I would probably have chosen a career in the private sector, but then I wouldn't be eligible for PSLF.

Housing choices (i.e. need to afford both mortgage and substantial monthly loan payments), vacations, non-essential purchases. I've stayed with this career because 1) I love it and 2) I am really banking on loan forgiveness in 2023 (although that's a big hope).

I went back to school in my 40s. The legal market crashed when I graduated and there were few attorney jobs available, so like many, I hung my own shingle and took underfunded public defender assigned counsel work for a number of years. It's unlikely I will ever be able to retire, as this mountain of debt prevents it.

I always wanted to be a prosecutor so it didn't change my career choice...but it has obvious affects on my overall lifestyle choices.

I think the only way a job as an ADA is feasible long-term is knowing that in 10 years the debt will be forgiven. Without that, I would likely be unwilling to work as an ADA. With the forgiveness, it's a close call. I'm hyperaware of all of my finances at all times. Financially, I have foregone the potential earnings and stability of my classmates to do worthwhile work I enjoy and believe I'm good at.

I was able to pay off my debt in 7.5 years. I started in 1992 at 28000. By 2000, my salary increased dramatically. After 28 years, I am now at 113,000. I will never reach the top, but I am much better off than the younger ADAs. (not complaining one bit, just giving you info. Thank you for trying to help them.

Without the potential for PSLF, I could not afford to work in the public sector, and I would have went into private practice long ago. My student loan debt precluded me from seeking a position as an Assistant District Attorney prior to becoming the elected district attorney as I could not survive on my level of compensation as a ADA with my student loan obligations and my compensation in private practice, even in a rural setting, was in excess of 80,000 per year even as a 1st year attorney

YES! My house is small and I have committed to a 10 year public service career since the balance keeps increasing based on the interest rate.

My student loan debt is almost double my house and car debt

I've had to look at housing closely, whether I can afford to rent or buy a house. Having debt made it challenging to get a mortgage to buy a home. I always have to look at expenses carefully and do a balancing game.

Yes. I have stayed in public service, rather than ever considering moving to the private sector, because of my student loan debt and the Federal Student Loan Forgiveness Program.

None

Ability to pay my debts coupled with other financial obligations is the sole reason I have considered a career change.

It has been difficult to buy a house due to my debt including expenses incurred that were not covered by student loans.

I have to live with the uncertainty that the federal student loan repayment program that is supposed to pay my loans if I am a prosecutor for 10 years may arbitrarily decide not to pay it back after 10 years.

It made me really consider whether I could afford practicing criminal law, despite it being my passion. It also made it somewhat difficult when applying for a home loan because they looked at my total and had to take a percentage of that to calculate monthly payment, rather than taking into consideration the 10 year loan forgiveness plan and realizing why my payments are 0 right now.

The loan debt has had a profound effect on my life. I predict that I won't be able to own a home until I'm 40 based on my loan payments. And, that is only if my loans are forgiven after 10 years. A huge chunk of my income goes towards loans and that makes it difficult for me to save up for anything.

It is the primary reason I am a prosecutor (to obtain PSLF)

It hasn't affected my life or my career choices.

Yes, I am in public service for at least 10 years because of this.

It is a significant debt that if I did not have I could use the money for other things for my family

Public service loan forgiveness is very important to me. Have not left prosecution for more money in the private sector because I want loan forgiveness. Once my loans are forgiven I would like to stay in prosecution but will be difficult to do so when I know I can make much more money in the private sector.