

**ADOPTED 2006 BUDGET**

**DEPT:** DISTRICT ATTORNEY

**UNIT NO.** 4500  
**FUND:** General - 0001

**OPERATING AUTHORITY & PURPOSE**

Pursuant to Wisconsin Statutes Section 978.05, the District Attorney of Milwaukee County has the following duties:

A. In the Circuit Courts of Milwaukee County having jurisdiction for ADULT MATTERS – Prosecutes all criminal actions; prosecutes all State forfeiture actions, County traffic actions and actions concerning violations of County ordinances which are in conformity with State criminal laws; participates in John Doe or other investigative proceedings; issues subpoenas and other processes to compel the attendance of witnesses; upon the request and under the supervision and direction of the Attorney General, briefs and argues all criminal cases brought by appeal or writ of error to the Court of Appeals or Supreme Court; handles all appeals

or proceedings if the case is decided by a single Court of Appeals judge; institutes, commences, or appears in certain civil actions or special proceedings as set forth in Wisconsin Statutes Section 978.05(6).

B. In the Circuit Courts of Milwaukee County having jurisdiction for JUVENILE MATTERS – Represents the public’s interest at the Children’s Court Center for matters including children alleged to be delinquent, to have violated civil laws or ordinances, to be in need of protection or services or who are developmentally disabled, mentally ill, alcoholic or drug dependent; and initiates and defends appeals and prosecutes termination of parental rights actions.

<b>BUDGET SUMMARY</b>				
<b>Account Summary</b>	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2006 Budget</b>	<b>2005/2006 Change</b>
Personal Services	\$ 8,275,933	\$ 8,341,950	\$ 8,151,131	\$ (190,819)
Employee Fringe Benefits	4,213,767	4,766,733	4,819,368	52,635
Services	2,553,004	2,678,397	2,930,447	252,050
Commodities	95,037	113,880	108,897	(4,983)
Other Charges	0	0	0	0
Debt & Depreciation	0	0	0	0
Capital Outlay	0	18,654	29,700	11,046
Capital Contra	0	0	0	0
County Service Charges	2,940,720	2,578,922	2,867,085	288,163
Abatements	(3,337,964)	(3,040,001)	(2,388,939)	651,062
<b>Total Expenditures</b>	<b>\$ 14,740,497</b>	<b>\$ 15,458,535</b>	<b>\$ 16,517,689</b>	<b>\$ 1,059,154</b>
Direct Revenue	112,089	73,253	82,822	9,569
State & Federal Revenue	7,439,783	7,546,689	8,472,331	925,642
Indirect Revenue	0	0	0	0
<b>Total Revenue</b>	<b>\$ 7,551,872</b>	<b>\$ 7,619,942</b>	<b>\$ 8,555,153</b>	<b>\$ 935,211</b>
<b>Direct Total Tax Levy</b>	<b>\$ 7,188,625</b>	<b>\$ 7,838,593</b>	<b>\$ 7,962,536</b>	<b>\$ 123,943</b>

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<b>ADDITIONAL COSTS NOT INCLUDED IN TAX LEVY*</b>				
<b>Account Summary</b>	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2006 Budget</b>	<b>2005/2006 Change</b>
Central Service Allocation	\$ 122,205	\$ 175,924	\$ 190,288	\$ 14,364
Courthouse Space Rental	1,027,416	970,151	1,011,000	40,849
Document Services	42,645	7,747	0	(7,747)
Tech Support & Infrastructure	529,436	581,609	649,468	67,859
Distribution Services	9,056	8,375	10,335	1,960
Emergency Mgmt Services	0	0	0	0
Telecommunications	79,692	44,400	60,898	16,498
Record Center	112,390	76,987	65,809	(11,178)
Radio	5,527	7,638	18,593	10,955
Computer Charges	103,809	164,160	0	(164,160)
Applications Charges	400,490	10,813	146,513	135,700
<b>Total Charges</b>	<b>\$ 2,432,666</b>	<b>\$ 2,047,804</b>	<b>\$ 2,152,904</b>	<b>\$ 105,100</b>
<b>Direct Property Tax Levy</b>	<b>\$ 7,188,625</b>	<b>\$ 7,838,593</b>	<b>\$ 7,962,536</b>	<b>\$ 123,943</b>
<b>Total Property Tax Levy</b>	<b>\$ 9,621,291</b>	<b>\$ 9,886,397</b>	<b>\$ 10,115,440</b>	<b>\$ 229,043</b>

\* These costs are included in other departmental and non-departmental budgets. They are reflected here to show the "total" amount of tax levy support for this Department.

<b>PERSONNEL SUMMARY</b>				
	<b>2004 Actual</b>	<b>2005 Budget</b>	<b>2006 Budget</b>	<b>2005/2006 Change</b>
Personal Services (w/o EFB)	\$ 8,275,933	\$ 8,341,950	\$ 8,151,131	\$ (190,819)
Employee Fringe Benefits (EFB)	\$ 4,213,767	\$ 4,766,733	\$ 4,819,368	\$ 52,635
Position Equivalent (Funded)*	161.0	161.6	159.1	( 2.5)
% of Gross Wages Funded	95.2	95.0	96.9	1.9
Overtime (Dollars)**	\$ 150,399	\$ 170,208	\$ 170,208	\$ 0
Overtime (Equivalent to Position)	3.1	3.9	3.9	0

\* For 2004, the Position Equivalent is the budgeted amount.

\*\* Delineated for information. (Also included in personal services.)

<b>PERSONNEL CHANGES</b>				
<b>Job Title/Classification</b>	<b>Action</b>	<b>Number of Positions/ Total FTE</b>	<b>Division</b>	<b>Cost of Positions (Excluding Fringe Benefits)</b>
Victim/Witness Advocate	Abolish	3/3.0	Dist Attorney- General	\$ (110,538)
Investigator District Attorney	Abolish	1/1.0	Dist Attorney- General	(22,522)
			<b>TOTAL</b>	<b>\$ (133,060)</b>

**MISSION**

The mission of the Milwaukee County District Attorney's Office is to promote public peace and safety by just and vigorous prosecution; to seek and do impartial justice by ensuring that the guilty are punished and the innocent go free; to protect the health and welfare of children who are victims of child abuse and neglect; and to safeguard the rule of

law and promote citizens' participation in law enforcement by treating all persons who come in contact with the criminal justice system with fairness, dignity and respect.

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**DEPARTMENT DESCRIPTION**

**District Attorney Functions.** Plans and organizes for the prosecution of all criminal, juvenile and applicable ordinance violations in Milwaukee County. Recruits and staffs all professional positions and makes major assignments of personnel and cases. Coordinates and supervises all department activities and approves and maintains control over all departmental policies, procedures and activities. Directs the Organized Crime and White Collar Crime Unit, and supervises the Firearms Unit and Community Prosecution program.

**Chief Deputy District Attorney Functions.** Supervises all division functions and oversees the implementation of all departmental policies and procedures. Supervises liaison with other County officials departments: City, State, Federal officials, law enforcement agencies and community groups. Oversees the office legal intern program and coordinates legal training and education for office prosecutors. Serves as office liaison to the legislature and initiates and reviews proposals for criminal and juvenile law legislation.

<b>Chief Deputy DA Program Statistics</b>	
District Attorney	1
Chief Deputy District Attorney	1
County Staff	9
Assistant District Attorneys	15

**Misdemeanor Division.** Staffs all misdemeanor courts, presents evidence, argues motions, plans and conducts jury as well as court trials for all misdemeanor and applicable ordinance violations in Milwaukee County. Conducts pretrial hearings and insures application of uniform negotiation policies in misdemeanor cases. Directs and supervises the misdemeanor team and the Domestic Violence Unit. Develops and maintains systems to insure the highest quality of prosecution and speedy disposition of misdemeanor cases. Initiates and defends appeals before one judge in the Court of Appeals. Acts as liaison with the Attorney General on appeals before three judge panels in the Court of Appeals and the Supreme Court. Supervises the extradition of defendants from other states on Milwaukee County felony charges and handles all proceedings in Milwaukee County Circuit Court relating to the extradition of defendants or witnesses.

<b>Misdemeanor Program Statistics</b>	
Cases in 2004	23,744
Deputy District Attorneys	1
County Staff	36.5
Assistant District Attorneys	28

**Administrative Division.** Administers the Department's State and County budgets and fiscal systems; develops and coordinates grants and revenues; controls the expenditure of funds. Supervises internal management including facilities, inventory, purchasing systems and procedures, record management and statistics. Organizes, staffs, directs and coordinates all clerical functions. Supervises the Affirmative Action program. Conducts long-range planning. Maintains liaison with the administrative and fiscal personnel of the State, Milwaukee County, law enforcement agencies and other governmental organizations. Directs the Family and Public Welfare Unit and the Victim/Witness Services Unit.

<b>Administrative Program Statistics</b>	
Deputy District Attorneys	1
County Staff	54
Assistant District Attorneys	2

**Felony Division.** Staffs all criminal courts, presents evidence, argues motions, and in addition plans and conducts jury as well as court trials for all felony violations in Milwaukee County. Conducts pretrial hearings and insures the application of uniform negotiation policies on felony cases; directs and supervises the Homicide, Drug, Sensitive Crimes, Sensitive Crimes Victim Witness Services and Felony Team units. Works to insure the highest quality of prosecution and speedy disposition of felony cases. Approves consolidation of cases with other counties and disposes of cases where persons wanted in Milwaukee County are detained in penal institutions outside of Milwaukee County. Insures that the requirements of the discovery laws are met on felony cases.

<b>Felony Program Statistics</b>	
Cases in 2003	6,930
Deputy District Attorneys	1
County Staff	37.5
Assistant District Attorneys	45

**Juvenile Division.** Reviews all referrals for possible delinquency prosecution and orders additional

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investigation if required. Provides legal advice to Children’s Court staff. Drafts and files petitions to declare juveniles delinquent or in need of protection and services (CHIPS) under Chapters 48 and 938 of Wisconsin Statutes. Prepares and argues waivers of jurisdiction from Children’s Court to Adult Court. Prosecutes all delinquency and CHIPS actions in the Children’s Court of Milwaukee County. Reviews and prosecutes all matters involving termination of parental rights in the Children’s Court of Milwaukee County. Conducts a continuing education and informational program for law enforcement personnel, social services agencies, child protection social workers and citizens on latest developments and practices in juvenile law. Directs the Victim/Witness Services Unit of the Children’s Court Center, including the witness notification and subpoena functions.

**State Prosecutors and the County Payroll and Benefit System.** The District Attorney’s budget reflects the 18 Prosecutors who elected to remain in the Milwaukee County Employee Retirement System and retained County fringe benefits when District Attorneys became State employees on January 1, 1990. In addition, there are 14 Prosecutors on the State payroll who retained County fringe benefits. The budget reflects County payments to Prosecutors on the County payroll and State reimbursement for these payments as well as the actual County cost of fringe benefits provided to the 32 Prosecutors with County fringe benefits.

**CHARGES FROM THE STATE**

Charges from the State for prosecutors increase \$27,559, from \$2,285,394 to \$2,312,953, for the salaries and fringe benefits of 33 full-time equivalent Assistant District Attorneys whose positions are offset with Federal and State grant revenue. The District Attorney receives the revenue for these positions and passes the revenue to the State. Of the \$5,741,395 received by the District Attorney for State and Federal grants, \$2,312,953 is passed to the State for prosecutor costs.

<b>Juvenile Program Statistics</b>	
Cases in 2003	4,986
Deputy District Attorneys	1
County Staff	35
Assistant District Attorneys	31.5

<b>CHARGES FROM THE STATE</b>				
<b>Charges from the State</b>	Number of ADAs	2005 Budget	2006 Budget	2005/2006 Change
MMDEG Grant	8.0	\$ 397,150	\$ 565,000	\$ 167,850
Prosecution of Drug Crimes Grant	2.0	294,800	154,000	(140,800)
Child Support Prosecutor	1.0	70,134	70,672	538
State CHIPS TPR Grant	8.5	646,150	583,100	(63,050)
Federal Block Grant	0.5	72,200	23,050	(49,150)
State Violence Against Women Act Grant	1.0	61,880	62,863	983
Federal Violence Against Women Act Grant	0.0	320,240	0	(320,240)
High Intensity Drug Trafficking Area Grant	5.0	368,936	359,975	(8,961)
Juvenile Accountability Incentive Block Grant	1.0	53,904	55,293	1,389
Office of Juvenile Justice & Delinquency Prevention	1.0	0	88,500	88,500
Domestic Violence Congressional Earmark	5.0	0	350,500	350,500
<b>TOTAL</b>	<b>33.0</b>	<b>\$ 2,285,394</b>	<b>\$ 2,312,953</b>	<b>\$ 27,559</b>

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Revenue from State grants for 2006 is comprised of six programs that are detailed in the following table.

<b>STATE GRANTS</b>			
<b>State Revenue Programs</b>	<b>2005 Budget</b>	<b>2006 Budget</b>	<b>2005/2006 Variance</b>
Victim/Witness	\$ 1,203,100	\$ 1,186,000	\$ (17,100)
Victim of Crimes Act (VOCA)	324,000	373,050	49,050
Special Prosecution Courts' Clerks	192,900	249,000	56,100
CHIPS-Termination of Parental Rights State Contract	1,069,800	1,035,200	(34,600)
State Violence Against Women Act	220,780	235,400	14,620
Operation Ceasefire	83,500	0	(83,500)
<b>TOTAL</b>	<b>\$ 3,094,080</b>	<b>\$ 3,078,650</b>	<b>\$ (15,430)</b>

The Victim/Witness program, which provides services to victims and witnesses of crimes pursuant to Chapter 950 of the Wisconsin Statutes, will consist of 33.5 full-time equivalent positions in 2006: 3.5 Victim/Witness Coordinators, 25 Victim/Witness Advocates, 1 Sexual Assault Victim Advocate and 4 clerical personnel. Wisconsin Statutes, Section 950.06 provides that the State can reimburse counties for up to 90 percent of costs of their victim/witness programs. For 2006, based upon an analysis of the 2005-2007 State Budget, the District Attorney is estimating a reimbursement rate of 54 percent – a decrease of 4 percent from 2005.

Victim Of Crimes Act (VOCA) will provide funding for 7 positions in 2006: 4 Victim/Witness Advocates assigned to the Crisis Response Unit and 3 Assistant Sensitive Crimes Victim Advocates in the Sensitive Crimes Victim Services Unit. The Wisconsin Department of Justice, Office of Crimes Victims Services (OCVS), provides 80 percent reimbursement for these positions and operating expenses through VOCA. For the past two years, the VOCA grant has been frozen at \$318,160. OCVS is conducting an open competition for 2006 VOCA grants, and the Department submitted an application for funding of \$373,050. If the OCVS holds funding at \$318,160, the Department will eliminate 1 position of Victim/Witness Advocate in the Crisis Response Unit at the start of the 2006 grant year on October 1, 2005 for no tax levy effect.

The Special Prosecution Courts' Clerks statutory grant provides funding for the salaries and fringe benefits of 6.5 Secretaries; 1.5 Secretarial Assistants, 3 Clerical Assistants who work on

homicide, sexual assault and felony drug cases and 2 Secretarial Assistants in the Firearms Unit, that were formerly part of the Operation Ceasefire state grant. Grant revenue is collected by the Clerk of Circuit Court from a \$3.50 fee levied on civil case filings pursuant to Wisconsin Statutes Section 814.635(1m).

The CHIPS Termination of Parental Rights grant will provide continued funding for 8.5 Assistant District Attorneys, 4 Paralegals, 2 Secretarial Assistants and 1 Clerical Assistant 2 under a State contract with the Department of Health and Family Services - Division of Children and Family Services.

The State Violence Against Women Act (VAWA) Formula Grant for Domestic Violence and Sexual Assault Prosecutions will provide funding for 1 Assistant District Attorney, 1 Victim/Witness Advocate, 1 Assistant Sensitive Crimes Victim Advocate and 2 hourly Process Servers. The grant for State fiscal year 2006, from July 1, 2005 to June 30, 2006, will be \$235,400. The Wisconsin Office of Justice Assistance has notified the District Attorney that the 2007 award will be reduced. The Department will hold positions vacant or layoff employees for no tax levy effect if funding is reduced for the program effective July 1, 2006.

Operation Ceasefire previously provided funding under Wisconsin Statutes, Section 978.139(1) (d) for 2 Secretarial Assistants in the District Attorney's Firearms Unit. These positions have been moved into the Special Prosecution Courts' Clerks grant.

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Revenue from Federal grants for 2006 is comprised of eight programs that are detailed in the following table.

<b>FEDERAL GRANTS</b>			
<b>Federal Revenue Programs</b>	<b>2005 Budget</b>	<b>2006 Budget</b>	<b>2005/2006 Variance</b>
JAG Prosecution of Drug Crimes Grants	\$ 294,800	\$ 154,000	\$ (140,800)
Local Law Enforcement Block Grant	64,980	20,745	(44,235)
HIDTA	794,600	790,750	(3,850)
VAWA Judicial Oversight Grant	488,350	0	(488,350)
JAG County MMDEG	0	520,000	520,000
JAG OJA MMMDEG	0	719,000	719,000
OJJDP Community Prosecution	0	88,500	88,500
Domestic Violence Earmark	0	379,750	379,750
<b>TOTAL</b>	<b>\$ 1,642,730</b>	<b>\$ 2,672,745</b>	<b>\$ 1,030,015</b>

The JAG Prosecution of Drug Crimes grant provides 100 percent funding from OJA for 3 Assistant District Attorneys assigned to the Milwaukee Metropolitan Drug Enforcement Group (MMDEG). In the 2005 Federal budget, the Byrne Law Enforcement Assistance program and the Local Law Enforcement block grant program were combined into a new Edward Byrne Memorial Justice Assistance Grant (JAG). In the State fiscal years 2006 and 2007, the JAG statutory grant for OJA will provide funding for 2 Assistant District Attorneys assigned to MMDEG.

The Local Law Enforcement Block Grant provides 90 percent funding for the salary and fringe benefits of 1 Assistant District Attorney assigned to expediting the handling of felony cases. This is funded until September 30, 2006. A half-time position is assigned to meet the funding constraints of the grant.

The Milwaukee High Intensity Drug Trafficking Area (HIDTA) grant provides 100 percent funding from the Office of National Drug Control Policy (ONDCP) for 5 Assistant District Attorneys, 1 Clerical Assistant 1, 1 Clerical Specialist, 1 Intelligence Analyst, 1 HIDTA Director, 1 Coordinator that serves as the HIDTA Deputy Director and 1 Administrative Assistant 2.

The VAWA Judicial Oversight grant, which is administered by the Clerk of Circuit Court, is not

funded in 2006. As a result, three vacant positions of Victim/Witness Advocate are abolished in the 2006 budget.

The Domestic Violence Earmark provides salaries and fringe benefits for 5 Assistant District Attorneys to reinstate a contract with Sojourner Truth House to provide services to victims of domestic violence on weekends. The grant also allows for a contract with Legal Action of Wisconsin to provide free legal services to low-income victims of domestic violence.

The 2005 JAG County MMDEG and JAG OJA MMDEG grant – includes funding of \$600,000 for Milwaukee Metropolitan Drug Enforcement Group (MMDEG) to supplement anticipated 2006 reductions in state JAG funding from OJA for the JAG Prosecution of Drug Crimes program and the JAG MMDEG project. After the passage of the 2005-2007 State budget this grant may undergo substantial revisions. This grant will supplement the JAG OJA grant for 2 Prosecutors in the drug unit.

The OJJDP Community Prosecution grant provides the salary and fringe benefits of 1 Assistant District Attorney that serves as a community prosecutor in the Milwaukee Police Department, third district.

<b>CHARGES TO OTHER COUNTY AGENCIES</b>				
<b>Department</b>	<b>Program</b>	<b>2005 Budget</b>	<b>2006 Budget</b>	<b>2005/2006 Change</b>
Child Support	Prosecution for Failure to Provide Support to a Child	\$ 148,266	\$ 151,122	\$ 2,856
Health & Human Serv	First Offenders Program	58,977	29,620	(29,357)
Health & Human Serv	Juvenile Accountability and Incentive Grant (JAIBG)	<u>53,904</u>	<u>55,293</u>	<u>1,389</u>
<b>TOTAL</b>		<b>\$ 261,147</b>	<b>\$ 236,035</b>	<b>\$ (25,112)</b>

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### Child Support Enforcement

Pursuant to Section 948.22 of the Wisconsin State Statutes, individuals may be prosecuted for failure to provide support to a child. The Department of Child Support Enforcement refers the most egregious cases to the District Attorney for criminal prosecution. The District Attorney crosscharges the Department of Child Support Enforcement for the services of an Assistant District Attorney on the state payroll that prosecutes criminal child support cases and for the costs of a full time paralegal. The Department of Child Support Enforcement receives Federal reimbursement of 66% for the cost of the positions. The State charges the District Attorney for the costs of the Assistant District Attorney dedicated to child support cases.

### Department of Health and Human Services

The costs for a half-time paralegal assigned to the Children's Court Center First Time Offenders Program are crosscharged to the Department of Health and Human Services to recover grant funding. In addition, the costs for one Assistant District Attorney is charged to the Department of Health and Human Services to recoup grant funding from the Juvenile Accountability and Incentive Grant. DHHS receives this grant funding in its budget.

### **BUDGET HIGHLIGHTS**

- Personal Services expenditures without fringe benefits decrease by \$190,819 from \$8,341,950 to \$8,151,131. Funded positions decrease 2.5, from 161.6 to 159.1.
- In 2006, due to discontinuation of grant funding, 1 Investigator DA and 3 Victim/Witness Advocates positions are abolished.

- The District Attorney's office assumed fiscal and administrative responsibility for the Milwaukee Metropolitan Drug Enforcement Group (MMDEG) grant from the Sheriff's Department on January 1, 2005. In 2006, the Sheriff's Department will crosscharge the District Attorney's office for the salaries and fringe benefits of 1 Sergeant and 1 Deputy Sheriff assigned full-time to MMDEG.
- Felony filings, the District Attorney's most significant workload indicator, increased 18.9 percent from 2000 through 2004.
- All departments are required to operate within their expenditure appropriations and their overall budgets. Pursuant to Section 59.60(12), Wisconsin Statutes, "No payment may be authorized or made and no obligation incurred against the county unless the county has sufficient appropriations for payment. No payment may be made or obligation incurred against an appropriation unless the director first certifies that a sufficient unencumbered balance is or will be available in the appropriation to make the payment or to meet the obligation when it becomes due and payable. An obligation incurred and an authorization of payment in violation of this subsection is void. A county officer who knowingly violates this subsection is jointly and severally liable to the county for the full amount paid. A county employee who knowingly violates this subsection may be removed for cause."

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<b>ACTIVITY AND STATISTICAL SUMMARY</b>				
<u>Description</u>	<u>2004 Budget</u>	<u>2004 Actual</u>	<u>2005 Budget</u>	<u>2006 Budget</u>
<u>Major Offenses Reported to Police</u>				
Violent Crimes	6,400	5,241	6,000	5,500
Property Crimes	<u>53,500</u>	<u>43,725</u>	<u>53,500</u>	<u>45,000</u>
Total Major Offenses	59,900	48,966	59,500	50,500
<u>Milwaukee County Arrests</u>				
Juvenile Arrests	29,500	26,543	30,000	27,000
Adult Arrests	<u>80,000</u>	<u>79,283</u>	<u>85,000</u>	<u>80,000</u>
Total Arrests	109,500	105,826	115,000	107,000

<b>MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE CASELOAD STATISTICS</b>			
	<u>2002</u>	<u>2003</u>	<u>2004</u>
Felony	6,656	7,272	6,930
Misdemeanor	10,472	10,257	10,050
Criminal Traffic	11,800	14,867	13,694
Children in Need of Protective Services (CHIPS)	1,301	1,179	1,994
Juvenile Delinquency	3,100	3,030	2,483
TPR (Termination of Parental Rights)	701	874	509