

DISTRICT ATTORNEYS

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY01 Adjusted Base	FY02 Recommended	% Change Over FY01	FY03 Recommended	% Change Over FY02
GPR	35,202,900	36,190,900	2.8	36,193,200	0.0
PR-O	1,399,300	1,227,400	-12.3	1,248,000	1.7
PR-S	0	116,400	0.0	122,100	4.9
TOTAL	36,602,200	37,534,700	2.5	37,563,300	0.1

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY01 Adjusted Base	FY02 Recommended	FTE Change From FY01	FY03 Recommended	FTE Change From FY02
GPR	375.65	375.65	0.00	375.65	0.00
PR-O	36.50	36.50	0.00	26.00	-10.50
PR-S	0.00	1.00	1.00	1.00	0.00
TOTAL	412.15	413.15	1.00	402.65	-10.50

AGENCY DESCRIPTION

The agency consists of seventy-one prosecutorial units, each of which is headed by an elected district attorney. Seventy of the prosecutorial units cover a single county. One covers Shawano and Menominee counties. Sixty-two district attorney offices have one or more assistant district attorneys and ten have one or more deputy district attorneys. All of the prosecutors are state employees. Through this agency, the state is responsible for the salary and fringe benefits of the state employees, the court ordered costs of private bar special prosecutors and limited additional administrative expenses. The costs of information technology are addressed as a part of the state Department of Administration budget. The counties are responsible for all other expenses of district attorney offices. The agency is responsible to prosecute all criminal, juvenile and selected civil cases including sex predator determinations and related matters and to do limited post conviction actions including certain appeals. The program is administered by the State Prosecutors Office located in the Department of Administration.

MISSION

The mission of the department is to advocate justice under the law to protect the community.

PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES

Program 1: District Attorneys

Goal: To ensure justice is done in all instances where law enforcement refers a case to the district attorney's office.

Objective/Activity: Take timely initial prosecutorial actions in all law enforcement referrals of felonies involving firearms cases.

Objective/Activity: Take timely initial prosecutorial actions in all law enforcement referrals of all sexual assault cases.

Objective/Activity: Take timely initial prosecutorial actions in all law enforcement referrals of burglary cases.

Goal: To improve crime victim satisfaction with the criminal justice system and enhance crime victim cooperation with criminal justice prosecution efforts.

Objective/Activity: Provide crime victims with complete information about their cases and treat them with dignity and respect.

PERFORMANCE MEASURES

Prog. No.	Performance Measure	Actual 2000	Goal 2001	Goal 2002	Goal 2003
1.	Number of days from receipt of all law enforcement referrals of felonies involving firearms cases until initial prosecutorial action.	12.08*	To be determined	To be determined	To be determined
1.	Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action.	17.23*	To be determined	To be determined	To be determined
1.	Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action.	19.98*	To be determined	To be determined	To be determined
1.	Percent of district attorney offices with a process to provide crime victims with all required information in a timely fashion as required by law.	100%**	100%***	100%***	100%***

* Fifty-nine of 71 district attorney offices surveyed responded; 58 of 59 had such cases in base period; unweighted average of offices with cases.

** Fifty-nine of 71 district attorney offices surveyed responded; all reported having a process in place.

*** Set by the Wisconsin District Attorneys Association.

DISTRICT ATTORNEYS

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Enhancing the Use of DNA Evidence
2. Refinements and Clarifications to Truth in Sentencing
3. Internet and Technology Assisted Crimes
4. Telemarketing Practices
5. Full Funding for Drug Prosecutors
6. Full Funding for Operation Ceasefire
7. Funding for Milwaukee County Court Clerks
8. Standard Budget Adjustments

ITEMS NOT APPROVED

9. New GPR-Funded Prosecutor Positions

Table 1
Department Budget Summary by Funding Source (in thousands of dollars)

	ACTUAL FY00	ADJUSTED BASE FY01	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY02	FY03	FY02	FY03
GENERAL PURPOSE REVENUE	\$33,669.4	\$35,202.9	\$37,648.6	\$38,191.7	\$36,190.9	\$36,193.2
State Operations	33,538.6	35,078.5	37,512.6	38,053.4	36,114.9	36,114.9
Local Assistance	130.8	124.4	136.0	138.3	76.0	78.3
FEDERAL REVENUE (1)	81.3					
State Operations	81.3					
PROGRAM REVENUE (2)	2,684.4	1,399.3	1,404.5	1,409.9	1,343.8	1,370.1
State Operations	2,516.0	1,224.6	1,224.6	1,224.6	1,343.8	1,370.1
Local Assistance	168.4	174.7	179.9	185.3		
TOTALS-ANNUAL	36,435.1	36,602.2	39,053.1	39,601.6	37,534.7	37,563.3
State Operations	36,135.9	36,303.1	38,737.2	39,278.0	37,458.7	37,485.0
Local Assistance	299.2	299.1	315.9	323.6	76.0	78.3

(1) Includes Program Revenue-Federal and Segregated Revenue-Federal

(2) Includes Program Revenue-Service and Program Revenue-Other

Table 2
Department Position Summary by Funding Source (in FTE positions) (4)

	ADJUSTED BASE FY01	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY02	FY03	FY02	FY03
GENERAL PURPOSE REVENUE	375.65	411.80	412.80	375.65	375.65
PROGRAM REVENUE (2)	36.50	34.80	24.30	37.50	27.00
TOTALS-ANNUAL	412.15	446.60	437.10	413.15	402.65

(2) Includes Program Revenue-Service and Program Revenue-Other

(4) All positions are State Operations unless otherwise specified

**Table 3
Department Budget Summary by Program (in thousands of dollars)**

	ACTUAL FY00	ADJUSTED BASE FY01	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY02	FY03	FY02	FY03
1. District attorneys	\$36,435.1	\$36,602.2	\$39,053.1	\$39,601.6	\$37,534.7	\$37,563.3
TOTALS	36,435.1	36,602.2	39,053.1	39,601.6	37,534.7	37,563.3

**Table 4
Department Position Summary by Program (in FTE positions) (4)**

	ADJUSTED BASE FY01	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY02	FY03	FY02	FY03
1. District attorneys	412.15	446.60	437.10	413.15	402.65
TOTALS	412.15	446.60	437.10	413.15	402.65

(4) All positions are State Operations unless otherwise specified

1. Enhancing the Use of DNA Evidence

Source of Funds	Agency Request				Governor's Recommendation			
	FY02		FY03		FY02		FY03	
Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions	
PR-S	0	0.00	0	0.00	116,400	1.00	122,100	1.00
TOTAL	0	0.00	0	0.00	116,400	1.00	122,100	1.00

The Governor recommends the authorization of 1.0 FTE assistant district attorney position in Milwaukee County to serve as a statewide authority and resource on the use of DNA evidence in the court room. Salary and benefits costs of the position will be covered by a portion of the \$5 crime lab and drug enforcement surcharge and the \$250 DNA surcharge. The Governor's recommendation includes eliminating the statute of limitations for serious sexual assaults, including first and second degree sexual assault, first and second degree sexual assault of a child and repeated acts of sexual assault of a child. With the availability of DNA profiles, prosecution for these crimes could be commenced within 12 months of a probable match. See Department of Justice, Item #3.

2. Refinements and Clarifications to Truth in Sentencing

The Governor recommends refining certain applications under the original truth in sentencing bill (1997 Wisconsin Act 283) relating to the revocation of extended supervision, penalties for criminal attempts, bifurcated sentences for certain enhanced misdemeanors, commitment of persons found not guilty by reason of mental disease or mental defect, and handling of consecutive and concurrent sentences under certain circumstances.

3. Internet and Technology Assisted Crimes

The Governor recommends creating and amending statutory provisions to address Internet and technology assisted crimes. Updates define modern terms, prescribe penalties and add references to computer and digital technology to state statute. These changes address computer viruses, exposing children to harmful materials, video peeping and require the labeling of unsolicited E-mail advertisements with adult content. Amendments address loopholes in current law that have been identified by recent Supreme Court decisions and enhance state and local law enforcement's efforts in combating crimes that are aided by modern technology.

4. Telemarketing Practices

The Governor recommends creating three specific requirements regarding telephone solicitations. First, require telephone solicitors to disclose the caller's name, whether the caller is employed by or under contract with a professional telemarketing firm, the name of the business on whose behalf the call is made and the purpose of the call. Second, prohibit a person from making a telephone solicitation to a person who has provided notice to that person that the person does not want to receive telephone solicitations. Lastly, prohibit telephone solicitors from blocking a person's caller ID. These requirements will be enforced by the Department of Agriculture, Trade and Consumer Protection (DATCP) and may be enforced by district attorneys after consulting with DATCP. Violators will be subject to a civil forfeiture. See Department of Agriculture, Trade and Consumer Protection, Item #11.

5. Full Funding for Drug Prosecutors

Source of Funds	Agency Request				Governor's Recommendation			
	FY02		FY03		FY02		FY03	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-O	0	0.00	0	0.00	2,800	0.00	23,400	0.00
TOTAL	0	0.00	0	0.00	2,800	0.00	23,400	0.00

The Governor recommends providing full funding for three antidrug prosecutors in Milwaukee County and one in Dane County. These positions are paid out of federal Byrne antidrug funds and matching monies administered by the Office of Justice Assistance. See Department of Administration, Item #8.

6. Full Funding for Operation Ceasefire

Source of Funds	Agency Request				Governor's Recommendation			
	FY02		FY03		FY02		FY03	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	11,600	0.00	13,900	0.00	-48,400	0.00	-46,100	0.00
TOTAL	11,600	0.00	13,900	0.00	-48,400	0.00	-46,100	0.00

The Governor recommends providing \$11,600 in FY02 and \$13,900 in FY03 to increase funding for two clerk positions in the Milwaukee County district attorney's office working on Project Ceasefire. The 1999-2001 biennial budget created Project Ceasefire to prosecute the illegal possession and use of firearms in both state and federal courts. The Governor also recommends reducing the annual expenditure authority of the appropriation under s. 20.475(1)(f), Wisconsin Statutes, by \$60,000 in each year to enforce the legislatively authorized sunset date for the Operation Ceasefire media campaign.

7. Funding for Milwaukee County Court Clerks

Source of Funds	Agency Request				Governor's Recommendation			
	FY02		FY03		FY02		FY03	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-O	5,200	0.00	10,600	0.00	-174,700	0.00	-174,700	0.00
TOTAL	5,200	0.00	10,600	0.00	-174,700	0.00	-174,700	0.00

The Governor recommends turning responsibility for the \$2 special prosecution clerk's fee and funding for related staff over to Milwaukee County. The \$2 special prosecution clerk's fee is assessed only against violations in Milwaukee County and is used to support the costs of 4.50 FTE nonprosecutorial staff that assist the speedy drug court and speedy violent crime court programs.

8. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendation			
	FY02		FY03		FY02		FY03	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	1,036,400	0.00	1,036,400	0.00	1,036,400	0.00	1,036,400	0.00
PR-O	0	0.00	0	-10.50	0	0.00	0	-10.50
TOTAL	1,036,400	0.00	1,036,400	-10.50	1,036,400	0.00	1,036,400	-10.50

The Governor recommends adjustments to the agency's base budget for: (a) turnover reduction (-\$200,500 in each year); (b) removal of noncontinuing elements from the base (-10.50 FTE PR positions in FY03); (c) full funding of continuing position salaries and fringe benefits (\$1,100,800 in each year); (d) night and weekend differential pay (\$61,200 in each year); and (e) fifth week of vacation as cash (\$74,900 in each year).

ITEMS NOT APPROVED

The following requests are not included in the Governor's budget recommendations for the District Attorneys.

Decision Item	Source of Funds	FY02		FY03	
		Dollars	Positions	Dollars	Positions
9. New GPR-Funded Prosecutor Positions	GPR	1,397,700	36.15	1,938,500	37.15
	PR-O	0	-1.70	0	-1.70
TOTAL OF ITEMS NOT APPROVED	GPR	1,397,700	36.15	1,938,500	37.15
	PR-O	0	-1.70	0	-1.70