

DISTRICT ATTORNEYS

GOVERNOR'S BUDGET RECOMMENDATIONS

Source of Funds	FY05 Adjusted Base	FY06 Recommended	% Change Over FY05	FY07 Recommended	% Change Over FY06
GPR	38,904,700	39,304,500	1.0	39,304,500	0.0
PR-O	1,795,400	1,617,000	-9.9	1,625,500	0.5
PR-S	263,000	144,700	-45.0	144,700	0.0
TOTAL	40,963,100	41,066,200	0.3	41,074,700	0.0

FULL-TIME EQUIVALENT POSITION SUMMARY

Source of Funds	FY05 Adjusted Base	FY06 Recommended	FTE Change From FY05	FY07 Recommended	FTE Change From FY06
GPR	375.40	375.40	0.00	375.40	0.00
PR-O	37.10	14.50	-22.60	12.50	-2.00
PR-S	3.00	1.00	-2.00	1.00	0.00
TOTAL	415.50	390.90	-24.60	388.90	-2.00

AGENCY DESCRIPTION

The agency includes 71 district attorney offices, with one office in each of 70 counties and one office serving two counties. An elected district attorney heads each office. In addition, 62 offices have one or more assistant district attorneys and 10 have one or more deputy district attorneys. These prosecutors are state employees, and other office staff are county employees. The agency distributes salaries and fringe benefits to all prosecutors, court-ordered costs for special prosecutors and limited additional reimbursements for administrative expenses. The costs for information technology are addressed as a part of the Department of Administration's budget.

District attorneys manage their offices and implement the terms of a collective bargaining agreement with the Association of State Prosecutors, which represents assistant district attorneys. They also:

- Prosecute violations of criminal, forfeiture and county traffic laws;
- Conduct "John Doe" and grand jury proceedings;
- Prosecute certain misdemeanor and civil actions, including sexual predator cases;
- Assist in the investigation of potential welfare fraud;
- Meet the requirements of the state's crime victims' rights law; and
- Propose budget requests.

MISSION

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

PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES

Note: Goals, objectives and activities have been modified.

Program 1: District Attorneys

Goal: Ensure justice is done in a timely manner in all instances in which a case has been referred for prosecution by law enforcement agencies.

Objective/Activity: Complete timely prosecutorial action in all cases referred by law enforcement agencies involving firearms, sexual assault and burglary.

PERFORMANCE MEASURES

HISTORICAL DATA

Prog. No.	Performance Measure	Actual 2000	Actual 2001	Actual 2002
1.	Number of days from receipt of all law enforcement referrals of felonies involving firearms cases until initial prosecutorial action.	12.08 ¹	N/A ²	10.13 ³
1.	Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action.	17.23 ¹	N/A ²	22.18 ³
1.	Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action.	19.98 ¹	N/A ²	16.95 ³
1.	Percentage of district attorney offices with a process to provide crime victims with all required information in a timely fashion, as required by law.	100% ⁴	100% ⁵	100% ⁵

Note: Based on fiscal year.

¹Based on a survey with 59 of 71 district attorney offices responding; the statistic is the unweighted average number of days for offices with cases.

²No survey was done; therefore, no data is available.

³Based on an analysis of data from the district attorney case management system (PROTECT) for all fiscal year 2001-02 cases.

⁴Based on a survey with 59 of 71 district attorney offices responding.

⁵Based on a survey of district attorney offices.

2003 AND 2004 GOALS AND ACTUALS

Prog. No.	Performance Measure	Goal 2003	Actual 2003	Goal 2004	Actual 2004
1.	Number of days from receipt of all law enforcement referrals of felonies involving firearms cases until initial prosecutorial action.	10.64	N/A ¹	11.17	10.10 ²
1.	Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action.	23.29	N/A ¹	24.45	18.91 ²
1.	Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action.	17.80	N/A ¹	18.69	15.17 ²
1.	Percentage of district attorney offices with a process to provide crime victims with all required information in a timely fashion, as required by law. ³	100%	100%	100%	100%

Note: Based on fiscal year.

¹No survey was done; therefore, no data is available.

²Based on an analysis of data received by January 1, 2004, from the 57 offices having and using the district attorney case management system (PROTECT) for all fiscal year 2003-04 cases. Responses were received from 48 of the 57 offices (84.2 percent). The statistics are the unweighted average number of days for reporting offices having such cases.

³Discussions with district attorneys indicate that 100 percent compliance continues to be the case; therefore, this measure is being dropped after fiscal year 2003-04.

2005, 2006 AND 2007 GOALS

Prog. No.	Performance Measure	Goal 2005	Goal 2006	Goal 2007
1.	Number of days from receipt of all law enforcement referrals of felonies involving firearms cases until initial prosecutorial action.	10.60	11.13	11.69
1.	Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action.	19.85	20.84	21.89
1.	Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action.	15.93	16.73	17.56

Note: Based on fiscal year.

DISTRICT ATTORNEYS

GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Administrative Attachment to the Department of Justice
2. Federal Byrne Funding Reestimate
3. Full Funding for Milwaukee Clerks
4. Winnebago Multijurisdictional Drug Prosecutor Positions
5. Repeal Restorative Justice Services Provisions
6. Standard Budget Adjustments

ITEMS NOT APPROVED

7. Additional GPR Assistant District Attorney Positions
8. Increase Part-Time Assistant District Attorneys
9. Increase Part-Time Elected District Attorneys
10. Fifth Week of Vacation as Cash
11. DNA Prosecutor Fringe Benefits

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

	ACTUAL FY04	ADJUSTED BASE FY05	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY06	FY07	FY06	FY07
GENERAL PURPOSE REVENUE	\$39,734.3	\$38,904.7	\$40,190.6	\$40,416.9	\$39,304.5	\$39,304.5
State Operations	39,734.3	38,904.7	40,190.6	40,416.9	39,304.5	39,304.5
PROGRAM REVENUE (2)	3,920.1	2,058.4	1,948.4	1,957.1	1,761.7	1,770.2
State Operations	3,648.1	1,782.0	1,663.7	1,663.9	1,477.0	1,477.0
Local Assistance	272.0	276.4	284.7	293.2	284.7	293.2
TOTALS-ANNUAL	43,654.4	40,963.1	42,139.0	42,374.0	41,066.2	41,074.7
State Operations	43,382.4	40,686.7	41,854.3	42,080.8	40,781.5	40,781.5
Local Assistance	272.0	276.4	284.7	293.2	284.7	293.2

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

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

	ADJUSTED BASE FY05	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY06	FY07	FY06	FY07
GENERAL PURPOSE REVENUE	375.40	389.95	389.95	375.40	375.40
PROGRAM REVENUE (2)	40.10	17.50	15.50	15.50	13.50
TOTALS-ANNUAL	415.50	407.45	405.45	390.90	388.90

(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 FY04	ADJUSTED BASE FY05	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
			FY06	FY07	FY06	FY07
1. District attorneys	\$43,654.4	\$40,963.1	\$42,139.0	\$42,374.0	\$41,066.2	\$41,074.7
TOTALS	43,654.4	40,963.1	42,139.0	42,374.0	41,066.2	41,074.7

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

	ADJUSTED BASE FY05	AGENCY REQUEST		GOVERNOR'S RECOMMENDATION	
		FY06	FY07	FY06	FY07
1. District attorneys	415.50	407.45	405.45	390.90	388.90
TOTALS	415.50	407.45	405.45	390.90	388.90

1. Administrative Attachment to the Department of Justice

The Governor recommends attaching the District Attorney program to the Department of Justice for administrative purposes. See Department of Justice, Item #3.

2. Federal Byrne Funding Reestimate

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-O	0	0.00	0	0.00	-186,700	-2.00	-186,700	-2.00
TOTAL	0	0.00	0	0.00	-186,700	-2.00	-186,700	-2.00

The Governor recommends adjusting expenditure and position authority to reflect a 48 percent cut in federal Byrne antidrug funds and matching monies administered by the Office of Justice Assistance. Antidrug prosecutor positions supported by this funding would be reduced by 1.5 FTE prosecutor positions in Milwaukee County and 0.5 FTE prosecutor position in Dane County. See Department of Administration, Item #7.

3. Full Funding for Milwaukee Clerks

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-O	8,300	0.00	16,800	0.00	8,300	0.00	16,800	0.00
TOTAL	8,300	0.00	16,800	0.00	8,300	0.00	16,800	0.00

The Governor recommends increasing reimbursements to Milwaukee County for clerks staffing the Felony Drug Crime Courts, Violent Crime Courts and Operation Ceasefire prosecutions. The Governor further recommends eliminating the firearm prosecution costs appropriation to reflect the transfer of such costs to another appropriation under 2003 Wisconsin Act 33.

4. Winnebago Multijurisdictional Drug Prosecutor Positions

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
PR-O	0	-1.00	0	-1.00	0	-1.00	0	-1.00
TOTAL	0	-1.00	0	-1.00	0	-1.00	0	-1.00

The Governor recommends eliminating 0.5 FTE assistant district attorney position in the Outagamie County district attorney office and 0.5 FTE assistant district attorney position in the Winnebago County district attorney office to reflect the decision by the Lake Winnebago Multijurisdictional Enforcement Group to redirect its grant funding to other priorities.

5. Repeal Restorative Justice Services Provisions

The Governor recommends repealing statutory language relating to restorative justice services under s. 978.044, Wisconsin Statutes, to reflect that section's sunset date.

6. Standard Budget Adjustments

Source of Funds	Agency Request				Governor's Recommendation			
	FY06		FY07		FY06		FY07	
	Dollars	Positions	Dollars	Positions	Dollars	Positions	Dollars	Positions
GPR	399,800	0.00	399,800	0.00	399,800	0.00	399,800	0.00
PR-O	0	-19.60	0	-21.60	0	-19.60	0	-21.60
PR-S	-118,300	-2.00	-118,300	-2.00	-118,300	-2.00	-118,300	-2.00
TOTAL	281,500	-21.60	281,500	-23.60	281,500	-21.60	281,500	-23.60

The Governor recommends adjusting the agency's base budget for: (a) turnover reduction (-\$206,000 in each year); (b) removal of noncontinuing elements from the base (-\$118,300 and -21.6 FTE positions in FY06 and -\$118,300 and -23.6 FTE positions in FY07); (c) full funding of continuing position salaries and fringe benefits (\$505,800 in each year); and (d) night and weekend differential pay (\$100,000 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	FY06		FY07	
		Dollars	Positions	Dollars	Positions
7. Additional GPR Assistant District Attorney Positions	GPR	551,100	12.50	696,800	12.50
8. Increase Part-Time Assistant District Attorneys	GPR	85,200	1.55	113,600	1.55
9. Increase Part-Time Elected District Attorneys	GPR	39,500	0.50	51,100	0.50
10. Fifth Week of Vacation as Cash	GPR	210,300	0.00	250,900	0.00
11. DNA Prosecutor Fringe Benefits	PR-S	0	0.00	200	0.00
TOTAL OF ITEMS NOT APPROVED	GPR PR-S	886,100 0	14.55 0.00	1,112,400 200	14.55 0.00