



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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The Honorable Scott Walker
Governor of Wisconsin
State Capitol Building
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Mr. Jeff Renk
Senate Chief Clerk
B20 South East State Capitol
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Mr. Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Room 401
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Dear Gentlemen,

I am proud to submit to you the Wisconsin Department of Justice (DOJ) 2013-2015 Biennial Report in accordance with Wis. Stats. § 15.04(1)(d). This report contains information about DOJ's main initiatives, as well as highlights of major agency accomplishments during the 2013-2015 biennium.

After reading this Biennial Report, I hope you will see why I am honored to lead the dedicated team of professionals at the Wisconsin Department of Justice who keep public safety as their core mission.

Very truly yours,

Brad D. Schimel
Attorney General

DEPARTMENT OF JUSTICE BIENNIAL REPORT 2013-2015



This report is designed to provide an overview of the Department's organizational structure and highlight major program initiatives from 2013-2015. We encourage you to visit our website at www.doj.state.wi.us for more detailed information about the many DOJ programs.

ORGANIZATION

The Department of Justice (DOJ) provides legal advice and representation, criminal investigations, and various law enforcement services for the State of Wisconsin and its state agencies. DOJ is supervised by the Attorney General, a constitutional officer who is elected by partisan ballot to a four year term. The Attorney General appoints the Deputy Attorney General and the executive staff. This includes the Senior Counsel, Assistant Deputy Attorney General, Solicitor General, Administrators for the Divisions of Law Enforcement Services, Legal Services, and Management Services, as well as the Executive Director of the Office of Crime Victim Services.

DIVISION OF CRIMINAL INVESTIGATION

The Division of Criminal Investigation (DCI) is charged with a purely criminal investigative mission and function. DCI employs Special Agents who are sworn law enforcement officers possessing statewide jurisdiction and charged with the responsibility of enforcing the law of the State of Wisconsin. The primary responsibility of DCI is the investigation of crimes that are statewide in nature or importance. DCI Special Agents work closely with local, county, state and federal officials to investigate and prosecute crimes involving homicide, arson, financial crimes, illegal gaming, multi-jurisdictional crimes, drug trafficking, computer crimes, homeland security,

public integrity, and government corruption as well as crimes against children. The Division also performs special investigations requested by the Governor or the Legislature.

DIVISION OF LAW ENFORCEMENT SERVICES

The Division of Law Enforcement Services (DLES) provides information sharing, technical and scientific assistance to state and local law enforcement agencies, administers law enforcement recruitment, training standards, and acts as a criminal information reporting and exchange center. DLES publishes a monthly Law Enforcement Bulletin, which is disseminated statewide to criminal justice agencies. DLES is organized into four Bureaus: the Crime Information Bureau, the Crime Laboratory Bureau with facilities in Madison, Milwaukee, and Wausau, the Bureau of Justice Information Analysis, and the Training and Standards Bureau.

The **Bureau of Justice Information and Analysis (BJIA)** was initiated in August 2014 within DOJ, Division of Law Enforcement Services. BJIA was developed to support effective policy development and data-driven decision making through criminal justice research, analysis and program evaluation to help address the changing needs of Wisconsin's criminal justice system. The BJIA focuses on evaluating grant funded programs, managing and enhancing the Wisconsin Uniform Crime Reporting (UCR) program, expanding the availability of data, and building the capacity to conduct research on a wide variety of current and emerging criminal justice issues. The BJIA also serves as the Statistical Analysis Center (SAC) for the State of Wisconsin and contributes directly to the ability of the Department of Justice to provide research results that aid in decision making for criminal justice programs and policies.

The **Crime Information Bureau** is responsible for managing six state-wide programs: Transaction Information for the Management of Enforcement (TIME) System, state criminal history repository, Handgun Hotline, concealed carry licenses/certifications, Wisconsin Justice Information Sharing (WIJIS), and statewide Interoperability through the Wisconsin Interoperable System for Communications (WISCOM) and the First Responder Network (FirstNet).

The **Crime Laboratory Bureau** has laboratories in three areas of the state. The crime laboratories in Madison and Milwaukee are full service labs providing analysis in Controlled Substances, Toxicology, DNA/Serology, Identification and Forensic Imaging. In addition, the Madison lab houses the State DNA Databank, while the Milwaukee lab provides analyses in Firearms/Tool marks and Trace Chemistry. All three laboratories provide crime scene field response for law enforcement.

The **Training and Standards Bureau** is responsible for statewide coordination of specialized training and the implementation of effective justice system improvements by collaborating with criminal justice partners. The Certification and Curriculum program section of the bureau assists the Law Enforcement Standards Board (LESB) in promoting and supporting quality training and in establishing and maintaining professional standards for Wisconsin law enforcement, jail and secure detention officers. The Justice Programs section of the bureau facilitates the implementation of effective, data driven criminal justice and juvenile justice policies and practices that maximize

justice and the safety of the public through the Criminal Justice Coordinating Council and the Governor's Juvenile Justice Commission.

DIVISION OF LEGAL SERVICES

The Division of Legal Services (DLS) provides legal representation and advice to the Governor, Legislature, other state officers, and state agencies. DLS consists of units organized in the substantive areas of law that maximize the advantages of specialization. Each unit is managed by a supervising attorney and is comprised of assistant attorneys general, paralegals, and secretarial staff.

The **Consumer Protection and Antitrust Unit** is responsible for enforcing Wisconsin's consumer protection and antitrust laws. The unit handles a variety of enforcement matters, often in collaboration with other state agencies.

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

The **Criminal Litigation Unit** performs a number of important functions involving criminal related matters including prosecuting selected criminal violations and sexual predator commitments and providing training and advice to state prosecutors and law enforcement.

The **Medicaid Fraud Control and Elder Abuse Unit (MFCEAU)** investigates and prosecutes crimes committed against vulnerable adults in nursing homes and other facilities, as well as fraud perpetrated by providers against the Wisconsin Medicaid program.

The **Special Litigation and Appeals Unit** provides legal advice to the State and its agencies and handles litigation in a wide variety of substantive areas, frequently on issues relating to constitutional law and governmental authority. The complex and sometimes high-profile cases that the unit handles frequently involve challenges to the validity of state statutes and administrative rules.

The **Office of Open Government (OOG)** is responsible for interpretation and application of the Open Meetings Law, Public Records Law and other statutes: and rules related to open government; development of open government policies and protocols; custodial services for DOJ records; effective and efficient response to public records requests; and expert legal counsel to DOJ executive leaders and clients on open government issues and citizen complaints.

DIVISION OF MANAGEMENT SERVICES

The Division of Management Services (DMS) provides operational support to the Department. It is organized into three bureaus: the Bureau of Budget and Finance, the Bureau of Computing Services, and the Bureau of Human Resources.

The **Bureau of Budget and Finance** is primarily responsible for developing and monitoring DOJ's budget. The bureau also oversees the processing of all agency fiscal transactions, procurements and financial reporting and administers the County-Tribal Law Enforcement program under section 165.90, Wis. Stats.

The **Bureau of Computing Services** is responsible for the DOJ's technology related programs and resources. The bureau is divided into three areas: Applications Development, Technical Services, and Customer Service.

The **Bureau of Human Resources** is responsible for recruitment, job classification, compensation, labor relations, payroll/benefits, employee assistance, and safety and training programs.

OFFICE OF CRIME VICTIM SERVICES

The Office of Crime Victim Services (OCVS) administers state and federal funding to programs that assist victims of crime, helps victims understand and exercise their crime victim rights and works with allied professionals to enhance services to victims through training and public policy initiatives. OCVS coordinates the AG's Task Force on Children in Need, the state AG's Sexual Assault Response Team Workgroup, and the Wisconsin Crime Victims Council and provides operational support to the Wisconsin Crime Victims Rights Board. Two programs receive full or partial funding from surcharges assessed against convicted criminals: the state-funded Sexual Assault Victim Services (SAVS) Program receives supplemental funding from the Child Pornography Surcharge to provide grants to nonprofit organizations that offer services to sexual assault victims; and the Victim/Witness Assistance Program provides technical assistance to county victim witness programs and partially reimburses counties for their costs of providing services to crime victims and witnesses. Five programs receive full or partial funding from Federal funding sources: the Wisconsin Victim Resource Center, which mediates victims' complaints of rights violations; the Victims of Crime Act (VOCA) Program that provides grants to programs to provide direct services to innocent victims of crime; the Children's Justice Act, which supports improved investigation, prosecution, and judicial handling of child abuse and neglect cases; the Crime Victim Compensation Program which reimburses eligible victims and their dependents for medical and other qualifying expenses, and the Violence Against Women Grant Program, which provides grants to local non-profits and government agencies to address violence against women issues including domestic abuse, sexual assault and stalking.

ACCOMPLISHMENTS

Following are Department of Justice accomplishments during the 2013-2015 biennium that deserve special recognition.

CREATION OF THE OFFICE OF OPEN GOVERNMENT

The Office of Open Government (OOG) was opened on June 1, 2015. The OOG is comprised of a Legal Associate, Paralegal and Assistant Attorney General, who serves as the head of the OOG. The Assistant Attorney General reports directly to the Assistant Deputy Attorney General. The OOG is responsible for interpretation and application of the Open Meetings Law, Public Records Law and other statutes and rules related to open government; development of open government policies and protocols; custodial services for DOJ records; effective and efficient response to public records requests; and expert legal counsel to DOJ executive leaders and clients on open government issues and citizen complaints.

Since beginning operations, the OOG centralized and streamlined DOJ's process for responding to public records requests. The OOG cleaned up a backlog of requests and significantly reduced the average response time to requests. The OOG accomplished this despite the fact that the number of requests in 2015 was higher than in any of the previous five years. The OOG assumed responsibility for managing the Public Records/Open Meetings (PROM) help line and providing assistance to individuals calling with open government-related questions. Additionally, the OOG regularly reviews citizen correspondence on open government issues and provides resources, assistance, and in some cases, mediation services in response.

CONCEALED CARRY

On November 1, 2011, 2011 Act 35 authorized concealed carry in Wisconsin by individuals holding a valid concealed carry license issued by the Wisconsin Department of Justice. The Department of Justice continues to see a steady interest with regular increases in the spring and fall, but overall a steady volume of applications. The Department of Justice received 83,899 applications between July 1, 2013 and June 30, 2015 with 72,708 approvals. The program does not use GPR funds, but is funded by those who are issued a license.

DNA COLLECTION AT ARREST

Wisconsin law enforcement began collecting DNA samples from violent felony arrestees and all persons convicted of a crime (both misdemeanor and felonies) on April 1, 2015. To prepare for the increase in DNA sample analysis, DOJ expanded the State Crime Lab in Madison with 4,857 square feet of office space and 3,034 square feet of lab space, along with additional storage space. The new space went "live" on March 20, 2015. Eight new DNA analysts and eight new forensic program technicians were hired to handle the increased volume. To assist law enforcement agencies in these new processes, DOJ conducted statewide informational sessions, modified the DNA Sample collection form, provided new means of access to the forms and deployed functionality to automatically populate the form through the eTIME Browser application. Samples from persons arrested from violent felonies, adults convicted of a misdemeanor and persons convicted of misdemeanor juvenile adjudications were entered into the State DNA Database. Between April 1, 2015 and Dec 31, 2015, 681 arrestee profiles have been added to the DNA database.

DNA ANALYSIS

The Department of Justice's Crime Laboratory Bureau has continued to maintain DNA case production. Between July 1, 2014 and June 30, 2015 the Crime Laboratories received a total of 5052 DNA cases, an average of 280 per month while maintain an average turnaround time of 43 days.

Analysis of cases during the same time period resulted in 1955 hits to our databases, thereby assisting in the investigation of hundreds of serious offenses such as homicide, sexual assault and other crimes against persons and property.

HANDGUN HOTLINE

DOJ continues to see a steady volume of handgun background checks for purchases through a Federal Firearms Licensee (FFL) with regular increases in the spring and fall but overall a steady volume of purchases. DOJ deployed an upgrade to the handgun application on September 4, 2013 that included the ability for FFLs to submit their handgun background check online. The new application also performs analysis of the background check results and in cases where no manual intervention is needed, provides an instant approval. DOJ processed 214,510 handgun purchases between July 1, 2013 and June 30, 2015 with 20,826 instant approvals. There were 2020 denials during this same time frame. 74,786 out of the 214,510 for this time frame were submitted online.

720 HOUR EXPANDED LAW ENFORCEMENT RECRUIT ACADEMY

On December 2, 2014, the Wisconsin Law Enforcement Standards Board approved a new 720-hour basic law enforcement officer training academy. The academy has been expanded and restructured for the first time since 2004. The 720-hour academy will officially replace the 520-hour academy effective January 1, 2016 and will include the addition of a physical fitness and officer wellness training program.

TREATMENT, ALTERNATIVES, AND DIVERSION (TAD) PROGRAM

In terms of funding, 2013 Wisconsin Act 20 doubled the appropriation of the existing TAD program from \$1,085,900 annually to \$2,085,900 annually, with an additional \$500,000 added for counties to implement new treatment court programs. The 2013 Wisconsin Act 197 increased the TAD program by another \$1.5 million in each fiscal year to a total of \$4,085,900 annually. This expansion has been beneficial for the state by allowing additional counties to initiate treatment courts or diversion programs that may otherwise have been unable to implement such innovative practices. DOJ now supports 34 TAD projects involving 35 counties and two tribes, representing all geographic regions of the state. The evaluation of the TAD program is now the responsibility of the Bureau of Justice Information and Analysis (BJIA) within DOJ. In addition to collecting monthly data from all sites, the BJIA has also been working on the development of an integrated data system to collect participant-level data for treatment courts and diversion programs. This

web-based application will enhance the data collected for performance measurement and evaluation of TAD and related programs.

ANNUAL HANDGUN QUALIFICATION

In April 2014, the Wisconsin legislature enacted 2013 Wisconsin Act 214, creating Wis. Stat. §165.85(4)(a)7.c. The law states, “Each officer...shall annually complete a handgun qualification course from curricula based upon model standards established by the [law enforcement standards] board...” After soliciting input from active law enforcement agencies, this standard was updated in December 2014 to better serve the needs of law enforcement academies and agencies.

LEAD PROGRAM

DOJ, in partnership with the Wisconsin Department of Veterans Affairs, worked to develop the LEAD (Law Enforcement Accelerated Development) program. Through a collaborative effort, veterans may now benefit from an accelerated pathway to becoming a certifiable law enforcement officer. Veterans who have one year full-time experience as a military policeperson (MP), from any branch of service, with a separation date of three years or less, are now able to take a reciprocity exam allowing them to waive Wisconsin's preparatory law enforcement officer training to be eligible for Wisconsin law enforcement certification.

STATEWIDE SEXUAL ASSAULT AND DOMESTIC VIOLENCE TRAINING

Specialized training created for law enforcement, victim advocates and district attorneys in the area of sexual assault and domestic violence. This cross-training among the various disciplines responsible for responding to a report of domestic violence or sexual assault is essential in ensuring that each professional understands, respects, and values the roles and responsibilities of their colleagues.

This multidisciplinary training is considered best practice as it provides a collaborative, victim-centered response to sensitive crimes, reducing the potential for re-victimization by the criminal justice system and hastening the process of healing for the victim. It also ensures an offender-focused response by gathering all of the facts of a case, drawing attention to the actions and behaviors of the offender, and holding the perpetrator of the crime accountable for their actions.

TRANSITION OF DUTIES OF THE OFFICE OF JUSTICE ASSISTANCE TO DOJ

Through the state budget, effective July 1, 2013, many duties of the former Office of Justice Assistance were transferred to the Training and Standards Bureau. These duties include the administration of federal and state criminal and juvenile justice grant programs, as well as staff support and coordination of the State Criminal Justice Coordinating Council and Governor's Juvenile Justice Commission.

NIC EVIDENCE-BASED DECISION MAKING INITIATIVE

In February, 2015, the State of Wisconsin was selected by the National Institute of Corrections (NIC) as a participant in Phase V of the Evidence-Based Decision Making (EBDM) Initiative. As part of the selection process, the Justice Programs section of the Training & Standards Bureau coordinated the state's competitive application for Phase V as well as a 1.5 day site visit with NIC and the state and local teams in January. Wisconsin is one of three states selected for Phase V (Indiana and Virginia).

INTEGRATION OF THE UNIFORM CRIME REPORTING (UCR) PROGRAM

Effective July 1, 2013, the Uniform Crime Reporting (UCR) program, which was part of the former Office of Justice Assistance, was transitioned to the DOJ. The UCR program was initially placed within the Crime Information Bureau, to later be transferred to the new Bureau of Justice Information and Analysis in August 2014. The UCR program collects monthly offense and arrest data from more than 400 law enforcement agencies in the state and the information is then shared with the FBI as part of the national picture on crime and arrest trends.

ELIMINATED PAPER REPORTING FOR UNIFORM CRIME REPORTING (UCR)

A web-based application for summary UCR reporting was developed by the BJIA and more than 300 law enforcement agencies were transitioned from hard-copy reporting to electronic submission of crime and arrest statistics on a monthly basis. This reduced paper flow and resulted in direct time and cost savings by eliminating the need for a data entry firm to enter the data on a monthly basis. This application has built-in edit checks to assist agencies in identifying and resolving errors or data quality issues, which should improve the reliability of data collected by the UCR program and save staff time contacting agencies to manually review and resolve data quality concerns.

GRANT APPLICATIONS

The BJIA applied for two competitive grant applications in early 2015 and was recently awarded both projects. The bureau was successful in an application for one year of funding through the State Justice Statistics (SJS) grant program through the Bureau of Justice Statistics (BJS) for approximately \$206,000. This project includes both a core capacity building project to develop additional data quality reports for the UCR program, as well as a special emphasis project to complete a pilot project utilizing criminal history records to evaluate recidivism on a sample of registered sex offenders. An additional award was received for the National Crime Statistics Exchange (NCS-X) project for approximately \$204,000, to provide funding for one year of planning to enhance the state Incident-Based Reporting (IBR) program for Wisconsin.

INTERNET CRIMES AGAINST CHILDREN DATA

DOJ reports statistical information to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) for grant purposes. This process has a number of inefficiencies and issues that can lead to incorrect information and loss of information. The Wisconsin ICAC task force is the repository for Wisconsin's Cyber Tips. Cyber Tips are received from the National Center for Missing and Exploited Children. These tips are distributed to agents and task force affiliates for review and investigation. DCI and Task Force leadership needs to be able to assess the status of Cyber Tips.

DOJ WEBSITE REDESIGN

The Department's website (www.doj.state.wi.us) was last redesigned in 2011. The Office of the Attorney General proposed a project to redesign and re-implement the web site in order to encourage use and to improve the experience of those visiting the site. The development also included coordination with a third party agency developing the Dose of Reality initiative.

DOSE OF REALITY PUBLIC AWARENESS AND PREVENTION CAMPAIGN

DOJ's public awareness and prevention campaign to end prescription painkiller abuse in Wisconsin was launched in September 2015 through a joint venture between the Wisconsin Department of Justice and the Wisconsin Department of Health Services. *Dose of Reality* targets Wisconsin teens and their families to warn about the dangers of abusing prescription painkillers and the importance of proper and safe use, storage and disposal of medications.

OPIATE OVERDOSE INVESTIGATION AND NARCAN USE TRAININGS

DOJ hosted dozens of executive law enforcement trainings across the state on narcotics, overdose investigations, drug take-back programs, Narcan administration by law enforcement officers, and other opiate initiatives. Additionally, DOJ hosted a multi-day Opiate Summit in October 2015 for law enforcement, treatment providers, legislative staff, and community leaders. Attorney General Schimel and DOJ have worked tirelessly to implement HOPE legislation which is designed to combat prescription drug diversion and prevent deaths from opiate overdoses.

COORDINATION OF DRUG DISPOSAL

DOJ organized two successful prescription drug take-back days in 2015 resulting in the incineration of more than 84,000 pounds of prescription drugs. The drug disposal operation in May was the first conducted without federal support. DOJ's website now includes an interactive map of all of the more than 225 permanent drug take back locations in Wisconsin.

HIRING OF A STATEWIDE SEXUAL ASSAULT NURSE EXAMINER (SANE) COORDINATOR

DOJ's SANE Coordinator was hired in May 2015, providing valuable trainings and resources to SANE programs across Wisconsin.

HIRING OF A STATEWIDE CHILD ABUSE RESOURCE PROSECUTOR

In the fall of 2015, the DOJ began the recruitment for a Statewide Child Abuse Resource Prosecutor. In December 2015, Attorney General Schimel appointed a veteran prosecutor to this position. This Assistant Attorney General, who is widely recognized as Wisconsin's foremost expert in prosecution of child abuse, child neglect and child head trauma cases, rejoined DOJ on January 11, 2016, where he previously worked as a prosecutor in the criminal litigation unit.

EXECUTIVE BUDGET PROGRAM GOALS AND OBJECTIVES

The Department of Justice will work to achieve the following goals in the coming biennium. These goals are outlined in 2015 Wisconsin Act, the 2015-2017 Executive Budget.

CHILD SEX TRAFFICKING

Three additional Child Sex Trafficking agents have been hired and assigned to the ICAC program. These agents are operating in Madison, Milwaukee and Appleton, but the initiative is actively pursued throughout the state. Additionally, the three ICAC components (investigative, forensics, and statewide task force program management) were brought together under one task force, ensuring better communication and streamlined operation. Training and outreach have resulted in much higher awareness throughout the law enforcement community statewide and additional local law enforcement agencies completed training and became new ICAC affiliates in 2015. As a result of these changes, numerous child victims have been identified and enforcement actions have been taken against offenders.

OFFICER INVOLVED DEATH (OID) INVESTIGATIONS

2013 Act 348, which pertains to Officer Involved Deaths, had a major impact on the work of DCI and also on the public records posture of the department. The addition of three positions, one each in Madison, Milwaukee and Appleton to support that demand on DCI, has been critical. At the request of local police agencies, DCI led the investigations of the 10 OIDs that took place May 1, 2014 to July 1, 2015. In addition to these cases involving death there were also additional cases which DCI took on where the subject did not die, but the request was prompted upon the increased public scrutiny of these types of events. The DCI aims to increase public confidence in the investigations through objectivity, thoroughness, and transparency.

OFFICE OF THE SOLICITOR GENERAL

Former United States Supreme Court Clerk Misha Tseytlin became Wisconsin Solicitor General in December 2015, taking over all major litigation in state and federal courts, including Wisconsin's role in challenges to President Obama's Immigration Executive Order, the EPA's Waters of the United States rule, the EPA's "Clean Power Plan," *Little Sisters of the Poor v. Burwell*, and the EPA's new ozone national ambient air quality standards (NAAQS). The Solicitor General is also charged with defending numerous laws passed by the Wisconsin Legislature and signed into law by the Governor, such as: Right to Work, Voter ID, Drug testing for FoodShare program recipients, Supreme Court Chief Justice Constitutional Amendment, Redistricting, admitting privileges for doctors performing abortions, and changes to the Office of the Secretary of State. In addition to Mr. Tseytlin, the Office of the Solicitor General is comprised of three appointed deputy Solicitors General.

MILWAUKEE GUN VIOLENCE INITIATIVE

Recognizing the tragic epidemic of gun crime and violence in the City of Milwaukee, and the importance of working together to make our state's largest city and economic engine safer, the legislature authorized the DOJ to hire two assistant attorneys general whose primary responsibilities are prosecuting gun related crimes in the City of Milwaukee and facilitating stronger communication and direct accountability between prosecutors and investigators. The Attorney General entered into a Memorandum of Understanding with Milwaukee Mayor Tom Barrett, Milwaukee District Attorney John Chisholm, Milwaukee Police Chief Ed Flynn and Governor Walker's Department of Corrections outlining goals and responsibilities for each partner and their respective organization or agency. DOJ has also committed tens of thousands of dollars to fund overtime costs for dedicated MPD gun violence prosecutors.

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