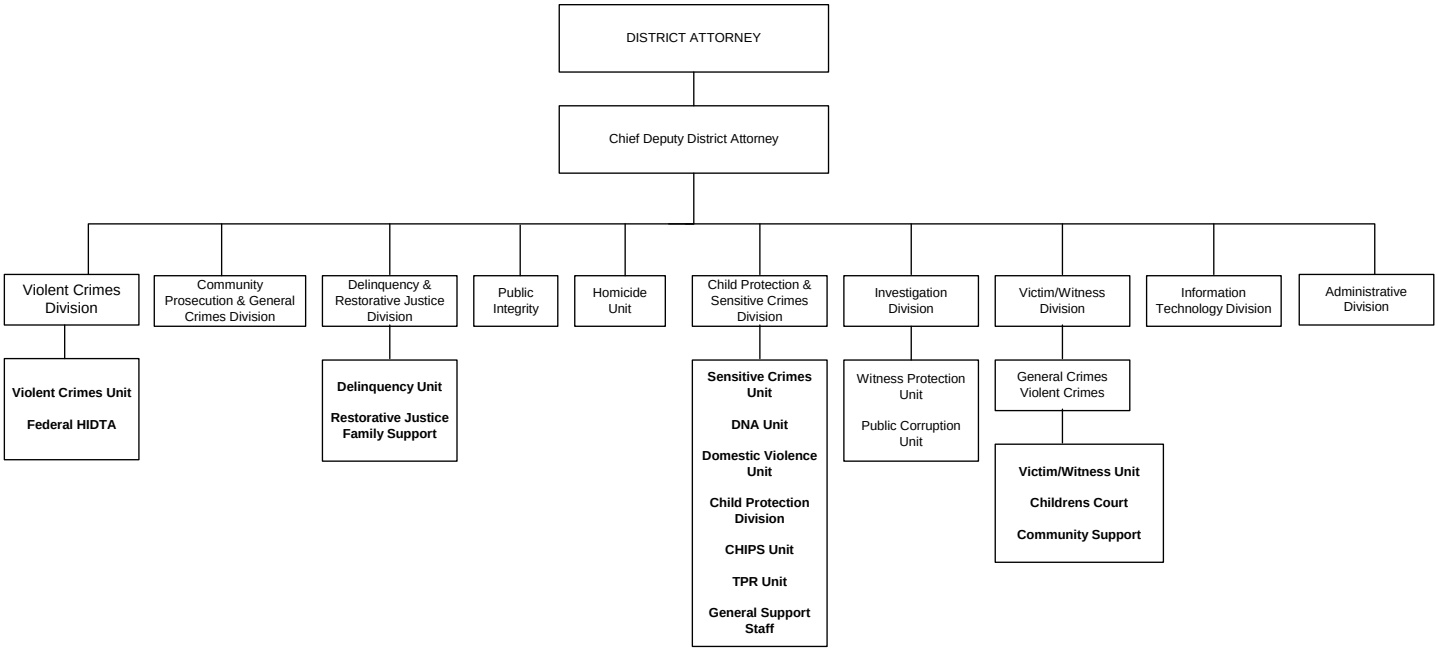
DISTRICT ATTORNEY (4500)



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.

Budget Summary

	2012	2011/2012 Change
Expenditures	**18,359,469**	**(745,111)**
Revenue	**6,841,233**	**(329,311)**
Levy	**11,518,236**	**(415,800)**
FTE's	**140.2**	**(6.9)**

Major Programmatic Changes

- Restructure staff to implement the PROTECT electronic case management system in the Juvenile Division

OBJECTIVES

- Target, investigate, successfully prosecute and incarcerate shooters, other illegal gun offenders, and other violent criminals through the coordinated efforts of the community prosecution, general crimes, and violent crimes units.
- Reduce crime by coordinating the efforts of the community prosecution, general crimes, and violent crimes units and assigning each general crimes and violent crimes teams to one or more Milwaukee police districts and adjoining suburbs to promote accountability and facilitate investigation and prosecution of criminal gangs and violent offenders.
- Maintain a permanent witness protection unit to ensure that crime victims and witnesses who are threatened or intimidated are able to safely appear and testify in court; and that offenders who threaten, intimidate, or harm crime victims and witnesses are successfully prosecuted and punished.

- Continue to work closely with the courts, the State Public Defender, Justice 2000 and other community organizations to maintain a successful diversion and deferred prosecution program for nonviolent offenders with serious substance abuse and mental health treatment needs.
- Continue the successful operation of the Violent Crimes Courts project, which aims to bring homicide and sexual assault cases to trial within 90 to 120 days of the issuance of criminal charges.
- Continue to carry out the mandate of the crime victims' rights bill, enacted in response to a 1994 amendment to the Wisconsin Constitution that was effective on April 1, 1998, to ensure that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that the rights extended to victims and witnesses of crime are honored and protected no less vigorously than the protections afforded criminal defendants.
- Continue to enhance the prosecution of felony drug cases through the Milwaukee High Intensity Drug Trafficking Area (HIDTA), the Milwaukee Metropolitan Drug Enforcement Group (MMDEG), the community prosecution unit, and the violent crimes unit by targeting, investigating and prosecuting major drug dealers; ridding neighborhoods of drug dealers and nuisance properties; and continuing the successful operation of the Speedy Trial Drug Courts project, which aims to bring drug cases to trial within 120 days of the issuance of criminal charges.
- Continue the successful operation with the state Bureau of Milwaukee Child Welfare of the Termination of Parental Rights (TPR) Speedy Resolution project at the Vel Phillips Juvenile Justice Center to ensure that children do not languish in substitute care for years without realistic prospect of a return home or adoption by a loving family.
- Continue to implement 2005 Wisconsin Act 60, which mandated electronic recording of statements of adults in custodial interrogation, effective January 1, 2007, and requires the district attorney to copy, edit, index, provide discovery, and play in court the electronically recorded statements of defendants in felony cases.

DEPARTMENTAL PROGRAM DESCRIPTION

District Attorney Functions: The district attorney is responsible for the following duties: plans and organizes the prosecution of all criminal, juvenile and applicable ordinance violations in Milwaukee County; recruitment and staffing of all professional positions and making major assignments of personnel and cases; and coordination and supervision of all department activities and approval and control over all departmental policies, procedures and activities.

Chief Deputy District Attorney Functions: The chief deputy district attorney is responsible for the following duties: supervision of all division functions and oversight of the implementation of all departmental policies and procedures; supervision of liaisons with other county officials and departments, city, state, federal officials, law enforcement agencies and community groups; serving as office liaison to the legislature and initiation and review of proposals for criminal and juvenile law legislation; supervision of the public integrity unit; the extradition of defendants from other states on felony charges; and proceedings related to the extradition of uncooperative witnesses on felony cases to or from Milwaukee County.

DA and Chief Deputy DA Program Personnel	
District Attorney	1
Chief Deputy District Attorney	1
County Staff	1
Assistant District Attorneys	4

MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE CASELOAD STATISTICS -- FILINGS				
Workload Statistics	**2008**	**2009**	**2010**	**2009/10 Change**
Felony	6,437	5,845	6,194	349
Misdemeanor	7,648	6,646	7,590	944
Criminal Traffic	6,397	5,534	3,446	(2,088)
Children in Need of Protective Services (CHIPS)	1,820	1,533	1,500	(33)
Juvenile Delinquency	2,188	1,818	1,555	(263)
TPR (Termination of Parental Rights)	395	346	302	(44)

***General Crimes Division*:** The general crimes division staffs all general felony and misdemeanor courts and presents evidence, argues motions, negotiates cases, and conducts jury and court trials for all general felony, misdemeanor and applicable ordinance violations in Milwaukee County. The division staffs five general felony courts and seven general misdemeanor courts in Milwaukee County circuit court, and strives to ensure application of uniform negotiation policies in general felony, misdemeanor, and ordinance cases, and to develop and maintain systems to ensure the highest quality of prosecution and speedy disposition of general felony, misdemeanor, and ordinance violation cases.

General Crimes Division Personnel	
Deputy District Attorney	1
County Staff	5
Assistant District Attorneys	30

***Administrative and Investigations Divisions*:** The investigation division, which is headed by the chief investigator, supervises district attorney investigators, who investigate police shootings of civilians and deaths in police custody, public corruption, major multi-jurisdictional crimes, industrial deaths and injuries, as well as providing post-charging investigation on major crimes, and maintain office security. The investigators also run the witness protection program which seeks to insure that witnesses who are threatened or intimidated are able to safely appear and testify in court by focusing enforcement efforts on prosecuting offenders and offering specialized security services to victims and witnesses. The chief investigator also assists the deputy district attorney in charge of administration with long range planning, internal management, and the preparation of the county budget.

The administrative division also administers the department's state and county budgets and fiscal systems, develops and coordinates grants and revenues, and controls the expenditure of funds. The division also supervises internal management, including inventory, purchasing systems and procedures, record management and statistics as well as organizing, staffing, directing and coordinating clerical functions. The division is also responsible for long-range planning, and maintaining liaison with the administrative and fiscal personnel of the state, Milwaukee County, law enforcement agencies and other governmental organizations.

***Administrative and Investigations Divisions*:**

Administrative Division Personnel	
Deputy District Attorney	1
County Staff	23.7
Assistant District Attorneys	0

Investigator Division Personnel	
Chief Investigator	1
County Staff	10

Violent Crimes Division: The violent crimes division staffs the specialized criminal courts for homicide, sexual assault, felony drug, and firearms cases, and presents evidence, argues motions, negotiates cases, and conducts jury and court trials for all felony violations in the specialized felony Milwaukee County felony courts. The division, which consists of the homicide, sensitive crimes, sensitive crimes victim witness services, violent crimes – drug, and violent crimes – firearms units, staffs seven specialized felony courts in Milwaukee County circuit court and strives to ensure application of uniform negotiation policies in violent crimes' cases, and to develop and maintain systems to ensure the highest quality of prosecution and speedy disposition of violent crimes' cases.

Violent Crimes Division Personnel	
County Staff	18.5
Assistant District Attorneys	32.75

Juvenile Division: The juvenile division performs the following functions: reviews all referrals for possible delinquency prosecution and orders additional investigation as required; provides legal advice to the Vel Phillips Juvenile Justice Center 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 juvenile court to adult court; prosecutes all delinquency and CHIPS actions in the juvenile court of Milwaukee County; reviews and prosecutes all matters involving termination of parental rights in the juvenile 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; and directs the victim/witness services unit of the Vel Phillips Juvenile Justice Center, including the witness notification and subpoena functions.

Juvenile Division Personnel	
Deputy District Attorney	1
County Staff	27
Assistant District Attorneys	30.5

Community Prosecution Division: The community prosecution division supervises the community prosecutors in six Milwaukee police district stations; the domestic violence unit, which prosecutes all domestic violence cases in three specialized courts in Milwaukee County circuit court; the restorative justice and family support unit; and the crisis response unit, which provides services to crime victims after the commission of a crime. The division also manages the diversion and treatment alternatives to criminal charges program.

Community Prosecution Personnel	
Deputy District Attorney	1
County Staff	18
Assistant District Attorneys	22

Information Technology Division: The information technology division manages the district attorney's computer network downtown and at the Vel Phillips Juvenile Justice Center which is part of the statewide district attorney computer network; manages the database and user accounts for the State DA case management system PROTECT, manages the Pro-Phoenix law enforcement report management software and database; manages district attorney connections to the county mainframe for the CJIS, JIMS, Advantage, and BRASS applications; trains district attorney staff in office computer applications; prepares courtroom exhibits and presentation equipment and copies, edits and converts electronic media in criminal and juvenile cases; and manages district attorney facilities in the Safety Building and Criminal Justice Facility. The IT manager is certified in the forensic examination of computers and assists district attorney investigators with the examination of computer evidence on major investigations; the office maintains a basic forensic computer examination capability with specialized computers and storage devices.

Information Technology Personnel	
IT Director	1
County Staff	1

Victim/Witness Division: The victim/witness division provides comprehensive services as required by law to crime victims and witnesses on criminal cases; and includes the Outreach process unit, which serves subpoenas and other process on criminal and juvenile cases.

Victim/Witness Personnel	
Deputy District Attorney	1
County Staff	42

***State Prosecutors and the County Payroll and Benefit System*:** The district attorney's budget includes seven FTE 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. There are also 10 prosecutors on the state payroll that retained county fringe benefits when district attorneys became state employees. 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 17 FTE prosecutors with county fringe benefits. The county is reimbursed biweekly for salary, social security, and retirement benefits and semi-annually for health, dental, and life insurance. Wis. Stat. §§ 978.12 (5) & (6) provide that state reimbursement must be based on actual county fringe benefits' costs or comparable state costs, whichever is less.

CHARGES FROM THE STATE

Charges from the state for the salaries and fringe benefits of 33.5 FTE assistant district attorneys increase by $16,854. Costs of many of the positions are offset with federal and state grant revenue. The state fronts the money for the salaries and fringe benefits of these grant-funded prosecutors; the district attorney receives the revenue for these positions in accounts 2299 and 2699 and passes the revenue on to the state through expenditure account 6090.

CHARGES FROM THE STATE				
Charges from the State	**2012 ADA FTE**	**2011 Budget**	**2012 Budget**	**2011/2012 Variance**
Byrne JAG OJA MMDEG Task Force	4.0	$ 286,810	$ 282,890	$ (3,920)
Byrne JAG Local	5.0	388,750	314,104	(74,646)
Byrne JAG OJA Prosecution of Drug Crimes	0	158,250	0	(158,250)
Byrne JAG Recovery Act	2.0	145,400	90,000	(55,400)
Child Support Prosecutor	1.0	77,946	89,860	11,914
State CHIPS TPR Grant	8.5	698,010	732,900	34,890
State Violence Against Women Act (VAWA)	1.0	85,979	86,075	96
High Intensity Drug Trafficking Area (HIDTA)	5.0	373,430	412,100	38,670
Federal VAWA Domestic Violence	7.0	234,500	458,000	223,500
TOTAL	33.5	$ 2,449,075	$ 2,465,929	$ 16,854

Revenue from state grants for 2012 is comprised of six programs that are detailed in the following table:

STATE GRANTS			
State Revenue Programs	**2011 Budget**	**2012 Budget**	**2011/2012 Variance**
Victim/Witness Program	$ 1,385,000	$ 1,299,581	$ (85,419)
Victim of Crimes Act (VOCA)	286,000	276,320	(9,680)
Special Prosecution Courts' Clerks	327,100	295,320	(31,780)
CHIPS-Termination of Parental Rights State Contract	1,151,355	1,156,270	4,915
State Violence Against Women Act	162,300	148,290	(14,010)
VAWA Recovery Act	7,500	7,500	0
TOTAL	$ 3,319,255	$ 3,183,281	$ (135,974)

The Victim/Witness Program, which provides services to victims and witnesses of crimes pursuant to Chapter 950 of the Wisconsin Statutes, will consist of 36.5 FTE positions in 2012: 4.5 victim/witness coordinators, 24 victim/witness advocates, one sensitive crimes victim advocate, three investigators in the witness protection unit, and four clerical personnel. Wis. Stat. § 950.06 provides that the state can reimburse counties for up to 90 percent of costs of their victim/witness programs. For 2012, the district attorney is estimating a reimbursement rate of approximately 50 percent based on the governor's recommended 2011-13 state budget, which reduces victim/witness funding by 10 percent.

Victims Of Crime Act (VOCA) funding from the Wisconsin Department of Justice, Office of Crime Victim Services (OCVS), will provide funding for five positions in 2011: two victim/witness advocates assigned to the crisis response unit and three assistant sensitive crimes victim advocates in the sensitive crimes victim services unit. OCVS provides 80 percent reimbursement for these positions and operating expenses through VOCA.

The Special Prosecution Courts' Clerks statutory grant provides funding for the salaries and fringe benefits of 6.5 FTE secretaries: 4.5 secretarial assistants and 2.0 clerical assistant 1's in the homicide, sensitive crimes, and violent crimes units. The clerk of circuit court collects the grant revenue from a $3.50 fee levied on civil case filings, only in Milwaukee County, pursuant to Wis. Stat. § 814.86 (1m).

The CHIPS-Termination of Parental Rights grant will provide continuing funding for 8.5 assistant district attorneys, four paralegals, and two secretarial assistants under a state contract with the Department of Children and Families.

The State Violence Against Women Act (VAWA) Formula Grant for Domestic Violence and Sexual Assault Prosecutions from the Wisconsin Office of Justice Assistance (OJA) will provide funding for one assistant district attorney and one assistant sensitive crimes victim advocate.

The VAWA Recovery Act Training Grant from OJA will provide training in domestic violence, sexual assault, and child abuse case for district attorney employees and district attorney community partners, such as the Sojourner Family Peace Center and the Alma Center.

Revenue from federal grants for 2012 is comprised of six programs that are detailed in the following table:

	2011 Budget	2012 Budget	2011/2012 Variance
Bryne JAG OJA Prosecution of Drug Crimes	$ 158,250	$ 0	$ (158,250)
HIDTA	452,350	493,200	40,850
Bryne JAG OJA MMDEG Task Force	605,525	602,515	(3,010)
Bryne JAG Local	388,750	314,104	(74,646)
Bryne JAG Recovery Act	145,400	90,000	(55,400)
Federal VAWA Domestic Violence	590,300	731,100	140,800
TOTAL	$ 2,340,575	$ 2,230,919	$ (109,656)

Funding for the Byrne Justice Assistance Grant (JAG) Prosecution of Drug Crimes grant, which has provided funding from OJA for the salaries and fringe benefits of two assistant district attorneys assigned to drug teams in the Milwaukee Metropolitan Drug Enforcement Group (MMDEG) legal unit, was not included in the Governor's recommended 2011-13 state budget

The Milwaukee High Intensity Drug Trafficking Area (HIDTA) grant will provide 100 percent funding from the federal Office of National Drug Control Policy (ONDCP) for five assistant district attorneys and one clerical specialist.

The Byrne JAG Local grant, which is administered by the Department of Administrative Services – Fiscal Division, will provide funding for the salaries and fringe benefits of five assistant district attorneys: the three community prosecutors for Milwaukee police districts two, four, and seven, and the cities of South Milwaukee and West Allis; the juvenile firearms prosecutor; and one prosecutor in the domestic violence unit. Funding received through the 2011 grant in the amount of $159,104 should provide sufficient funding for the positions through all of 2012.

The Byrne JAG OJA MMDEG Task Force provides funding for four assistant district attorneys in the violent crimes – drug unit and payments to the Milwaukee, South Milwaukee, and West Allis police departments for the salaries and fringe benefits of officers assigned to MMDEG.

The Byrne JAG Recovery Act grant from OJA will provide funding for the salaries and fringe benefits of two assistant district attorneys assigned to the Milwaukee Metropolitan Drug Enforcement Group (MMDEG) legal unit, one assigned to a drug team and the second dedicated to drug overdose deaths and pharmaceutical diversion cases.

The Federal VAWA Domestic Violence grant will provide funding for the salaries and fringe benefits of three assistant district attorneys dedicated to domestic violence cases; payments to the project's community partners – the Sojourner Family Peace Center and the Alma Center; and reimbursement for telephone and travel expenses. In addition, the department is projecting that a grant surplus of approximately $200,000 as of June 30, 2011, will be used to fund the salaries and fringe benefits of four additional assistant district attorneys, whose positions currently are funded by a Senator Kohl earmark in the 2009 federal budget administered by the state Department of administration, until approximately June 30, 2012.

Department	Program	2011 Budget	2012 Budget	2011/2012 Change
Child Support	Criminal Child Support Prosecutions	165,875	176,430	10,555
Health & Human Serv	First Offender Program	43,966	43,966	-
	TOTAL	209,841	220,396	10,555

Child Support Enforcement
Wis. Stat. § 948.22 provides criminal penalties for failure to support a child. The Department of Child Support Services (CSS) refers the most egregious cases to the district attorney for criminal prosecution. The district attorney cross charges CSS for services of an assistant district attorney on the state payroll and a full-time county paralegal that prosecute criminal child support cases. CSS receives federal reimbursement of 66 percent for the cost of these positions and charges back the remaining 34 percent to the district attorney. 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 one half-time district attorney paralegal assigned to the First Time Offender program in the juvenile division at the Vel Phillips Juvenile Justice Center (VPJJC) are crosscharged to the Department of Health and Human Services (DHHS) to recover grant funding that DHHS receives in its budget.

2012 BUDGET

Approach and Priorities

- The district attorney is committed to maintaining current service levels in both quantity and quality. This office is a public safety agency whose duties are mandated by federal and state law. It must meet court-ordered deadlines as well as perform its constitutional and statutory duties in order to enforce criminal and juvenile law to provide for the safety and security of the citizens of Milwaukee County.
- Continue the District Attorney's record of fiscal discipline.

Programmatic Impacts

- Staff restructuring provides critically needed quality control assistance for the PROTECT electronic case management system in the Juvenile Division of the office in 2012.

Budget Highlights

Elimination of Step Increases for 2012 for Employees in Certain Pay Grades ***($92,170)***
This budget includes an expenditure reduction of $99,725 based on the elimination of step increases for 2012, as provided for in Chapter 17 of the Milwaukee County General Ordinances, for employees in certain pay grades. (See Appendix B for pay grades affected.) This reduction is offset by a reduction in revenues of $7,555, for a net tax levy reduction of $92,170.

Staff Restructuring ***($123,791)***
In order to provide increased quality control for the PROTECT electronic case management system in the Juvenile Division, 1.0 FTE Management Assistant – DA and 1.0 FTE Clerical Assistant 1 positions are created for an active salary and fringe benefit cost of $108,300. These positions are offset by the abolishment of 1.0 vacant FTE vacant Office Support Assistant Bi-Lingual position and 1.0 vacant FTE Payroll Assistant position for an active salary and fringe benefit savings of $99,934; for a net cost for this restructuring of $8,366.

Additionally, 1.0 vacant Office Support Assistant 2, 1.0 vacant Clerical Assistant 2 and 1.0 Victim Witness Advocate position are unfunded for active salary and fringe benefit savings of $163,956. Reimbursement revenue for the Victim Witness position is reduced by $31,799 for a net tax levy reduction of $132,157.

Overtime ***($60,528)***
Overtime expenses are reduced by $60,528 from the 2011 Adopted Budget to $132,384 based on recent history.

Elimination of Bar Dues and Continuing Legal Education costs ***($18,439)***
Due to the expiration of the collective bargaining agreement with the Association of Milwaukee County Attorneys, the County will no longer reimburse legal staff for Wisconsin bar dues or Continuing Legal Education (CLE) credits. This includes elimination of reimbursements provided to Deputy District Attorneys and Assistant District Attorneys who were eligible for the same benefits as received by County-employed attorneys.

Travel and Training ***($9,075)***
Expenses for educational seminars and conferences are reduced by $9,075 from the 2011 Adopted Budget based on recent experience.

Capital Outlay ***$348***
Total Operating Capital expenditures increase by $348 over the 2011 Adopted Budget to $55,098. This total includes a reduction of $25,000 in costs related to the ongoing replacement of worn carpet in the office. The reduction is offset by $17,800 in funding to purchase two existing squad cars that the department has been leasing since the creation of the Witness Protection Unit in 2009. The squads are essential to the function of the unit; Fleet Management has been consulted and recommends that the most efficient method of continuing to operate the two squads is to exercise the lease buy-out clause in April, 2012. By contrast, replacing the two lease vehicles with brand new squads would cost approximately $70,000. The desired purchase also saves the department money because the existing emergency and communications equipment does not need to be transferred to new vehicles. In addition $2,000 is provided for the purchase of a firearms locker and computer equipment replacement costs increase by $7,098.

BUDGET SUMMARY

Account Summary	2010 Actual	2011 Budget	2012 Budget	2011/2012 Change
Personal Services (w/o EFB)	$ 7,498,688	$ 7,419,106	$ 7,159,526	$ (259,581)
Employee Fringe Benefits (EFB)	5,919,372	5,873,707	5,675,558	(198,149)
Services	3,210,924	3,615,234	3,505,661	(109,573)
Commodities	144,177	169,497	177,733	8,236
Other Charges	0	0	0	0
Debt & Depreciation	0	0	0	0
Capital Outlay	29,320	54,750	55,098	348
Capital Contra	0	0	0	0
County Service Charges	2,282,749	2,182,126	2,006,289	(175,837)
Abatements	(209,728)	(209,841)	(220,396)	(10,555)
Total Expenditures	$ 18,875,502	$ 19,104,579	$ 18,359,469	$ (745,111)
Direct Revenue	73,178	67,318	63,300	(4,018)
State & Federal Revenue	7,430,103	7,103,226	6,777,933	(325,293)
Indirect Revenue	0	0	0	0
Total Revenue	$ 7,503,281	$ 7,170,544	$ 6,841,233	$ (329,311)
Direct Total Tax Levy	11,372,221	11,934,035	11,518,236	(415,800)

COUNTY EXECUTIVE'S 2012 BUDGET

DEPT: District Attorney **UNIT NO.** 4500
FUND: General - 0001

PERSONNEL SUMMARY				
	2010 Actual	**2011 Budget**	**2012 Budget**	**2011/2012 Change**
Position Equivalent (Funded)*	**145.5**	**147.1**	**140.2**	**(6.9)**
% of Gross Wages Funded*	**95.4**	**95.8**	**95.4**	**(0.4)**
Overtime (Dollars)	**$ 98,372**	**$ 192,912**	**$ 132,564**	**$ (60,348)**
Overtime (Equivalent to Position)	**2.4**	**4.6**	**3.1**	**(1.5)**

* For 2010 Actuals, the Position Equivalent is the budgeted amount.

PERSONNEL CHANGES						
Job Title/Classification	Title Code	Action	# of Positions	Total FTE	Division	Cost of Positions (Salary Only)
Clerical Assistant	00000042	Create	1	1.00	Juvenile	$ 28,480
Management Assistant (NR)	00000039	Create	1	1.00	Administration	34,168
Office Support Asst 1 - BL	00000006	Abolish	(1)	(1.00)	Juvenile	(25,454)
Payroll Assistant	00001541	Abolish	(1)	(1.00)	Administration	(30,416)
Office Support Asst 2	00000007	Unfund	(1)	(1.00)	General	(26,804)
Clerical Assistant 2	00000045	Unfund	(1)	(1.00)	General	(30,416)
Victim Witness Advocate	00084170	Unfund	(1)	(1.00)	Victim Witness	(37,960)
					TOTAL	$ (88,402)

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 severely liable to the county for the full amount paid. A county employee who knowingly violates this subsection may be removed for cause."