

DEPT: District Attorney

Budget Summary

Category	2019 Actual	2020 Actual	2021 Budget	2022 Budget	2021/2022 Variance
Expenditures					
Personnel Costs	\$8,415,101	\$7,619,187	\$9,065,257	\$9,730,296	\$665,039
Operation Costs	\$3,789,635	\$3,590,134	\$3,761,183	\$3,282,211	(\$478,972)
Debt & Depreciation	\$0	\$0	\$0	\$0	\$0
Capital Outlay	\$63,259	\$2,296	\$0	\$0	\$0
Interdept. Charges	(\$455,711)	(\$428,712)	(\$480,294)	(\$469,962)	\$10,332
Total Expenditures	\$11,812,284	\$10,782,905	\$12,346,146	\$12,542,545	\$196,399
Revenues					
Direct Revenue	\$322,714	\$283,088	\$218,050	\$196,000	(\$22,050)
Intergov Revenue	\$5,536,677	\$5,097,044	\$5,396,571	\$4,879,479	(\$517,092)
Indirect Revenue	\$0	\$0	\$0	\$0	\$0
Total Revenues	\$5,859,391	\$5,380,132	\$5,614,621	\$5,075,479	(\$539,142)
Tax Levy*	\$5,952,893	\$5,402,773	\$6,731,525	\$7,467,066	\$735,541
Personnel					
Full-Time Pos/ (FTE)**	162		165	169	4
Seas/Hourly/Pool Pos.	9	9	9	8.5	-0.5
Overtime \$	\$232,668	\$131,240	\$231,182	\$230,000	(\$1,182)

Department Mission: The mission of the Milwaukee County District Attorney’s Office (DA) is to promote public peace and safety by just and vigorous prosecution of criminal cases. This office seeks to do impartial justice by ensuring that the guilty are punished and the innocent go free. We strive 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. These are our overall 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 and recidivism by coordinating the efforts of the community prosecution, general crimes, and violent crimes units to promote accountability and facilitate investigation and prosecution of and violent offenders.

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- 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.
- Encourage increased participation in the criminal justice system by victims and witnesses through a robust victim witness advocacy program;
- Work closely with the courts, the Office of the State Public Defender, Justice Point, treatment professionals and 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.
- Carry out the mandate of the Marsy's Law, the constitutional amendment passed by referendum in April 2020 (effective May 4, 2020) which substantially augmented the statutory requirements of the crime victims' rights bill. The crime victim rights bill itself was originally 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.
- 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 of the state Division of Milwaukee Child Protective Services 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.

MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE CASELOAD STATISTICS - FILINGS				
Workload Statistics	2018	2019	2020	2019/20 Change
<i>Felony</i>	5,997	5,534	4,419	-1,115
<i>Misdemeanor</i>	4,451	4,294	2,476	-1,818
<i>Criminal Traffic</i>	2,296	2,270	884	-1,386
<i>Children in Need of Protective Services (CHIPS)</i>	1,114	1,014	816	-198
<i>Juvenile Delinquency</i>	965	895	711	-184
<i>TPR (Termination of Parental Rights)</i>	290	252	284	32

Source: Clerk of Circuit Court/Register in Probate-Statistics Report for January thru December 2020

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Department Description:

District Attorney

The District Attorney is responsible for the planning and organization of prosecutions in all criminal and juvenile offenses, and in applicable ordinance violations in Milwaukee County. The DA recruits and staffs all professional positions and makes major assignments relative to both personnel and cases. The District Attorney oversees all department activities and sets all departmental policies and procedures.

Chief Deputy District Attorney

The Chief Deputy District Attorney (CDDA) supervises all division functions and oversees the implementation of departmental policies and procedures. The CDDA serves as a liaison with other county officials and departments; city, state, federal officials, law enforcement agencies; and community groups. The CDDA works with the state legislature in regard to the initiation and review of proposals for legislative changes related to criminal and juvenile law. The Chief Deputy supervises the homicide and public integrity units, the Deputy District Attorneys (DDAs), and other office supervisors. Together with the Deputy District Attorney of Administration, the CDDA reviews and approves the extradition of defendants and uncooperative witnesses from other states in felony cases in Milwaukee County.

Deputy District Attorneys

Deputy District Attorneys are assigned to supervise or oversee the office's units or departments. Depending on the assignment, they directly supervise legal and support staff; carry a caseload in court; assist in higher level investigations; work on budgeting, personnel, and grant matters; represent the office in law enforcement and community-based initiatives; and assist the CDDA as required.

General Crimes, Community Prosecution and Early Intervention Units

Under the supervision of the General Crimes DDA, the Community Prosecution, General Crimes and Early Intervention Units of the District Attorney's Office handle the bulk of criminal referrals to the District Attorney's Office.

Attorneys assigned to the General Crimes Unit ("GCU") review all referrals for prosecution which are not otherwise directed to a specialty unit (approximately 15,000 cases per year), and prosecute all general felony, misdemeanor and applicable ordinance violations in the nine general felony and misdemeanor courts in Milwaukee County staff. This involves handling court appearances, ensuring discovery is acquired and disseminated in a timely manner, presenting evidence, arguing motions, negotiating case resolution, and conducting jury trials and court trials. Presently, twenty-six state general purpose revenue funded Assistant District Attorneys staff five general felony courts and four general misdemeanor courts in Milwaukee County circuit court. They work closely with the attorneys in the Early Intervention Unit and the Community Prosecution Unit to seek alternatives to prosecution and incarceration where such can be done consistent with public safety; they strive to ensure application of uniform disposition policies in general felony, misdemeanor, and ordinance cases; and they seek to develop and maintain systems which ensure the highest quality of prosecution and speedy disposition of these cases.

The Community Prosecution Unit ("CPU") currently consists of 6 Assistant District Attorneys who work from Milwaukee Police Department ("MPD") Districts 1 through 7 and the West Allis Police Department. They are funded through a combination of grant funding through the City of Milwaukee Community Development Block program and the Milwaukee County Byrne-JAG Local grant. Additionally, one Assistant District Attorney serves 7 identified neighborhoods in the near west side of Milwaukee. This Community Prosecutor is funded by a non-profit organization, the Near West Side Partners, Inc. The attorneys assigned to CPU work closely with local community groups and district officers to identify and abate neighborhood specific matters, relating to both criminal and nuisance issues. They handle a limited caseload in court, focused on the worst and most chronic offenders in their geographic areas, and they coordinate with Assistant District Attorneys in both GCU and Early Intervention to direct offenders into the appropriate referral stream, either to conventional prosecution or Early Intervention resources.

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Five assistant district attorneys are assigned to the Early Intervention Unit ("EI"). Three (2 funded by grants from the MacArthur Foundation, and one funded by state general purpose revenue) screen and identify case referrals of nonviolent offenders whose criminal risk can be safely managed with community-based programs in the Milwaukee County Diversion, Deferred Prosecution Agreement ("DPA"), Drug Treatment Court ("DTC"), or Veterans' Treatment Initiative ("VTI") programs. Two full time Assistant District Attorneys funded through state general purpose revenue staff the Early Intervention Court. In 2017, the office assigned an existing DA Investigator position to the DTC and VTI programs, partnering with a Milwaukee police officer to provide dedicated law enforcement services to defendants in those courts, in order to enhance the success of alternatives to incarceration in those programs. This investigator is involved in all phases of the program, including initial screening of defendants, home visits, ongoing monitoring and compliance investigation as needed, and apprehension of defendants who fail to comply.

Violent Crimes Division

The Violent Crimes Division is comprised of four units which staff eight specialized criminal courts.

The Homicide Unit prosecutes in the four homicide / sensitive crimes courts. There are generally 110 to 120 homicides cases pending at any given time. The five attorneys assigned to the unit carry an average caseload of 20 to 25 homicide cases, in addition to other cases which are related to homicides, such as aiding a felon and witness intimidation. The aggravated nature of the cases, and the intensity of the investigations and prosecution, requires a cohesive, highly trained, and experienced team of attorneys and victim witness staff.

The Gun Unit handles all non-fatal felony level shooting offenses in the specialty gun court. The unit is staffed by four assistant district attorneys, two assistant attorney generals assigned by the Wisconsin Department of Justice, and three victim witness specialists, two of whom are grant funded through federal grants. Those two grant positions--are funded under the Project Safe Neighborhood (PSN) 2018 grant and an Operation Legend grant, respectively--are community victim witness specialists, who work out of both the DA's Office and the Milwaukee Police Department, in order to provide more immediate access to, and more robust, victim services. With the support of the victim witness specialists, the 6 unit attorneys review and prosecute felony level cases involving the discharge of a gun, and associated matters such as witness intimidation. In addition, two Assistant District Attorneys funded by a 2019 PSN grant are assigned to the Gun Unit to review referrals involving gang/crew activity and Felon in Possession of a Firearm Referrals where the offense occurs in one of 6 neighborhoods identified by MPD as seeing the highest amount of firearms-related violence in the city. These "PSN ADAs" are cross-designated as Special Assistant United States Attorneys for the Eastern District, to facilitate the referral of appropriate offenders for federal prosecution, when that venue is most appropriate. The grant funding for those positions is expected to run out later this year; one or both of the positions will be re-created through PSN 2020 grant funds, as grant-funded Gun Unit team members, who will focus on non-fatal shootings and gang/crew activity. Certain issues--including unique evidence such as NIBIN and ShotSpotter data, and witness intimidation--are regularly attendant to shooting cases. By focusing on these cases in a collocated setting, the Gun Unit attorneys develop the expertise to meet those issues as they arise.

Attorneys in the Drug Unit review all felony drug cases, including drug trafficking and opioid / methamphetamine possession cases, for referral to treatment programming or prosecution in the two speedy trial drug courts. The 7 assistant district attorneys in the Drug Unit, assisted by an EI attorney assigned there, use a bifurcated strategy to address the issues of drug use and trafficking: demand reduction, on one hand; and enforcement, on the other. Because of the role substance abuse and addiction play in drug-related activity, drug unit prosecutors screen all possession and low-level trafficking referrals for redirection into EI programming, which takes the form of pre-charge diversions into treatment, deferred prosecutions agreements, or more intensive supervision in the Drug Treatment Court. In 2019, over 300 Drug Unit defendants were referred to EI programming; and almost 350 completed programming with a compliance rate of 74. Individuals who are not suitable for, or who decline early intervention programming are prosecuted in the speedy trial drug courts, where the attorneys in the unit negotiate cases, engage in significant amounts of 4th amendment litigation, and conduct jury and court trials. Maintaining a specific unit dedicated to all felony drug cases promotes consistency in charging and case resolution, allows for a greater focus on referrals to early intervention programming, and enhances expertise in 4th amendment issues. The Drug Unit Team Captain is currently responsible for reviewing and prosecuting Len Bias homicides; she has been recognized for her work on both the state and national level.

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The 3 attorneys in the High Intensity Drug Trafficking Area (HIDTA) Unit are responsible for disrupting and dismantling drug trafficking organizations (DTOs) and for prosecuting high level traffickers and violent criminal gang members in any of the criminal courts in Milwaukee County. The HIDTA prosecutors focus on some of the most serious and violent offenders in Milwaukee County. HIDTA prosecutors are co-located both in the District Attorney's Office and at the HIDTA building, located on Michigan Avenue. Having a unit of attorneys collocated in both spaces provides officers ready access to legal assistance during investigations which ensures more informed, more directed, and, ultimately, more successful, prosecutions, as well as better coordination of referrals for federal prosecution when that venue is more appropriate given the criminal conduct, the suspect's background, and the available criminal penalties.

The attorneys in each area of the Violent Crimes Division work closely with federal, state, and local officers, and draft, review, and approve applications for search warrants, subpoenas for records, wiretap orders, and electronic surveillance orders, in support of criminal investigations. The prosecutors in the Division also participate in local and national crime reduction initiatives, including the Public Safety Partnership (PSP), PSN, the NIBIN Task Force, the Homicide Review Commission, VR-PHAST and OD-PHAST, overdose death reviews, and the Milwaukee Police Department's shooting reviews.

Ten of the 21 assistant district attorneys in the Violent Crimes Division are funded by federal or state grants. All of the Homicide and Gun Unit ADAs are funded through GPR revenue. Four of the 7 ADAs in the Drug Unit are funded by a Byrne Jag grant; a fifth, who focuses on non-fatal overdose and demand reduction strategies, is funded by a federal Innovative Prosecution Solutions (IPS) grant. In 2019 (effective in 2020), the HIDTA grant was reduced, eliminating funding for the Drug Unit ADA and the Early Intervention specialist. In 2020 (effective in 2021) the HIDTA grant was reduced by an additional position. When the grant funding for the IPS position runs out (currently projected to occur in September of this year), that position also will be eliminated. These reductions have created a negative effect on every aspect of the unit's operations, including the office's demand reduction strategy.

Sensitive Crimes Division

The Sensitive Crimes Division of the Milwaukee County District Attorney's Office is comprised of the Sensitive Crimes Unit, the Sexually Violent Persons (Chapter 980) Unit, the Child Protection & Advocacy Unit, and the Domestic Violence Unit.

The Sensitive Crimes Unit consists of six assistant district attorneys and seven victim advocates who provide a coordinated response to the review and prosecution of sexual assault, human trafficking, possession and distribution of child pornography, invasion of privacy, sextortion, and other related offenses. The assistant district attorneys and advocates in the Sensitive Crimes Unit follow Milwaukee County's Joint Protocol on the investigation and prosecution of sensitive crimes, and all members of the unit have specialized training and experience in handling very complex cases using a trauma informed approach that seeks to hold offenders accountable while simultaneously protecting victims from further victimization. In addition, an assistant district attorney funded through the Wisconsin Department of Justice, handles sensitive crimes cases and serves as a statewide resource on DNA evidence, providing training and support to law enforcement and fellow prosecutors on the use and interpretation of DNA evidence in court.

Human Trafficking cases are among the most complex cases to investigate and prosecute. Significantly, the Sensitive Crimes Unit has never lost a human trafficking case at trial, and the team's approach to Human Trafficking has led to some of Milwaukee County's most dangerous offenders being removed from our community.

The Sexually Violent Persons (Chapter 980) Unit handles civil commitments for individuals who are deemed to be sexually violent persons under Wisconsin law. To qualify as a sexually violent person, an individual has typically been convicted of a sexually violent offense and has been found to suffer from a mental disorder that makes it more likely than not that the person will engage in future act(s) of sexual violence. The Sexually Violent Persons Unit is comprised of two assistant district attorneys and a paralegal who, together perform the critical function of reviewing and filing petitions when appropriate to civilly commit an individual deemed to pose a continued risk to commit a sexually violent offense against members of the community.

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The Child Protection and Advocacy Unit (CPAU) handles the review and prosecution of caregiver child abuse and child neglect cases. District Attorney John Chisholm formed the Child Protection and Advocacy Unit in 2008 to provide a greater focus on the protection of child victims and to hold those who abuse or neglect children to a higher level of accountability. CPAU is comprised of three assistant district attorneys and two victim advocates. The assistant district attorneys in CPAU prosecute cases involving Milwaukee County's most vulnerable members, child victims. Their cases are complex child abuse and neglect cases including abusive head trauma (formerly shaken baby syndrome), inflicted burn injuries, severe child neglect, including child malnutrition, and serial child torture cases.

Finally, the Domestic Violence Unit is comprised of ten assistant district attorneys and eight victim advocates who provide a coordinated, victim-centered approach to the review and prosecution of intimate partner domestic violence referrals. Milwaukee is home to the Sojourner Family Peace Center. The Sojourner Family Peace Center is one of the largest family peace centers in the nation, housing a shelter for women and child victims, as well as providing a central location for a number of victim service providers, the Milwaukee Police Sensitive Crimes Unit, Children's Hospital of Wisconsin's Child Advocacy Unit, and the Milwaukee County District Attorney's Office Domestic Violence Unit.

The Domestic Violence Unit reviews all intimate partner domestic violence cases at the Sojourner Family Peace Center, allowing the prosecutor and a victim advocate to meet with the victim at a safe location. Since co-locating at the Sojourner Family Peace Center, there has been an increase in victim participation in charging conferences. From 2015 to 2016, there was a 17% increase in victim appearance and participation. In 2017, 2,504 victims appeared for charging conferences, a 20% increase over 2016. In 2018 a total of 2,521 victims appeared for charging conferences, and in 2019, 2,664 victims appeared. The annual increase in victim participation at the Peace Center is substantial. In addition to the work done within the Sensitive Crimes Division, members of the Sensitive Crimes Division represent the Milwaukee County District Attorney's Office at: Milwaukee's Child Abuse Review Team meetings; Milwaukee Child Abuse Multidisciplinary Response Team meetings (Child Abuse MDT meetings); Milwaukee's Sexual Assault Review Team meetings; Milwaukee's Sexual Assault (M-SAR) case review meetings; Milwaukee Commission on Domestic Violence and Sexual Assault meetings; Milwaukee County Domestic Violence High Risk Team meetings, (DV-HRT); and Milwaukee County Child Death review meetings.

Juvenile Division

The District Attorney's Office represents the interests of the public in all child welfare cases in Milwaukee County. These cases involve some of our most vulnerable and at-risk citizens. It is our responsibility to assure, once the Division of Milwaukee Child Protective Services ("DMCPS") becomes involved with a family and makes a referral to us that these children are kept safe. This is a large task: Milwaukee County handles approximately 1/3 of all child welfare cases in the State of Wisconsin. The District Attorney's Office reviews Child in Need of Protection or Services ("CHIPS") and TPR referrals. We have a contract with the State of Wisconsin which covers the cost of our entire TPR unit. The State and County, however, are required to match that cost with their own funds, through both ADA and support staff payroll that can be used only for child welfare purposes. Thus, every member of our child welfare teams is either in a contract funded or "match" position, including the support staff and paralegals. Child Welfare cases are complex and lengthy, and they do not end upon a finding that a child is in need of protection or services. Rather, litigation is ongoing. Matters related to placement of children, permanency planning, revision and extension requests are frequently contested. Case review and issuance are time-sensitive: every case at the Vel Phillips Youth and Family Justice Center has a statutory time limit. As petitioners, extensive clerical and paralegal support is needed to ensure that proper parties are noticed, depositions are scheduled, court of appeals briefs are assembled and mailed, timelines are met, and cases are processed appropriately. The Division also handles all of its own appeals on child welfare cases.

The Juvenile Division also represents the interests of the public in all juvenile delinquency matters, which are time-sensitive and subject to jurisdictional time limits. When juveniles are held in custody, referrals must be reviewed within 24 hours. When a juvenile is not detained, the Division must process the referral within 20 days. The Division also reviews and approves as appropriate all informal resolutions in juvenile delinquency cases. The division reviews and petitions for waiver into adult court as necessary, handle reverse waiver matters and make determinations as to

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the appropriateness of a serious juvenile offender designation. Similar to child welfare cases, juvenile delinquency matters remain open long after an adjudication, as issues regarding placement, compliance with court orders and extensions continue to be litigated. The division also handles all delinquency appeals.

In addition, the Juvenile Division conducts continuing education and training for law enforcement and social welfare partners, citizens (including foster parents) and civic groups in Milwaukee County on changes in juvenile/child welfare law, best practices, the joint protocol on child maltreatment, witness preparedness and Chapters 48 and 938. The division also directs the victim/witness services at Vel Phillips Youth and Family Justice Center, including witness notification and subpoena functions.

Note:

All Assistant District Attorneys in the criminal division are responsible for staffing the two intake courts in Milwaukee County: the Out-of-Custody Intake Court (OCCR), which is open weekday afternoons, and the In-Custody Intake Court (ICR), which operates 7 days per week. Because statutory and constitutional mandates require that certain referrals be processed within established time-limits, all Assistant District Attorneys, in both the criminal and juvenile division, review cases on Saturday and Sunday, on a rotating basis. All Assistant District Attorneys, regardless of assignment, are also required to be on call to law enforcement, 24 hours per day, on a rotating basis, to assist with legal process and provide legal advice as required.

Victim/Witness Division

The Milwaukee County District Attorney's Office Victim Witness Assistance Program provides crime victim services to Milwaukee County. The county encompasses 19 law enforcement jurisdictions and an estimated population of 945,726 (U.S. Census Bureau, July 2019). Wisconsin State Statutes chapter 950 mandates the provision of services for victims and witnesses of crime.

Marsy's Law, Wisconsin's Victims of Crime Constitutional Amendment, became effective May 4, 2020. The amendment modified the definition of a victim, identified 16 constitutional rights given to victims, and provides the victim the ability to enforce their rights in court. The amendment guarantees victims' rights at the time of victimization and establishes a continuity of victim rights and timely notification throughout the criminal justice process. These rights are in addition to rights afforded by Wisconsin State Statute 950. Of immediate impact to the DA's Office was the victims' right to timely notification of all proceedings and the right to attend all proceedings and be heard if their rights are implicated, including: release, scheduling, plea, sentencing, disposition, parole, revocation, expungement, or pardon hearings. The assignment of victim witness advocates to the charging conferences is critical to ensure the victims' right to timely notification and the right to attend hearings is met.

This budget funds forty-four victim witness positions. Thirty-four victim witness advocates, one bilingual victim witness advocate, four sensitive crimes victim advocates, four victim witness supervisors, and one director are authorized in this budget. They provide crisis intervention and specialized victim services to victims in criminal and juvenile cases. Our Victim Witness Services Division is supported in part by federal and state funding. Eight victim witness advocate positions are partially (approximately 60%) funded through a federal Victims of Crime Act (VOCA) grant. Twenty-nine are partially funded (approximately 35%) through the Wisconsin Department of Justice chapter 950 Program. One position is funded by the Project Safe Neighborhoods (2018) grant. One position is funded by the Operation Legend (2020) grant. Five positions are funded by the Milwaukee County tax levy.

Services are provided in person (in office and in the community), over the phone, and through correspondence. Victims and witnesses are informed of their constitutional and statutory rights and they are informed on the criminal justice process generally. They are given assistance with Crime Victim Compensation applications and other forms for financial reimbursement or other support. The division informs them on case status and hearing dates. In the courthouse complex, attended waiting rooms are available for victim and witness use. Indeed, victim witness advocates accompany citizens to hearings and related meetings. Other services, based on the needs of the victim or witness, are also routinely provided on an individual basis.

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The victim witness advocates attend to many victims from underserved and vulnerable population groups. These include: abused and/or neglected children; sexually abused children; domestic violence victims; sexually abused adults some of whom were also sexually abused as children; families of homicide victims; elder abuse victims; and thousands of victims of other violent and non-violent crimes.

Victims often present with comprehensive problems (homelessness, mental illness, poverty, criminal cases of their own, language barriers, AODA issues, medical problems, multiple children, teen mothers, lack of education, and hunger). Most of these victims require extensive attention and services and multiple advocates to assist them. Written communication is not always an option due to comprehension limitations, the transient nature of their existence, fear, and other barriers. In-person communication and referral to resources and follow up is critical.

Twenty-two FTE clerical staff authorized in this budget provide essential, basic support for the daily operation of the Victim Witness Services Division. Clerical staff provided receptionist services in five units, processed subpoenas in court cases and sent thousands of notification letters to victims and witnesses to keep them informed on their case status and resources available.

Investigations Division

The investigations division is headed by the Chief Investigator, who supervises district attorney investigators and intelligence analysts. The division is divided into the Maurice V. Pulley Jr. Witness Protection Program and the Special Investigations Unit. Each unit is supervised by a Deputy Chief Investigator.

The division investigates victim/witness intimidation, police shootings of civilians, deaths in police custody, public corruption, major multi-jurisdictional crimes, elder abuse, white collar crimes and industrial deaths and injuries. In addition, they provide post-charging investigation on major crimes for the prosecutors and maintain office security.

Maurice V. Pulley Jr. Witness Protection Program

The witness protection program consists of one Deputy Chief, seven Investigators, two full-time Intelligence Analysts and three hourly Administrative Interns. The witness protection program works to ensure that victims and witnesses in all cases are able to safely appear at all court proceedings related to their case, and to be safe and secure when outside court. Unlike traditional victim/ witness protection programs, the focus is on the enforcement and prosecution of offenders. In 2019, the witness protection unit handled 348 case referrals, 55% of which involved domestic violence. The unit made 56 arrests related to witness intimidation. When a case is charged or about to be charged and there is suspicion of victim/witness intimidation, either the prosecutors or the investigative agencies who originated the complaint will request an investigation by the witness protection program. Without this valuable resource, many cases would become untenable for prosecution.

Child Support Enforcement

Two investigators provide direct law enforcement / investigative support to the Department of Child Support Services and to the Child Support Enforcement Assistant District Attorney. The overall goal of child support enforcement, whether civil or criminal in nature, is to obtain compliance with court-ordered child support in order to provide for children and reduce the economic burden on social services. This initiative began in 2014 and will continue into 2022.

Special Investigations Unit

The special investigations unit consists of one Deputy Chief, seven Investigators and an Intelligence Analyst. Two of the seven investigators are assigned to the F.B.I. Violent Crimes Taskforce and one is assigned to the Veterans Treatment Court / Drug Treatment Court Initiative. The special investigations unit has the capability to perform criminal intelligence analysis and forensic computer and cell phone analysis in support of investigations and charged criminal cases.

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F.B.I. Violent Crimes Taskforce

The Special Investigations Unit has maintained its relationship with the F.B.I. Violent Crimes Task Force which specifically targets serial armed robbery suspects, bank robbery suspects and carjacking's throughout Milwaukee County. The relationship with the Milwaukee Police Department's Special Investigations Division has solidified, and our investigators attend daily briefings to ensure the transmittal of the most current intelligence within the investigations unit. This work supports multi-agency investigations throughout Milwaukee County by providing investigative case management, resources and support to law enforcement partners throughout Milwaukee County. Moreover, the unit remains a resource for local departments to augment investigative capability when confronted with increases in violent criminal acts.

Veterans' Treatment Court / Drug Treatment Court Initiative

The District Attorney's Office continues its partnership with the Milwaukee Police Department in providing law enforcement support for Veteran's Treatment Court and Drug Treatment Court. The Milwaukee Police Department provides an officer and the District Attorney's Office provides an investigator for these programs. Since the opioid epidemic is a countywide issue, this partnership allows coverage for all Milwaukee County defendants. Home visits are conducted and defendants are arrested for violating the terms of the program. When arrested, defendants are returned to court to assess their further involvement in the program.

Process Servers/Process Investigators

In July 2021, the existing three part-time Process Servers were transferred from the Victim Witness Division to the Investigator Division. The remaining seven Process Server positions were eliminated and six part-time Process Investigator positions were created. These Process Investigators are hourly sworn law enforcement personnel. Their principal duty is to serve criminal trial subpoenas on witnesses who are either unresponsive to mailed subpoenas or who are overtly uncooperative, frequently in our most aggravated cases

Administrative Division

The administrative division manages the fiscal, personnel and record management functions of the District Attorney's office. It is responsible for assembling the state and county budgets. The division develops and coordinates grants and revenues, and it controls the department's expenditure of funds. The division also serves a procurement function, utilizing county purchasing and inventory systems. The administrative section handles personnel related matters for both county and state employees. This includes organizing, staffing, directing and coordinating the clerical functions of the department. It serves as the chief point of contact with the county Departments of Administrative Services and Human Resources. Likewise, this section serves as the main contact for the state Department of Administration and the State Prosecutors Office. The administrative section also supervises record management and responds to public records requests. Generally, it is this division that is responsible for maintaining liaison with the administrative and fiscal personnel of other related governmental agencies, including the State of Wisconsin, the County of Milwaukee, and local law enforcement agencies.

Information Technology Division

The District Attorney's Office is part of the statewide district attorney computer network. The Information Technology division manages the District Attorney's computer network at multiple locations, i.e., within the courthouse complex, at the Vel Phillips Juvenile Justice Center and at the Sojourner Family Peace Center.

This Division manages the database and user accounts for Protect, the State DA case management system. It manages the Pro-Phoenix law enforcement report management software and database and the district attorney connections to the county Web Focus, Justice, Advantage, and BRASS applications. It provides data and statistics to requestors, including partner agencies and research groups, and provides training to legal and county staff in office computer applications. The Division supports prosecutors by setting up courtroom presentation equipment and by preparing trial exhibits, including audio and other digitally based exhibits; and supports law enforcement

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partners in the electronic transfer of criminal case data. Most significantly, however, the IT Division has become responsible for the managing digital referrals for prosecution, and for the acquisition, storage, and dissemination of digital discovery in criminal cases.

The Division consists of eleven authorized full-time positions: a Network Manager, two Network Technical Specialists, a Database Assistant, a Management Assistant, a Paralegal, two Secretarial Assistants, and three Clerical Assistant 1 positions. An hourly intern position is also assigned to the Division. The Division is assisted, full-time, by five full-time paralegals and one part-time paralegal who are assigned to different divisions, as well as part-time by another paralegal.

These different positions have different functions in regard to information technology in the DA's office. In the broadest sense, they divide into areas primarily responsible for the hardware IT function (managing the actual equipment and its proper function) and the applications IT function (managing the case management system and supporting the digital discovery function of the office).

With respect to the hardware function, the Network Manager and Technical Specialists provide what is best described as operational support for the office. Principally their function relates to the maintenance of the various IT hardware systems in the office such as the computers and the network. They also support the proper functioning of the business applications that run on the computer system. In this regard, the DA's Office primarily uses Microsoft Office, Adobe Acrobat and Outlook. The staff also are responsible for handling courtroom presentation equipment and preparing trial exhibits, including audio and other digitally based exhibits.

With respect to the applications function, the Database Assistant is chiefly responsible for the management of the DA's case management system known as PROTECT. She supervises all office functions directly and indirectly related to PROTECT. This includes the processing referrals of electronic reports and digital evidence received from law enforcement agencies and the office's criminal discovery function. The discovery function is a statutorily mandated process whereby investigative reports and other evidence is received by our office and then relayed to a criminal defense lawyer for his or her review in connection with the defense of the client.

The office's "IT Discovery Team" consists of the Database Assistant, the Management Assistant, the paralegal, the two Secretarial Assistants and the three Clerical Assistants. As cases are referred for prosecution, they receive and process digital discovery and electronic police investigative reports. They download and extract such data, identify what unit and team it belongs to (e.g., the Domestic Violence Unit), then upload it into folders they create on the DA network drive. Clerical Assistants organize the folders, and rename the digital material stored there. Paralegals – assigned to other divisions – review the material which has been received, and in consultation with the attorney assigned to the case, identify missing or new material. The paralegals monitor the requests for that additional material; when it is delivered, the paralegals uploads it into the appropriate digital folder. When the available discovery is assembled, the liaisons notify the IT discovery Team, which will send it out to the defense attorney and move the folder to a server for long term storage. Clerical Assistants will move folders associated with no processed cases to the server for long term storage.

This process, although straight-forward, is incredibly complex and time-consuming for a variety of reasons. First, referring agencies send discovery to the office on a variety of digital formats and platforms. Second, the time involved in downloading, extracting, and uploading data is significantly greater than would be necessary to file paper records and/or CDs which were historically delivered to us by law enforcement agencies. Third, when acquired, digital discovery is generally not labeled in a convention which makes its contents readily apparent. For example, an agency may send 14 body camera videos, 2 surveillance videos, and 6 videos from squad cars. Nothing in the name of the record, when received will identify its contents in any meaningful way. The paralegal needs to review each item, attempt to connect it to the appropriate case, and rename and save it accordingly.

Notwithstanding those difficulties, the transition to digital discovery is, and has been, essential. Over the past few years, several suburban law enforcement agencies have moved to an "e-referral" process, by which digital transmission of referrals and discovery is the only method of transmittal. With the onset of the pandemic in the first quarter of last year, there was an immediate (and unforeseen) shift to a digital referral by all law enforcement agencies. Third, the District Attorney's Office has moved to a paperless system, following the lead of the courts.

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There is no longer a paper file in which to store CDs, DVDs, or paper reports; everything must be converted to and stored in digital format, in PROTECT or on a network drive. And, due in large degree to the pandemic and the need for working remotely, all discovery in all criminal cases is received, stored, and disseminated electronically.

The benefits of digital discovery are also significant. Providing discovery to the defense in a timely fashion is a due process obligation under the State and federal constitutions; transmission of digital discovery can be done within minutes of a request, without the need for person-to-person contact. Requests for and dissemination of digital discovery material leave an audit trail, so that assistant district attorneys in court can immediately determine what material has been sent, by whom, to whom, and when. Certain formats also provide an additional level of audit, permitting the IT Discovery Team to determine not only whether the material was received by the defense, but also whether it was accessed. Additionally, there is some cost saving, as the Department will no longer purchase CDs and DVDs for copying body camera video, surveillance video, squad video and other digital evidence for the defense. Moreover, the centralized storage of all discovery in a digital format on a server preserves it in an accessible, non-degradable format, so it remains available consistent with statutory public records retention requirements. Most importantly, digital discovery stored in a centralized location is accessible from any location by anyone who access to the DA network. That permits attorneys and staff to work from remote locations when unforeseen circumstances – such as a pandemic – arise.

The transition to digital referrals and digital discovery has resulted in an immense increase in the workload of the IT Division and the paralegals which support it. PROTECT data reflects that the District Attorney’s Office received over 27,000 referrals for prosecution in the criminal division in 2020; at least 22,000 of those came digitally, after the pandemic was declared. CCAP data reflects that the District Attorney’s Office filed over 9,800 cases in the criminal division in 2020; all of them involved digital discovery. As a result of the increase, the District Attorney’s budget includes a request for funding for four new paralegal positions, who will be assigned to support the IT Division in the digital referral / digital discovery process.

State Prosecutors with County Fringe Benefits

The District Attorney’s budget includes 3 FTE prosecutors on the state payroll that retained county fringe benefits when District Attorneys became state employees on January 1, 1990. The budget reflects the state reimbursement for the actual county cost of fringe benefits provided to the 3 FTE prosecutors. Wis. Stat. §§ 978.12(5)&(6) provides that state reimbursement must be based on actual county fringe benefits’ costs or comparable state costs, whichever is less.

Charges from the State

The State charges Milwaukee County on a quarterly basis for the salaries and fringe benefits of any grant-funded Assistant District Attorney (“ADA”). The State pays the salaries and fringe benefits on a biweekly basis. The ADA expenses for salaries and fringe benefits are posted to account 6090 and are offset with state and federal grant revenue to accounts 2299 and 2699, respectively.

Charges from the State	2021 Budget	2022 Budget	2021/2022 Variance
Byrne JAG - DAS	\$383,000	\$219,040	(\$163,960)
Community Development Block Grant (CDBG)	190,000	165,000	(\$25,000)
CSS Child Support Prosecutor	97,647	94,825	(\$2,822)
High Intensity Drug Trafficking Area (HIDTA)	287,847	296,000	\$8,153
IPS - Opioid Community Prosecutor	98,685	0	(\$98,685)
Project Safe Neighborhood	165,000	134,200	(\$30,800)
State DCF CHIPS TPR Contract	892,975	856,000	(\$36,975)
WIDJ Byrne JAG MMDEG Task Force	286,707	276,321	(\$10,386)
WIDJ Violence Against Women Act (VAWA RRP)	111,914	136,000	\$24,086
TOTAL	\$2,513,775	\$2,177,386	(\$336,389)

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State Revenue

Revenue from state grants are posted to account 2299 and are comprised of the programs detailed in the table below:

STATE GRANTS			
State Revenue Programs	2021 Budget	2022 Budget	2021/2022 Variance
IPS - Opioid Community Prosecutor	\$121,160	\$0	(\$121,160)
Project Safe Neighborhood	203,125	183,000	(\$20,125)
Special Prosecution Courts' Clerks	305,000	305,000	\$0
State DCF CHIPS TPR Contract	1,471,792	1,443,218	(\$28,574)
Victim of Crimes Act (VOCA)	450,671	357,621	(\$93,050)
Victim/Witness Program	1,220,000	1,140,750	(\$79,250)
WIDOB Violence Against Women Act (VAWA RRP)	116,779	136,000	\$19,221
TOTAL	\$3,888,527	\$3,565,589	(\$322,938)

The Project Safe Neighborhood provides funding for the salary and fringe benefits for 1.0 Victim Witness Advocate, who serves as a community victim witness specialist for firearms-related offenses which occur in any of six neighborhoods identified by the Milwaukee Police Department as having particularly high firearms-related crime. The CVW is embedded in the Milwaukee Police Department and provides comprehensive victim services to shooting victims and their families from the time of the offense through the investigation and any resultant prosecution. A second grant provides funding for the salary and fringe benefits for 2.0 Assistant District Attorneys.

The Special Prosecution Courts' Clerks statutory reimbursement program provides continuing funding for the salaries and fringe benefits of 4.0 Secretarial Assistant positions and 2.0 Clerical Assistant 1 positions 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). Amounts chargeable to this statutory program routinely exceed the maximum funding, which for the state biennium ending June 30, 2020 was \$305,000.

The CHIPS-Termination of Parental Rights (TPR) grant provides continuing funding for the salaries and fringe benefits of 8.5 Assistant District Attorneys, 5.0 Paralegals, and 2.0 Secretarial Assistants under a state contract with the Department of Children and Families (DCF) for CHIPS and TPR cases in the juvenile division.

The Victims of Crime Act (VOCA) grant provides continuing funding of approximately 60% percent for the salaries and fringe benefits of 2.0 Victim Witness Advocates assigned to the crisis response unit, 2.0 Victim Witness Advocates for domestic violence cases assigned to the Sojourner Family Justice Center, 4.0 Sensitive Crimes Victim Advocates in the sensitive crimes victim services unit. The grant also provides emergency funds related to assisting victims.

The Victim/Witness Program, which provides services to victims and witnesses of crimes, pursuant to Chapter 950 of the Wisconsin Statutes, consists of 34.5 FTE authorized, funded positions: 1.0 FTE Victim Witness Director, 3.5 FTE Victim Witness Supervisors, 22.0 FTE Victim Witness Advocates, 1.0 FTE Victim Witness Advocate – bilingual, 1.0 FTE Sensitive Crimes Victim Advocate, 3.0 Investigators in the witness protection unit, and 4.0 FTE clerical personnel.

Wis. Stat. § 950.06 provides that the state may reimburse counties for up to 90 percent of costs of their victim/witness programs; however, actual reimbursement rates have been decreasing and were just 33.33% for Jun – Dec 2020. For 2022, we are estimating a reimbursement rate of approximately 35% of programs costs.

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The STOP VAWA Regional Resource Prosecutor project from the Wisconsin Department of Justice (WIDJ) provides continuing funding for the salaries and fringe benefits of 1.0 Assistant District Attorney that prosecutes domestic violence cases in Milwaukee County and also provides training and support to 13 other Wisconsin counties to promote effective and efficient prosecution of domestic violence cases.

Federal Revenue

Revenue from federal grants are posted to account 2699 and are comprised of the programs detailed in the table below:

FEDERAL GRANTS			
Federal Revenue Programs	2021 Budget	2022 Budget	2021/2022 Variance
Byrne JAG - DAS	\$383,000	\$219,040	(\$163,960)
Community Development Block Grant (CDBG)	190,000	165,000	(\$25,000)
High Intensity Drug Trafficking Area (HIDTA)	287,847	296,000	\$8,153
Operation Legend	58,832	45,485	(\$13,347)
WIDJ Byrne JAG MMDEG Task Force	543,365	543,365	\$0
TOTAL	\$1,463,044	\$1,268,890	(\$194,154)

The Milwaukee County Byrne JAG – Local grant provides funding for the salaries and fringe benefits of 4.0 Assistant District Attorneys. Three prosecutors are assigned to the Community Prosecution Unit in Milwaukee Police Districts 1, 3 and 7. The fourth is assigned as a “vertical” Domestic Violence prosecutor in felony court. This means the assistant district attorney follows cases “from initial review through conviction and sentencing, or “vertically.”

The City of Milwaukee Community Development Block Grant (CDBG) provides funding for the salaries and fringe benefits of 2.0 Assistant District Attorneys. These prosecutors serve as Community Prosecutors. They serve the Milwaukee Police Districts 2, 5 and 6.

The North Central High Intensity Drug Trafficking Area (HIDTA) grant provides funding from the Federal Office of National Drug Control Policy (ONDCP) for the salaries and fringe benefits of 3.0 Assistant District Attorneys in the Violent Crimes - HIDTA unit and approved operating expenses, a reduction of 3.0 FTE since 2019.

The Operation Legend grant funds a second community victim witness specialist, who, like the CVW, is embedded with the Milwaukee Police Department and who is tasked with providing comprehensive victim services to victims of violent crimes and their families, from the time of the offense through prosecution. The Operation Legend victim focuses on violent crime which occurs anywhere in the City of Milwaukee.

The Wisconsin Department of Justice WIDJ Byrne JAG OJA MMDEG Task Force grant provides funding for the salaries and fringe benefits of 4.0 Assistant District Attorneys in the violent crimes – drug unit in an amount of about \$297,963. The grant also funds payments totaling approximately \$245,402 to the Milwaukee, South Milwaukee, and West Allis police departments for the salaries and fringe benefits of officers assigned full-time to the MMDEG police unit.

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Charges to Other County Agencies

CHARGES TO OTHER COUNTY AGENCIES				
	CROSSCHARGES	2021	2022	2021/2022
Department	Program	Budget	Budget	Change
Child Support Services	Child Support Prosecution	\$190,016	\$191,197	\$1,181
Child Support Services	Child Support Investigation	291,829	278,765	(\$13,064)
	TOTAL	\$481,845	\$469,962	(\$11,883)

Child Support Services

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 and funds the salaries and fringe benefits of 1.0 Assistant District Attorney and 1.0 Paralegal. Noted above, CSS also funds two Investigator positions.

Major Changes in FY 2022

- 1. Addition of 4.0 FTE Paralegals to support Digital Discovery.** This budget includes a request for four additional paralegals at a cost of \$195,703. The role and function of these paralegals is explained at length in the section denominated as Information Technology Division. In brief summary, these new paralegals will assist in processing digital evidence to be delivered as part of the discovery process to criminal defense lawyers. Because of the literal explosion in the volume of digital evidence, like body camera footage, and because of a trend toward “paperlessness” – greatly hastened by the pandemic – the DA’s office routinely processes digital data at a volume that has increased exponentially. The failure to timely provide such material can result in an adjournment or dismissal of a criminal case, consequences which impact the victims, the defendant, and the community, which has an interest in the timely and fair disposition of criminal matters. Nevertheless, on the whole, digital evidence like body camera footage and recordings of statements ensures more just convictions and promotes transparency. This is vital to procedural justice and it is generally regarded as a benefit to the disadvantaged in our community. The expense for processing such data can be viewed as the price of that benefit to the community.
- 2. Loss of anticipated victim witness funding related to the VOCA grant.** As District Attorney Victim Witness funding continues to decline, Milwaukee County is required to shoulder a higher percentage of the compensation package for Victim Witness Advocates employed by Milwaukee County. Milwaukee County cannot choose to not fund these positions due to the grant obligations. If the County chose to not approve future grant submissions, it would reduce revenue and personnel costs and also have an adverse racial and economic impact in that services to our poor and underprivileged victim and witness base would certainly suffer. The 2022 budget revenue for this program is \$357,621, personnel costs are \$678,759, and operating expenses are \$12,406 which results in a \$333,544 charge to tax levy without any changes to the program.
- 3. Loss of Chapter 950 Victim Witness reimbursement due to rate reduction.** By statute, the State is authorized to subsidize up to 90% of certain victim witness expenses, mostly the compensation packages for Victim Witness Advocates (not funded by VOCA) and victim support staff. Prior to 2020, funding has been at the level of about 47%+. This dropped dramatically in 2020 to 42.5% for the first half of 2020 and 33.3% for the second half of 2020. If Milwaukee County chose to not fund these positions, it would reduce revenue and personnel costs and also would have an adverse racial and economic impact in that services to our poor and underprivileged victim and witness base would certainly suffer. The 2022 budget revenue for

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this program is \$1,133,750 and personnel costs are \$3,239,285 which results in a \$2,105,535 charge to tax levy without any changes to the program.

- 4. Restoration of Child Support Investigator Expenses** In the 2021 budget, we originally reported our understanding that funding from Child Support Services for two Investigator positions would be discontinued. Following our budget submission and after further discussion between DAS and Child Support, revenue for the salaries of two investigators (in the form of interdepartmental transfers from the office of Child Support Services) was restored to our budget, but the positions were carried as vacancies and effectively not funded as wage expenses. The restoration of these investigator wage expenses to this year's budget is a major change.