

# District Attorney

## DEPARTMENT MISSION

To skillfully and fairly seek truth and justice, protect and support victims and the community, and hold offenders accountable.

## DEPARTMENT BUDGET HIGHLIGHTS

The 2023 budget for the District Attorney's Office represents the minimum needed support to continue its essential mission serving the people of Eau Claire County. The budget is a proportionate response to the population growth—and associated crime rate increases—the County has experienced over the past 30 years. It also reflects the changing landscape of criminal prosecution through technological evolution in detection, apprehension, and ultimately conviction of criminal acts.

## STRATEGIC DIRECTION AND PRIORITY ISSUES

- Create more appropriate workload distribution through appropriate staff increases and office-wide reorganization.
- Leverage existing technology platforms to increase efficiency and accuracy in work-product.
- Identify and prioritize the cases involving criminality posing the greatest risk to public safety and allocate resources to the pursuit of appropriate outcomes.

## TRENDS AND ISSUES ON THE HORIZON

- The jury trial backlog, largely brought on by the COVID-19 pandemic, is of paramount concern.
- The 6<sup>th</sup> Circuit Court Branch, set to begin hearing cases in August 2022, will further stretch the already at-the-limit staff in the office.
- Case filings, notably felony-level case filings, are returning to pre-pandemic levels.

## POSITION CHANGES IN 2023

- Create two (2.0 FTE) Legal Specialist II positions.
- Reclassify three (3.0 FTE) Administrative Specialist II positions to Legal Specialist II positions.
- Retitle one (1.0 FTE) Administrative Specialist III position to Legal Specialist II position.

## OPERATIONAL CHANGES – WITH FISCAL IMPACT

- Full transition to cloud-based storage and delivery subscription service for audio-visual discovery materials. While there will be a nominal increase to discovery related expenses, it will be offset by increased efficiency, modified fee structure, and reduction in other discovery-related expenses.

## District Attorney

- As noted above in the position changes section, the most substantial operational change in the District Attorney's Office will be in personnel culminating with an office-wide reorganization to address workload allocation and distribution. Over the last nearly 30 years, just two DA support staff have been added to the District Attorney's Office. Over that same time period, there have been substantial increases in both attorney staffing levels and overall workload on support staff in the form of increased case filings and associated case work (e.g., search warrant and subpoena filings, drafting pleadings, managing discovery materials). Meaningful reorganization and redistribution of work will not be accomplishable without the position changes requested.

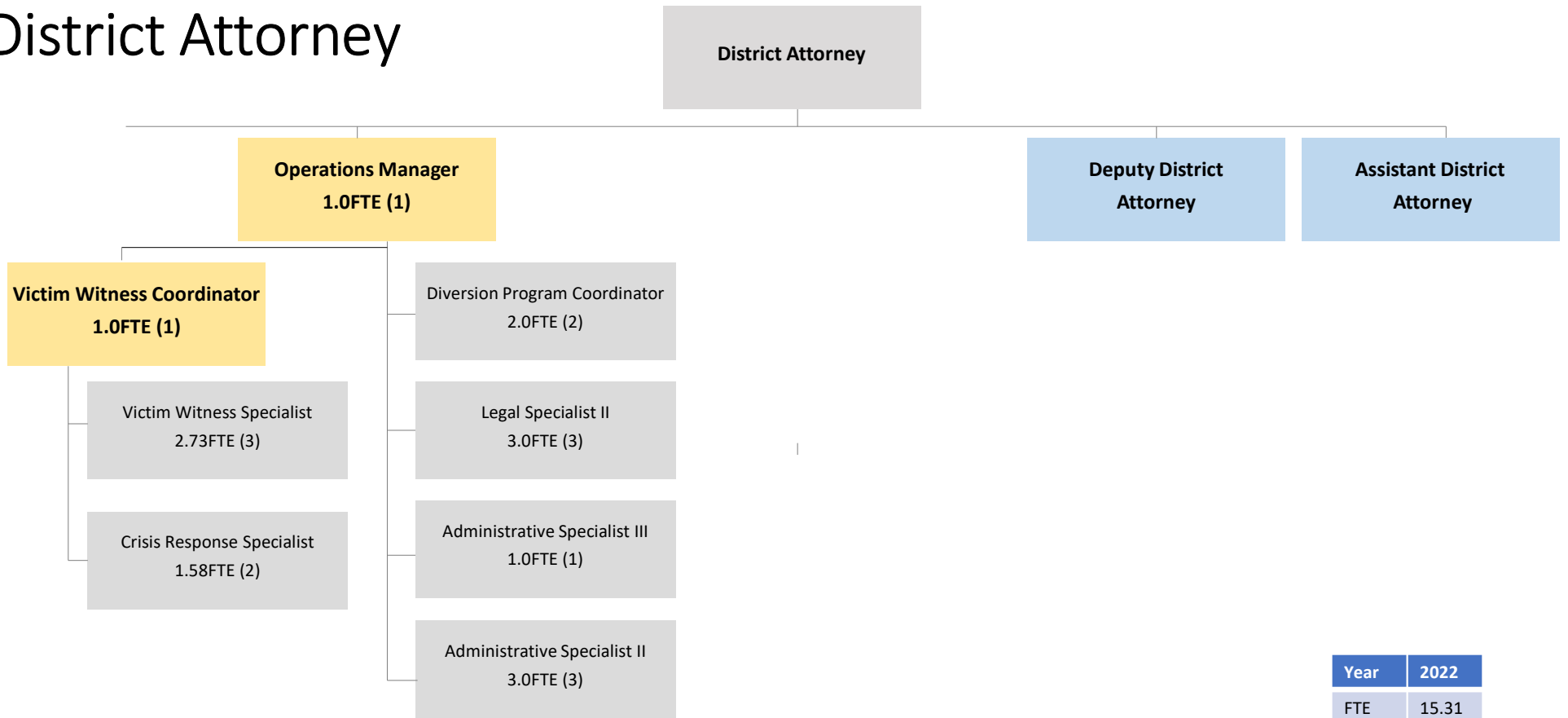
### OPERATIONAL CHANGES – WITHOUT FISCAL IMPACT

- None foreseen.

### KEY ASSUMPTIONS AND POTENTIAL RISKS

State aid in the form of reimbursement for statutorily required victim services has fluctuated significantly over the last two years. The 2023 budget assumes reimbursement slightly exceed the long-standing average reimbursement rate as a result of the return to more typical state collections that support the reimbursement fund and the allocation of state GPR funds in the most recent biennial budget meant to stabilize the reimbursement fund.

# District Attorney



Year	2022
FTE	15.31

## General Prosecution

In carrying out the duties of the Criminal Prosecution Program, attorneys and support staff provide investigative support to Eau Claire County Law Enforcement agencies, review law enforcement referrals, make criminal charging decisions and complete a wide array of case prosecution activities. As part of this program, attorneys and support staff are responsible for the enforcement of criminal, juvenile, conservation, and traffic matters within Eau Claire County.

OUTPUTS		<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>YTD* 2022</u>	
<b>Cases Filed</b>	Felony	1,850	1,589	1,400	728	
	Misdemeanor	1,407	1,223	1,047	551	
	Criminal Traffic	435	366	413	235	
	Civil Traffic/Ordinance	2,035	1,883	2,070	820	
	<b>Total Cases Filed</b>	<b>5,727</b>	<b>5,061</b>	<b>4,930</b>	<b>2,334</b>	
<b>Other Cases Processed</b>	Juvenile Cases	327	242	170	121	
	No Prosecution Cases	580	380	381	204	
	<b>Total Other Cases Processed</b>	<b>907</b>	<b>622</b>	<b>551</b>	<b>325</b>	
<b>Total Cases Filed/Processed</b>		<b>6,634</b>	<b>5,683</b>	<b>5,574</b>	<b>2,833</b>	
<b>Total Number of Referrals</b>		<b>6,938</b>	<b>5,971</b>	<b>5,481</b>	<b>2,659</b>	
Number of Jury Trials		30	5	17	10	
<i>*YTD indicates Jan-Jun Results</i>						
OUTCOMES		Benchmark	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>YTD* 2022</u>
Average Number of Days for Prosecutorial Action at or under 15 days		15	10.1	7.4	8.2	6.4
Case Clearance Rate at or above 95%		95%	98%	98%	99%	**
Jury Trial Conviction Rate at or above 75%		75%	68%	100%	76%	70%
<i>*YTD indicates Jan-Jun Results</i>						
<i>**Data not available</i>						

## Worthless Checks/Financial Program

District Attorney employees review referrals from Eau Claire County citizens and merchants of possible worthless check matters, prepare and send pre-prosecution “dunning” letters, issue criminal charges in appropriate cases and process payments.

OUTPUTS		<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>YTD* 2022</u>
Worthless Check Payments Collected		\$24,489	\$7,753	\$13,227	\$3,738
Restitution Payments Collected		\$194,678	\$125,355	\$168,734	\$150,582
<i>*YTD indicates Jan-Jun Results</i>					

## Victim Witness Services & Crisis Response

Victim Witness Staff provide legally-required case notification to victims, provide crisis response support to victims prior to the filing of criminal charges, provide support to victims and witnesses during the course of case litigation and prepare various forms of reports required by state/federal authorities.

OUTPUTS		<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>YTD* 2022</u>
<b>Victim Witness Services</b>	Number of Victims Served	2,284	2,426	1,641	919
	Number of Witnesses Served	279	390	282	59
	Number of Other Case Parties Served	203	235	176	63
	<b>Total Case Parties Served</b>	<b>2,766</b>	<b>3,051</b>	<b>2,099</b>	<b>1,041</b>
	Initial Contact Letters Sent	2,338	2,383	1,752	945
	No Contact Orders in Place	949	496	454	219
	Number of Follow Up Contacts	163	596	404	277
<b>Crisis Response</b>	Total Number of Clients Served	707	1,373	1,165	397
	Number of Child Advocacy Center Interviews Attended	100	151	119	36

*\*YTD indicates Jan-Jun Results*

## Deferred Acceptance of a Guilty Plea (DAGP), Diversion, & Justice Reinvestment Initiative-OWI Early Intervention Programs

The Deferred Acceptance of a Guilty Plea Program (DAGP) involves informal supervision of defendants in criminal cases. The community benefits because defendants receive necessary domestic abuse, alcohol abuse or other counseling services that would often not otherwise occur.

The Diversion Program is a pre-charge program offered to first time, low risk offenders. The Diversion Program is designed to keep those offenders out of the Criminal Justice System and to reduce recidivism in order to preserve limited resources.

The Justice Reinvestment Initiative-OWI Early Intervention Program (JRI-OWI Program) provides for a more comprehensive disposition for impaired driving convictions that includes random drug/alcohol testing, incarceration, and other programming. Successful completion of the program results in reduced monetary penalties, and reduced incarceration time.

OUTPUTS		<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>YTD* 2022</u>
<b>DAGP Program</b>	Number of Participants	228	222	212	100
	DAGP Fees Collected	\$56,068	\$57,438	\$53,058	\$24,642
<b>Diversion Program</b>	Number of Participants	207	234	191	104
	Diversion Program Fees Collected	\$59,240	\$58,653	\$48,920	\$27,550
<b>Justice Reinvestment Initiative-OWI Program</b>	Total Number of Participants	22	17	32	23
	Number of Successful Participants	19	15	30	10
	Jail Days Permanently Stayed	707	646	**	**

*\*YTD indicates Jan-Jun Results*

*\*\*Data not available*

## District Attorney

### Overview of Revenues and Expenditures

Revenues	2021	2022	2022	2023	2023	2023	%
	Actual	Adjusted Budget	Estimate	Request	Recommended	Adopted	Change
01-Tax Levy/General Revenue Allocation	\$554,096	\$564,456	\$564,456	\$781,856	\$698,689	\$698,689	24%
04-Intergovernment Grants and Aid	\$302,721	\$393,586	\$299,398	\$403,586	\$403,586	\$403,586	3%
06-Public Charges for Services	\$215,142	\$275,000	\$246,000	\$285,000	\$285,000	\$285,000	4%
<b>Total Revenues:</b>	<b>\$1,071,959</b>	<b>\$1,233,042</b>	<b>\$1,109,854</b>	<b>\$1,470,442</b>	<b>\$1,387,275</b>	<b>\$1,387,275</b>	<b>13%</b>

Expenditures	2021	2022	2022	2023	2023	2023	%
	Actual	Adjusted Budget	Estimate	Request	Recommended	Adopted	Change
01-Regular Wages	\$714,469	\$760,231	\$775,163	\$902,781	\$855,378	\$855,378	13%
02-OT Wages	\$10	-	\$3	-	-	-	
03-Payroll Benefits	\$271,285	\$275,235	\$266,146	\$355,304	\$319,540	\$319,540	16%
04-Contractual Services	\$79,670	\$122,917	\$57,760	\$129,997	\$129,997	\$129,997	6%
05-Supplies & Expenses	\$32,108	\$73,459	\$44,210	\$81,160	\$81,160	\$81,160	10%
09-Equipment	\$1,126	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	0%
<b>Total Expenditures:</b>	<b>\$1,098,668</b>	<b>\$1,233,042</b>	<b>\$1,144,482</b>	<b>\$1,470,442</b>	<b>\$1,387,275</b>	<b>\$1,387,275</b>	<b>13%</b>

Net Surplus/(Deficit)- District Attorney	(\$26,709)	\$0	(\$34,628)	\$0	\$0	\$0	
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# District Attorney

## Budget Analysis

	<b>2022 Adjusted Budget</b>	<b>2023 Operational Change 1</b>	<b>Add (2) Legal Specialist II (1.0 FTE)</b>	<b>2023 Position Changes</b>
<b>01-Tax Levy/General Revenue Allocation</b>	\$564,456	-	\$166,334	\$11,871
<b>04-Intergovernment Grants and Aid</b>	\$393,586	-		\$772
<b>06-Public Charges for Services</b>	\$275,000	\$7,500		\$1,504
<b>Total Revenues</b>	<b>\$1,233,042</b>	<b>\$7,500</b>	<b>\$166,334</b>	<b>\$14,147</b>

<b>01-Regular Wages</b>	\$760,231	-	\$94,806	\$12,366
<b>02-OT Wages</b>	-	-		-
<b>03-Payroll Benefits</b>	\$275,235	-	\$71,528	\$1,781
<b>04-Contractual Services</b>	\$122,917	\$7,500	-	-
<b>05-Supplies &amp; Expenses</b>	\$73,459	-	-	-
<b>09-Equipment</b>	\$1,200	-	-	-
<b>Total Expenditures</b>	<b>\$1,233,042</b>	<b>\$7,500</b>	<b>\$166,334</b>	<b>\$14,147</b>

**District Attorney**  
**Budget Analysis**

	<b>Cost to Continue Operations in 2023</b>	<b>2023 Requested Budget</b>
<b>01-Tax Levy/General Revenue Allocation</b>	\$39,195	\$781,856
<b>04-Intergovernment Grants and Aid</b>	\$9,228	\$403,586
<b>06-Public Charges for Services</b>	\$996	\$285,000
<b>Total Revenues</b>	<b>\$49,419</b>	<b>\$1,470,442</b>

<b>01-Regular Wages</b>	\$35,378	\$902,781
<b>02-OT Wages</b>	-	-
<b>03-Payroll Benefits</b>	\$6,760	\$355,304
<b>04-Contractual Services</b>	(\$420)	\$129,997
<b>05-Supplies &amp; Expenses</b>	\$7,701	\$81,160
<b>09-Equipment</b>	-	\$1,200
<b>Total Expenditures</b>	<b>\$49,419</b>	<b>\$1,470,442</b>



## District Attorney Revenue Assumptions

	2021	2022	2022	2023	2023	2023		
Revenue Source	Actual	Budget	Estimate	Request	Recom- mended	Adopted	Assumptions	Confidence Level %
County Tax Levy	554,096	564,456	564,456	781,856	698,689	698,689	Levy request	10000%
Vawa Grant	62,617	109,297	39,320	109,297	109,297	109,297	Guaranteed grant amount	100%
Voca Grant	145,655	184,289	161,578	184,289	184,289	184,289	Guaranteed grant amount	100%
District Attorney	94,449	100,000	98,500	110,000	110,000	110,000	Stable State reimbursement rate	90%
Discovery Fees	61,583	75,000	76,000	75,000	75,000	75,000	Volume remaining stable	90%
Dagp - Deferred Prosecution Fees	53,438	75,000	55,000	75,000	75,000	75,000	Increased participation	85%
Da Restitution Surcharge	50,708	50,000	60,000	60,000	60,000	60,000	Increased ability to collect through electronic payment options	85%
Da - Diversion Fees	49,413	75,000	55,000	75,000	75,000	75,000	Increased participation	85%
<b>TOTAL</b>	<b>\$1,071,959</b>	<b>\$1,233,042</b>	<b>\$1,109,854</b>	<b>\$1,470,442</b>	<b>\$1,387,275</b>	<b>\$1,387,275</b>		

## District Attorney Grant Funding

	2021	2022	2022	2023	2023	2023	
Revenue Source	Actual	Budget	Estimate	Request	Recom- mended	Adopted	Grant Details
Vawa Grant	62,617	109,297	39,320	109,297	109,297	109,297	WI DOJ VAWA STOP #16983
Voca Grant	145,655	184,289	161,578	184,289	184,289	184,289	WI DOJ VOCA #16760
District Attorney	94,449	100,000	98,500	110,000	110,000	110,000	WI DOJ Victim Witness
<b>TOTAL</b>	<b>\$302,721</b>	<b>\$393,586</b>	<b>\$299,398</b>	<b>\$403,586</b>	<b>\$403,586</b>	<b>\$403,586</b>	

**District Attorney**  
**Contracted Services Summary**

	2021	2022	2022	2023	2023	2023
Expenditure Type	Actual	Budget	Estimate	Request	Recom- mended	Adopted
Professional Services	67,950	110,617	45,500	110,117	110,117	110,117
Utility Services	7,986	7,800	7,760	8,880	8,880	8,880
Repairs And Maintenance	-	-	-	-	-	-
Other Contracted Services	3,734	4,500	4,500	11,000	11,000	11,000
<b>Total</b>	<b>\$79,670</b>	<b>\$122,917</b>	<b>\$57,760</b>	<b>\$129,997</b>	<b>\$129,997</b>	<b>\$129,997</b>

**District Attorney**  
**Contracted Services Detail**

	2021	2022	2022	2023	2023	2023		
<b>Expenditure</b>	<b>Actual</b>	<b>Budget</b>	<b>Estimate</b>	<b>Request</b>	<b>Recom- mended</b>	<b>Adopted</b>	<b>Description</b>	<b>Expenditure Type</b>
D A/ Telephone	5,520	5,280	5,280	5,760	5,760	5,760	Telephone	Utility Services
D A/ Cellular Phone	-	-	-	600	600	600	Cellular phone	Utility Services
D A/ Transcription	2,410	3,000	3,000	3,000	3,000	3,000	Professional Court Report transcript preparation	Professional Services
D A/ Discovery Expenses	2,695	2,500	1,500	8,000	8,000	8,000	Digital discovery service	Other Contracted Services
D A/ Trial Expenses	1,039	2,000	3,000	3,000	3,000	3,000	Trial related expenses	Other Contracted Services
D A/ Paper Service	7,036	6,000	5,500	5,500	5,500	5,500	Civil process	Professional Services
Victim Witness/ Telephone	1,200	1,200	1,200	1,200	1,200	1,200	Telephone	Utility Services
V/W Crisis/ Telephone	480	480	480	480	480	480	Telephone	Utility Services
V/W Crisis/ Cellular Phone	546	600	560	600	600	600	Cellular phone	Utility Services
Vawa Stop/ Contracted Services	58,504	101,617	37,000	101,617	101,617	101,617	Grant prosecutor salary & benefits	Professional Services
Vawa Stop/ Telephone	240	240	240	240	240	240	Telephone	Utility Services
<b>TOTAL</b>	<b>\$79,670</b>	<b>\$122,917</b>	<b>\$57,760</b>	<b>\$129,997</b>	<b>\$129,997</b>	<b>\$129,997</b>		