



Legislation Text

File #: 11751, **Version:** 1

Fiscal Note

No appropriation required.

Title

Urging the State of Wisconsin to staff District Attorneys' offices at the level found necessary by the Legislative Audit Bureau.

Body

WHEREAS, the primary criminal prosecution office for each county in Wisconsin is its District Attorney's Office. Public protection, fair enforcement of the laws, the rights of victims, and the rights of the accused to professional, deliberative prosecution of alleged crimes all depend on adequate staffing of the state's 71 district attorney offices, and;

WHEREAS, the attorneys in each D.A. office are paid by the State of Wisconsin, through money allocated by the State Legislature. Victims, local law enforcement officers, courts, and members of the public who interact with D.A. offices are poorly served by understaffed D.A. offices. Moreover, county employees in D.A. offices, such as investigators, paralegals, victim witness advocates, and secretaries are subject to great stress and impaired effectiveness when there are too few attorneys in a D.A.'s office, and;

WHEREAS, in its report issued in July 2007 the Wisconsin Legislative Audit Bureau found that, as of August 2006, the State of Wisconsin required a total of 552.98 prosecutors, based on the weighted caseload formula. Given population and other changes since then, the current number would be even higher, and;

WHEREAS, the number of prosecutors provided by the state of Wisconsin is less than the number required under the formula. As of July 1, 2006 the State of Wisconsin funded only 376.40 (68.1 percent) prosecutor positions with GPR funding, and another 48.25 positions with Program Revenue funding. The number funded with Program Revenue decreased to 44.25 (8.0 percent) prosecutor positions by August 2006, and is now falling even further with the loss of federal Byrne grants, and;

WHEREAS, this leaves a shortfall of 117.33 (21.2 percent) prosecutor positions required, as of August 2006, under the weighted caseload formula, and the current August 2008 number for unfunded positions equals 119.51, and;

WHEREAS, in its report, the Wisconsin Legislative Audit Bureau recommended that "the Legislature could consider whether current staffing levels and the consequences of understaffing justify adding new prosecutor positions". In a study completed for Dane County in September, 2007, the Institute for Law and Policy Planning found that, law enforcement staffing has expanded at five times the rate of the DA's office and arrests referred to the DA's office grew by 15 times the office's growth. However, the number of cases filed has only grown slightly because cases that could be filed are limited by the number of ADA's available to file them, and;

WHEREAS, in addition to the lack of funded positions, the lack of pay progression for Assistant District Attorneys (ADAs), as negotiated by the state with the Association of State Prosecutors, is resulting in alarming departures of experienced ADAs from state service in counties across the state. A high attrition rate among ADAs is creating a downward spiral of decreasing experience and efficiency in the state's courthouses where the turnover rate amongst prosecutors has reached approximately 60 percent since 2001, and;

WHEREAS, the public, victims of crime, and those accused of crime all deserve prompt responses in court to

allegations of crime. Delays in the court system result in increased jail costs as well as increased costs throughout the criminal justice system, most of which must be paid by local property taxes, and;

WHEREAS, the Wisconsin Attorney General, the Wisconsin Victim Witness Professionals (VWP) association, the Wisconsin Coalition Against Sexual Assault (WCASA), Dane County Chiefs of Police Association, the Dane County Community Coordinated Response To Domestic Violence, and other victim advocates have consistently called for sufficient D.A. office funding,

NOW, THEREFORE, BE IT RESOLVED that the City of Madison Common Council hereby urges the Governor and Wisconsin State Legislature to fund D.A. offices across the state at the levels found necessary in the Legislative Audit Bureau report, and also urges the State to allocate the necessary funds to reinstate pay progression for state prosecutors, and

BE IT FINALLY RESOLVED that a copy of this resolution be sent to Governor Doyle and to the Dane County legislative delegation, Wisconsin District Attorneys Association, and Wisconsin Joint Legislative Audit Committee Co-Chairs.