

## **District Attorney**

The District Attorney's Office is responsible for the enforcement of the criminal laws of the State of Wisconsin within Eau Claire County. Additionally, it is responsible for enforcing a variety of juvenile, conservation, and traffic laws, together with various Eau Claire County ordinances. The office currently consists of 8.4 full time prosecutors and 16 other full or part-time employees. The primary area of responsibility of the District Attorney's Office is to prosecute individuals for committing misdemeanor and felony criminal offenses in Eau Claire County. In carrying out this responsibility, prosecutors initially review police reports generated in various types of criminal investigations. Prosecutors either file appropriate criminal charges based upon those investigations, request additional follow-up investigation, or determine that criminal charges are not appropriate. Once charges are issued, the District Attorney's Office is responsible for all aspects of the resulting prosecution, including, in many instances, handling post-conviction and appeal matters, including all misdemeanor appeals.

The District Attorney's Office also enforces conservation and traffic laws, together with a number of Eau Claire County ordinances. The office also handles referrals for juvenile delinquency matters. As with adult criminal cases, this office reviews police reports and determines appropriate prosecutorial action, including filing a delinquency petition or entering into a more informal disposition such as a consent decree. A final significant area of responsibility of the District Attorney's Office is to provide advice and counsel to law enforcement agencies throughout the county. On a regular and continuing basis, law enforcement agencies consult with prosecutors regarding appropriate courses of action in criminal investigations and related matters. This work includes, but is not limited to, drafting and review of search warrants and subpoenas.

### **2018 Accomplishments**

#### **General Prosecution**

- The District Attorney's Office filed 3,830 criminal cases in 2018; 428 more case filings than 2017- nearly all of which were additional felony case filings.
- Felony case filings continue to increase. In 2018 the District Attorney's Office filed 1,926 felony cases. For comparison, this represents a 33% increase in felony filings from the three year average of 1,443 (2015- 1,320; 2016- 1,476; & 2017- 1,533).

#### **Victim Witness**

- Continued collaboration with local community programs and services to help all victims of crime.

#### **Crisis Response**

- 15 volunteers handled more than 65 crisis calls from law enforcement in addition to numerous office visits in 2018.
- 10 new volunteers were trained in 2018; initial training was 24 hours followed by monthly trainings thereafter.

- Staff attended various trainings including Domestic Violence Fatality Review, Wisconsin Serving Victims of Crime, Core Crisis Response, and Victim Witness Nuts and Bolts, among others.

#### **Deferred Acceptance of Guilty Plea Program (DAGP)**

- DAGP participants completed more than 4,000 hours of community service.
- Over \$50,000 in Restitution collected from DAGP participants.

#### **Diversion Program**

- Year seven of Diversion program; 221 participants successfully completed the program in 2018, a slight increase from 2017.
- Continued work on new Pre-Trial Program including multiple trainings and conferences.
- In collaboration with the State Criminal Justice Collaborating Council, the first ever Statewide Diversion Standards were drafted.
- Assisted in presenting Diversion Standards to over 50 jurisdictions around the state at three two-day trainings- including hosting one in Eau Claire.

#### **Additional Projects/Activities**

- District Attorney King was part of a State Legislative Council Study Committee on Bail and Conditions of Pretrial Release. This work resulted in four legislative bill drafts – all of which were passed by the Joint Legislative Council in March of 2019.

### **Alignment with Strategic Plan**

#### Ensure Financial Stability:

- Another successful year of budget stewardship and compliance.

#### Innovate and Adapt:

- Despite widespread implementation of EBDM policies and practices, continue to develop innovative practices as new issues develop (ex. jail population).

#### Improve Collaboration:

- Continued collaboration with all aspects of the criminal justice system, including but not limited to, CJCC, EBDM, DEC, MDT, ATCC, MRC, CTC, and JJCC.

### **2019 Future Opportunities**

District Attorney King is a prosecutor representative on the State CJCC EBDM subcommittee. This work will continue to align Eau Claire County with statewide evidence-based practices.

District Attorney King was appointed as a member of the WDAA Executive Board (Wisconsin District Attorney's Association) in 2019. This work will allow voting input that will assist Eau Claire County in its criminal justice practices.

<b>#1 General Prosecution</b>		<b>Budget</b> \$476,334	<b>Levy</b> \$436,334		<b>FTE</b> 7.00
<p>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.</p>					
<b>OUTPUTS</b>					
		<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Number of felony cases prosecuted during the year:		1,320	1,476	1,533	1,926
Number of misdemeanor cases prosecuted during the year:		1,611	1,537	1,411	1,504
Number of criminal traffic cases prosecuted during the year		507	431	458	400
Number of civil traffic/ordinances processed during the year:		1,360	1,400	1,609	1,727
Number of juvenile cases processed during the year:		420	463	415	319
Number of No-Issues processed during the year:		350	347	491	600
Total number of cases during the year:		5,568	5,654	5,917	6,898
Total number of Jury Trials during the year:		31	32	34	35
<b><u>Performance Goal</u></b>	<b><u>Outcome Measures</u></b>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Make prompt charging decisions. Benchmark: 90%	Majority of arrested individuals make initial appearance with a complaint filed or have been released because of no issue or ordered in by the next available initial appearance date, unless all necessary police reports are not available or the individual is held for some other reason	90%	90%	90%	90%
Make full use of diversion program and specialty courts. Benchmark: 90%	The DAGP program operates with 250 or more participants per year and the Drug Court, AIM and Mental Health specialty courts operate at 90% or	100%	100%	95%	95%

Promptly review investigative files. Benchmark: 90%	more of capacity. The Diversion program screens low risk individuals Charges are issued or a no-issue decision made routinely on investigative files, unless follow up investigation or research is required. .	90%	90%	90%	90%
Litigate cases effectively. Benchmark: 90%	The vast majority of defendants are convicted at jury trial and 90% or more of preliminary hearings result in bind-over decision	90%	90%	90%	90%

<b>#2 Victim Witness</b>	<b>Budget</b> <b>\$385,788</b>	<b>Levy</b> <b>\$74,452</b>		<b>FTE</b> <b>4.47</b>
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Victim/Witness Program employees 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>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Number of referrals	5,937	5,990	6,030	6,911
Number of Initial Contact Letters	2,231	1,713	2,222	2,496
Number of No Contact Orders	1,165	1,197	985	1,050
Number of Court Cases	4,917	4,923	5,057	5,562
Number of Defendants	5,514	5,370	5,344	5,810
Number of Victims	2,872	2,823	2,719	2,767
Number of Witnesses	1,816	1,367	1,929	2,156
All other roles, relationships	9,500	9,894	6,460	6,899
Request to speak at sentencing	55	44	69	80

<u>Performance Goal</u>	<u>Outcome Measures</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Provide all victims with notification of filing of criminal charges and with request notification of court dates and case outcomes. Benchmark: 100%	100% of victims receive notification of filing of criminal charges and requested notification of court dates and case outcomes.	100%	100%	100%	100%

Successfully complete and submit all required reports to state/federal authorities. Benchmark: 100%	100% of required reports to state/federal authorities were completed and filed in timely manner.	100%	100%	100%	100%
<b>#3 DAGP &amp; Diversion Programs</b>		<b>Budget \$150,165</b>	<b>Levy \$165</b>		<b>FTE 2.00</b>
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.					
<b>OUTPUTS</b>					
<b>DAGP Program:</b>		<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of DAGP cases		264	301	274	271
Amount of DAGP fees paid		\$64,337	\$70,871	\$69,872	\$66,523
<b>Diversion Program:</b>					
Number Diversion cases		242	239	214	221
Number of Diversion Program fees paid		\$60,060	\$59,820	\$54,530	\$54,480
OWI Program completions		57	64	27	21
<b>Performance Goal</b>	<b>Outcome Measures</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
85% or more of individuals participating in DAGP program successfully complete the program. Benchmark: 90%	Participants receive necessary counseling, treatment and support services as verified by 70% or more successful program completion rate.	90%	90%	90%	90%
Less than 25% of individuals participating in DAGP program commit new crimes while in program. Benchmark: less than or equal to 25%	Reduced recidivism with 25% or less of participants committing new crimes.				
The Diversion Program handles low risk first time offenders.		100%	100%	100%	100%
<b>#4 Worthless Checks/Financial Program</b>		<b>Budget \$66,584</b>	<b>Levy \$31,583</b>		<b>FTE 1.00</b>

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>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Amount of worthless check payments including service charges:		\$24,194	\$21,513	\$10,632	\$11,781
Amount of restitution payments collected:		\$127,216	\$65,522	\$81,223	\$83,083
Amount of Paper Service Fee collected:		\$1,246	\$2,403	\$772	\$515
<u>Performance Goal</u>	<u>Outcome Measures</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Worthless check activity within Eau Claire County will be prosecuted in accordance with state statute. Benchmark: 100%	100% of worthless check activity will be prosecuted in accordance with WI State Statute 943.24 (1) and 943.24 (2).	100%	100%	100%	100%
Payments by programs participants will be recorded accurately. Benchmark: 100%	100% of payments will be recorded to the correct case using actual file retrieval verification or manual receipt documentation with follow-up file retrieval.	100%	100%	100%	100%