

COUNTY OF MILWAUKEE
District Attorney's Office
Inter-Office Communication

Date: January 13, 2012

To: County Board of Supervisors

From: District Attorney's Office

Subject: 2012 Revenue Deficit in the District Attorney's Victim/Witness Program

Pursuant to County Board Resolution 86-666, I am reporting a potential 2012 revenue deficit in the district attorney's victim/witness program. The district attorney's 2012 adopted budget estimates that the Wisconsin Department of Justice, Office of Crime Victim Services (OCVS), will reimburse the county for approximately 51 percent of the costs of the victim/witness program. OCVS recently advised us that the state reimbursement rate could be as low as 41 to 42 percent of costs, resulting in a 2012 revenue shortfall of as much as \$225,000 to \$250,000.

There are two principal reasons for the revenue shortfall. First, last fall we reported to the County Board that we were projecting a 2011 revenue surplus of approximately \$165,000 in the district attorney's victim/witness program because state reimbursement during state fiscal year 2011, which ran from July 1, 2010, to June 30, 2011, was approximately 60 percent of the costs of the program, compared to a budgeted reimbursement rate of approximately 52 percent of costs. County Board file number 11-385.

When a court sentences an offender, the court imposes a victim/witness surcharge of \$67 for each misdemeanor offense and \$92 for each felony offense. Wis. Stat. § 973.045. The victim/witness surcharge is the main source of funding for the state victim/witness program, but the surcharge also funds the Sexual Assault Victim Services (SAVS) grant program. OCVS administers both programs. OCVS recently discovered that the state reimbursement rate for the victim/witness program in state fiscal year 2011 was inflated in part because victim/witness surcharge revenue that should have been directed to the SAVS program was mistakenly credited to the victim/witness program. The victim/witness program must repay that money to the SAVS program, which will reduce the state reimbursement for the victim/witness program in state fiscal years 2012 and 2013.

Second, the Wisconsin Department of Justice (DOJ) and other state agencies are required by the 2011-13 state budget to lapse expenditure authority to the general fund in each year of the biennium. DOJ is proposing, as part of its state fiscal year 2012 plan, to lapse victim/witness program funding of \$517,309 to the general fund, consisting of \$451,300 in victim/witness surcharge revenue and \$66,009 in general purpose revenue. An objection was filed to the state agencies' state fiscal year 2012 lapse plan, so the state Joint Finance Committee will hold a hearing on the request. The Intergovernmental Relations Division is representing the county's interests, and the Wisconsin

District Attorneys Association is representing the interests of the state's district attorneys in maintaining existing services to crime victims and witnesses. Later this year, DOJ and other state agencies must submit an expenditure lapse plan for state fiscal year 2013.

In summary, the need to repay the SAVS fund and the Joint Finance Committee's approval of DOJ's biennial lapse plans could lower the state reimbursement rate for the victim/witness program to 41 or 42 percent of costs, resulting in a 2012 revenue deficit of \$225,000 to \$250,000.

Respectfully Submitted,

John T. Chisholm
District Attorney

Cc: County Executive
DAS Fiscal