

**COUNTY OF MILWAUKEE**  
Inter-Office Communication

Date: June 15, 2022

To: Marcelia Nicholson, Chair, Milwaukee County Board of Supervisors

From: John T. Chisholm, District Attorney

Subject: From the District Attorney, Office of the District Attorney, requesting authorization to create the following positions, in the District Attorney's Office, funded by the American Rescue Plan Act: 5.0 FTE Victim Witness Advocate positions; 1.0 FTE Paralegal position; 4.0 FTE Secretarial Assistant positions; 4.0 FTE Investigator positions; 3.0 Hourly Process Investigator positions; 1.0 FTE Clerical Assistant 1 position; and 1.0 FTE Network Tech Specialist position

File Type: Action Report

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**REQUEST**

We are requesting, pursuant to section 17.05 of the county general ordinances (CGO), the creation of nineteen positions to be funded by the American Rescue Plan Act. Specifically, we request the creation of,

- 5.0 FTE Victim Witness Advocate positions;
- 1.0 FTE Paralegal position;
- 4.0 FTE Secretarial Assistant positions;
- 4.0 FTE Investigator positions;
- 3.0 Hourly Process Investigator positions;
- 1.0 FTE Clerical Assistant 1 position; and
- 1.0 FTE Network Tech Specialist position.

**POLICY**

Milwaukee County Code of General Ordinances:	MCGO 17.05(1)
American Rescue Plan Act of 2021	

**BACKGROUND**

Earlier this year, the Office of State Courts provided Milwaukee County with an estimate of 2600 misdemeanor, 1700 felony, and 925 criminal traffic cases that were considered "backlogged" due to system issues related to the COVID-19 pandemic. The State Courts estimated, based on the clearance rate at that time, that it would take more than 3 years to resolve the backlogged cases.

Milwaukee County's leaders have been committed to working collaboratively throughout

the pandemic to balance both public health and public safety for those in our community. To that end, earlier this year, the courts submitted a request for ARPA funds to support expanded courthouse operations to address the backlog and COVID-related issues. The proposal included funding to be directed to the Milwaukee County District Attorney's Office, the Wisconsin State Public Defender's Office, the Milwaukee County Clerk of Courts, and other system partners. With that funding, Milwaukee County proposed to open five additional courts, to expand criminal court operations with a goal of alleviating the backlog within 18-24 months.

On March 15, 2022, Governor Tony Evers announced that he was directing an award of \$14,586,230 award to Milwaukee County and its criminal justice system to address the backlog of criminal court cases created by the pandemic. Of that sum, \$5,627,902 was identified for the benefit of the Milwaukee County District Attorney's Office, for costs related to additional attorney and support staff positions. Because Milwaukee County prosecutors are state employees, personnel costs and computer hardware costs for the attorney positions will be allocated to the budget for the State Prosecutors Office; after that deduction, approximately \$2,966,202.42 will be available for costs related to county positions in the District Attorney's Office.

From this ARPA funding, the District Attorney's Office requests the creation of nineteen (19) positions, as detailed below. These positions are necessary to assist in resolving the criminal case backlog and to support the District Attorney's operations in regard to expanded court operations, some of which have already commenced.<sup>1</sup> The positions will be vacated and abolished at the time ARPA funding is exhausted, unless new funding sources are identified and available.

1. "Victim Witness Advocate - 4501 District Atty - General," Position Code 4501, Pay Range 23M (Five Positions)

The District Attorney's Office currently has thirty-two (32) authorized Victim Witness Advocate - 4501 District Atty - General" position,<sup>2</sup> Position Code 4501, Pay Range 23M. This proposal seeks to create five (5) new Victim Witness Advocate positions funded with monies made available to Milwaukee County by the federal government under the American Rescue Plan Act of 2021, to address the increase in victim services required by expanded court operations.

The Milwaukee County District Attorney's Office's Victim Witness Assistance Program is supervised by the Victim Witness Director, Jessica Strand. The program provides crime victim and witness support services to the Milwaukee County criminal justice

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<sup>1</sup> Milwaukee County added one criminal court, assigned to handle homicide and sexual assault cases, on June 6. Two additional criminal courts, assigned to handle general felonies, are slated for creation in August; and two additional courts—potentially for domestic violence or felony firearms cases—are planned thereafter. In addition, the courts began a night court pilot-project on June 7.

<sup>2</sup> Other Victim Services staffing includes one Victim Witness-Bilingual position and six Sensitive Crimes Victim Advocates. All thirty-nine of these Advocate positions perform similar job duties, but have job titles other than "Victim Witness Advocate."

system. Victim Witness Advocates provide services in person (in the office, in the courtroom, and in the community), over the phone, and through correspondence. Victim Witness Advocates inform victims and witnesses about their constitutional and statutory rights and the criminal justice process, generally; give assistance with Crime Victim Compensation applications and other forms for financial reimbursement; advocate on behalf of victims with third parties, such as employers, when criminal-justice related issues arise; and provide other forms of advocacy and support. Victim Witness Advocates keep victims and witnesses informed on case status and hearing dates; accompany citizens to hearings and related meetings; and routinely provide other services, based on the needs of the victim or witness, on an individual basis.

From the ARPA funds allotted to the District Attorney's Office, the District Attorney's Office requests five new Victim Witness Advocate positions to provide services to victims mandated by statute and the state constitution. These Advocates will communicate with victims concerning their rights under Wisconsin law; provide notice of the time, date and place of court proceedings; gather information in the form of victim impact statements and restitution requests; and accompany victims to critical court proceedings. For all purposes relating to trials, the Advocates will serve as the office's liaison to victims and witnesses, including coordinating the date and time for appearances at the trial so as not to unnecessarily waste victim and witness time.

The new 5 FTE Victim Witness Advocate positions are needed to staff the additional five court branches: these additional positions are essential to meet our statutory and constitutional duties to victims and witnesses.

2. Paralegal-Exempt Nm - 4501 District Atty - General, Position Code 4501, Pay Range 19Z2 (One Position)

This proposal creates one (1) new paralegal position, funded by monies made available to Milwaukee County by the federal government under the American Rescue Plan Act of 2021, to support digital discovery functions in our office. The need for the position arises because of the additional demands that will be placed on the office to process and provide timely discovery in the five new court branches.

While paralegals are deployed in units throughout the Milwaukee County District Attorney's Office, a chief function of many of them is to manage digital discovery in criminal cases. Discovery consists of such items as police reports, recorded interviews, body camera footage and all evidentiary materials collected by law enforcement in support of a criminal investigation. These materials are collected and/or maintained by our office in a digital format. Paralegals assigned to discovery duties review the material which has been received from law enforcement by our office, and, in consultation with the attorney assigned to the case, identify missing or new material. The paralegals monitor requests for that additional material and process it when it is received. All such discovery materials, by law, must be turned over to a lawyer for the defendant. Failure to provide discovery material in a timely fashion implicates a defendant's due process rights and can result in the delay or dismissal of

a case, which is a fundamental fairness issue for both defendants and victims. The paralegals' function is essential to proper and timely dissemination of discovery in criminal cases

From the ARPA funds allotted to the District Attorney's Office, the District Attorney's Office requests one additional paralegal position, to address the increased demand for discovery placed on the District Attorney's Office by expanded court operations, the additional of five new courts, and the increased caseloads as court calendar backlogs are cleared.

3. "Secretarial Asst Nm - 4501 District Atty - General," Position Code 4501, Pay Grade 04Z3 (Four Positions)

The District Attorney's Office currently has twenty-two (22) authorized "Secretarial Asst Nm - 4501 District Atty - General," (Secretarial Assistant) positions, Position Code 4501, Pay Grade 04Z3. This proposal seeks to create four (4) new Secretarial Assistant positions funded with monies made available to Milwaukee County by the federal government under the American Rescue Plan Act of 2021, to increase the capacity for clerical and Information Technology support in the office, which is necessitated by expanded court operations.

Secretarial Assistants in the District Attorney's Office perform a variety of assignments. Two positions support Victim Witness Services. Twelve positions support either the clerical Intake functions or the prosecutor teams in our Downtown office. Six perform similar duties at the Vel R. Phillips Juvenile Justice Center. Finally, two positions support our Information Technology functions as they relate to digital discovery.

From the ARPA funds allotted to the District Attorney's Office, the District Attorney's Office requests four new Secretarial Assistant positions. The Secretarial Assistant's role in the District Attorney's Office is to support prosecutors as cases are processed through the criminal justice system, from intake through discovery and case resolution. With ARPA funding, the State Department of Administration has authorized 16 additional assistant district attorney positions for the District Attorney's Office; six of those positions have been filled; two more will be filled by mid-July, 2022; the remainder are anticipated to be filled thereafter. The increase in the number of attorney staff, along with the increase in the number of the courts hearing criminal cases, will necessarily require an increase in the number of Secretarial Assistants to support prosecutors as cases move from charging through final disposition.

4. "Investigator District Atty - 4501 District Atty - General," Position Code 4501, Pay Range 32M (Four Positions)

The District Attorney's Office currently has sixteen (16) authorized "Investigator District Atty - 4501 District Atty - General" (Investigator) positions, Position Code 4501, Pay Grade 32M. These are sworn law enforcement positions. This proposal

seeks to create four (4) new Investigator positions funded by monies made available to Milwaukee County by the federal government under the American Rescue Plan Act of 2021.

The Milwaukee County District Attorney investigations division is headed by the Chief Investigator, W. Scott LaFleur. The division is divided into three units: (1) the Maurice V. Pulley Jr. Witness Protection Program; (2) the Special Investigations Unit and (3) the Child Support Enforcement section. Overall, 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, industrial deaths and injuries and matters of criminal failure to provide child support. In addition, the investigators provide post-charging investigation for the prosecutors on major crimes, and maintain office security.

From the ARPA funds allotted to the District Attorney's Office, the District Attorney's Office requests four additional Investigator positions. We anticipate that these investigators principally will be used to support witness security issues, which we project will increase for three reasons. First, the addition of five new criminal courts will increase the number of jury trials scheduled per week: jury trials, and anticipated testimony at those trials is the catalyst for witness protection issues. Second, the number of jury trials scheduled per court per week has increased since the resumption of court operations after the onset of the pandemic; since jury trials tend to be a catalyst for witness protection issues, more investigators will be needed to deal with the backlog of cases that are being scheduled. Third, there has been a well-documented increase in the number of violent crimes in Milwaukee County; violent crime, by its very nature, often presents additional witness security issues.

5. "Process Investigator -4501 District Atty- General," Position Code 4501, Pay Range 21M (Three Hourly Positions)

The District Attorney's Office currently has six (6) authorized "Process Investigator - 4501 District Atty- General" (Process Investigator) positions, Position Code 4501, Pay Grade 21M. These are hourly positions occupied by sworn law enforcement officers. This proposal seeks to create three (3) new Process Investigator positions funded by monies made available to Milwaukee County by the federal government under the American Rescue Plan Act of 2021, to handle the increased volume of process associated with expanded court operations, including five new criminal courts.

The Process Investigators are supervised by the Chief Investigator, W. Scott LaFleur. Process Investigators serve subpoenas on citizen witnesses in certain criminal cases. While, by and large, the Milwaukee County District Attorney's Office relies on the cooperation of citizen witnesses who accept service of a subpoena by mail, a percentage of cases—particularly those involving non-fatal shootings and homicides—involve witnesses who are not cooperative or, in some cases, affirmatively hostile. Personal service of subpoenas on such witnesses is the responsibility of our Process Investigators.

From the ARPA funds allotted to the District Attorney's Office, the District Attorney's Office requests three additional Process Investigator positions. We anticipate that these additional positions will be needed to accommodate increased personal service of subpoenas which will result from expanded court operations. We foresee the increased need for three reasons, as noted above: first, the addition of five new criminal courts will increase the number of jury trials scheduled per week; jury trials; second, the number of jury trials scheduled per court per week has increased since the resumption of court operations after the onset of the pandemic; third, Milwaukee County has seen a substantial the increase in homicides and non-fatal shootings, which cases require significantly more personal service of subpoenas on witnesses.

6. "Clerical Asst 1 Nm - 4501 District Atty - General," Position Code 4501, Pay Grade 03Z1 (One Position)

The District Attorney's Office currently has thirty (30) authorized "Clerical Asst 1 Nm - 4501 District Atty - General," (Clerical Assistant 1) positions, Position Code 4501, Pay Grade 03Z1. This proposal seeks to create one (1) new Clerical Assistant 1 position funded by monies made available to Milwaukee County by the federal government under the American Rescue Plan Act of 2021, to support the investigators, process investigators, and process servers in the District Attorney's Office.

The Milwaukee County District Attorney's Office utilizes Clerical Assistant 1 staff in multiple different areas of the office, to provide a variety of support functions in the District Attorney's Office. Some support the Intake functions of our office, doing basic data entry into our PROTECT case management system. Others support the Information Technology staff in the processing of digital discovery. Finally, Clerical Assistant 1s process the many thousands of subpoenas issued annually in connection with our criminal cases, including offering support to our process investigators and process servers.

From the ARPA funds allotted to the District Attorney's Office, the District Attorney's Office requests one new Clerical Assistant 1 position. This position is intended to support the process investigators and the process servers. As explained above, Process Investigators will be needed to support the service of a higher volume of subpoenas. That increase brings with it the need for additional clerical support.

7. "Network Tech Spec Da Nm - 4501 District Atty - General," Position Code 4501, Pay Grade 18Z1 (One Position)

This proposal creates one (1) new Network Technical Specialist position funded by monies made available to Milwaukee County by the federal government under the American Rescue Plan Act of 2021, to address the increased Information Technology in the District Attorney's Office created by expanded court operations and in increase in number of state and county staff, as permitted by ARPA- funding.

The District Attorney's Office currently has two (2) authorized "Network Tech Spec Da Nm - 4501 District Atty - General," (Network Technical Specialist) Position Code 4501, Pay Grade 18Z1. The District Attorney's Office Network Specialists support the Information Technology needs of the office, particularly relating to the proper functioning of computer hardware, including device set-up, maintenance, and troubleshooting. These staff members also provide critical technical support for courtroom technology (such as large screen TVs, overhead projectors, speakers and the wiring for all such devices) used by Assistant District Attorneys in the presentation of cases before the Milwaukee County courts.

From the ARPA funds allotted to the District Attorney's Office, the District Attorney's Office requests one new Network Specialist position. We currently have only two Network Specialists to support over 250 full-and part-time state and county staff. This position is needed to provide computer and network support for the additional 35 ARPA positions that will be created in the District Attorney's Office (19 new county positions and 16 new Assistant District Attorney positions), and support for the attorneys' expanded courtroom technology needs as the number of trials increase in the five new court branches.

Related File No's:	22-476
Associated File No's (Including Transfer Packets):	NA
Previous Action Date(s):	03/22/2022

### **ALIGNMENT TO STRATEGIC PLAN**

Describe how the item aligns to the objectives in the [strategic plan](#):

- 2B: Break down silos across County government to maximize access to and quality of services offered
- 2C: Apply a racial equity lens to all decisions

These position requests align with the County's strategic plan, particularly in regard to points 2B and 2C.

The District Attorney's Office provides services to people who are referred to the office by law enforcement. Demographic information reported by the referring law enforcement agencies reflect that most of the individuals referred to the District Attorney's Office as victims or suspects are people of color: in 2020, approximately 71% of both victims and suspects were reported as non-white; in 2021, approximately 70% of victims and approximately 72% of suspects were reported as non-white. The timely resolution of case referrals and charged criminal cases thus is important to racial equity and procedural justice. Pending referrals, pending cases, and delayed case resolution impose an emotional, financial, and justice cost to victims, witnesses and suspects. Improving the time of case resolution reduces those costs and helps limit the period of pre-trial detention for those suspects and defendants who are held in custody.

The collaborative approach taken by Milwaukee County leaders to resolve the criminal court backlog created by COVID-19 pandemic by increasing court operations and concomitantly increasing staffing of partner agencies thus aligns with the County's strategic plan.

### **FISCAL EFFECT**

Funding for the 19 requested positions will come from that the District Attorney's allotment of the \$14,586,230 American Rescue Plan of 2021 award which Governor Tony Evers has directed to Milwaukee County and its criminal justice system to address the backlog of criminal court cases created by the pandemic. \$5,627,902 of that award was identified for the benefit of the Milwaukee County District Attorney's Office; approximately \$2,966,202.42 will be available for costs related to county positions in the District Attorney's Office.

On March 15, 2022, Governor Tony Evers announced that he was directing an award of \$14,586,230 award to Milwaukee County and its criminal justice system to address the backlog of criminal court cases created by the pandemic, based on the court. Of that sum, \$5,627,902 was identified for the benefit of the Milwaukee County District Attorney's Office, for costs related to additional attorney and support staff positions. Because Milwaukee County prosecutors are state employees, personnel costs and computer hardware costs for the attorney positions will be allocated to the budget for the State Prosecutors Office; after that deduction, approximately \$2,966,202.42 will be available for costs related to county positions in the District Attorney's Office. The ARPA project is projected to extend from July 1, 2022 through June 30, 2024.

The District Attorney's Office anticipates hiring for the new ARPA created County positions beginning in August of 2022.

### **POSITION INFORMATION**

<u>Action</u>	<u>Title</u>	<u>Pay Range</u>	<u>Annual Salary Range</u>
Create 5.0	Victim Witness Advocate	23M	\$52,054 - \$59,738
Create 1.0	Paralegal-Exempt Nm	19Z2	\$48,233 - \$58,777
Create 4.0	Secretarial Asst Nm	04Z3	\$40,507 - \$43,362
Create 4.0	Investigator District Atty	32M	\$72,120 - \$85,879
Create 3.0	Process Investigator	21M	\$23,006.97 - \$26,563.41
Create 1.0	Clerical Asst 1 Nm	03Z1	\$32,093 - \$40,612
Create 1.0	Network Tech Spec Da Nm	18Z1	\$60,343 - \$60,343

### **VIRTUAL MEETING INVITES**

John Chisholm, District Attorney  
 Karen Loebel, Deputy District Attorney  
 Bruce Landgraf, Deputy District Attorney  
 Anna Thomas, Financial Manager

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**PREPARED BY:**

Karen Loebel, Deputy District Attorney

**APPROVED BY:**

John T Chisholm, District Attorney

**ATTACHMENTS:**

NA

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John T Chisholm, District Attorney

cc: Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors  
Janelle M. Jensen, Legislative Services Division Manager, Office of the County Clerk  
Damian Rivera, DAS, Office of Performance, Strategy, and Budget  
Arvis Williams, Milwaukee County Department of Human Resources  
Cherelle Rodriguez, Milwaukee County Department of Human Resources  
Bridget Morstad, Milwaukee County Department of Human Resources  
Talisa Minifield, Milwaukee County Department of Human Resources