

COUNTY OF MILWAUKEE

District Attorney's Office
Inter-Office Communication

Date: August 19, 2013

To: Milwaukee County Board Chairwoman Marina Dimitrijevic

From: District Attorney's Office

Subject: Abolishment of Three Administrative Intern (Hourly) Positions and Creation of One Witness Protection Analyst (Full Time) Position

We are requesting, pursuant to section 17.05(1) of the county general ordinances (CGO), the creation of a new position of witness protection analyst (full time), pay range 16A, effective Monday, November 11, 2013, in the district attorney's investigations unit. The position will primarily support the witness protection unit, with a particular focus on violent felony criminal cases and certain misdemeanors like domestic violence and battery where monitoring of inmate communication will be effective and productive. The position should be created in the unclassified service, pursuant to Wis. Stat. 63.03(2)(km). We are requesting the abolishment, pursuant to CGO 17.05(1), of three positions of administrative intern (hourly) because of a significant, substantial, and permanent change in the duties and responsibilities of the positions.

Creation of One District Attorney Witness Protection Analyst

The Milwaukee County District Attorney's Office is the largest prosecutor's office in the State of Wisconsin, with 119.50 full-time equivalent (FTE) prosecutors, 12 FTE sworn law enforcement investigators, and 128 FTE other support and clerical staff (as of January 1, 2013). The investigators are further broken down with one serving as chief investigator, six assigned to witness protection, and five assigned to public corruption. The support staff does not currently include any full time witness protection analysts. These duties are currently assigned to three hourly employees working in the job classification of administrative intern, with a total commitment of 57 hours per week. The proposed change would increase the resources committed to witness protection / inmate telecommunications monitoring to 78 hours per week.

The witness protection unit is the only such specifically dedicated program run by a district attorney's office in the entire state of Wisconsin. It currently screens over 1,000 cases per year to identify high-risk victims and witnesses, adopting over 200 for further investigation, and provides prompt intervention in cases involving witness intimidation and threats or actual violence towards victims and witnesses. Investigations of such crimes frequently require

extensive monitoring of inmate telecommunications to determine the criminal acts planned, directed, and initiated by incarcerated suspects and carried out by other outside co-conspirators, so that they can be arrested and prosecuted. The disruption of criminal plots to dissuade, intimidate, harass, or threaten victims and witnesses is critical to the fair administration of justice as required by law.

We make this request in mid-year because of the substantial increase in witness protection-related case workload and because our 2013 budget has sufficient funds in the personnel account to immediately fund one of the hourly positions as a full time position for the remainder of the year, and the district attorney's 2014 budget requests the permanent establishment of the full time position.

This request is in the best interest of the efficiency of the office; we are actively reevaluating our existing staff and the substantial increase in witness protection-related case workload and taking steps to better serve the public.

In 2011, the witness protection unit received direct requests for services in 226 cases, 50 of which required analyst work. In 2012, witness protection unit received requests in 274 cases, 91 of which required analyst work. This represented an increase in requests of over 21%. As of August 15th, 2013, the witness protection unit has received requests for service in 226 cases, 93 of which required analyst work. At this rate, the witness protection unit is projected to receive a total of 364 requests for service this year, 145 of which will likely require analyst work. This equates to a projected increase in requests for services of 33%. The projected increase in cases requiring analyst work is 56%. Our request addresses this significant increase.

In addition to responding to specific cases referred by our legal and victim/witness staff for threats, the witness protection unit continues to have the mission of screening violent felony and other selected misdemeanor cases (domestic violence, battery) for *potential* intimidation. These are categorized as "non-referral" cases. This screening relies exclusively on witness protection analysts, *because if the intimidation is successful*, it will probably cause the underlying criminal case to be dismissed and *no independent report of intimidation from the victim or witness will be received*.

Due to the increase in requests for service, there is a 5-6 month backlog of non-referral cases that are awaiting analytical review. Because of the backlog between when a violent felony is charged and when it can be reviewed as a non-referral by the analysts, charged criminal cases where intimidation successfully occurs are being dismissed due to the state's essential witnesses not appearing. The same categories of violent felonies, domestic violence, and sexual assault cases that are most likely to be dismissed due to the state's essential witness not appearing are also most likely contain evidence

intimidation. Dismissal of cases because of undiscovered intimidation defeats the underlying purpose of bringing charges in the first place. The full time analyst position will allow more timely review of these violent felony non-referral cases to ensure victim and witness safety and compensate for the steady increase in overall workload.

The monitoring of inmate telecommunications has proven to be an extraordinarily valuable method for uncovering incidents of witness intimidation and frequently providing law enforcement with the opportunity to intervene prior to threats being carried out against victims and witnesses. This changes the paradigm from a response-oriented one, reliant on complaints from citizens who have already been threatened, to one that intervenes even after threats have occurred, and when those threats have apparently been successful. The importance of this cannot be underestimated. In cases of successful intimidation, the target of the illegal acts will likely not complain to law enforcement. However, with proactive monitoring of inmate telecommunications based on a risk assessment model that identifies the most likely cases with the potential for intimidation, law enforcement can uncover intimidation – *even when it has been successful!* – and intervene to bring about a just outcome.

The full time witness protection analyst will be integrated immediately into the existing witness protection unit structure; no new office space is required or requested. The increase in productivity from a total of 57 hours per week to 78 hours per week will allow more extensive monitoring of inmate telecommunications; more timely analysis of potential threats to victims and witnesses, greater screening of cases involving high risk of threats and intimidation, more timely response to referrals of such conduct, and critical continuity of skills.


The witness protection unit's analysts routinely coordinate with law enforcement personnel from the Federal Bureau of Investigation, the U.S. Marshals Office, the local HIDTA office, and the Wisconsin Department of Justice Division of Criminal Investigation, as well as the 19 other municipal police agencies in Milwaukee County. The witness protection unit works closely with those law enforcement agencies and the addition of this full time position will significantly improve the ability of the office to share telecommunications analysis with those other agencies and to augment and support criminal investigations in Milwaukee County.

The witness protection unit started as a pilot program in 2009, with limited funding. It blossomed into a very successful and effective program, recognized at the state level for its accomplishments and lauded nationally as a model for other witness protection efforts. It is the only such program of its kind in the state and successful outcomes are well-documented and available for further

review if so desired.

The proposed pay range (16A) is the same pay range for victim witness specialists in the district attorney's office and provides horizontal equity among positions with similar amounts of responsibility. The packet includes a completed Job Evaluation Questionnaire, the existing position description for the positions for which we propose abolishment, a position description for the proposed position, and a proposed organization chart showing the existing positions and the proposed position.

The positions that we are requesting to abolish are titled Administrative Intern, position codes 000877-3, -4, and -5. Two of those are vacant; one is filled.



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District Attorney