

2012 ANNUAL REPORT

DISTRICT ATTORNEY

WASHINGTON COUNTY

2012 Annual Report presented in April 2013

FUNCTIONS AND RESPONSIBILITIES

The primary function of the Office of the District Attorney is to prosecute all violations of State criminal law occurring within Washington County. Additionally, the District Attorney's Office prosecutes all violations of County ordinances, all State and County violations of the traffic code, and all criminal traffic offenses within the County. The District Attorney's Office also represents certain State agencies in local actions including the Department of Natural Resources and the Department of Corrections.

The District Attorney's Office also continues to handle most juvenile matters including delinquency petitions and petitions for children in need of protection or services, but excluding termination of parental rights cases.

STRUCTURE AND FUNDING

The Office of the District Attorney consists of the District Attorney, a Deputy District Attorney, three Assistant District Attorneys, an Office Supervisor, four Legal Secretaries, an Account Clerk, a Program Assistant, a Victim-Witness Coordinator and a Victim-Witness Specialist for a total staff of 14 people. The State of Wisconsin assumed responsibility for District Attorney and Assistant District Attorney salaries effective January 1, 1990. The County pays the balance of operating expenses, although about 50 percent of Victim-Witness program expenses are normally reimbursed by the State. The reimbursement amount from the State has decreased in the past several years.

Washington County continues to be involved with the DA NET Project, which is intended to streamline the criminal justice system. The case management system PROTECT (Prosecutor Technology for Case Tracking) is currently being used to enter

and track people and cases within the District Attorney's Office, to produce documents and to schedule events. The system also allows us to share data from the Clerk of Courts Office through an interface with the Clerk of Courts Office. An application called eReferral allows contested citation case filing to be sent electronically from the Court's system, CCAP, to PROTECT. When the contested citation is accepted into PROTECT, the case receives all court events and charge disposition data, eliminating duplicate data entry. The eReferral also allows electronic transfer of information from police agencies. The District Attorney's Office is currently working with a police agency and DAIT for eReferral of police reports to the District Attorney's PROTECT system, allowing electronic transfer of information into PROTECT and well as submission of the police reports, again eliminating duplicate entry of data. CCH Interface (Computerized Criminal History) continues to be used to allow the District Attorney's office to electronically update the Wisconsin Department of Justice database of no prosecution decisions on arrests. This interface increases the speed with which no prosecution decisions are received within the Department of Justice database, thus providing more accurate and up-to-date information upon inquiry from law enforcement and other authorized users of the database.

In December of 2005, DA IT launched the Inter-County Query. An updated version of PROTECT now includes the Inter-County Query allowing prosecutors and staff in any DA Network office the ability to search for people and cases from PROTECT databases throughout Wisconsin. Only general information is taken from the PROTECT database, involving adult cases only, giving defendant demographic and general case information. The Inter-County Query allows prosecutors offices to

determine if other counties have pending uncharged matters as well as giving information on pending charged cases.

The PROTECT case management system continues to be upgraded and updated. A new version of PROTECT was installed in December, 2012. This new version provides the ability to move faster through the case management system and provides easier access and viewing of information.

CASELOAD

The majority of the work of the District Attorney’s Office involves the handling of criminal and traffic cases. In 2012, the office received 3,907 referrals regarding criminal charges. A comparison of this year with past years is included as follows:

Charges issued by the District Attorney (counts)

| | 2008 | 2009 | 2010 | 2011 | 2012 |
|------------------------------|-------|-------|-------|-------|-------|
| Number of defendants charged | 2,105 | 2,146 | 1,897 | 1,771 | 1,658 |
| Felony counts | 555 | 613 | 569 | 592 | 570 |
| Misdemeanor counts | 1,594 | 1,547 | 1,534 | 1,270 | 1,453 |
| Criminal traffic counts | 1,256 | 1,341 | 1,051 | 989 | 869 |
| Traffic pretrials | 1,133 | 1,115 | 990 | 945 | 1,055 |

Cases filed with the Court

| | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------|-------|-------|-------|-------|-------|
| Felony | 412 | 436 | 509 | 515 | 477 |
| Misdemeanor* | 1,888 | 1,929 | 1,625 | 1,529 | 1,442 |

*Criminal traffic, including OWI, combined as misdemeanor cases.

Dispositions-sentences imposed

| | 2008 | 2009 | 2010 | 2011 | 2012 |
|----------------------|------|------|------|------|------|
| Probation | 470 | 427 | 429 | 527 | 548 |
| Prison | 137 | 125 | 93 | 102 | 121 |
| Extended supervision | 110 | 103 | 90 | 101 | 120 |
| Jail | 591 | 634 | 613 | 594 | 553 |

Pleas taken (counts)

| | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------------------------|------|------|------|------|------|
| Felony | 227 | 194 | 197 | 268 | 251 |
| Felony amended to misdemeanor | 167 | 140 | 153 | 150 | 170 |
| Misdemeanor | 720 | 721 | 702 | 702 | 722 |
| Criminal traffic | 554 | 560 | 526 | 491 | 405 |

The State of Wisconsin enacted a mandatory arrest provision for domestic abuse cases effective April 1, 1989. As a result of this provision, Washington County has a special program wherein the alleged offender and the victim are ordered into the District Attorney's Office on the next working day following the incident to determine what, if any, formal action should be taken. It is the intent of this procedure to try to deal with these volatile and serious cases as quickly as possible to provide maximum protection to the victim as well as to impress upon the offender the seriousness of this behavior. While this procedure is time consuming and does cause difficulty in having staff available to deal with these charging conferences, we believe that because of the seriousness of domestic abuse and the problems it poses for society that prompt handling of these cases is in the public interest.

In addition, the District Attorney's Office assists law enforcement in the investigation of criminal cases by preparing Search Warrants and Subpoenas for

documents which aid law enforcement in their investigations. In 2012, our office was involved in the preparation of over 100 Search Warrants and Subpoenas.

VICTIM IMPACT PANELS

In 2001 the District Attorney's Office, in cooperation with the Washington County Counsel on Alcohol and Other Drug Abuse and Ozaukee County, began holding victim impact panels. The idea behind the victim impact panel is to order repeat drunk drivers to a court setting, presided over by a judge, where offenders listen to victims and families of victims of drunk drivers. Research indicates that attendance at victim impact panels reduces re-offense rates for repeat drunk drivers.

There were four victim impact panels in 2012, a total of 681 persons attended the four panels. In 2011, the total persons attending was 247. The great increase in 2012 is due to the required attendance of first offenders. Of the 681 persons attending in 2012, 377 of those attending were first offenders. Feedback from offenders who attended the victim impact panels indicated that many of the offenders were deeply affected by the messages they heard from victims. It is hoped that this experience will cause repeat drunk drivers to think twice before getting into a car and driving after drinking.

JUVENILE

The juvenile statistics for the County over the last five years are as follows:

| | 2008 | 2009 | 2010 | 2011 | 2012 |
|---|------------|------------|------------|------------|------------|
| Delinquency petitions | 251 | 208 | 175 | 212 | 277 |
| Child in need of protection or services | 48 | 31 | 68 | 50 | 47 |
| Immunization petitions | 1 | 4 | 63 | 62 | 24 |
| Informal referrals | 134 | 175 | 140 | 144 | 163 |
| Decline to prosecute | 46 | 32 | 61 | 56 | 116 |
| Petitions - waived to adult court | 0 | 0 | 0 | 0 | 2 |
| Total Juvenile Referrals | 480 | 450 | 507 | 524 | 629 |

The above numbers indicate that new Juvenile Delinquency petitions (the equivalent of a criminal charge for an adult) increased significantly in 2012 as compared to 2011.

In addition, in 2011 the Washington County District Attorney's office instituted an Underage Alcohol diversion program which allows an underage offender to have underage alcohol ticket dismissed if the offender successfully completes an education or treatment program. In 2012, several underage offenders took part in this program.

WORTHLESS CHECKS/CRIMINAL RESTITUTION

The District Attorney's Office continues to process worthless check complaints, maintaining a trust account for restitution received for checks received by our office. Many municipalities now handle checks issued in their jurisdiction. A comparison of worthless check restitution as well as other restitution collected in criminal cases for the last four years follows:

| | 2009 | 2010 | 2011 | 2012 |
|-------------------------------|-------------|--------------|--------------|-------------|
| Check restitution received | \$19,701.64 | \$7,038.53 | \$5,045.85 | \$2,904.06 |
| Criminal restitution received | \$71,132.13 | \$149,066.25 | \$162,170.52 | \$66,214.97 |

VICTIM-WITNESS PROGRAM

Victim/Witness Services continues to render services to the victims and witnesses of crime in Washington County. In 2012, 989 initial contact letters were sent to victims. Of that amount, 306 victims requested to be kept informed of the status of their case. Therefore, we notify these victims of the status of their case after every court appearance. Approximately 1,591 contacts were made to victims either by phone, e-mail or in writing to notify them of the status of their case and/or to answer general questions. Approximately 235 personal contacts were made with victims for court escort, trial preparation, meeting with the prosecutor or just coming to the office with general questions. 261 victims requested assistance in obtaining the restitution owed to them. 689 disposition letters were sent in 2012.

A slight decrease in domestic violence charging conferences continued again in 2012 with 435. In 2011, there were 463. 29 victims requested assistance in preparing restraining order paperwork for domestic violence, harassment or child abuse. I am surprised these numbers are not higher. The domestic violence shooting at the Brookfield Salon has brought a new dynamic to working with domestic violence victims.

The above statistics do not include the numerous contacts our office had with witnesses and law enforcement when preparing for the many jury trials held last year. Numerous jury trials in 2012 lasted multiple days and involved several witnesses. In addition, 963 cancellations were made to civilian witnesses, law enforcement and expert witnesses when numerous court hearings were cancelled.

Our office also participates and/or serves as chairpersons for numerous victim related community committees/teams/task forces. We are involved in the planning of events to raise awareness for Domestic Violence Awareness Month, Sexual Assault

Awareness Month, and Crime Victims' Rights Week. The third annual Kick Ball Tournament (Kick the Silence) and the third annual Domestic Violence Race – "A Race to Safety: Domestic Violence Stops Here" 5K were held in 2012. We have also joined forces to spread awareness of the devastating affects of heroin use. 2012 marked the first Anti-Heroin Rally in West Bend.

CONCLUSION

The annual statistics for 2012 indicate a continuation of high volume in the number of defendants charged, criminal charges issued and the number of guilty pleas taken in misdemeanor and criminal traffic cases in Washington County. Washington County Courts continued to send offenders to State Prison at a record rate, which reflects an increase in serious criminal violations. As District Attorney, I have tried to prosecute these cases efficiently and fairly, treating all people who come here equally. Whatever happens with the rate of crime in Washington County, this office remains ready, willing, and able to prosecute violators of the law.

Dated: March 8, 2013



Mark D. Bensen
District Attorney
Washington County, Wisconsin

