



STATE OF WISCONSIN

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Janice Mueller
State Auditor

DATE: August 23, 2006

TO: Senator Carol A. Roessler and
Representative Suzanne Jeskewitz, Co-chairpersons
Joint Legislative Audit Committee

FROM: Janice Mueller *Janice Mueller*
State Auditor

SUBJECT: Proposed Audit of the Allocation of District Attorney Positions—Background
Information

At your request, we have gathered some background information the Joint Legislative Audit Committee may find useful in considering a request for an audit of the allocation of district attorney positions. Responsibility for funding county-level prosecutorial staff, including district attorneys, deputy district attorneys, and assistant district attorneys was transferred to the State by 1989 Wisconsin Act 31.

Although the State Prosecutors Office in the Department of Administration oversees the allocation of these funds, the 71 district attorneys in Wisconsin are elected at the county level; Shawano and Menominee counties jointly elect a district attorney. In fiscal year 2006-07, \$38.4 million in general purpose revenue and \$1.8 million in program revenue support 427.65 full-time equivalent authorized positions. While the State pays salaries and fringe benefits of county prosecutors, counties pay the remaining costs, including the salary and fringe benefits of support staff.

In 1995, we conducted an evaluation of the methodology used to allocate district attorney positions and made a number of recommendations to improve the accuracy of the caseload measure used to allocate these positions. Although changes to the allocation methodology were made at that time, the distribution of district attorney positions has not been adjusted since then, even though the Legislative Fiscal Bureau regularly reports the difference between the number of authorized positions and the number that should be authorized based on the caseload measure.

A Legislative Council study committee—the Special Committee on District Attorney Funding and Administration—has recently been formed to review state funding for district attorneys, deputy district attorneys, and assistant district attorneys in order to determine if other funding sources exist to support those positions. The Committee is further charged with reviewing state administrative functions to determine if any changes should be made in the administrative structure relating to those functions.

Concerns have also been expressed about the method by which the current formula allocates resources to counties in which state correctional facilities are located. Some court proceedings

involving individuals sentenced to state correctional facilities are the responsibility of the county district attorney. Some believe that such cases require more prosecutorial staff time than other types of proceedings, but inmate court proceedings are not specifically identified as such in the caseload formula.

An audit of the allocation of district attorney positions could:

- review the process for allocating state-funded positions, including specialized prosecutorial staff;
- review the current system for developing workload indicators and staffing comparisons;
- examine changes in prosecutorial caseload characteristics relative to changes in state correctional facility inmate populations;
- review data on average prosecutorial hours for different types of cases in order to determine whether prosecutors devote a larger than average number of hours to cases involving inmates; and
- identify other potential concerns with the caseload formula through analysis of available data and discussions with county prosecutors.

If you have any additional questions regarding this request, please contact me.

JM/KW/bm

cc: Senator Robert Cowles
Senator Scott Fitzgerald
Senator Mark Miller
Senator Julie Lassa

Representative Samantha Kerkman
Representative Dean Kaufert
Representative David Travis
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