



SHEBOYGAN COUNTY

Joel Urmanski
District Attorney

WISCONSIN

February 8, 2019

Honorable Members of the Sheboygan County Board and County Administrator Adam Payne,

The District Attorney's Office experienced another busy year in 2018. While the year brought an overall decrease in prosecuted cases the decreases were largely in criminal traffic and non-criminal traffic and ordinance cases. The numbers of our felony cases, allegations of Children in Need of Protection or Services (CHIPS) and juvenile delinquency cases were actually higher in 2018 than in 2017. In addition, we issued more search warrants and electronic service provider warrants or subpoenas for information than in 2017.

There were also continued staff changes in 2018. A total of three new assistant district attorneys were hired throughout the year to fill positions that opened for a number of reasons, including a retirement. Each of the new prosecutors entered the Office without prior professional prosecution experience. We also hired a new member to the administrative staff to fill a vacancy caused by a retirement.

Unfortunately, the State still has not come forward to staff the Office with the number of attorneys that a State study says we need to be fully staffed. Thankfully, the County has assisted the Office with some of these staffing needs. Even short staffed, the Office made great strides in 2018 and is set up for further success in 2019.

Respectfully Submitted,

Joel Urmanski
District Attorney

Mission Statement and Summary of Responsibilities

The mission of the District Attorney's Office is to prosecute all crimes occurring within the County on behalf of the State of Wisconsin. In addition, the Office is charged with prosecuting all non-criminal traffic and ordinance citations issued in the County by the Wisconsin State Patrol, Sheboygan County Sheriff's Department and Department of Natural Resources (DNR). Finally, the office is charged with prosecuting juvenile matters including delinquencies; Children/Juveniles In Need Of Protection or Services (CHIPS/JIPS), which included truancy violations; Termination of Parental Rights (TPR); Guardianships; juvenile ordinance violations; and inoculation violations.

In fulfilling this mission, the Office of the District Attorney has the following responsibilities:

- Efficient, ethical, lawful and timely prosecution of all cases.
- Compliance with all evidentiary and procedural mandates created by statute, the United States Constitution and Wisconsin Constitution.
- Recognition of, and compliance with, the "Rights of Victims And Witnesses of Crime" Act [Chapter 950 of the Wisconsin Statutes].
- Assisting all law enforcement agencies in the County in legal advice and training as well as providing investigative tools such as wire "taps" and/or "traces," warrants for tracking devices, search warrants, subpoenas for records and electronic service provider warrants and subpoenas.
- Establish a close working relationship with the eight (8) law enforcement agencies that serve Sheboygan County.

In order to meet these responsibilities, the Office must meld a team of State and County employees. The District Attorney, Deputy District Attorney and five full-time one part-time Assistant District Attorneys are all State employees. Starting in 2017, the Office also included one full-time County Funded Special Prosecutor. In 2019, the part-time Assistant District Attorney position will become full-time thanks to funding by the County. The Office Supervisor, support staff, Victim/Witness and Check Fraud Unit personnel are all County employees.

Goals and Objectives Achieved in 2018

The Office of the District Attorney prosecuted the following number and types of cases in 2018:

Felony [potential prison]	874
Misdemeanor [potential jail]	884
Criminal Traffic [potential jail]	432
TOTAL CRIMINAL CASES	2,190
Non-Criminal, Traffic & Ordinance (including juvenile ordinances)	1,378
Total CHIPS Cases	117
Total TPR Cases	15
Total Juvenile Delinquency Cases	227
Total Juvenile Guardianships	17
Total Civil Asset Forfeitures	11
TOTAL NON-CRIMINAL CASES	1,765
TOTAL 2018 CASES	3,955

Our overall total criminal caseload in 2018 decreased by a total of 52 cases. However, there was an increase of 44 felony cases, which are typically the criminal cases that require the most time and effort to prosecute. The Office received a total of 4,911 referrals from law enforcement and related agencies. This number is an increase of 86 referrals from 2017.

Our Office issued, with judicial approval, 309 search warrants in 2018, which is an increase of 28 warrants from 2017. In addition, our office issued 141 electronic service provider warrants or subpoenas or other subpoenas for records, each with judicial approval. This is an increase of 9 from last year.

Our office reviewed 862 juvenile referrals in 2018, which is an increase of 73 referrals from 2017.

Beginning in 2017, the Office included a County Funded Special Prosecutor to allow the Deputy District Attorney to focus almost exclusively on Termination of Parental Rights (TPR), Guardianship and Child in Need of Protection or Services (CHIPS) cases. Statewide there has been an increase in children being removed from their parental homes, many due to opioid or other drug abuse. There was an increase of 11 CHIPS cases in 2018. Even with the increase in CHIPS cases we were able to issue similar numbers of TPR and Guardianship cases.

The Check Diversion Program, established by County ordinance in 2003, allows most persons who write worthless checks to enter into an agreement with the District Attorney's office to avoid criminal prosecution. The participants are required to pay an administrative fee of \$35 (or 20% of the total amount of checks owed, whichever is greater) and then are given time to directly pay the victims for the issued checks, including returned check fees and costs. Once repayment is verified by the victims, no further legal action is taken. In 2018, the Check Fraud Diversion Program returned \$12,839 to victims, mostly area merchants, an increase of \$941 from 2017. The Program generated \$2,360 as revenue for the County from the program's administrative diversion fee. The Check Fraud Diversion Program had a total expense of \$6,242, which equates, after subtracting the diversion fee, to a tax levy amount of \$3,882.

The County Funded Special Prosecutor has been solely responsible for all asset forfeiture actions. In 2018, the Office closed a number of asset forfeiture cases issued in 2018 for a total value of \$3,397. In 2018, the Office filed 11 asset forfeiture cases. A total of 3 of these 2018 cases were resolved within the calendar year for a total of \$3,212.

Budget

Out of our \$1,045,224 actual budget with a property tax levy of \$737,182, we experienced an overall positive variance of \$20,324 for 2018. The majority of this was due to a larger amount of revenue from discovery processing and a lower amount of money spent on expert testimony. Our approved budget for 2019 is \$1,084,640 with a property tax levy of \$761,128.

Issues and Challenges Ahead

For years, the State has failed to staff the Office with the number of prosecutors that State studies identify as full staffing. This is an issue for almost all of the counties across the State. Thankfully, the County will be funding one and a half prosecutor positions in 2019. Even with these positions the Office is still short a number of prosecutors, however, the additions will make a significant difference

for the Office. The shortage of prosecutors creates a situation where some attorneys in the Office are handling over 300 open cases at one time.

Youth is a challenge, but also an opportunity for the Office. There are 9 total attorney positions in the Office. One of these positions is currently open. Of the 8 current attorneys in the Office, 5 have 26 months or less experience as a prosecutor. Experience is very valuable, but the young attorneys in the Office are eager, hardworking, dedicated and already making a difference in the County.

Increased use of technology can be a blessing, but can also pose challenges. The transition to e-referral will eventually create added efficiency in the Office. In addition, body cameras, phone and other digital evidence often helps jurors find the truth in our cases, however, they also provide hours of material for the Office to process and review in cases.

Goal and Objectives for 2019

The Office will continue its efforts at being the best trained Office in the State. In 2018, there were multiple trainings presented to the prosecutors and victim/witness professionals in the Office. These trainings included a presentation about the County's Drug Endangered Child protocol, a Trooper of the Wisconsin State Patrol addressing the standardized field sobriety tests, firearms, attorneys of the Department of Justice discussing sexual assault cases and victim confidentiality, and a training about lethality in domestic violence situations. Trainings are already scheduled for 2019 to discuss trauma, drug trends in the County and State, and to learn more about resources available at the Department of Health and Human Services.

The year will present an opportunity to focus on domestic violence cases in a number of ways. First, thanks to the County Board's approval of additional funds in the Office's budget for 2019, the half-time prosecutor position in the Office will transition to a full-time position dedicated to prosecuting domestic violence cases. Second, we will continue with a lethality project we began at the end of 2018. The lethality project assists in identifying relationships where there is a heightened risk of a homicide. Hopefully, we will be able to combine with other community partners to create a task force to address high lethality risk relationships. Third, the Office will continue to seek opportunities to prevent domestic violence through education and prevention, including a continued exploration into ways to provide assistance to children living in homes where domestic violence takes place. Finally, a team of professionals already assembled will continue to discuss the possibilities of creating a domestic violence treatment court in the County. We are working with the County Administrator and others to explore and enhance alternatives to incarceration.

We will also continue to take advantage of opportunities for increased efficiency in 2019. We have already expanded e-filing and e-referral and changed how we handle and send digital media to defense attorneys. The new year will hopefully include an expansion of e-referral and added efficiency in how we prepare and send discovery to defense attorneys.