



*OFFICE OF THE DISTRICT ATTORNEY  
SHEBOYGAN COUNTY*

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February 22, 2016

County Administrator Adam Payne  
Honorable Members of the Sheboygan County Board of Supervisors

**RE: 2015 District Attorney Annual Report**

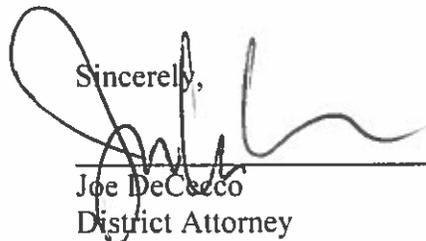
Attached, please find my office's 2015 annual report.

I am pleased we have gotten our Check Diversion Program back on track after the resignation of our former veteran investigator and that we have again begun to serve area merchants with whom this Program is very popular. Since the Program's inception in 2003, over \$477,413 has been returned to area merchants and over \$106,737 has been collected as revenue for the County through the Program's diversion fee.

Although last year's all-out effort to secure more desperately needed prosecutors in this county crashed and burned at the hands of the present state administration and legislature, we and the eight law enforcement agencies that serve our county will continue to work to make Sheboygan County a safe place to live, work and raise families and to bring to justice those who would make it otherwise.

As you know, I will end my elected tenure as District Attorney on January 3, 2017. Accordingly, this will be the last Annual report I will file. The next District Attorney will be faced with these same challenges I have tried to deal with since my term began in 2003, and will certainly face new ones. I know you all will give him/her the exceptional support and advice I've received over the years, for which I have always been very grateful and appreciative.

Sincerely,



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Joe DeCecco  
District Attorney

# **ANNUAL REPORT 2015**

## **SHEBOYGAN COUNTY DISTRICT ATTORNEY'S OFFICE**

### **DISTRICT ATTORNEY JOE DeCECCO**

#### **MISSION STATEMENT AND SUMMARY OF RESPONSIBILITIES**

The mission of the Sheboygan County Office of the District Attorney is to prosecute all crimes occurring within the County on behalf of the State of Wisconsin. In addition, this office is charged with prosecuting all non-criminal traffic and ordinance citations on behalf of the Wisconsin State Patrol, the Sheboygan County Sheriff's Department and the Department of Natural Resources [DNR] that occur in the County. Finally, the office is charged with prosecuting a variety of juvenile matters including delinquencies, Children/Juveniles In Need Of Protection or Services [CHIPS/JIPS], Truancies, 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:

- (1) efficient, ethical, lawful and timely prosecution of all the above case types.
- (2) compliance with all evidentiary and procedural mandates created by statute and the United States and Wisconsin Constitutions.
- (3) recognition of, and compliance with, the "Rights of Victims And Witnesses of Crime" Act [Chapter 950].
- (4) assisting all law enforcement agencies in the County in legal advice and legal training as well as providing investigative tools such as search warrants, wire "taps" and/or "traces", warrants for tracking devices, and records subpoenas.
- (5) 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 Assistant District Attorneys are all State employees, while the Office Supervisor, support staff, Victim/Witness and Check Fraud Unit personnel are County employees. Accordingly, it is crucial that specific concerns of both State and County employees, in their respective roles, be addressed and, if necessary, reconciled so that the entire office functions smoothly as a team.

## GOALS AND OBJECTIVES ACHIEVED IN 2015

The Office of the District Attorney prosecuted the following number and types of cases in 2015:

Felony [potential prison]	753
Misdemeanor [potential jail]	1,104
Criminal Traffic [potential jail]	410
<b>TOTAL CRIMINAL CASES</b>	<b>2267</b>
Non-Criminal, Traffic & Ordinance	1569
Total Juvenile Cases	388
<b>TOTAL NON-CRIMINAL CASES</b>	<b>1957</b>
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<b>TOTAL 2015 CASES</b>	<b>4224</b>
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Our overall total criminal caseload in 2015 decreased slightly, including our felony cases, but our misdemeanor cases increased slightly. Including our cases issued in 2015, our office received **5,178** referrals from law enforcement and related agencies, each one of which had to be reviewed by one of our prosecutors to determine what, if any, action to be taken. I will continue to include this statistic in my annual reports as these reviews significantly impact our workload.

Our office issued (with judicial approval) **211** search warrants in 2015, **84** of which were drug-related. **26** of these search warrants were heroin related and **7** were due to a United States Supreme Court decision mandating search warrants for legal blood samples in drunk driving cases and which became effective in June of 2013. In addition, our office issued **163** various types of electronic tracking/records warrants/subpoenas (with judicial approval), almost all drug related. The heroin flowing into our county continues to be a major problem and concern.

### **JUVENILE PROCEEDINGS**

Our office reviewed **858** juvenile referrals in 2015. These referrals included children under the age of 17 committing a crime [DELINQUENT], children under the age of 18 in need of court protection or services and chronically truant children [CHIPS + JIPS], termination of parental rights [TPR], requests to transfer children to adult court for formal adult charges [WAIVER], and juvenile ordinance violations. In addition, we received **305** sanction/disciplinary requests for children already under a juvenile court order who have intentionally violated the order [SANCTION].

Of these 858 referrals, **241** were filed for delinquency and **131** for CHIPS/JIPS. The remainder received a less formal disposition.

## **CHECK FRAUD UNIT**

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 \$35.00 (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. Prior to implementing this program in 2004, the salary of our office's Check Fraud Unit investigator (she does not receive benefits), and all costs associated with the operation of the Check Fraud Unit were wholly funded by county (taxpayer) funds as part of our office's budget.

In 2015, the Check Fraud Diversion Program returned \$7,412.97 to victims, mostly area merchants, and generated \$ 2,736 as revenue for the County from the program's administrative fee. The position of our sole check investigator was not filled until February of 2015 with time off for maternity leave.

## **BUDGET**

### **A) 2015 Performance**

Out of our \$ 947,541 approved budget with a property tax levy of \$711,362, we experienced an overall positive variance of \$ 33,368 for 2015. The majority of this was due to a higher volume of discovery document fees and higher reimbursement from the State to our mandatory Victim/Witness program. In addition, our Check Fraud Investigator worked less hours which resulted in a positive wage variance.

We have many unpredictable variables in our budget and, as most people are aware, we have no way of accurately estimating what experts we will need for cases that have yet to be issued, or what special witness costs may be needed to prosecute a case as yet unknown to us. We do try to make our best estimate for those costs based on similar expenses incurred over the last several years.

### **B) 2016 Budget**

Our approved budget for 2016 is \$953,515 with a property tax levy of \$714,115. As noted above, we have a difficult task in predicting many of our costs involved in the prosecution of cases for crimes that haven't yet happened. These unpredictable costs can skewer our budget in any one year. We are encouraged by the Victim/Witness reimbursement percentages for 2015 from the State. For years there has been a downward spiral in the reimbursement from the State, some of which has been drastic. We have been experiencing consistently higher State reimbursement rates which suggest certain stability for future payments. Although we are getting better at estimating these kinds of costs over the years, I'm keenly aware that any one year could produce a "perfect storm" of complicated cases that blows our budget out of the water. At any rate, we'll continue to do the best job we can in accurately predicting costs.

## **ISSUES AND CHALLENGES AHEAD**

First, I cannot help but focus on our severe prosecutor shortage in the County. While the infrastructure and support staff of all District Attorney's office is supplied by the County of the particular office, all prosecutors' salaries and benefits are paid by the State. The 2012 Legislative Audit Bureau comprehensive analysis of the 71 District Attorney offices in the state, listed Sheboygan County as the 11<sup>th</sup> most needy county based on percentage of full staffing of 49.02%, and indicating a need of an additional 7.8 fulltime prosecutors to our current staff of 7.5 prosecutors to adequately address our case load. The national standard for prosecutor staffing indicates that having less than one prosecutor per 10,000 of population presents a serious danger of case mismanagement, inadvertent malpractice and/or the inability to provide each case with the attention it deserves. Sheboygan County has one prosecutor per 15,000 in population. While I realize that the prosecutor shortage is a state, not county, problem, I recognize that such a shortage, should it not be addressed, will have an extreme detrimental effect on our County residents and the quality of life in this county.

The drastic increase of electronic devices such as Smart phones, cell phones, computers, and other types of electronic communication, as well as many means of electronic communication available through these devices such as Email, chat rooms, Twitter, Facebook, texting, and blog sites, requires us to obtain court approved search warrants records subpoenas to examine their contents. This is not only challenging but time consuming as well.

## **GOAL AND OBJECTIVES FOR 2016**

We must concentrate on dealing with the concept of a paperless office, as much as current statutes allow, as well as electronic filing of court documents and electronic sharing of required case information. It's always a challenge to do more with less while still complying with constitution and statutory requirements and still provide justice to the citizens we serve in Sheboygan County.