

**OFFICE OF THE DISTRICT ATTORNEY**  
**SHEBOYGAN COUNTY**

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February 28, 2017

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

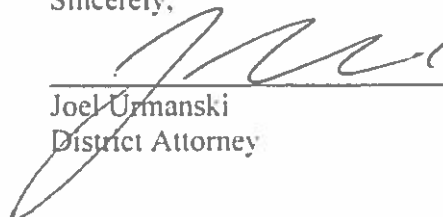
**RE: 2016 District Attorney Annual Report**

Attached, please find my office's 2016 annual report.

The report addresses some of the changes that have taken place in the Office since my assumption of responsibilities as District Attorney in 2017. More importantly, it includes some of the important goals and challenges that the Office will face in 2017 and beyond.

As District Attorney I have a vision for the Office to not just respond to crime and victimization, but to work towards deterrence. Some of this vision is included within the annual report.

Sincerely,



Joel Urmanski  
District Attorney

# ANNUAL REPORT 2016

## SHEBOYGAN COUNTY DISTRICT ATTORNEY'S OFFICE

### DISTRICT ATTORNEY JOEL URMANSKI

#### 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, 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:

- (1) Efficient, ethical, lawful and timely prosecution of all cases.
- (2) Compliance with all evidentiary and procedural mandates created by statute, the United States Constitution and Wisconsin Constitution.
- (3) Recognition of, and compliance with, the "Rights of Victims And Witnesses of Crime" Act [Chapter 950 of the Wisconsin Statutes].
- (4) 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.
- (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 five (5) full-time and one (1) part-time Assistant District Attorneys are all State employees. The Office Supervisor, support staff, Victim/Witness and Check Fraud Unit personnel as well as one full-time Special Prosecutor are all 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 2016

The Office of the District Attorney prosecuted the following number and types of cases in 2016:

Felony [potential prison]	801
Misdemeanor [potential jail]	937
Criminal Traffic [potential jail]	472
<b>TOTAL CRIMINAL CASES</b>	<b>2210</b>

Non-Criminal, Traffic & Ordinance (including juvenile ordinances)	1566
Total CHIPS Cases	113
Total TPR Cases	6
Total Juvenile Delinquency Cases	249
Total Juvenile Guardianships	4
Total Civil Asset Forfeitures	13
<b>TOTAL NON-CRIMINAL CASES</b>	<b>1951</b>

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**TOTAL 2016 CASES** **4161**

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Our overall total criminal caseload in 2016 decreased by a total of 63 cases. However, there was an increase of 48 felony cases, which are typically the criminal cases that require the most time and effort to prosecute. The misdemeanor case load decreased by 167 cases. The Office received a total of 4981 referrals from law enforcement and related agencies, each one of which had to be reviewed by one of our staff members to determine what, if any, action to be taken.

Our Office issued (with judicial approval) 212 search warrants in 2016, 85 of which were drug-related. In addition, our office issued 179 various types of electronic service provider warrants or subpoenas or subpoenas for records, each with judicial approval.

### **JUVENILE PROCEEDINGS**

Our office reviewed 742 juvenile referrals in 2016, which is a decrease of 116 referrals from 2015.

### **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.

In 2016, the Check Fraud Diversion Program returned \$16,289.05 to victims, mostly area merchants, and generated \$ 3,363.50 as revenue for the County from the program's administrative diversion fee. The Check Fraud Diversion Program had a total expense of \$5,236.37, which equates, after subtracting the diversion fee, to a tax levy amount of \$1,872.87.

## VICTIM/WITNESS OFFICE

The Victim/Witness Office is staffed by one (1) manager, two (2) specialists, and one (1) receptionist. The office satisfies the obligations of the District Attorney's Office to comply with victims' rights. Its members also assist with the efficient and effective prosecution of cases by informing and communicating with all victims and witnesses of the cases prosecuted by the District Attorney's Office. In 2016, there were a total of 1971 identified victims and 10,778 witnesses in the total referrals given to the District Attorney's Office.

## BUDGET

### A) 2016 Performance

Out of our \$ 959,404 approved budget with a property tax levy of \$720,004, we experienced an overall positive variance of \$ 3,010.16 for 2016. The majority of this was due to vacant positions in the Office through the year, less expert testimony and/or medical examinations needed for jury trials and/or other court hearings, a higher volume of discovery processed than anticipated and Victim/Witness reimbursements being higher than anticipated.

### B) 2017 Budget

Our approved budget for 2016 is \$1,057,860 with a property tax levy of \$784,759. This increase over last year includes the County's funding of a County Special Prosecutor who is being used to allow the Office to address the backlog of TPR and Guardianship cases. The budget also includes a co-operation between the District Attorney's Office and Department of Human Services to share a portion of the Department's tax levy to partially fund the County Special Prosecutor. The Department's budget adjustment to the Office for the position totals \$37,200 for the year, which is included in the total approved budget for 2016.

## ISSUES AND CHALLENGES AHEAD

The Governor's budget proposal does not include any new prosecutor positions around the State. Thankfully, Sheboygan County stepped forward to provide the District Attorney's Office assistance by funding a County Special Prosecutor. The value of this new position to the Office is significant and will ultimately assist in the Office bringing finality to children and families as well as cost savings for the expenses of having children in out of home placements. The Office is still in need of State-funded prosecutors and the lack of full staffing does create issues and challenges in the timely, efficient and effective ability of the Office to meet the demands of law enforcement and the community. The County Special Prosecutor will be a significant help, but the Office also would benefit from added state-funded positions.

As technology changes and becomes more accessible prosecutions can become more complicated and taxing on time and resources. I anticipate an increase in the number of electronic service provider search warrants and subpoenas to obtain information from sources such as phone, Internet and social media companies. I also anticipate additional search warrants being requested and issued to search cellular phones and other electronic storage devices. The time needed to obtain these warrants and subpoenas and then to review the information received from them can be significant.

## **GOAL AND OBJECTIVES FOR 2017**

To succeed in fulfilling the mission and responsibilities of the Office requires both short- and long-term goals. These goals are forefront in the decision-making of the administration of the Office.

One of the short-term goals is increasing the communication and collaboration between the District Attorney's Office and other agencies and groups throughout the County. This collaboration will enhance the Office's ability to provide safety and protection to the County. As a start, the Office began collaborating with the Department of Human Services, Division of Family Services to fund a prosecutor to allow the prioritization of CHIPS, TPR and Guardianship cases. The expectation is that the Office will now be able to work on the backlog of TPR and Guardianship cases to give children and families permanence. The collaboration should also create financial efficiency and hopefully some overall savings for the County.

Moving forward, the Office is working on collaborations with other agencies. We have already worked with the Court Commissioner's Office and Clerk of Circuit Court's Office to more effectively handle non-criminal ordinance violations. There have also been discussions about more effectively working with the Clerk of Circuit Court's Office and the Department of Corrections Division of Community Corrections. I have also been involved in a meeting with members of one local school district with intentions to meet with others to discuss ways that the Office can help prevent and deter crime.

Technology also continues to provide both short-term challenges and opportunities. The Office has begun scanning and electronically saving closed files for the year. The electronic storage will save time and effort in filing and storing closed cases. The Office is also looking at using technology to modify how it processes and supplies information, referred to as Discovery, to defense attorneys. Depending on the on-going challenges of implementing an electronic referral process, the Office is considering providing discovery in the form of CDs and/or DVDs rather than the hand numbering and copying of paper copies. There would hopefully be efficiencies in the process, but base on billing limitations imposed by the State, there could also be a change in discovery revenue. The challenges posed by technology in 2017 include preparation for the electronic filing of documents.

Major long-term goals for 2017 and beyond include collaborations to create treatment options for use in resolution of criminal cases. Some of these plans include what other counties and states refer to as Evidence Based Decision Making (EBDM). The initiatives would require a screening mechanism, assessment and ultimate treatment plans uniquely crafted to best rehabilitate an individual whether their treatment need is in the area of AODA, mental health, domestic violence, and/or anger management. As a piece of this treatment goal the Office is also looking to encourage the development and use of batterer's treatment in the County.

Another long-term goal that the Office will begin working on in 2017 is the creation of a rehabilitation tool for youth. While early in the process, the Office is looking to create a multi-week course that will give youth an opportunity to meet and work with others, including victims, to consider their actions and correct their behavior.