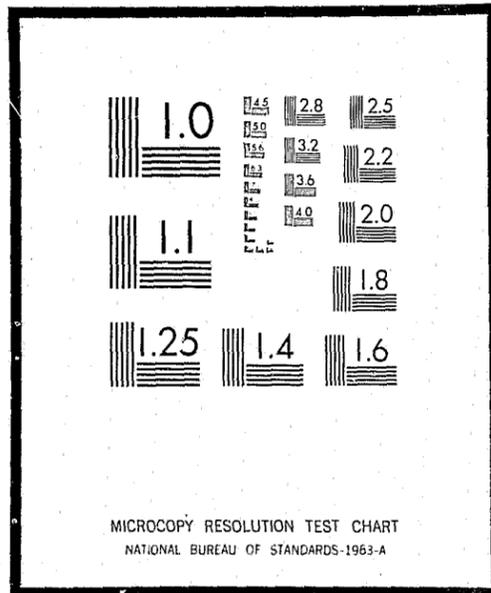


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NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
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Date filmed

7/27/76

DISTRICT ATTORNEY -  
ANNUAL REPORT  
1974

The Prosecutor

"The (prosecutor) is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor--indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." Berger v. United States (1935), 295 U. S. 78, 88, 55 S. Ct. 629, 79 L. Ed. 1314.

"The district attorney represents the commonwealth--a commonwealth which demands no victims--a commonwealth which seeks justice only--equal and impartial justice . . . It is as much the duty of the district attorney to see that no innocent man suffers as it is to see that no guilty man escapes."  
O'Neil v. State, 189 Wis. 259 (1926).



OFFICE OF DISTRICT ATTORNEY

# Milwaukee County

E. MICHAEL McCANN • District Attorney

Citizens of Milwaukee County

County Executive  
John L. Doyne

Members of the Milwaukee  
Board of Supervisors

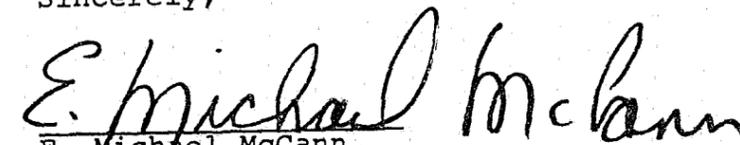
I take great pride in presenting this, the first annual report, of the Milwaukee County District Attorney's Office.

The following pages set forth in detail the wide scope and high volume of activity which increasingly characterizes our function.

The report reflects that the Milwaukee County District Attorney's Office not only processed a record number of cases and secured a record amount of federal funds, but also introduced a record number of new programs of benefit to our citizens.

The best measure of a District Attorney's Office, however, is whether its work is characterized by justice. Accurate assessment of our performance in that most important regard lies with the Divine.

Sincerely,

  
E. Michael McCann

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Michael Ash

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Richard P. Klinkowitz  
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1974  
ANNUAL REPORT

MILWAUKEE COUNTY  
DISTRICT ATTORNEY'S OFFICE

E. Michael McCann, District Attorney

I. INTRODUCTION AND SUMMARY

Nineteen-seventy-four was a year of heavy workload and substantial achievement for the Milwaukee County District Attorney's Office. More cases were processed than in any year previous, at least within recorded knowledge. A number of very significant investigations were undertaken and a number of important convictions obtained. An attempt to penetrate criminal activity above and beyond the level of street crime met with increasing success.

Important new programs were launched and existing programs strengthened. At the case initiation stage: diversion of certain first offender misdemeanors to the Special Evaluation Unit of the Sheriff's Department; formalization of guidelines for referral of cases to the City of Milwaukee, City Attorney; formal bail evaluation; new funding for a citizen complaint unit. At the court and trial stage: development of a stronger pretrial unit; creation of a rape victim support unit; refunding of an organized crime unit and a speedy trial unit; funding under a new program labeled Project Turnaround for a sensitive crimes unit, an advocacy unit, a witness support unit, a witness protection unit and a large scale computerized information system.

Significant steps were taken in the management area following recommendations of a previous year's study. An executive committee was formed; a policy and procedures manual was written; two administrative support positions were funded; a systems study of the subpoena process was initiated; the office statistical collection program was greatly expanded; several special problem identification studies were made. Supervisory structure was reorganized. The concept of permanent and cohesive complaint and misdemeanor teams with captains was formalized.

Staff development progressed significantly in several areas. Personnel turnover lessened. A number of very talented persons were added to the staff. A program to supply interns to the office was funded by the County of Milwaukee Board of Supervisors. The office continued its leadership in minority recruiting. It is believed that the Milwaukee County District

Attorney's Office has more attorneys who are members of minority groups and more women than any other law office in the State of Wisconsin. A formal training program was initiated. Additional space was obtained. A library committee was formed and revisions made in the book purchase program. A summer paralegal program was tried.

A record amount of \$311,144 in state and federal aids was secured by the District Attorney for a comprehensive package of innovative programs through the Wisconsin Council on Criminal Justice. An additional \$1,160,237 was awarded to Milwaukee County directly from Washington by the Law Enforcement Assistance Administration for a model witness-victim program conceived in the District Attorney's Office.

Amid achievement, there were, of course, problems. The increasing volume of cases, the increasing number of felony courts, and the increasing expenditure for the defense of indigents (which is not criticized here) placed a severe strain on the staff. The long existing shortage of secretarial and supporting personnel became more strongly felt. Assistant district attorneys, as a result, still performed too many clerical functions and sometimes found themselves short of time particularly in the misdemeanor courts to prepare cases as completely as desirable.

The integrity and vigor expected of each assistant district attorney and the emotionally charged atmosphere bearing so closely on the freedom and reputation of persons in which the work of the office is done, brought forth its share of conflict. Additionally, deeply felt social and philosophical problems tended to surface as in other years in street confrontations between citizen groups of different views and between activist citizen groups and police. A temperate, reasoned and fair handling of such cases can serve to alleviate societal tensions while a different type of handling can exacerbate such tension.

The ultimate measure of district attorney effectiveness as spelled out by the American Bar Association and the Supreme Courts of the United States and of Wisconsin is, above all other things, that justice be done. It has been overall the aim that we perform justly, as reflected in the letter of transmittal and quotations cited at the beginning of this report. This underlies and overlays all the details which follow.

II. HIGHLIGHTS FOR 1974

Office Workload Significantly Increased (See Appendix A)

- 4,268 more complaints received, up 8.4%
- 453 more felony cases filed, up 16.2%
- 190 more robbery cases filed, up 41.2%
- 136 more burglary cases filed, up 10.8%
- 1,159 more cases disposed, up 3.4%
- 55 more jury cases tried, up 24.3%

Longest Trial Involving One Defendant - 35 Days

State v. Mendoza (Murder of Police Officers Riley and Matulis)

<u>Important New Programs Launched</u>	<u>Significant Management Improvements Made</u>
Diversion	Formation of Executive Committee
Referral to City Attorney	Development of Policy & Procedures Manual
Bail Evaluation	Initiation of Formal Training Program
Strengthened Pretrial	Funding of Interns
Funding of Witness Support (Anti-Rape) Unit	Formalization of Minority Recruitment Association (Affirmative Action)
	Additional Space Obtained

Two Large Federal Grants Obtained

"Assistance to Urban Prosecutor"--Funding 6 new programs and 22 positions; (4 programs and 10 positions being new).

"Project Turnaround"--Funding 5 additional assistant district attorneys and approximately 40 other positions and providing for computerized Management Information System.

III. BACKGROUND OF OPERATIONS - 1974

The Milwaukee County District Attorney's Office performs in a vital and vigorous environment. Crime trends, the number of heinous, major, and highly visible crimes committed, the number of important suspected crimes requiring extensive investigation, the rulings of the Supreme Courts of Wisconsin and the United States, changes in legislation, changes in police department activity, changes in defense attorney skill, composition and activity all affect the allocation of limited resources.

It is no news to state that major crimes were up in 1974. Milwaukeeans can take some pride, however, that crime rose less in Milwaukee County than in the State of Wisconsin or in the United States. The composite FBI crime index in 1974 rose 17 per cent for the United States, 15 per cent for the State of Wisconsin and 8 per cent for Milwaukee County.

Detail of reported crimes and arrests by type of crime and by municipality for Milwaukee County as such are included in Appendix B. No attempt is made to analyze or discuss them definitively. They are printed here because they are not easily accessible elsewhere for citizens of our community.

Reported criminal events and records of arrest do not translate directly into court cases. They do suggest, however, the power behind the endless flow of cases and would-be-cases into the District Attorney's Office.

The increase in flow was significant in most areas of office activity. Complaints to the District Attorney, both police and citizen, increased by 4,268 or 8.45 per cent in 1974. Charges resulting in court cases increased by 2,353 or 6.29 per cent. Prosecutions completed increased by 1,159 or 3.37 per cent. (See Appendix A for detail.)

Most significant were the increased filings of two serious types of criminal cases: robberies, up 190 cases (106 or 36.3 per cent in the adult court and 84 or 49.7 per cent in the juvenile court); burglaries, up 136 (35 or 5.6 per cent in the adult court and 101 or 15.7 per cent in the children's court). These increases alone placed a serious additional burden on the District Attorney's Office in 1974. (See Appendix C for a detail of cases filed, disposed and pending in the felony and juvenile courts.)

Moving from the complaint or charging stage to the court and trial stage, the district attorney prosecuted 281 jury trials in 1974, or 55 more than in 1973. This does not reflect the several hundred more for which preparation was necessary but which did not materialize.

Overall the District Attorney's Office processed an average of 355 cases each day before 16 different judges (6 felony judges, 8 misdemeanor judges and 2 children's judges). (See Appendix D for detail.) Trial attorneys found an average number of 12 cases facing them in each felony court per day, 30 cases in each misdemeanor court, and 20 cases in each children's court.

Workload of another sort fell upon the professional staff of the office in terms of changes in the law, although 1974 was less notable for major changes than have been other years. The Wisconsin Supreme Court enunciated 105 decisions in criminal cases. The United States Supreme Court issued innumerable decisions as well. A listing of the areas of decision and the number of decisions by the Wisconsin Supreme Court in each area is contained in Appendix E. Several decisions are separately discussed in other sections of this report.

No legislation significantly affected the District Attorney workload in 1974. The Public Drunkenness Act was repealed effective August 1, 1974. Now community-based care rather than imprisonment or confinement is to be provided for problem drinkers and alcoholics. This is the major cause for the sharp drop in arrests shown in Appendices A and B attached. Only 10,482 persons were arrested for drunkenness in 1974 as compared to 19,536 in 1973, a decrease of 9,054. Drunkenness cases, however, never consumed much district attorney time.

#### IV. THE PROSECUTION FUNCTION (INVESTIGATION, CHARGING AND ADVOCACY)

##### A. Investigations

One of the most time-consuming, hard to contain and quantify activities of the District Attorney is investigation. While the District Attorney's primary duty is to prosecute criminal actions after evidence of a crime is presented to him, very often he must participate in the necessary investigation process preceding and accompanying prosecution. Investigation may be formal or informal.

##### 1. Formal Investigations

Formal investigative proceedings available to the District Attorney include the Grand Jury, the John Doe, and the Inquest. They provide valuable powers, not possessed by investigating law enforcement officers, including the subpoena power, the power to take testimony under oath, and under some circumstances, the power to compel the testimony of reluctant witnesses. No Grand Juries were in session during 1974. Twenty-three inquests were held and five John Doe investigations were in process, as follows:

Judge	Subject Matter	Date Convened
Burns	Fencing and Receiving Stolen Property	7/02/73
Roller-Ceci	Public Corruption (Tavern Licensing)	9/19/73
Neelen	Death at Bayside Nursing Home	1/28/74
Gram	Theft by Employee (Metropolitan Liquor Company)	4/09/74
Seraphim	Prostitution	6/24/74

##### 2. Informal Investigations

Informal investigations spring from complaints made directly to the District Attorney as opposed to the police. They often involve cases against the police, matters of public interest, importance or concern. Following is a brief description of some of the more important investigations conducted during 1974.

(1) Welfare Department Kickbacks - On information received from the Sheriff's Department, an investigation was commenced into alleged contract-award kickbacks to staff members of the County Welfare Department. Of six individuals allegedly involved in receiving kickbacks from contractors, four were charged with misconduct in public office. Three were convicted during 1974; the fourth resigned on the District Attorney's insistence. Another of the individuals involved received a 60-day suspension from his job. Charges are still pending against the sixth individual who has been too ill to take part in further legal proceedings.

(2) Nude Massage Parlor - After researching alternatives, the District Attorney went to civil court to permanently enjoin Jerry's Exercise, Ltd., doing business as Jan's Health Studio, from opening his operation in leased premises in Milwaukee. The operator made statements to the press about his future anticipated operations which the District Attorney's Office alleged would constitute the operation a public nuisance. The lawsuit and pressure from the owner of the premises resulted in the operator surrendering his plans for the nude massage parlor operation.

(3) Air Pollution - During 1974 the District Attorney's Office had responsibility for prosecution of Milwaukee County's "visible emission" ordinances; including fugitive dust, nuisance odors and paint mist.

After referral of cases by the then-existing Milwaukee County Air Pollution Control Board, the District Attorney would investigate, often holding conferences with all concerned to discuss, among other matters, the technical aspects of voluntary compliance. Charges were brought in ten instances against polluting companies and institutions. Only one case was still pending at the end of 1974. The others had been disposed of by consent decrees, no-contest pleas and the imposition of fines. The purpose of the actions in all cases was to compel the installation of effective remedial devices.

A new State law, effective January 1, 1975, withholds authority from any county to enforce its own air pollution control regulations. Investigations and receipt of complaints are now exclusively handled by the State Department of Natural Resources with prosecution by the Attorney General.

(4) Nursing Homes - Unusual circumstances surrounding the death of two patients at a suburban nursing home prompted an inquest and a John Doe proceeding. Other inquiries received resulted in the District Attorney investigating the practices of nine other elderly care facilities. Complaints ranged from patient neglect

to fraudulent medicare and medicaid billing practices. One case processed as a civil forfeiture action resulted in a no-contest plea and a \$500 fine for fraudulent billing. Another case was referred to the Attorney General for prosecution.

(5) Jail Deaths - Several investigations were conducted into deaths of inmates in the City Jail. It is the policy of the District Attorney to order an inquest into the death of every individual in police custody when requested by a family member, or where special circumstances may warrant it.

(6) Violation of Fire Regulations - An investigation involving a downtown hotel resulted in four misdemeanor convictions for violating fire regulations. Further violations caused the District Attorney to bring a civil action in November of 1974 to have the hotel declared a public nuisance and to restrain the owner from operating it. The suit was dismissed on the District Attorney's motion when the owner met regulations.

(7) Child Day Care Center - Closer supervision of a county-administered privately run child day care center resulted from a long investigation during 1974 of alleged fraud and embezzlement at one such facility. Cover-up techniques alleged in the complicated billing procedure were brought to the attention of the Sheriff's fraud squad to alert members for future investigations. Trial of the operator is expected during 1975.

(8) Bid Irregularities - Alleged irregularities in bid procedures for a new adolescent treatment center facility were reviewed and reported upon to the County Board of Supervisors. No criminal activity was found.

(9) Other Investigations - Several other investigations were conducted in response to complaints against governmental employees, and violation of election laws.

(10) Search Warrants - A final type of District Attorney activity related to investigations is the issuance of search warrants. Search warrants, if improperly prepared and improperly executed, can result in the loss of a good case. This is a highly legalistic area requiring considerable knowledge and skill. Assistant District Attorneys assisted in drafting, arguing, and in executing 100 search warrants in 1974 in the following areas:

<u>Offense Area</u>	<u>Number of Warrants</u>
Recovery of Stolen Property	8
Gambling	16
Obscenity	3
Controlled Substances (Narcotics)	47
Evidence of Other Crimes	<u>26</u>
TOTAL . . . . .	<u>100</u>

B. Complaint Processing & The Complaint Team

1. The Complaint Team

54,790 complaints of criminal activity were received in the District Attorney's Office in 1974. This is an increase of 4,268 complaints or 8.45 per cent. (See Appendix A for detail)

Complaints are handled in several different ways in the District Attorney's Office. The majority are handled through the main reception area where they are heard by Assistant District Attorneys who as a group are known as the "complaint team." Children's case complaints are heard at the Children's Court Center; welfare fraud, non-support, and consumer fraud complaints are heard by assistants specially assigned to process these cases from start to finish; felony drug complaints are heard by members of the Organized Crime Team.

All complaints which may result in criminal charges must be reviewed by Assistant District Attorneys. Drafting the formal complaint document and approving its filing is an important responsibility of each assistant.

The defendant and key witnesses are usually present for the review. If the reviewing assistant district attorney decides there is sufficient evidence to support a complaint, he drafts the complaint, setting forth the law violated and the essential facts which constitute the violation. He is also responsible for assessing the adequacy of police preparation of the case, including decisions on which witnesses must be subpoenaed and what, if any, further investigation or testing of evidence should be done.

Complaints made by walk-in citizens often require an extra step because the accused is usually not present. The accused is asked to come to the District Attorney's Office to tell his side of the story.

If the accused does not appear, an arrest warrant is sought (assuming issuance of a complaint is appropriate) if the accused has already evaded apprehension by the police, if the accused's whereabouts is unknown, if delay might aid the accused's flight, or if the alleged act is part of an ongoing line of conduct which may further endanger the victim.

Three important programs were either initiated or became fully operational in 1974 to assist or relieve the complaint-processing function: diversion, referral to the city attorney, and bail evaluation.

2. Diversion - Diversion is a process for conditionally removing certain types of cases from the court system and for giving first-offenders a second chance. It is a form of voluntary probation and is confined to minor offenses (virtually no weapons offenses, for example, are diverted). If successful it saves the considerable cost of court proceedings and spares the defendant a criminal record.

A prospect for diversion is referred to the Sheriff's Department Special Evaluation Unit, manned by Master Degree social workers. Members of the Unit interview the prospect and request him to sign an agreement to undergo a certain period of supervision. If the supervision is successful (it may require restitution and curtailment of certain behavior), the prospect is released and there is no criminal record created. If the prospect fails in his diversion, he is referred back to the District Attorney's Office where the original charge is turned into a formal complaint and processed through the courts.

The Diversion Program was funded by Federal Grant in June of 1973, began in September of 1973, and became full-fledged in early 1974.

During 1974, diversion results were as follows:

	<u>Regular</u>	<u>Worthless Check</u> (Begun 6/11/74)
Number of Persons Diverted	753	1,011
Successful Completion	284	336
Unsuccessful Completion	65	410
Refused or Inappropriate	26	39
Open at End of Year	378	226

The most common types of cases regularly referred for diversion are as follows: (almost exclusively involving only first offenders)

- (1) Husband-Wife, neighborhood, inter-relational disputes -- disputes which may have resulted in a battery or criminal damage to property;
- (2) Cases involving emotionally or mentally disturbed persons acting out disturbed but not feloniously violent crime;
- (3) Cases involving alcohol-addicted persons;
- (4) Cases involving minor thefts or criminal damage to property in which restitution is promised.

The Special Evaluation's Unit maintains a list of social services and agencies available to troubled persons, including persons with employment, drinking, drug, emotional, money, family and other problems.

Worthless check diversion was begun in June of 1974, as indicated. It is an attempt to settle these troublesome cases out of court. As can be seen a considerable number are unsuccessful. 356, however, were resolved without court process, and it is reported that in the last three months of the year \$28,000 was recovered for citizens through this procedure.

3. City Attorney Referral and the New Municipal Courts - A second major attempt to relieve pressure on the complaint process and eliminate from the criminal courts some minor, less-serious cases was initiated in 1974. This is the policy of referring to the city attorney all cases which could be prosecuted as violations of City of Milwaukee Ordinances.

City attorneys in most municipalities initially review misdemeanor-type offenses and treat them as ordinance violations if an appropriate ordinance is on the books. They refer to the District Attorney only the offender who is a repeater or the offense which is more serious than the average.

The creation by the City of Milwaukee of two municipal courts in late 1974 stimulated the attempt to work out a policy for such referral. In conjunction with preparation of a policy and procedures manual in the District Attorney's Office, 94 misdemeanors were listed as potentially prosecutable under City of Milwaukee Ordinances. Such prosecution, it was thought, would also have the virtue of

treating City of Milwaukee minor violators in the same manner as violators in the suburbs.

Final adoption of the "guidelines" occurred in 1975 and the results of the referral program will be discussed in the 1975 report.

It is noted here to highlight an effort by the District Attorney to concentrate limited staff on the most serious offenses, and to equalize treatment, county-wide, of the minor offender.

4. Bail Evaluation - The Special Evaluation Unit of the Sheriff's Department (which handles diversion) also reviews the bail status of all persons charged with a criminal offense. A three-page form is filled out during an interview with the violator, and bailability is rated according to a point system which takes into consideration residence, military history, local family ties, employment record and prior criminal record.

This bail evaluation procedure insures comprehensiveness, adds to the uniformity of, and has vastly improved, bail recommendations made to judges on the initial appearance of the defendant. It is designed to insure release of "good risks" and confinement of "bad risks". One important expected result is some diminution of pressure on the jail.

#### C. Trial-Court Processing - Felony and Misdemeanor Teams

1. Trial Teams - The bulk of trial work is done by trial generalists, senior staff attorneys assigned to each court - the most senior, generally, handling the felony court trials.

Sixteen attorneys (which includes four from the Speedy Trial Team) are authorized for the felony courts, eight attorneys for the misdemeanor and traffic courts, and three attorneys for the children's courts, - a total of twenty-seven trial attorneys. (See Appendix G)

The sixteen felony trial attorneys, on the basis of the 3,249 felonies filed in 1974, carried a case load of 203 cases each.

The eight misdemeanor-trial attorneys, based on 32,695 cases filed in the misdemeanor and traffic courts in 1974, carried a caseload of 4,087 cases each.

Felony attorneys are assigned two to a court with the senior attorney acting as a team captain for that court. Misdemeanor attorneys are assigned one to each court. In 1974 a senior attorney was for the first time designated as

captain of the "misdemeanor team". This innovation proved useful for coordinating and maintaining continuity in the work of the misdemeanor courts.

Assignment is by court rather than case. This is the less-desirable way to insure maximum preparation per case. It at present appears to be the only way, however, to handle the massive workload, and it avoids "doubling up" or "queing" of attorneys in courts waiting for their various cases to be heard.

Reference to Appendix D will suggest the work accomplishments of the felony and misdemeanor-court staffs.

Description	Felony Courts	Misdemeanor Courts
Total Matters Calendared in 1974	18,214	62,237
Average Number of Items on the Calendar Per Day	71.4	244.1
Average Items per Judge per Day	12.1	30.1

The longest single trial in 1974 was State v. Ray Mendoza which lasted approximately 35 days. (See Section II of this report

2. Speedy Trial Unit - Formed in 1973 and funded in 1974, as part of the Urban Prosecutorial Grant from LEAA, the purpose of the Speedy Trial Unit is to assure that trial and disposition of felony cases occur as promptly as possible within the context of our present court system. Its progress and problems are separately reported in federal quarterly reports.

Initially, the unit was conceived as a creative procedural device for "staffing" two types of courts hearing felony cases: 1) courts designated to handle cases where a speedy trial has been demanded by the defendant pursuant to 971.10 and 2) courts temporarily constituted and presided over by reserve and non-Milwaukee County judges assigned to handle criminal cases here.

As its contribution to prompt disposition of cases, the unit gave particular emphasis during 1974 to:

- (1) Initiating a plan to reduce the population of the Milwaukee County Jail insofar as it consists of prisoners who have not yet been tried. The unit circulates to all judges and to all felony trial-team captains a list of all court cases scheduled

for the following week where the defendant has been incarcerated over thirty days. These persons are thereby alerted to the coming court appearance. Adjournments and other unnecessary delays are avoided.

- (2) Identifying those cases appropriate for a speedy trial demand by the State.
- (3) Handling "spinoff" cases. Virtually all Milwaukee County criminal courts "overcalendar" or schedule more cases in a given day than could possibly be heard. In the past these matters ordinarily were adjourned, often far into the future. In a substantial number of instances during 1974, the unit was able to "spinoff" these cases to other available judges and follow them to a much earlier disposition.

Fourteen different reserve and "outside" judges served a total of 558 days in the criminal division of the circuit court, received 809 felony case filings, disposed of 923 cases and had 162 cases pending at the close of 1974.

The total effort of the unit during 1974 resulted in a slight reduction in the percentage of older cases pending in court over ninety days. This may be considered an achievement in view of the increasing number of serious new felony cases filed and the volatile court structure during 1974, which prevented a reduction in the total number of felony cases pending.

	1/01/74	% of Total	12/31/74	% of Total
Cases Pending Over 1 Year	177	16.7	213	13.7
Cases Pending Between 1 year & 90 Days	460	43.3	716	46.0
Sub-Total Over 90 Days	637	60.0	929	59.7
Cases Pending Under 90 Days	424	40.0	626	40.3
TOTAL Active Cases Pending	1,061	100.0	1,555	100.0

3. The Vertical Units - There are a number of trial or semi-trial units in the office organized on a vertical basis: that is, they are organized in such a way as to follow cases all the way through from complaint stage to trial. These include the Children's Court, the Organized Crime Team, the Consumer Fraud Unit, and the Welfare Non-Support URESA Unit.

- a. The Children's Court - A discussion of the Children's Court caseload has already occurred in the introductory section of this report. (See Appendix C for detail.)

The large increase in robbery cases up 84, or 49.7 percent, and in burglary cases up 101 or 15.7 percent is most disturbing. It is interesting to note that there are more burglary cases in the Children's Court than in the Felony Court (745 in the Children's Court as compared to 655 in the Felony Court).

The major development in the Children's Court in 1974 was the addition of a court commissioner. The commissioner has taken responsibility for detention hearings and for a number of other matters short of adjudication. This placed another strain on the relatively small Children's Court staff. A request for an additional position to assure better staffing and to allow for better preparation of the increasingly serious and difficult workload has been made.

- b. Organized Crime and Controlled Substances Unit - The Organized Crime and Controlled Substances Unit was first formed in 1972 with a federal-state grant. Its experience has been separately reported. The purpose of the Unit has been to penetrate the organized activity of criminals in the fields of illegal drugs, gambling, commercial fencing, organized prostitution, extortion and related matters.

Drug trafficking is a particularly important and menacing area of organized criminal activity in Milwaukee County. Because of the size and sophistication of major illegal drug distributors and because of the devastating effect of their activity on our community, the unit has given priority to drug law enforcement and prosecution.

The unit also continues to work with the nineteen separate local police agencies in the investigation and prosecution of drug cases, provides in-service training and education aids to law enforcement personnel, and initiates its own special investigations of major drug traffickers in Milwaukee County.

During 1974, the Organized Crime Unit wrapped up a John Doe proceeding concerning fencing and organized burglary rings that had begun in 1973. Twenty-three defendants were convicted, including two of the most notorious fences in the City who had long been the subject of police investigation and pursuit. Most of those

convicted were professional burglars and members of the distribution network for their stolen merchandise. Two defendants, Frank Picciolo and Royce Hall, were convicted of receiving substantial amounts of stolen property.

The Organized Crime and Controlled Substances Unit initiated several special investigations into organized prostitution in Milwaukee County during 1974. Emphasis was placed on apprehension and prosecution of pimps and madams who have in the past operated with relative immunity. Three separate inquiries resulted in the conviction of three of Milwaukee's madams, Rose Curro, Alice Grant, and Johnnie Mae Jackson.

In addition, as a result of a John Doe investigation into prostitution begun in July of 1974 and still continuing, a substantial number of persons have been convicted and jailed. Included among these was the man described by law enforcement agents as "The Kingpin" of organized prostitution in Milwaukee, LeRoy Bell. Also convicted were Price Sykes, Jr., and James Jennaro.

- c. Consumer Fraud Office - The Consumer Fraud Office has the responsibility for enforcing the Wisconsin Consumer Fraud Law, aimed at protecting consumers from unfair or deceptive business practices. It also has responsibility for employee-employer complaints and complaints between businesses.

The office received over 3,000 inquiries during 1974. Because of this high volume and the limited staff, all consumer complaints were required to be in writing. Approximately 1,150 written complaints were handled in 1974, each requiring investigation.

As a result, 117 criminal charges were issued. This is 80 more than the 37 issued in 1973.

These 117 criminal charges resulted in 52 convictions, five not-guilty verdicts, and 14 cases dismissed because restitution had been made. The remaining cases were either still pending in the courts or had warrants outstanding when 1974 ended.

The primary benefit to Milwaukee County consumers has been the Consumer Fraud Office's ability to informally resolve disputes. At least 203 complainants recovered \$73,469 in 1974. Many satisfactory solutions have undoubtedly not been reported to the office so the actual total may well be much higher.

The majority of the inquiries and official complaints received by the office can be grouped into five categories.

(1) The largest number concerns the practices of home improvement and repair companies. These range from simple theft, or not performing the job, to partial job completion or dissatisfaction with the quality of work.

(2) Automobile purchases and repairs are the next major source of complaints, most of these having to do with warranties.

(3) A third category is theft by contractor and other types of fraudulent dealings with subcontractors.

(4) The purchase of new and used appliances and installment contract purchases of every sort is another major complaint category.

(5) The fifth category from which many complaints were received is fraudulent investment schemes.

(6) The office also received a substantial number of complaints concerning buyer's clubs and health clubs.

Each complaint is reviewed initially in conjunction with any existing file on the business complained against. Based on this review, a decision is made whether or not to make a formal investigation into the operations of the business.

If a formal investigation reveals that the business is systematically or blatantly violating the law and that legal action would be in the public interest, a lawsuit is commenced. Such lawsuit is brought in the name of the State of Wisconsin and not on behalf of any private individual. Nevertheless, such formal action can result in a monetary recovery for consumer victims of unfair or deceptive practices.

Approximately 80% of the 117 charges were investigated by paralegal student interns from the University of Wisconsin-Milwaukee, who worked under a program started in the Summer of 1974. Prior to their work, matters referred to state agencies for investigation had seldom been successfully resolved.

The office, of course, does not act as a private attorney or render legal advice to consumer complainants.

d. Welfare Fraud - Non-Support - URESA - The Welfare Fraud - Non-Support - URESA Unit of the District Attorney's Office is charged with the prosecution of non-support cases, welfare fraud cases and the administration of the Uniform Reciprocal Enforcement of Support Act (URESAs). Non-support is the failure to support a child or a spouse. Welfare fraud includes three types of criminal offenses: failure to report receipt of income, false representation to obtain Public Assistance and failure to report change of circumstances (Section 49.12 Wis. Stats.).

Non-support cases usually start by citizen complaint or from request for prosecutions by out-of-state jurisdictions. Fraud cases usually arise when welfare case workers notice irregularities during their everyday work or when citizens call a special number to make anonymous complaints.

Investigation into suspected fraud is carried out by the fraud squad, a unit of the Sheriff's Department. If there is sufficient evidence to consider prosecution the suspect is asked to appear at the District Attorney's Office. If at the end of an interview criminal conduct is proveable, a complaint is issued.

In 1974, 2,285 complaints were issued for non-support, 702 for abandonment and 182 for welfare fraud. This compares with 1973 figures of 1,623 complaints for non-support, 213 for abandonment and 145 for welfare fraud. URESA petitions numbered 967 in 1974 as opposed to 712 in 1973, an increase of 255. \$929,324 of support payments were processed through the URESA procedures as compared to \$897,000 the previous year. \$175,350 of this was payment to the Milwaukee County Department of Welfare.

4. Supporting Units - Supporting the trial court case processing function are four programs: a Pretrial Program, a Witness Support (Anti-Rape) Program, a Subpoena and Record Room, and a Polygraph Program.

a. Pretrial Unit - One of the new units organized in 1974 was the Pretrial Unit. It is a part of the \$381,771 Urban Prosecutor Grant secured through the Wisconsin Council on Criminal Justice from the Law Enforcement Assistance Administration.

The general purposes of the unit are two-fold: (1) to insure uniformity of prosecutor recommendations re disposition of cases short of trial, (2) to facilitate compliance with defense discovery requirements under Wisconsin Statutes.

All defense attorneys have an opportunity for a pre-trial conference prior to trial of a felony case. Notices of the pretrial conference are sent to chief investigating police officers, defense attorneys and defendants. At the conference, discovery requirements are met and the case is reviewed for strengths and weaknesses.

The pretrial Unit has sole authority under the District Attorney to dispose of cases short of trial in all cases other than those assigned to the Organized Crime Unit. This has had many favorable consequences. The unit employs uniform standards, and prevents "shopping for deals". It also encourages intelligent calendaring of cases in the courts; the unit notifies the courts in advance of trial of all projected guilty pleas arranged through pretrial conferences. Cases formerly scheduled for trial can be removed from the calendar, and some congestion in the courts relieved.

The second general purpose of pretrial review of cases is to fulfill the discovery demands of defense counsel in an efficient manner. Sections 971.23-25 of the Wisconsin Statutes require the District Attorney to disclose a great deal of information to the accused--witnesses, physical evidence, admissions, exculpatory information. Before the Pretrial Unit was established, these statutory requirements were being met in a disorganized fashion. As a result, cases were often adjourned and sometimes dismissed, wasting considerable time for courts, prosecution, defense attorneys and witnesses.

Organized full disclosure through the Pretrial Unit is expected to result in more prompt disposition of cases. From its commencement date of August 1, 1974, to December 31, 1974 the unit pretried 1,554 cases.

- b. Witness Support (Anti-Rape) Unit - Late in 1974, as part of the Urban Prosecutor Grant, the Witness Support (Anti-Rape) Unit was established to improve treatment by the criminal justice system of victims of "sensitive crimes" like rape.

The objective of the unit was not only to reduce the suffering of victims, but also to encourage and strengthen their cooperation so more sex crime cases could be successfully prosecuted.

Victims are counselled by the unit and referred, when appropriate, to public agencies which provide medical, psychological and social services. Legal procedures in the criminal justice system are explained to assuage fears

of courtroom appearances and encourage pursuit of an initial complaint to the final stages of prosecution. The unit staff attends all legal proceedings with the victim for emotional support. It also assures the timely appearance of other witnesses.

An important role is played by the unit in acting as liaison between the victim, other witnesses and those instrumental in the legal process.

The unit has also greatly contributed to improved community education by various speaking engagements and by participating in many community group workshops.

Four people staff the unit: counsellor/director, liaison worker, 2/3-time liaison worker, and a clerk.

Full effects of the unit are first expected in 1975.

- c. Subpoena and Record Room - The Subpoena or Record Room supports the operations of the Felony Court. It maintains a file folder for each felony case, and subpoenas all felony case witnesses. Approximately 39,000 felony court subpoenas were issued in 1974 or approximately 150 a day.

Proper subpoenaing and subpoena function is under study, and help may be forthcoming in the long-term through Project Turnaround (described later in this report). A major problem of the Subpoena Room is the continual scheduling and rescheduling of cases. Reference to Appendix D will reveal that 18,214 matters were calendared for the Circuit Court. Using the 2,724 cases disposed as a base, this results in an average of over six appearances per case.

Some of these multiple appearances per case cannot be avoided as most courts must schedule arraignment, motions to suppress confession, evidence or lineup and sentencing on dates other than the actual trial date. However, some of the appearances that are scheduled are later adjourned by the courts and "recalls" on the subpoenas are undertaken due to the unavailability of the defense attorney or a key witness, the progress of another contested case in that court, or the absconding of the defendant from bail. The recalls occasion a substantial workload on the Subpoena Unit.

The Subpoena Room also takes responsibility for preparing orders to produce and making arrangements for prisoners, whether defendants or witnesses, to appear in court.

- d. Polygraph Examinations - On April 2, 1974, the Wisconsin Supreme Court handed down a decision which opened the door to use of polygraph test results in criminal trials.

In State vs. Stanislawski, 62 Wis. 2d 730, 216 N.W. 2d 8 (1974), the court held that in the 40-plus years since it first rejected polygraph evidence as suitable for court purposes, polygraph testing had advanced both in reliability and in general scientific acceptance. The court discussed polygraph test accuracy as comparing favorably to other types of expert testimony such as given by psychiatrists, document examiners, and physicians. Though the court did not set conditions for admissibility of test results, it ended absolute rejection of polygraph evidence as the law in Wisconsin.

With the possibility that polygraph results could be utilized in court, the District Attorney's Office reviewed all polygraph tests authorized by the office in 1974 to determine if the tests could become a useful tool, not only for making initial charging decisions, but also for preparing cases for trial.

One of the major problems the District Attorney's Office has encountered in its scheduling of polygraph tests is the number of exams that are not administered at the time originally scheduled. A look at Appendix I will show that 55 per cent of all the tests authorized by the District Attorney's Office were not held as originally scheduled. A small percentage of this total (4.7 percent) is due to the case being resolved prior to the testing time. The largest portion of exams not held was due to a combination of no shows, and cancellations (nearly 36 per cent).

As for the tests administered, 27 or 35% came up inconclusive for one reason or another, with inconsistent tracings and uncooperative efforts accounting for nearly 60 percent of the poor results; 17 tested truthful; 33 tested untruthful.

## V. THE MANAGEMENT FUNCTION

### A. Organization and Management Improvement

The year 1974 was a year of important management improvement in the Office of the District Attorney. On January 1, 1974 a new position of Office Administrator became operative. It was staffed by Mr. Herman John who came to the District Attorney's Office from a number of years of service in an administrative capacity working for the Milwaukee County Court System.

There were a number of administrative tasks that called for immediate attention. Among these were the need for additional space; the need to reassign clerical staff and improve controls on fiscal and budgetary operations; the need for improved inter-office communication; the need to develop and shape a grant request to obtain federal grant funds that had been set aside in Madison for an expanded Urban Prosecutor Program; the need to take advantage of an opportunity to obtain substantial other federal funds for a victim-witness program. Considerable success was experienced in all of these areas.

Perhaps the most important development, creating the framework for coordinated action in all of the above areas, was the establishment in January of 1974 of an Executive Committee. This Committee consisted of District Attorney McCann, Deputy District Attorneys Ash and Gardner and Office Administrative District Attorney John. The committee set a regular meeting time, Friday afternoon of each week, and regular meetings ensued.

Three organizational and management approaches were taken to assist in building management structure: an organizational chart (see attached Appendix F); a policy and procedures manual; and the beginnings of a management by objectives program.

With an organizational pattern and these organizational tools, specific problems were attacked. Special efforts were made to solve problems in the areas of caseload management, personnel management, and fiscal-budgetary management and control.

A substantial strengthening of the administrative structure occurred in the Fall of 1974 when two positions authorized by federal grant to comprise an administrative unit were filled: a position of secretary to the Office Administrator (clerk-stenographer III) and a position of Administrative Assistant I to supervise clerical personnel, to maintain control over and assist in the development of office procedures.

B. Management of Caseload and Systems Development

A major key to the successful operation of an office such as the District Attorney's is a case-file control system. The ingredients of that system already existed. A case-file folder of advanced design had been placed into use (replacing 5x8 file cards) in 1970 and 1971; a centralized file control system had been established.

Advanced as the design of the file folder was, however, it lacked adequate space for capturing certain case disposal information and it had a surplus of space in other areas. Consequently a revision of the file folder was prepared. The folder is now printed in a different color to distinguish it from court case file folders. A comprehensive statistical case disposition section has been added. Portions of the form have also been expanded based on recommendations of district attorneys using the form.

A more significant and far-reaching systems effort was begun by initiating a study of the subpoena system. The subpoena system was and is unbelievably complex. Felony cases at one stage were subpoenaed by police officers, at other stages by the District Attorney's Office. Misdemeanor cases were subpoenaed in some instances by police officers and in other instances by various different persons in the Clerk of Court's Offices. The service of subpoenas was divided. The Sheriff served subpoenas to citizens in certain City of Milwaukee cases and all suburbs. Service of City of Milwaukee subpoenas to members of City Police Department was performed by the City Police Department. Service practices for traffic cases differed from those for non-support cases. The odd quilt resulted from longstanding practices and earlier funding decisions buried in the past.

The District Attorney's Office believes that ideally: (1) all preparation of subpoenas should be done by the District Attorney's clerical staff and, (2) all service of subpoenas should be done by a special unit constituted for the exclusive service of criminal case subpoenas. Steps to effectuate: (1) are being undertaken in 1975 and hope exists that at a future date, (2) may be realized.

The subpoena system is the heart of the witness notification system. Failures in the subpoena system caused police overtime, witness inconvenience, and dismissal or adjournment of important cases.

Another systems area in need of strengthening was the area of office statistics. Better data was needed to understand all the elements of office input and output. A study of the office statistical system and a series of improvements, utilizing many of the court computerized statistics was instituted. Further improvement is being planned.

During 1974 authorization was obtained to purchase approximately fifteen additional dictating machines and purchase was completed.

This enabled each assistant district attorney in the office to have a machine of his own and to provide thus a better mechanism for communication to case files, to the public, and to other members of the staff. The office now has forty-five dictation machines and twenty transcribers.

C. Management of Personnel

A 1974 publication of the Council on Legal Education for Professional Responsibility, Inc., drawing on the 1967 President's Commission on Law Enforcement Report, noted that "turnover in prosecutors' offices far exceeds that in any other government office dealing with the administration of criminal justice." The council went on to note that "even in the huge, esteemed office of former DA Frank Hogan in Manhattan there is a 17 per cent annual turnover. In many other large cities turnovers of a third every year were common."

Several reasons are given for high turnover in District Attorney's offices as follows: (1) because of the high income skilled trial lawyers can command; (2) because of the constant pressure to which criminal trial attorneys are subjected day after day in court; and (3) because after a period of time many ambitious trial lawyers, who make good district attorneys, look for other fields of law to conquer. See Appendix II.

Nevertheless, it appears that turnover in the District Attorney's Office has slackened through 1974 and perhaps will continue that trend in 1975.

According to calculations on Appendix H which lists the attorneys who have left in each of the last three years, the turnover rate (number of persons left, over number of persons in the office in the beginning of the year) is as follows:

1975 (9 mos.)	$\frac{3}{49}$	= 6.1% (3 men left office)
1974	$\frac{7}{46}$	= 15.2% (7 men left office)
1973	$\frac{6}{35}$	= 17.1% (6 men left office)

A number of practical improvements are believed to have contributed to the slackened turnover rate: improved space, improved library facilities, some improvement in equipment, some improvement in communications. No doubt, however, a policy adopted about two years ago has played a key role. Attorneys now joining the staff must commit themselves by letter of intent to remain with the office generally for a period of at least 3 years. Hopefully, increased pay levels in the upper ranges will continue to reduce the turnover problem.

At the beginning of 1974 the District Attorney's Office was able to obtain space vacated by the Adult Probation Department and provide for the first time in a number of years, an individual office to each assistant district attorney. This office space contained relatively new desks, air conditioning, and sound lighting. While this space is on the sixth floor of the Safety Building and separated from the rest of the office, which introduces a certain amount of undesirable fragmentation, the gained privacy and dignity had an immeasurably positive effect on morale.

A review of book purchases resulted in a program to purchase more copies of highly useful everyday tools. It was possible, through an arrangement with the University of Wisconsin Extension Division, to procure a copy of Criminal Jury Instructions for each assistant district attorney. Response to a survey in early 1974 indicated this was the single most sought-after prosecutorial tool. Only three sets for 46 attorneys were on hand in January, 1974.

Likewise, additional sets of the Wisconsin Statutes Annotated and the Statutes themselves were procured. A library committee of "bookminded" assistant district attorneys was formed to make recommendations and plans for a purchase program to meet the working needs of the office.

The problem of communication with the staff was approached in part by scheduling regular staff meetings, more often than had previously been held.

Some new staff was obtained. The Urban Prosecutor Federal Grant Program brought three positions to the office, two of which were to develop a formal training program. Successful efforts were made when federal funding ran out to fund locally a legal intern program which had proved of tremendous assistance to the staff and an excellent source of future assistant district attorneys.

A summer paralegal program was experimented with utilizing persons provided by the Youth Public Services Program. Five relatively high-level persons were brought into the office and assigned various tasks to assist assistant district attorneys. Experience with that program is laying the basis for continued thinking and discussion as to the proper shaping of a full-fledged program.

Assistance also was procured from persons on the WIN program, and from the Works Projects or Work Relief Program. Generally these persons have not proved too useful to the office. Their turnover is too rapid and their level of skill and reliability not sufficiently high for many of the jobs which need to be done.

Mention has been made of the staff training program, instituted at the end of 1974 by the two positions in a federal grant. A policy and procedures manual for the office was prepared, and a basic training program was begun.

The training program brought to the office a video-tape camera which is expected to be useful in training and perhaps at a later date, as the law evolves, to be available for taking testimony from witnesses at a point remote from the District Attorney's Office.

During 1974 the District Attorney's Office formalized a minority recruitment system. The District Attorney and other members of the office staff who occasionally received honorariums for speaking engagements had been donating these honorariums to a fund for minority recruitment. This fund was formally established into an association of minority group members of the staff. Funds have been used and are to be used for facilitating visits to the Milwaukee County District Attorney's Office by prospective applicants and on occasion to help prospective applicants defray expenses of the Wisconsin Bar Exam. Generally it is believed the Milwaukee County District Attorney's Office has more minority group attorneys and more women attorneys than any other law office in the State of Wisconsin.

During 1974 a regularized system of personnel files and records was established. A record folder for each member of the staff, both professional and clerical, is now maintained.

A significant development in the overall administration of personnel in the office was made during 1974 through the appointment of a first assistant district attorney to supervise or "captain" the complaint team and of another assistant district attorney to perform the same function for the misdemeanor team. Experimentation with the complaint team captain had begun in late 1973. Both positions have proved to be useful coordinative, training and management additions to the operation of the office.

#### D. Fiscal, Budget and Federal Aids

1. General - There has already been considerable discussion of the two major federal programs which are the big "fiscal" story for the District Attorney's Office in 1974. A program called "Assistance to the Urban Prosecutor" was approved effective August 1, 1974, to bring a four-part new program into the office and to refund existing programs for Speedy Trial and Organized Crime. The amount of the grant was \$311,144; a significant increase from the approximate \$169,000 which had been the previous year's grant for the Speedy Trial and Organized Crime Programs. This grant had the additional virtue of coordinating the programs, now numbering six, and awarding a grant in the amount of \$12,000 separately for evaluation. The evaluation was only begun in late 1974, but proved a valuable source of ideas for improved administration of the entire office.

The new elements brought to the office by the grant were a Training Unit (two assistant district attorneys and a stenographer); a Pretrial Unit (one assistant district attorney); an Administrative Unit (an administrative assistant I and a clerk-stenographer III); and a Witness Support (Anti-Rape) Unit (three positions of counsellor and a stenographer). The Training Program and the Witness Support Program were particularly innovative and in the short operative span of 1974 received enthusiastic support.

In May of 1974 an audit of the first federal grant involving personnel was made. This was the first-year grant for the Organized Crime Team. The office "passed the audit" and all expenditures were approved.

As indicated before the purchasing and procurement systems of the office were reorganized under the Office Administrator and some additional controls invoked to speed up the approval and payment of invoices. A system was developed to control the claiming of federal funds for federal programs and also to insure the more timely receipt of revenue.

No discussion of the office budget will be made here inasmuch as it is fully documented in budget archives.

2. Project Turnaround - One of the most dramatic and far-reaching developments in 1974 for the entire criminal justice system in Milwaukee County was the award of a \$1,289,237 federal grant for Project Turnaround. Much has been written elsewhere about this project. It will only be briefly summarized here.

The project is a comprehensive two year program to assist victims of crime, witnesses, jurors, and other innocent citizens involved in the criminal justice system and to improve and computerize recordkeeping processes in the District Attorney's Office, the courts, and the Sheriff's Department.

The program was initiated by the District Attorney's Office in response to a long felt need to improve the way the criminal justice system treats innocent citizen participants, the very people on whom the success of the system rests. Too often victims of crimes have been in turn victimized by the system. The intolerable inconveniences placed on witnesses and jurors have been often overlooked. Furthermore, archaic recordkeeping methods have contributed to the vicious cycle of delay that continues to plague the very functioning of the system and greatly hamper efficient judicial scheduling.

A set of program components has been carefully designed to deal with these broad problems, as follows:

Citizen Contact and Support Unit  
Citizen-Victim Complaint Unit  
Witness Emergency Unit  
Witness Advocacy Unit  
Sensitive Crimes Unit  
Information System

## VI. PROBLEMS AND THE FUTURE

One problem at the end of 1974 is that of maintaining the momentum developed during the year and carrying improvements begun to fruition.

A major program to be more fully developed is a program to more fully monitor the quality of work done. It is still quite difficult to obtain timely information on court transactions. The shortage of personnel makes it almost impossible to impose statistical tasks upon the existing staff. Hopefully the Project Turnaround information system will assist greatly in this job.

Another emerging problem in the District Attorney's Office is knowing which federal programs to take advantage of. The Federal Government is becoming increasingly generous in supporting prosecutor and court-related, as opposed to law-enforcement-related programs. It is the thinking of the Law Enforcement Assistance Association that prosecutors and courts have been somewhat neglected. It is its additional thinking that prosecutors can play a key role in the criminal justice system and, perhaps out of proportion to their numbers, effect important changes. Among the attractive programs in which Milwaukee County is not now participating are the Career Criminal Program, the Major Crimes Program, and the Paralegal Program.

A Career Criminal Program is a program which provides funds to organize in such a way that repeaters are identified, followed through the system, and not allowed to escape full measure of judgment. The Major Crimes Program is a program inter-related to the Career Criminal Program which provides funds to organize in such a way that some of the more complex and difficult-to-prove crimes may be given special treatment - murder, robbery, burglary, for example. The Paralegal Program is a program to provide specially trained clerical or general persons to relieve prosecutors of much of the clerical and follow up work they must still do which is below their primary level of skill.

Among the most important of existing programs which must be vigorously carried through in 1975 is the Project Turnaround Program, and the Referral to the City Attorney Program. Both have promise of substantial benefit to the District Attorney's operation and thus to Milwaukee County.

A final problem of continual disruptive effect in the District Attorney's Office is the problem of police files. In late 1974 the District Attorney sought to work out a system for procuring copies of City of Milwaukee police arrest records for the files of the District Attorney's Office. The presence of the records in the office and in the District Attorney file folder permit assistant district attorneys to prepare their cases much more carefully and protect against loss of cases because of lack of disclosure.

The Wisconsin Supreme Court in Wold v. State (1973) 57 Wis. 2nd 344 brought the police situation to the fore. The court ruled:

"...it is the prosecutor's duty to acquire all relevant evidence. The duty rests upon the prosecution to obtain all evidence in possession of investigative agencies of the state...The test of whether evidence should be disclosed is not whether in fact the prosecutor knows of its existence but, rather, by the exercise of due diligence he should have discovered it."

In April of 1974 the Milwaukee County District Attorney met with the National Center for Prosecution Management and the National District Attorney's Association. Members of these groups, with one exception, had never heard of a police department refusing copies of its files to the District Attorney in a pending case. Most believed the practice in Milwaukee County made it virtually impossible for its District Attorney to comply with Supreme Court rulings in the matter. All believed it should be the customary practice of police departments throughout the United States to provide copies of their reports to the prosecuting attorney.

Late in 1974 a compromise was worked out. It worked as follows:

- (1) A City of Milwaukee police officer came to the District Attorney's Office with his records to present a case for charging;
- (2) After the case was charged, the officer took the records back to the City of Milwaukee Police Department;
- (3) A request for a copy of the record was made by an assistant district attorney and presented to the Police Department liaison officer;
- (4) The liaison officer went to the Police Administration Building and procured the file.

- (5) If approval was secured, the liaison officer returned to the Safety Building and turned the record over to the assistant district attorney requesting it;
- (6) The assistant either copied the record himself or had it copied and then returned it to the liaison officer;
- (7) The liaison officer returned the record to the Police Administration Building.

Efforts to improve this procedure will continue.

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The above report and the Appendices that follow are composed basically of cold facts and listed figures. They cannot fully capture and depict the effort and commitment of the assistant district attorneys and clerical people of this office. Every person on the staff is a resident of Milwaukee County and is keenly dedicated to the citizens of this county and to the maintenance and improvement of this county as a place in which to work, live, and raise his or her family. We are proud of our county and its citizens and are proud to be in their service.

Respectfully submitted,

*E. Michael McCann*  
E. Michael McCann  
District Attorney

APPENDIX A

DISTRICT ATTORNEY SUMMARY WORK VOLUME STATISTICS

	1973	1974	Change From 1973	% Change
<b>A. Crime in Milwaukee County</b>				
<b>1. Major Offenses Reported to Police<sup>(1)</sup></b>				
Violent Crimes	2,362	3,052	690	29.21
Property Crimes	42,939	45,735	2,796	6.51
TOTALS	45,301	48,787	3,486	7.70
<b>2. Arrests Made<sup>(1)</sup></b>				
Major Offenses (FBI Index)	13,547	13,693	146	1.08
Other Offenses	51,419	44,388*	7,031 *	(13.67)
TOTALS	64,966	58,081*	6,885 *	(10.60)
*(Drop due to drunkenness)				
<b>3. Arrests Made By Jurisdiction<sup>(1)</sup></b>				
City of Milwaukee	46,839	40,123	(6,716)	(14.34)
Suburban	14,293	13,176	(1,117)	(7.82)
Other	3,834	4,782	948	24.73
TOTALS	64,966	58,081*	6,885*	(10.60)
<b>B. Office Activity (incl. Court)</b>				
<b>1. Complaints Received</b>				
Police (Non-Traffic)	14,329	16,281	1,952	13.62
Juvenile Court	2,862	2,873	11	.38
Citizen and Agency	10,450	11,227	777	7.44
Traffic	22,881	24,409	1,528	6.68
TOTALS	50,522	54,790	4,268	8.45
<b>2. Charge Resulting in Court Cases</b>				
Felony <sup>(2)</sup>	2,796	3,249	453	16.20
Misdemeanor	8,180	8,286	106	1.30
Traffic (State)	15,735	17,006	1,271	8.08
County Ordinance	4,383	4,733	350	7.99
Juvenile Court <sup>(2)</sup>	2,862	2,873	11	.38
Juvenile Traffic	2,763	2,670	(93)	(3.37)
Uniform Reciprocal Support	712	967	255	35.82
TOTALS	37,431	39,784	2,353	6.29
<b>3. Prosecution Completed</b>				
Felony <sup>(2)</sup>	3,008	2,724	(284)	(9.44)
Misdemeanor	7,662	7,321	(341)	(4.45)
Traffic (State)	13,572	14,882	1,310	9.65
County Ordinance	4,256	4,434	178	4.18
Juvenile Court <sup>(2)</sup>	2,774	2,732	(42)	(1.51)
Juvenile Traffic	2,430	2,513	83	3.42
Uniform Reciprocal Support	712	967	255	35.82
TOTALS	34,414	35,573	1,159	3.37
<b>4. Number of Jury Trials</b>				
Felony Court	170	195	25	14.71
Misdemeanor Court	56	83	27	48.21
Juvenile Court	--	3	3	
TOTALS	226	281	55	24.34
<b>5. Total Money Collected (URESAs)</b>				
	\$897,000	\$929,324	\$32,324	

(1) See Appendix B for greater detail.  
(2) See Appendix C for greater detail.

CRIME STATISTICS -  
MILWAUKEE COUNTY vs. WISCONSIN

CRIME INDEX OFFENSES REPORTED - 1974

		State of Wisconsin	Milwaukee County
<b>A. Violent Crimes:</b>			
Murder	-- 1973	119	67
	1974	138	70
	Difference	19	3
	% Diff.	15.96	4.48
Forcible Rape	-- 1973	492	219
	1974	514	218
	Difference	22	(1)
	% Diff.	4.47	--
Robbery	-- 1973	2,226	1,237
	1974	3,025	1,795
	Difference	799	558
	% Diff.	35.89	45.11
Aggravated Assault	- 1973	2,436	839
	1974	2,734	969
	Difference	298	130
	% Diff.	12.23	15.49
SUB-TOTAL Violent Crimes	- 1973	5,273	2,362
	1974	6,411	3,052
	Difference	1,138	690
	% Diff.	21.58	29.21
<b>B. Property Crimes</b>			
Burglary	-- 1973	32,476	7,949
	1974	38,212	8,922
	Difference	5,736	973
	% Diff.	17.66	12.24
Larceny	-- 1973	96,953	29,031
	1974	110,395	30,971
	Difference	13,442	1,940
	% Diff.	13.87	6.68
Auto Theft	-- 1973	10,458	5,959
	1974	11,236	5,842
	Difference	778	(117)
	% Diff.	7.44	(1.96)
SUB-TOTAL Property Crimes	- 1973	139,878	42,939
	1974	159,843	45,735
	Difference	19,965	2,796
	% Diff.	14.27	6.51
GRAND TOTAL	-- 1973	145,151	45,301
	1974	166,254	48,787
	Difference	21,103	3,486
	% Diff.	14.54	7.70

CRIME AND ARRESTS - MILWAUKEE COUNTY -  
PART I - OFFENSES (Reported in Uniform Crime Reports  
and Wisconsin Crime and Arrests by crimes reported and arrests made.)

CRIME AND ARRESTS - MILWAUKEE COUNTY -  
PART II - OFFENSES (Reported in Uniform Crime  
Reports and Wisconsin Crime and Arrests by arrests only.)

I. MAJOR CRIMES - CRIME INDEX OFFENSES - BY TYPE OF OFFENSE

	OFFENSES REPORTED			ARRESTS MADE		
	1973	1974	Difference	1973	1974	Difference
A. Violent Crimes						
Murder	67	70	3	100/18	118/11	18/(7)
Forcible Rape	219	218	(1)	130	128	(2)
Robbery	1,237	1,795	558	751	994	243
Aggravated Assault	839	969	130	777	853	76
SUB-TOTAL	2,362	3,052	690	1,776	2,104	328
B. Property Crimes						
Burglary	7,949	8,922	973	2,344	2,712	368
Larceny	29,031	30,971	1,940	7,905	7,478	(427)
Auto Theft	5,959	5,842	(117)	1,522	1,399	(123)
SUB-TOTAL	42,939	45,735	2,796	11,771	11,589	(182)
GRAND TOTAL	45,301	48,787	3,486	13,547	13,693	146

II. MAJOR CRIMES - CRIME INDEX OFFENSES - BY MUNICIPALITY

A. Suburbs						
Bayside	87	64	(23)	21	12	(9)
Brown Deer	484	421	(63)	281	188	(93)
Cudahy	763	862	99	220	181	(39)
Fox Point	116	133	17	24	36	12
Franklin	336	414	78	83	63	(20)
Glendale	948	988	40	306	270	(36)
Greendale	983	905	(78)	744	655	(89)
Greenfield	1,243	1,328	85	420	454	34
Hales Corners	278	296	18	57	56	(1)
Oak Creek	468	543	75	116	111	(5)
Shorewood	592	568	(24)	101	111	10
South Milwaukee	711	901	190	191	238	47
St. Francis	450	458	8	82	67	(15)
Wauwatosa	2,379	2,493	114	833	783	(50)
West Allis	3,036	2,742	(294)	909	695	(214)
West Milwaukee	224	240	16	53	91	38
Whitefish Bay	476	413	(63)	115	36	(79)
SUB-TOTAL	13,574	13,769	195	4,556	4,047	(509)
B. City of Milwaukee	30,523	33,748	3,225	8,712	9,286	574
C. Other: Areas not Reporting	---	---	---	---	---	---
D. Univ. of Wis., Milw.	827	797	(30)	160	186	26
Milw. Co. Sheriff	377	473	96	119	174	55
SUB-TOTAL	31,727	35,018	3,291	8,991	9,646	655
GRAND TOTAL	45,301	48,787	3,486	13,547	13,693	146

ARRESTS MADE

	1973	1974	Difference	% Difference
--	------	------	------------	--------------

	1973	1974	Difference	% Difference
I. By Type of Crime:				
Other Assaults	1,716	1,853	137	7.98
Arson	98	124	26	26.53
Forgery	299	359	60	20.07
Fraud	1,526	1,325	(201)	(13.17)
Embezzlement	2	1	(1)	(50.00)
Stolen Property	426	415	(11)	(2.58)
Vandalism	1,389	1,711	322	23.18
Illegal Weapons	1,065	1,309	244	22.91
Commercialized Vice	239	370	131	54.81
Sex Offenses	690	606	(84)	(12.17)
Narcotics & Drugs	2,807	3,275	468	16.67
Gambling	179	279	100	55.87
Family Offenses	1,748	2,414	666	38.10
Drunken Driving	2,403	3,159	756	31.46
Liquor Laws	968	1,063	95	9.81
Drunkenness	19,536	10,482	(9,054)	(46.35)
Disorderly Conduct	6,184	6,038	(146)	2.36
Vagrancy	16	5	(11)	(68.75)
Other Offenses	10,128	9,600	(528)	(5.21)
Suspicion				
TOTAL MILWAUKEE COUNTY	51,419	44,388	(7,031)	(13.67)

II. By Municipality

A. Suburbs:				
Bayside	161	177	16	9.94
Brown Deer	259	387	128	49.42
Cudahy	726	651	(75)	(10.33)
Fox Point	197	150	(47)	(23.86)
Franklin	389	351	(38)	(9.77)
Glendale	414	352	(62)	(14.98)
Greendale	581	636	55	9.47
Greenfield	470	466	(4)	(0.85)
Hales Corners	40	101	61	152.50
Oak Creek	346	351	5	1.45
Shorewood	183	219	36	19.67
South Milwaukee	1,304	744	(560)	(42.95)
St. Francis	644	730	86	13.35
Wauwatosa	1,032	978	(54)	(5.23)

## ARRESTS MADE (Continued)

	1973	1974	Difference	% Difference
II. (Continued)				
West Allis	2,287	2,198	(89)	(3.89)
West Milwaukee	163	219	56	34.36
Whitefish Bay	541	419	(122)	(22.55)
SUB-TOTAL	9,737	9,129	(608)	(6.24)
B. City of Milwaukee	38,127	30,837	(7,290)	(19.12)
C. Other	---	---	---	---
D. Univ. of Wisc., Milw.	217	213	(4)	(1.84)
E. Milwaukee Co. Sheriff	3,338	4,209	871	26.09
SUB-TOTAL	41,682	35,259	(6,423)	(15.41)
GRAND TOTAL	51,419	44,388	(7,031)	(13.67)

## STUDY OF FELONY COURT STATISTICS

	ANNUAL FILINGS		DIFFERENCE	ANNUAL DISPOSITIONS		DIFFERENCE	PENDING END OF YEAR		DIFFERENCE
	1973	1974		1973	1974		1973	1974	
<u>Offenses Against Persons</u>									
Homicide	53	40	(13)	42	44	2	32	28	(4)
Rape	33	48	15	13	39	26	30	39	9
Other Sex.	169	126	(43)	171	133	(38)	110	103	(7)
Aggravated Assault	65	66	1	74	54	(20)	33	45	12
Other	228	229	1	270	195	(75)	101	135	34
Robbery	292	398	106	299	308	9	148	238	90
TOTALS	<u>840</u>	<u>907</u>	<u>67</u>	<u>869</u>	<u>773</u>	<u>(96)</u>	<u>454</u>	<u>588</u>	<u>134</u>
<u>Offenses Against Property</u>									
Burglary	620	655	35	649	592	(57)	252	315	63
Theft	286	343	57	306	267	(39)	117	193	76
Receiving Stolen Property	58	76	18	76	59	(17)	21	38	17
Auto Theft	181	187	6	193	177	(16)	72	82	10
Forgery	154	219	65	189	165	(24)	94	148	54
Other	34	33	(1)	36	36	-0-	25	22	(3)
TOTALS	<u>1,333</u>	<u>1,513</u>	<u>180</u>	<u>1,449</u>	<u>1,296</u>	<u>(153)</u>	<u>581</u>	<u>798</u>	<u>217</u>
<u>Offenses Against Public Order</u>									
Prostitution	25	25	--	25	16	(9)	13	22	9
Gambling	39	33	(6)	54	37	(17)	22	18	(4)
Narcotics	342	361	19	378	322	(56)	161	200	39
Family Offenses	4	148	144	9	62	53	25	111	86
Other	213	262	49	224	218	(6)	116	160	44
TOTALS	<u>623</u>	<u>829</u>	<u>206</u>	<u>690</u>	<u>655</u>	<u>(35)</u>	<u>337</u>	<u>511</u>	<u>174</u>
GRAND TOTALS	<u>2,796</u>	<u>3,249</u>	<u>453</u>	<u>3,008</u>	<u>2,724</u>	<u>(284)</u>	<u>1,372</u>	<u>1,897</u>	<u>525</u>
FBI Index Offenses									
Violent Crimes	443	552	109	428	445	17	243	350	107
Property Crimes	<u>1,087</u>	<u>1,185</u>	<u>98</u>	<u>1,148</u>	<u>1,036</u>	<u>(112)</u>	<u>441</u>	<u>590</u>	<u>149</u>
	<u>1,530</u>	<u>1,737</u>	<u>207</u>	<u>1,576</u>	<u>1,481</u>	<u>(95)</u>	<u>684</u>	<u>940</u>	<u>256</u>

STUDY OF CHILDREN'S COURT STATISTICS  
( Delinquency Cases )

	ANNUAL FILINGS		DIFFERENCE	ANNUAL DISPOSITIONS		DIFFERENCE	PENDING END OF YEAR		DIFFERENCE
	1973	1974		1973	1974		1973	1974	
<u>Offenses Against Persons</u>									
Homicide - All Degrees	17	20	3	15	22	7	3	1	(2)
Rape	25	17	(8)	16	22	6	10	5	(5)
Other Sex Crimes	12	15	3	15	13	(2)	3	5	2
Aggravated Assault	90	101	11	85	91	6	15	25	10
Other	53	54	1	60	39	(21)	6	21	15
Robbery	169	253	84	151	212	61	26	67	41
TOTALS	<u>366</u>	<u>460</u>	<u>94</u>	<u>342</u>	<u>399</u>	<u>57</u>	<u>63</u>	<u>124</u>	<u>61</u>
<u>Offenses Against Property</u>									
Burglary	644	745	101	580	733	153	112	124	12
Theft	354	345	(9)	339	323	(16)	49	71	22
Receiving Stolen Property	17	7	(10)	14	9	(5)	3	1	(2)
Auto Theft	400	332	(68)	410	310	(100)	35	57	22
Criminal Trespas	55	48	(7)	48	44	(4)	9	13	4
Other	44	45	1	44	36	(8)	6	15	9
TOTALS	<u>1,514</u>	<u>1,522</u>	<u>8</u>	<u>1,435</u>	<u>1,455</u>	<u>20</u>	<u>214</u>	<u>281</u>	<u>67</u>
<u>Offenses Against Public Order</u>									
Weapons	44	48	4	42	45	3	9	12	3
Narcotics	90	62	(28)	98	62	(36)	7	7	--
Disorderly	63	100	37	56	86	30	11	25	14
Truancy, Loitering	771	669	(102)	786	676	(110)	66	59	(7)
Other	14	12	(2)	15	9	(6)	2	5	3
TOTALS	<u>982</u>	<u>891</u>	<u>(91)</u>	<u>997</u>	<u>878</u>	<u>(119)</u>	<u>95</u>	<u>108</u>	<u>13</u>
GRAND TOTAL	<u>2,862</u>	<u>2,873</u>	<u>11</u>	<u>2,774</u>	<u>2,732</u>	<u>(42)</u>	<u>372</u>	<u>513</u>	<u>141</u>
FBI Index Offenses:									
Violent Crimes	301	388	87	267	347	80	54	98	44
Property Crimes	1,398	1,422	24	1,329	1,366	37	196	252	56
	<u>1,699</u>	<u>1,810</u>	<u>111</u>	<u>1,596</u>	<u>1,713</u>	<u>117</u>	<u>250</u>	<u>350</u>	<u>100</u>

APPENDIX D

CASE LOADS - 1974

MONTH	NUMBER OF DAYS	CIRCUIT COURTS CASE LOAD - 1974			MISDEMEANOR & TRAFFIC COURTS CASE LOAD (State cases only - not city or county) - 1974		
		MATTERS	JUDGE DAYS (Includes Sat.)	CASES PER JUDGE DAY	MATTERS	JUDGE DAYS	CASES PER JUDGE DAY
January	22	1,436	122	11.77	4,546	185	24.57
February	20	1,539	116	13.27	4,467	161	27.74
March	21	1,432	120	11.93	4,999	176	28.40
April	22	1,542	128	12.05	5,514	188	29.33
May	22	1,675	139	12.05	5,218	177	29.48
June	20	1,548	133	11.64	4,823	167	28.88
July	22	1,429	130	10.99	5,437	169	32.17
August	22	1,439	123	11.70	5,147	168	30.63
September	20	1,400	115	12.17	5,343	162	32.98
October	23	1,526	127	12.02	5,995	184	32.58
November	20	1,449	120	12.08	5,240	161	32.54
December	<u>21</u>	<u>1,799</u>	<u>133</u>	<u>13.53</u>	<u>5,508</u>	<u>165</u>	<u>33.38</u>
TOTALS	<u>255</u>	<u>18,214</u>	<u>1,506</u>	<u>12.09</u> Average	<u>62,237</u>	<u>2,063</u>	<u>30.17</u> Average

Average Number Judges per day = 5.9  
 Maximum Judges on one day = 9  
 Average Number Cases per day = 71.4  
 Total Cases Disposed = 2,724

Average Judges per day = 8.1  
 Maximum Judges on one day = 10  
 Average Cases per day = 244.1  
 Total Cases Disposed = 29,150

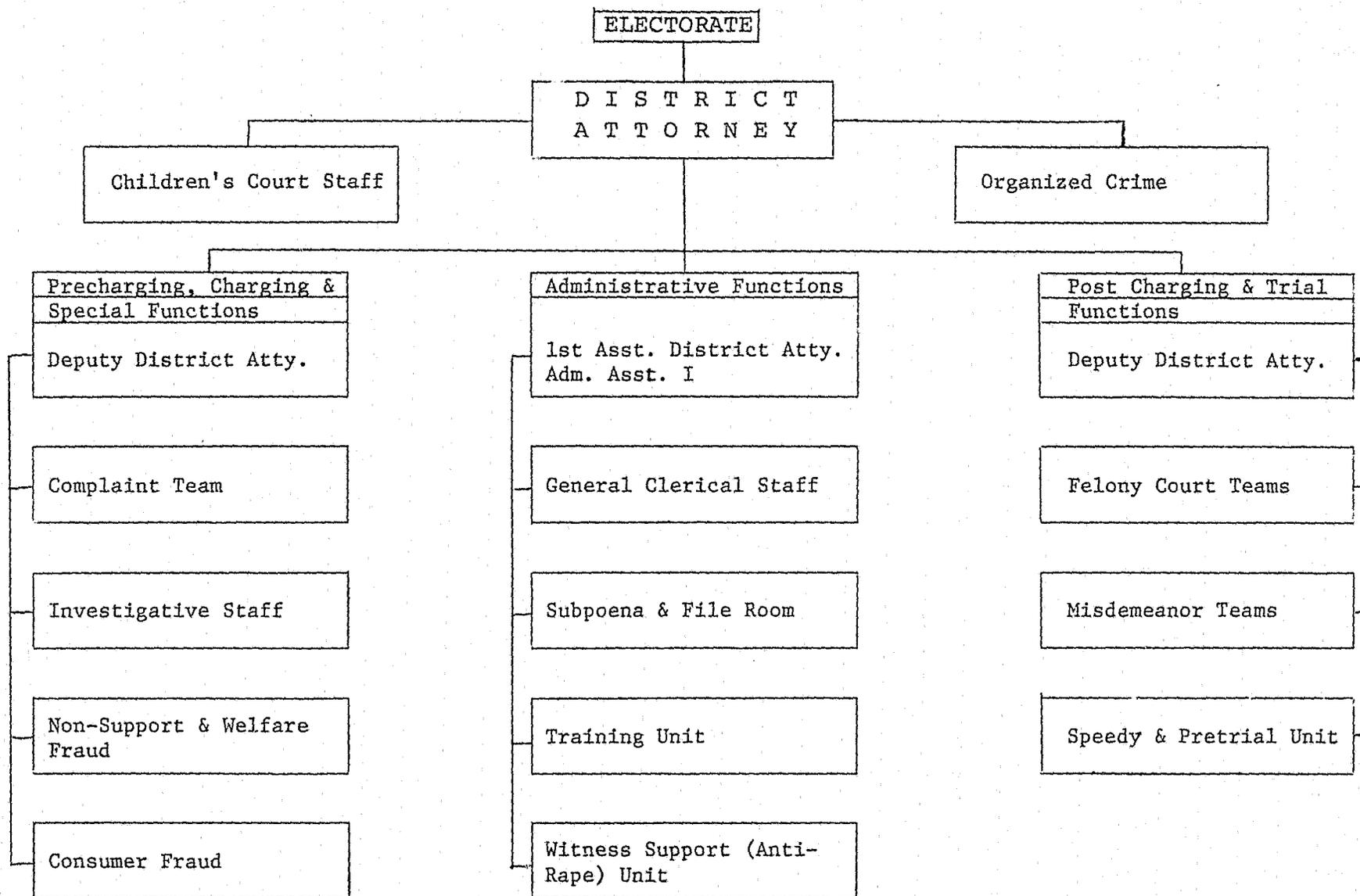
APPENDIX D

1974 WISCONSIN SUPREME COURT DECISIONS  
BY TYPES OF CRIME OR CRIMINAL TOPIC

	<u>NUMBER OF DECISIONS</u>
Murder--1st Degree, 940.01	25
Murder--2nd Degree, 940.02	6
Murder--3rd Degree	1
Armed Robbery, 943.32	12
Armed Robbery With a Mask 943.32 and 946.62	1
Robbery, 943.32	7
Robbery - Imminent Use of Force, 943.32	1
Rape, 944.01	8
Sexual Perversion, 944.17	3
Arson, 943.02	3
Possession of Fire Bomb, 943.06	1
Endangering Safety By Conduct Regardless of Life	1
Right to Counsel	4
Sentencing, Parole, Probation	10
Polygraph	1
Battery to Peace Officer, 920.205	1
Operating Vehicle Without Owner's Consent, 943.23	3
Competency of Defendant to Proceed, 971.14	2
Procedure Upon Finding Not Guilty Due to Mental Disease, 971.17	2
Solicitation, 939.30	1
Juries	2
Inquests	1
False Imprisonment, 940.30	2
Substitution of Judges, 971.20	3
Burglary, 943.10	9
Private Interest in Public Contract, 946.13	1
Theft, 943.20	3
Assaults by Prisoners, 946.43	2
Selling of Dangerous Drugs, 161.30(2)	2
Commercial Gambling, 945.03	1
Selling and Possession of Obscene Materials, 944.21	2
Possession of Marijuana	1
Abduction, 940.32	1
Discovery, 971.24	1
Manslaughter, 940.05	1
Speedy Trial	1

(Continued)

	<u>NUMBER OF DECISIONS</u>
False Sales Tax Returns, 77.16(12)	1
Immunity	3
Opium With Intent to Deliver, 161.41(m)	1
Indecent Liberties With Child	1
Possession of Burglar's Tools, 943.12	1
Homicide By Intoxicated Use of Auto, 940.09	1
Injury By Conduct Regardless of Life, 940.23	1
Filing of Appeals - Postconviction	2
Deceptive Sales Practices, 100.18	1
Receiving Stolen Property, 943.34(3)	1
Fornication, 944.15	1
Operation of Blood Bank. 146.31	1
Forgery	1
Obscenity Ordinance	1
<hr/>	
TOTAL NUMBER BY OFFENSE CATEGORY	143
<hr/>	
TOTAL SEPARATE CASES	105
<hr/>	



APPENDIX G

DEPLOYMENT OF PROFESSIONAL STAFF  
DURING 1974

	AVAILABLE FOR TRIAL	AVERAGE CASES CALENDAR PER DAY (See Schedule D)
<u>COURT (16 Courts)</u>		
Felony Court	12	
Speedy Trial	<u>4</u>	
	16	71.4
Misdemeanor Court	8	244.1
Children's Court	<u>3</u>	est. 40.0
	27	<u>355.5</u>
(Average Cases per Attorney per Day)		<u>13.2</u>
<u>COURT SUPPORT AND SPECIAL PROCESSING</u>		
Pretrial	2	
Organized Crime	3	
Consumer Fraud	1	
Welfare Fraud - Non Support - URESA	<u>3</u>	
	9	
<u>COMPLAINT PROCESSING</u>	<u>5</u>	
<u>ADMINISTRATION</u>		
Administration	1	
Training	2	
Management	<u>3</u>	
	6	
<u>NON PRODUCTIVE - (Vacancy, Vacation, Illness, Leave)</u>	<u>2</u>	
TOTAL STAFF	<u>49</u>	

TURNOVER HAS SLACKENED  
(As of September 30, 1975)

I. Eight Attorneys in Office Have Over Five Years Service  
(as of September 30, 1975)

II. Turnover is Declining (Persons leaving in last several years)

<u>1975</u> (9 mos.)	More Clevart Rosenthal	3/49	=	6.1%	Turnover Rate
<u>1974</u>	De la Mora Garrity Hausmann, Julilly Jacobsen Luck Slattery Dorsey	7/46	=	15.2%	Turnover Rate
<u>1973</u>	Felger Hodan O'Neill Schwalbach Skwierawski Stewart	6/35	=	17.1%	Turnover Rate

COMMENT ON TURNOVER

A 1970 report of the Maryland State's Attorneys Association noted that the average seniority in the Baltimore State's Attorneys Office (district attorney) was 13 months and that a turnover of the entire staff could be anticipated every two years. A report issued by the National District Attorneys Association entitled "Metropolitan Prosecutors Conference (June, 1970)" reflected that of 16 offices participating the average length before departure of the attorney personnel in five of the offices was two years and that in five more of the offices the average length of stay was under four years.

APPENDIX I

1974 Polygraph Exam Analysis

Result	Witness Victim Number %	Accused Number %	Total Number %
<u>Exams Held</u>			
Truthful	4 14.8%	13 9.0%	17 10.0%
Untruthful	0 0.0%	33 22.9%	33 19.5%
Inconclusive**	7 26.0%	20 13.9%	27 15.9%
Sub Total	<u>11</u>	<u>66</u>	<u>77 (45.0%)</u>
<u>Exams Not Held As Originally Scheduled</u>			
Non Testable**	2 7.4%	15 10.4%	17 10.00%
No Show	2 7.4%	12 8.3%	14 8.25%
Resolve W/O (Poly.)	2 7.4%	6 4.2%	8 4.70%
Cancelled*	10 37.0%	36 25.0%	46 27.20%
Ajourned	0	9 6.3%	9 5.30%
Sub Total	<u>16</u>	<u>78</u>	<u>94 (55.00%)</u>
<u>Total Scheduled</u>	<u>27</u> 100.0%	<u>144</u> 100.0%	<u>171</u> 100.00%

<u>*Cancelled</u>			
Rescheduled	6 60.0%	33 91.6%	39 84.80%
Not Rescheduled	4 40.0%	3 8.4%	7 15.20%
	<u>10</u>	<u>36</u>	<u>46</u> 27.20%

\*\*Reasons Polygraph Subject Not Testable Or Results Inconclusive  
(1974 Polygraph Examination Results)

	Inconclusive	Not Testable
Advice of Atty. or Representative	----	7 (41.2%)
Physical Ailment	4 (14.8%)	6 (35.3%)
Inconsistent Tracings	10 (37.0%)	----
Insufficient Tracings or Physical Response	5 (18.5%)	----
Under Influence of Drugs, Alcohol, Medication	1 ( 3.7%)	3 (17.6%)
Excessive movement, Hyperventilation - (Un-cooperative Efforts)	6 (22.2%)	----
Subject Became Emotionally Upset	1 ( 3.7%)	----
Equipment Malfunction	----	<u>1</u> ( 5.9%)
TOTAL	27	17

END