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/ FOX11 in Green Bay investigates shortage of assistant district attorneys and backlog of cases

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FOX11 investigates shortage of assistant DAs, backlog of cases

GREEN BAY - (WLUK) - (<http://fox11online.com/news/fox-11-investigates/fox11-investigates-shortage-of-das-backlog-of-cases>) Justice is supposed to be served in a timely manner. But a backlog of police cases referred to the Brown County District Attorney's office can lead to a lengthy wait.

The reason--a shortage of attorneys. And other counties are affected too.

More than 5,600 criminal cases make their way through Brown County Court every year. A typical assistant district attorney handles as many as 450 cases a year--from misdemeanors to felonies.

And yet, with 15 lawyers in the office working Brown County cases, that's not enough to keep up with the 9,000 cases being referred for prosecution by the area's law enforcement agencies.

“There are hundreds, literally hundreds of law enforcement officers in Brown County which funnels down to the 15 lawyers roughly in our office,” said David Lasee, Brown County District Attorney.

Out of the 15 lawyers on staff--12 are state funded as required by law. A grant pays for another position that is shared with more than a dozen other counties. And Brown County seeing the need for more prosecutors opted to pay for two additional lawyers.

Lasee showed FOX11 Investigates the case files his office is currently dealing with--some dating back more than two years.

“We're still substantially behind. Two to three thousand cases behind,” said Lasee, indicating his staff can't catch up with the current case load.

“That's what they feel like. I've made it a priority not to fall further behind,” added Lasee.

That's right. Lasee tells FOX 11 Investigates his office is behind by as many as 3,000 cases.

The cases are prioritized. High profile crimes like murder, and sexual assault head to court right away. But lower level crimes get pushed off. And in some cases the time to prosecute expires.

“We've had cases that we just couldn't prosecute anymore because they're beyond the statute of limitations,” said Lasee.

Other cases waiting to be charged move up on the list, when the offender is picked up again for another crime.

“Yes and that's a problem for law enforcement as well, because we're making the assumption that that individual is already arrested on a charge,” said Brown County Sheriff John Gossage.

Gossage says with new technology his officers are getting better at what they do. And they're making more arrests.

Extra funding is made available at times to put more officers on the streets for special operations. But the office left to prosecute all these cases hasn't received extra help in years--leaving the cases to pile up.

“We're arresting more people for some large crimes, some felony crimes and yes they're sitting there,” said Gossage, who adds he understands the frustration with staff at the district attorney's office.

District attorneys across the state routinely ask the legislature to fund more prosecutors. For the upcoming budget the state's District Attorneys Association requested 96 positions for various counties around the state.

None are in the governor's budget.

“Is there a need for more prosecutors?” FOX11 Investigates asked State Representative Andre Jacque, (R) De Pere.

“I absolutely believe so,” said Jacque.

Jacques introduced legislation in 2015 to hire more prosecutors statewide. The budget motion went nowhere. He says other budget items like healthcare, education, transportation and corrections didn't leave money for more prosecutors.

“Budgets are about priorities and funding for DAs has languished under both Republican and Democratic administrations,” said Jacque.

A state study of 'county prosecutor needs' conducted in 2014 estimated Brown County should have closer to 25 prosecutors to handle its case load.

“By the state's own calculations we need to have about 11 and a half more prosecutors,” said Lasee.

Statewide there is a shortage of 140 prosecutors--although no county is in need of more prosecutors than Brown. In Winnebago County state calculations indicate another 6 prosecutors are warranted. In Outagamie County it's closer to 9 needed.

View prosecutor staffing levels and projections here for all Wisconsin counties.

(<https://assets.documentcloud.org/documents/3124338/2016-Prosecutor-Staffing-Analysis.pdf>)

The shortage of prosecutors isn't the only problem, how much their paid is also an issue. Assistant district attorneys start at \$49,000 a year--that's at least \$10,000 less than the pay for the city's assistant attorneys and the county's corporation counsel assistants.

The legislature approved a 17-step plan to give the prosecutors annual raises up to a maximum salary of \$119,000. The catch is the legislature doesn't always approve funding to pay for those raises.

“We lost five lawyers in the last two years, three or four of them directly attributed to a lack of progression through the pay scale,” stated Lasee.

The governor's current budget proposal does include funding for pay raises.

Jacque applauds that effort, but plans to reintroduce his request for more prosecutors.

FOX 11 Investigates reminded Jacque that Brown County right now is as many as 3,000 cases behind, backlogged, and without more prosecutors will never catch up.

“The bottom line is that we're supposed to have a right to a swift trial and we're supposed to have the resources to bring cases to trial in a timely basis,” said Jacque.

To ease the workload on the district attorney's office, Lasee says he's told law enforcement agencies in Brown County to prioritize their referrals.

Agencies are told to direct cases involving low level drug users or other lesser offenses to municipal court where the offenses can be handled with a fine.

Lasse admits public safety is an issue with low level criminals oftentimes progressing to bigger crimes without facing a proper deterrent early on.

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Speakers included Rathke, De Pere mayor James Boyd, retired Army Major General Dan Ammerman and state senator Andre Jacque, who said the memorial had a special meaning to him, as the son of a veteran.

"It's a beautiful monument and it really fits in beautifully with what really is a gem for the city of De Pere" - Sen. Jacque

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Senator Jacque Authored Proposals

(<https://docs.legis.wisconsin.gov/document/legislator/2021/155>)

2021 Senate Bill 1102 - 2022-03-10 (<https://docs.legis.wisconsin.gov/2021/proposals/sb1102>)

An Act to amend 119.04 (1); and to create 43.75 and 118.073 of the statutes;



10 Mar

2021 Senate Bill 1101 - 2022-03-10 (<https://docs.legis.wisconsin.gov/2021/proposals/sb1101>)

An Act to amend 71.05 (6) (a) 15., 71.21 (4) (a), 71.26 (2) (a) 4., 71.34 (1k) (g) and 71.45 (2) (a) 10.; and to create 71.07 (4p), 71.10 (4) (ft), 71...



10 Mar

2021 Assembly Bill 1193 - 2022-03-10 (<https://docs.legis.wisconsin.gov/2021/proposals/ab1193>)

An Act to amend 119.04 (1); and to create 43.75 and 118.073 of the statutes;



10 Mar

2021 Assembly Bill 1180 - 2022-03-10 (<https://docs.legis.wisconsin.gov/2021/proposals/ab1180>)

An Act to create 345.13 of the statutes;



10 Mar

2021 Assembly Bill 1163 - 2022-03-10 (<https://docs.legis.wisconsin.gov/2021/proposals/ab1163>)

An Act to renumber and amend 5.06 (1); and to create 5.06 (1) (b) and 5.06 (1) (c) of the statutes;



10 Mar

See all Authored Proposals

(<http://docs.legis.wisconsin.gov/2019/legislators/senate/1941>)

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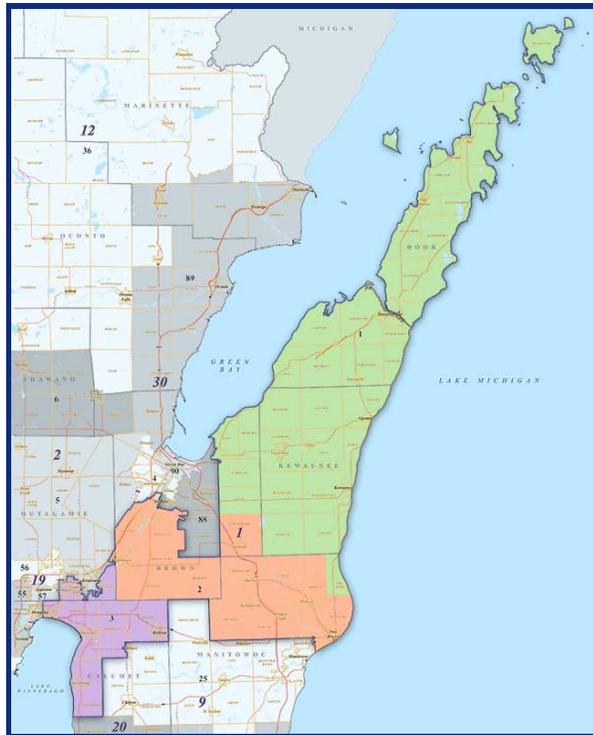
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