

DISTRICT ATTORNEY'S ANNUAL REPORT

May 19, 2008, for the calendar year 2007

2007 was a year of transition, innovation, and significant milestones for the office of Jackson County District Attorney. With excellent cooperation from my predecessor, and the dedication of the entire staff, this office completed a seamless transition from Anna Becker's tenure. Within weeks of taking office, I co-sponsored, together with Sheriff Duane Waldera, the first Jackson County Law Enforcement Summit, which brought together all investigative and enforcement agencies operating in Jackson County. We dealt forthrightly with some old issues, and hammered out a new working relationship. As a result, inter-agency cooperation and communication has been improved, leading to the establishment of the Drug Information Partnership, which coordinates our drug intelligence activities with the Multi-jurisdictional Enforcement Group (MEG), our major source of counter-drug assistance.

In March 2007, Assistant District Attorney Margaret Rewald marked 20 years of dedicated service to our community. Because her practice includes a substantial caseload in child protection and juvenile enforcement matters, areas that are confidential by law, much of her good work goes unseen by the public. She is an asset to this office, and all residents of Jackson County should be proud of her selfless service and commitment to making our community, and our children, safer.

In furtherance of our efforts to protect Jackson's County's children, ADA Rewald attended additional seminars focusing on drug-endangered children. We also joined with other entities in Jackson County to lay the groundwork for a multi-disciplinary response to child fatalities, which should come online this calendar year.

Another area of particular concern has been child support enforcement. Last summer I asked our Child Support Agency to send me their 10 worst offenders, and charged them with felony non-support, in order to bring down both the number of delinquent payors, and the amount of their arrearages.

Especially when you consider that many of these children wind up on public assistance when their non-custodial parent fails to obey the court's order for child support, it is not just an injustice to the children, it is an economic imperative that we pursue these cases, and get the offenders back in the habit of paying their child support. It worked. According to the Child Support staff, this effort has had a ripple effect, and has resulted in the collection of monies owed by other delinquents not yet charged, because they now know we will charge them.

Young people are our most precious assets, but they can sometimes be their own worst enemies, whether its drugs, alcohol, or simply failing to show up for school every day, ready to learn. Working closely with the school administrators, the court, the Department of Health and Human Services, and the office of Corporation Counsel, I stepped up truancy enforcement, to include preparing warning letters for truant students and their parents or guardians. This was something I have felt strongly about for years, having seen how juvenile offenses grew out of habitual truancy and, in some cases, parental apathy. According to the educators, this effort has reduced truancy, and raised awareness of the compulsory attendance law.

Reacting to concerns I heard from several area merchants and businesses, I revised and enhanced our Worthless Check Program, both to accept older checks, and to collect more service fees for victims. Judy Sheppard, Legal Secretary, has primary responsibility for managing our enforcement cases, and has sought out new ways to streamline the process for victims, and assist me in holding offenders accountable. She also is our primary secretary in child support, truancy, juvenile and child protection matters, and renders invaluable service daily.

In order to combat the pervasive effects of domestic violence, I have actively participated in the Jackson County Coordinated Community Response Team (CCRT), the mission of which is to monitor and improve our community's responses to domestic violence. Since mid-2007, I have had the honor of serving as co-chair.

Domestic cases are never clear-cut, and often, the victim is more interested in preserving their family than in holding the offender accountable. In order to intervene in those cases where the state might not prevail at trial, or where there is no prior history and a more measured approach seems appropriate, I developed and implemented a Domestic Violence Plea and Diversion Program. In these cases, offenders enter a plea to a domestic offense, then go through the same Alternatives to Aggression Program required of offenders placed on probation, at no expense to the taxpayers.

These offenders remain on bond, complete an alcohol and other drug assessment (AODA), perform community service, and are held to the same stringent standards, in terms of attendance, abstinence from chemicals, and new offenses, as probationers. Upon completion of this 12-month regimen, their charges are either dismissed, or more commonly, reduced to ordinance violations. This constitutes the main incentive for these persons to admit to their offense and get help, rather than fighting it for months in the courts. Because this program affects the rights of the victims, I have never offered this option when the victim objected. To date, one full class has completed ATAP, with no re-offenses reported to this office; that is success by any measure.

It takes more than just new ideas to make a difference; however, it also requires special skills. To ensure that our office was up to speed in the area of sexual assault response, both ADA Rewald and I attended an intensive Sexual Assault Advocacy training course in Wausau last May. This training was invaluable to us, and has already paid dividends in several cases.

I also take a keen interest in traffic enforcement, as traffic matters constitute a substantial portion of my case load. My ride-alongs with the State Patrol and Sheriff's Office heightened my awareness of the risks our patrol officers take each time they stop motorists for safety violations. They take those risks because they truly dislike prying people out of mangled cars, and informing family members of preventable tragedies.

According to Clerk of Court Claudia Singleton, contested non-criminal traffic and ordinance matters (which include speed and motor vehicle code violations, ATV and snowmobile citations, etc.) rose to 1290 for 2007. Compared to 1005 in 2006, this represents a 35% increase in pre-trials, all of which I conducted either personally or by phone. As an aside, DAs get practically no credit for this workload in the state's calculation of prosecutor staffing needs, so the state's acknowledgement that we are "short 134 full-time prosecutors statewide" actually understates the need, a problem only our Legislature can remedy.

Speaking of workload, in 2007, we handled 2054 referrals, which generated 1848 cases, of which 1653 were court cases, including confidential juvenile, chip protection and special matters. To effectively handle this volume requires the concerted effort of each member of my team, and I am extremely proud of their dedication, expertise and work ethic.

I would be remiss if I did not acknowledge the valuable work performed by our Victim/Witness Coordinator, Tanya Deerpalsing. Her mission is to assist ADA Rewald and myself in carrying out our duties to inform victims of crimes of their rights, to facilitate their appearance and involvement in their cases, and to ensure that victim input is presented to the court, so that victims'

voices are heard. In 2007, there were 739 victims involved, and an additional 107 witnesses. Of those, she served 376 victims, and 4 non-victim witnesses.

Every person who contests a traffic citation or ordinance ticket gets to speak directly with the District Attorney, which is a change from past practice. I made this change because I promised to be accessible to the public I serve, the vast majority of whom are decent, law-abiding and productive citizens, and whose only contact with this office will be when they commit a minor traffic infraction. I also believe it is essential for the alleged violator to feel they have had their side of the story heard, and that they have been treated fairly. This is also in keeping with one of my core values, to treat everyone who deals with this office with equal dignity and genuine courtesy.

To deal effectively with this substantial increase in contested matters, and to make a difference in improving driver behavior, I implemented a Driver Safety Improvement Agreement (DSIA) program, which has been approved by Judge Laabs, whereby offenders get state or nationally-accredited driver safety refresher training, and verify their completion of it, in return for reduced penalties or, occasionally, a dismissal of their citation.

This approach is in keeping with the best available information from highway safety organizations such as the National Safety Council, the Insurance Institute for Highway Safety, the Wisconsin DOT, and the federal government. According to the National Highway Traffic Safety Administration, the federal government has decades' worth of data conclusively demonstrating that periodic interactive driver safety training is the single best way to change driver behavior and improve highway safety. Fines and other penalties, without safety training, ranked third or worse (depending on whose figures you trust) when it came to improving driver behavior. As evidence that driver training is approved for penalty reduction, Wisconsin even offers to remove up to three demerit points for motorists who complete the DOT's Traffic Safety School, which is offered periodically at Wisconsin's technical colleges around the state.

Locally, there had been few options for driver improvement, because the WISDOT Traffic Safety School is only offered at the La Crosse campus of Western Technical College. Fortunately, the Greater Black River Area Safety Council brought the National Safety Council's Defensive Driving Class (DDC) to town starting last spring. Facilitated by Sonia Hicks, and presented by Scott Staffon, this program has been instrumental in addressing these issues.

The most recent class had nearly 50 graduates, almost all of whom were referred by this office as part of their DSIA. They still paid a penalty, and some still got points on their driver records, but most report learning something new in the class that will make them safer drivers, and that's the point.

This Driver Safety Improvement Program has in turn led to fewer matters going to trial, which reduces officer overtime costs to the taxpayers, and keeps our patrol officers out on the road where they belong, instead of sitting in the courthouse waiting for their cases to be called.

In case anyone is worried that we are not being vigorous in enforcement, the State Patrol's conviction data verifies that this office is just as aggressive, in terms of total convictions, as surrounding counties, but with the added benefit of driver safety training. Likewise, revenue to the county from ordinance enforcement rose last year, so my safety improvement oriented approach has not cost the county any forfeiture revenue. Some cases have to be tried, and we have done that, and been successful. Both OWI jury trials in 2007 resulted in convictions.

I am extremely grateful for the daily assistance of Genell Severson, Legal Secretary, who translates my pre-trial conference notes into DSIA's and keeps most of my criminal matters moving as well. Her efficiency and skill in these areas has been critical to our success.

We constantly look for new and better ways to deal with old problems, and one of those new and promising concepts is Drug Court. Late last year, Jackson County learned we had been approved for attendance at a Drug Court training event, which would allow us to catch up with neighboring counties in terms of dealing directly with the cycle of addiction, instead of just the aftermath. I am extremely proud that our court, the Human Services board, and our County Board support this effort, and look forward to getting our drug court up and running.

I am deeply honored to serve as your district attorney, and look forward to serving for as long as I hold your trust. I welcome input and questions from the media and the citizens whom I am proud to serve.

Respectfully submitted,

Gerald R. Fox