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PREPARED TESTIMONY OF ATTORNEY GENERAL J.B. VAN HOLLEN before the Wisconsin Legislature's Joint Committee on Finance Regarding the 2013-2015 Executive Budget

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Good afternoon and thank you Co-Chair Darling, Co-Chair Nygren and members. I appreciate the opportunity to appear before you once again to offer a brief overview of the Executive Budget as it concerns the Wisconsin Department of Justice and to answer your questions.

This is my fourth appearance before this committee as Attorney General. I believe that public safety is the first priority of state government. I know, and am grateful that, many of you share this view. We have worked together over the last six years to increase public safety across Wisconsin mindful that we are accountable to the taxpayers and that they expect us to do our work efficiently and responsibly. Together we have done just that. From eliminating the backlog at the DNA Section of the Crime Lab by quadrupling productivity with twice the additional resources to the successful establishment of concealed carry in Wisconsin, we have delivered what we've promised those we represent. Always on time and on or under budget.

Like you, I have been mindful that taxpayers expect us to do our work as efficiently as possible. We will work within our budget. When we achieve savings or earn large recoveries, I believe we should provide relief to taxpayers. That's why I returned $1 million to the treasury in my first budget. That's why I transferred $24.3 million to the treasury last year.

Our work protects the integrity and financial footing of some of the state's largest programs. For example, our Medicaid Fraud Control and Elder Abuse Unit collected and returned $24 million to the state's Medicaid program in 2012 – more than the entire allocated budget for our legal services division.

I have worked closely with Governor Walker to develop the budget proposal now before you. I am grateful to the Governor for his partnership and confidence in me and the Department of Justice. This proposal will further strengthen public safety, increase efficiencies in the delivery of important criminal justice programs, fight the exploitation of our children, protect crime victims and provide quality legal representation that citizens should expect from the state's law firm.

The Department of Justice is a public safety and law enforcement agency that enforces state law and exists to assist front line police officers, prosecutors, and victim/witness professionals. We do this through the State Crime Laboratory, where state-of-the-art forensics helps identify offenders and clear innocent suspects. We do this through the Division of Criminal Investigation, which assists local law enforcement by providing elite investigative services, clearing homicides and leading our efforts to protect our kids from Internet predators. We do this by training state prosecutors and police, as well as providing advice daily to front line prosecutors whose work is essential but whose resources are strained. We do this through the Crime Information Bureau, which operates the TIME system, providing officers on the street real-time information essential for enforcing the law and tactical decision-making. We do this through our assistant attorneys general, who keep sex predators off the streets and fight to defend and enforce the laws you pass. And we do this through the Office of Crime Victim Services, recognizing that crime is not simply a statistic; crime is the ultimate breach of the social compact that causes tremendous adversity to those who are targets of crime or who are caught in its wake. This work is not done by divisions and offices, but by experienced individuals who are dedicated to the Department's mission. I look forward to working with them and you over the next biennium to continue our good work and to do so efficiently.

DNA at Arrest

Advances in science and technology allow for better law enforcement. There is no better example of this than the evolution of DNA forensics, which helps law enforcement identify suspects and exonerate the innocent. DNA helps us solve crimes that might otherwise be unsolvable. DNA helps us solve crimes sooner, taking offenders off the street before they can commit another assault and preserving limited public safety resources.

Since 1997 when Wisconsin had its first hit on a known profile from the databank when an unidentified forensic sample sent to the crime laboratory was compared against it, we've seen a steady increase in the matching of unknown forensic DNA from crime scenes to known offenders. In 2012, there were 585 total databank hits, including 24 homicides and 121 sexual assaults.

When I was elected in 2006 I promised to eliminate the backlog at the DNA section of the State Crime Laboratory. With your assistance, that promise was kept. The lab's productivity quadrupled, leading to more crimes solved more quickly.

Today, the Governor and I are asking you to take another step to enhance the DNA program to solve more crimes. In collaboration with Senator Harsdorf, we are proposing a new program for collection of DNA at Arrest from all felons and the collection of DNA upon conviction from all misdemeanants. This proposal will place the 21st century's version of the fingerprint into the state and national databanks. By increasing the pool of profiles in the databank, more crime scene samples will be matched, solving more crimes and preventing further victimization.

Today 28 states, the federal government, and the United States military collect DNA from felons at arrest. This year, the Congress passed the Katie Sepich Enhanced DNA Collection Act which encourages states to establish at-arrest DNA collection laws. The science is unassailable and we have developed a program that I believe will withstand constitutional review. As well, it is

designed to work efficiently within both state and local fiscal constraints, while establishing a funding mechanism will have no impact on taxpayers.

Child Sex Trafficking

What is referred to as prostitution is all too often sex trafficking. There is no free will, as individuals are subject to coercion, threats to themselves and their loved ones, and physical violence. They are held against their will and made to work in a dangerous world filled with victimization at every turn. From those who prospect and groom their victims as human assets to their customers and fellow slaves, children held by their captors suffer every form of victimization. Importantly to child victims, as well as many adults, the fear and isolation used as effective tools by the traffickers eliminates thoughts of hope and escape.

Human trafficking is not an exotic crime perpetrated in far off lands. It is a crime happening in Wisconsin and across the United States with our children as victims. Child sex trafficking offers high profits at low risk to these criminals. Until recently, this enterprise has had the benefit of a shadowy neglect and a lack of definitional specificity. An important part of fighting this victimization and the criminals that perpetrate it is to see the behaviors for what they are. Human Trafficking is the contemporary equivalent to the historic exploitive domination of peoples for the financial gain of their captors. No person should tolerate this illegal activity, particularly when children are the target.

Sadly, many of our youth are being forced into sex trafficking. Traffickers use threats of force—often realized—and other means of coercion to take advantage of our most vulnerable. Juveniles who cannot provide consent by law are powerless to protect themselves. Crimes of pandering, hostage taking, child pornography and prostitution are familiar to us. Human and Child Sex Trafficking is all these crimes rolled into one abhorrent cycle of victimization.

With this budget proposal, like my requests to strengthen the fight against internet predators who prey on our children before them, the fight against Child Sex Trafficking will be strengthened through the enhancement of our Internet Crimes Against Children Task Force. Modest additional resources will allow us to take a more proactive approach to investigating and prosecuting the trafficking and commercial sexual exploitation of children with a goal of rescuing victims, holding offenders accountable, and reducing victimization.

The sexual abuse of a child is as heinous a crime as can be committed; and if we can stop these crimes from occurring, we must. So long as it persists beyond law enforcement's ability to hold offenders accountable, I will ask that we step up our fight. My request to the Governor, which he readily supported, was that we increase the number of state agents that can investigate these crimes, increase the number of criminal analysts who perform computer forensics on the cases they and our new law enforcement affiliates generate, and increase our ability to educate parents and kids, knowing that catching the bad guys is not the only way in which we can make our children safer. I ask that you continue to support these efforts.

Office of Justice Assistance

Through the administration of federal grant money, the Office of Justice Assistance (OJA) has been a vital resource for law enforcement across the state. Like the Department of Justice, OJA has played a role in information sharing through state programs. And like the Department of Justice, OJA, exists to assist state and local law enforcement. This common purpose, together with the potential for savings on overhead and administration, makes a compelling case for the transfer of many OJA program areas to the DOJ. This transfer of several Office of Justice Assistance programs to the DOJ and other existing agencies will allow us to continue these valuable programs, while eliminating (avoiding) unnecessary duplication of services and minimizing the dollars used for overhead and administrative expenses. This will mean better support of law enforcement and crime victims – including victims of sexual assault and domestic violence. And it will create efficiencies – already ten full time positions have been identified for elimination.

Thus, this transfer will enable better service to be provided at less cost. I want to thank the Governor for offering this proposal, which I have advocated since my first appearance before this committee. Too often in government turf wars trump taxpayers and good policy; this proposal puts our citizens and law enforcement first.

Solicitor General

In addition to supporting law enforcement and crime victims, the Governor's budget proposal includes measures to help us better enforce and defend the law. One such proposal is the creation of the Solicitor General's office.

Approximately 2/3 of the states already have a solicitor general, as does the federal government. It is time for Wisconsin to catch up.

Solicitors General can play a vital role in protecting the state's interest in litigation. Solicitors General specialize in advocacy before state and federal appellate courts, where the laws passed by this body are validated and defined. Solicitors general also assist trial attorneys in developing trial records that can more easily be defended on appeal or more crisply present significant constitutional for a reviewing court's consideration. And state by state, a network of solicitors general work together to protect our states' common sovereign interest.

In recent times, we have seen every significant piece of legislation subject to legal challenges, often multiple legal challenges in different venues. To be sure, this is an important part of our constitutional framework. It is equally important for the state to have the best advocacy from its own lawyers – not costly outside counsel if it can be avoided. The Department of Justice already employs some of the best lawyers in the state; the Solicitor General's office will provide a structure to allow state lawyers to best develop and maintain expertise in appellate and constitutional law and work to not only win a given case, but win in ways that serve the long-term interests of the State of Wisconsin.

Pay Progression

The criminal justice system is precisely that: a system. For this system to work effectively and consistent with what the criminal law contemplates, it must have the resources to operate as a system. As a former state prosecutor and state public defender I understand the importance of experienced and reliably trained advocates for both the state and the defense in criminal matters. Without them, justice is often delayed and other criminal justice resources are not used optimally.

Since becoming Attorney General I have advocated for the resources necessary for prosecutors to fulfill their obligation to victims and the law. Study after study tells us we are understaffed and losing experienced prosecutors at an alarming rate. This is not news to District Attorneys across the state.

Last year, for the first time since this problem was identified, the legislature made progress in passing a pay progression law that was an important first step toward shoring up prosecutors offices around the state. This is good news for victims and law abiding citizens and bad news for criminals. For that progress, I thank you. In this budget, I recommended and the Governor included the resources to pay for this law while recognizing the important role the state public defenders and the Wisconsin Department of Justice play in carrying out and supporting the criminal law and our criminal justice system. I encourage you to approve that proposal.

Many Assistant Attorneys General have left DOJ for many of the same reasons that Assistant District Attorneys leave their positions. Long term, many cannot afford to do the work on their current salaries, and yet there are no steps for remunerative advancement. Moreover, they understand the value an experienced litigator commands outside state service. After all, these are their litigation opponents.

The state invests in and benefits enormously from judgment of the experienced attorneys who understand the state's interest in protecting the public and defending the law. In law school, you don't learn how to keep a sex offender off the street. You don't learn when an alternative to incarceration is the right resolution that protects the public, the public treasury, and gives an offender another opportunity for success. You don't learn how litigation protects the many and diverse interests of the state. You learn that with experience; a pay progression plan can help retain these quality and experienced lawyers.

Thank you for your consideration of the Department's budget.