

BY PETER M. TEMPELIS

Prosecutors and public defenders are doing more than only litigating and trying cases. They are staffing them on a pretrial basis with a goal of using research and best practices to reduce lethal violence as well as recidivism.



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Law Enforcement, the Public, and Victims Deserve Fully Funded Legal Services

Inadequate funding of Wisconsin's criminal justice system jeopardizes homicide-prevention efforts.

It is not uncommon for mass homicides to be related to domestic violence. Victims of domestic violence and members of the public and law enforcement are most at risk when a victim ends a relationship with a perpetrator.

According to End Domestic Abuse Wisconsin, more than 1,000 people were killed in domestic-violence incidents between 2000 and 2020 in Wisconsin: an average of 50 deaths per year. In 2022, more than 50 people were killed in domestic-violence incidents solely in the greater Milwaukee area.

After a 2012 mass homicide, the state invested in training law enforcement officers and prosecutors on the Lethality Assessment Program (LAP), which helps identify individuals at greatest risk of death from domestic violence. The LAP protocol also provides a procedure by which individuals are referred for advocacy services. Referral has been shown to reduce the risk of homicide.

In 2015, the state invested additional resources to create a high-risk team initiative in Milwaukee County. The team, which includes a witness protection service component, uses weighted LAP scores to identify intimate-partner relationships at the highest risk of homicide. Victim advocacy, prosecutor, and law enforcement staff then target the relationships with services, whether informally or as part of criminal prosecutions.

These initiatives have promising results. Over five years, Milwaukee County reportedly targeted more than 3,000 relationships, and homicide occurred in only one of the relationships.

Despite their success, these initiatives have not been implemented statewide. To fully implement them, prosecutors and public defenders need training and additional staffing (even in Milwaukee County). These cases often involve complex litigation, such as motions to present a victim's statements when the victim does not appear at trial to testify.

Prosecutors and public defenders are doing more than only litigating and trying cases. They are staffing them on a pretrial basis with a goal of using research and best practices to reduce lethal violence as well as recidivism. Defendants are proactively referred to specialized batterers intervention, substance abuse, and mental health programs, among others. This approach could be used in other areas of criminal practice as well, but doing so requires a corps of experienced, trained attorneys.

At the same time, the criminal justice system faces a different, yet growing crisis. As of spring 2023, nearly 20% of state prosecutor and public defender positions are vacant due to a flawed and underfunded compensation system that negatively affects retention and recruitment.

To reduce recidivism and prevent homicide, the state should expand these initiatives statewide, while fully funding the criminal justice system. Investments like these tangibly improve public safety and the well-being of all Wisconsin residents. **WL**