

ANNUAL REPORT

2016

OFFICE OF THE DISTRICT ATTORNEY



ANDREA AMIDON NODOLF
DISTRICT ATTORNEY
DUNN COUNTY, WISCONSIN
STAFF

District Attorney	Andrea Amidon Nodolf	w/DA since 11/14
Legal Secretary	Marcia Finder	W/DA since 5/85

Assistant District Attorney	Andrew Maki	w/DA since 3/93
Legal Secretary	Pam Rudie	w/DA since 10/93

Assistant District Attorney	Renee Taber	w/DA since 4/17
Legal Secretary	Darlene Bochman	w/DA since 2/04

Secretary I	Aimee Cronk	w/DA since 10/14
-------------	-------------	------------------

Crime Victim/Witness Coordinator	Barb Lande	w/County since 7/77 w/DA since 4/85 V/W since 8/93
----------------------------------	------------	--

Victim/Witness Assistant	Debbie Harmon	w/County since 7/74 PT w/VW since 7/13 FT since 1/17
--------------------------	---------------	--

Victim/Witness Assistant	Alea Norrish	P-T V/W since 4/16
--------------------------	--------------	--------------------

Deferred Compensation Coordinator	Deanna Artson	w V/W 2/13-12/16 1/16 to present
-----------------------------------	---------------	-------------------------------------

DISTRICT ATTORNEY 2016 CASELOAD STATISTICS

TOTAL CASES OPENED

2012-2016

<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
3297	3476	3399	3477	3504

TOTAL CRIMINAL COMPLAINTS FILED

2012-2015

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
CRIMINAL TRAFFIC	244	246	203	294	322
MISDEMEANORS	710	709	600	540	862
FELONIES	402	438	407	367	376
PRE-CHARGE DIVERSION					93
Meth Cases:					
961.41(1)(e)1 to 961.41(1)(e)4			Deliver/Mfg Meth		17
961.41(1m)(e)1 to 961.41(1m)(e)4			Possess w/intent to Deliver Meth		17
961.41(3g)(g)			Possession of Meth		63
THC:					
961.41(1)(h)1 to 961.41(1)(h)2			Del/Mfg THC		8
961.41(1m)(h)1 to 961.41(1m)(h)5			Possess w/intent to Del/Mfg THC		18
961.41(3g)(e)			Possession of THC		214
961.41(3g)(e) F			Possession of THC-2 nd & Sub.		44
Burglaries:					28
Theft					82
DC:					329
Battery					131
Substantial Battery (Felony)					13
OWI					
1 st					175
2 nd					114
3 rd					83
4 or more					58
OAR:					277
Sexual Assaults:					
940.225					17
948.02					18
Criminal Damage					73
Juvenile					
Delinquency/JIPS					50
CHIPS					73



DUNN COUNTY DISTRICT ATTORNEY'S OFFICE

615 Stokke Parkway, Suite 1700
Menomonie, WI 54751

Phone: [715] 232-1687 • Fax: [715] 232-6886



District Attorney
Andrea Amidon Nodolf

Assistant District Attorneys
Andrew J. Maki • Renee M. Taber

September 13, 2017

Re: Annual Report of the Office of the Dunn County District Attorney

Dear County Board Members:

Department Overview

The Office of the District Attorney ("Office") had another record breaking year in 2016 with the highest number of cases and referrals coming through this office in its history totaling 3,504. This Office successfully prosecuted 376 felony cases, 862 misdemeanors (an increase of 300 over 2016), and 322 criminal traffic cases. Additionally, our Victim/Witness Program served 437 new victims.

2016 saw a disturbing increase in certain types of cases that require large amounts of prosecutor time and resources. By way of examples, the number of sexual assaults increased from 2 cases in 2014, to 12 cases in 2015, and to 17 cases in 2016. The number of sexual assault of children cases increased from 4 cases in 2014, to 10 cases in 2015, to 18 cases in 2016. Unfortunately, the number of OWI cases has also increased across all categories in 2016.

Methamphetamine continues to be a scourge on the Dunn County community as evidenced by the number of cases that come through this Office. In addition to the increase in the number of methamphetamine cases, this Office has also seen an increase in the number of Child in Need of Protection and Services or "CHIPS" cases related to methamphetamine use. This County's utilization of effective tools including the Dunn County Treatment Court and the new Treatment Alternatives and Diversion ("TAD") Program are positive steps in fighting this epidemic but unfortunately, methamphetamine is becoming more readily available and is affecting younger individuals.

2016 marked the first full year of this Office's Pre-Charge Diversion Program for low risk or first-time offenders. This Program has been successful by all measurements. The Program Coordinator worked with 93 individuals who otherwise would have been mainstream defendants in our traditional criminal justice system. Many participants have been extremely thankful for this program, which, in addition to the direct rehabilitation effect, has also helped Dunn County through restitution being more

timely paid to victims and community service being performed to various non-profit agencies throughout our community.

From a financial perspective, this Office remained in budget in 2016 with approximately \$1,000 to spare. 2016 saw challenges for this Office via the change to SAP and the complexities surrounding the integration of grant funds, but the Finance Department has been extremely helpful in working through these matters. Due to the award of supplemental federal Victim/Witness grant funds, the Office was able to utilize these funds to furnish the new Victim/Witness waiting room and meeting room. This has been a critically needed space for some time and has alleviated some of the critical space needs of this Office. I would like to thank the Judges and the Office of the Clerk of Circuit Court for their collaboration and accommodations that made this space a reality.

Notable Accomplishments and Cases

This Office has continued to increase its utilization of the forfeiture process in certain criminal cases in order to seize cash, personal property such as vehicles, and real property. Use of the forfeiture process allows local law enforcement agencies to retain up to 50% of the proceeds with the balance going to the State of Wisconsin's School Fund. In 2016, through these forfeiture proceedings, this Office forfeited \$18,470 and two vehicles. These proceeds were returned to the law enforcement agencies that seized the cash and property, including the Dunn County Sheriff's Office, Menomonie Police Department, and the West Central Drug Task Force.

In November, 2016, Joseph D. Olsen was sentenced to prison for the sexual assault of a child. This is one of the most horrific sexual assault and physical abuse of a child cases I have seen in my career. The victim reported that she was sexually assaulted by Olsen earlier both in Bloomington, Minnesota and in Dunn County. Additionally, another victim reported that she was previously sexually assaulted in St. Croix County, Wisconsin. Officer King of the Menomonie Police Department as well as investigators from both Bloomington, Minnesota and St. Croix County flew to Missouri to interview Olsen regarding the allegations. Olsen denied any sexual assaults involving the victim but admitted to sexual contact with the victim's aunt and uncle. St. Croix County and Bloomington, Minnesota did not file charges against Olsen, presumably due to length of time since the crime together with limited resources.

My Office places the highest priority on the safety and well-being of the children of this County, and despite there being a significant length of time since the occurrence of the crimes and geographic issues, this Office charged Olsen with repeated sexual assault of a child for sexual assaults of this victim beginning on her 5th birthday in the City of Menomonie. Ultimately, Olsen eventually entered a plea agreement and was sentenced

to 40 years in prison for these vile crimes. This case sends a strong and clear message to our County that our children will always be protected regardless of the challenge. In this case, even though justice may have been delayed, it was ultimately served.

Also in November, 2016, Christopher Novotney was sentenced on two counts of sexual assault of a child and one count of exposing a child to harmful materials. In that case, six different teenage victims came forward reporting various different sexual assaults that occurred by Novotney over a period of time. It was apparent that Novotney had groomed these children since they were little by taking them fishing and camping, had previously coached some of the boys, and was thought of as a father figure by some of the boys. Most of the assaults occurred while the boys were sleeping and after Novotney had provided them with alcohol. Ultimately, a plea deal was reached that spared the victims from having to testify and being placed under a microscope, with this Office requesting a 41 year prison sentence. The Court ordered a 25 year prison sentence providing some reassurance and closure for these boys.

The latter part of 2016 was filled with two factually and legally complex homicide cases, the first of which is still pending and is therefore not appropriate to comment on at this time. The second homicide case involved a domestic, first degree reckless homicide. In that case, the Dunn County Sheriff's Office was dispatched to the Town of Weston upon a report that a male subject was shot in the shoulder by his brother-in-law and roommate, Jerad Jones. The male subject subsequently died from a 12 gauge shotgun slug fired at close range. Jerad Jones asserted a self-defense claim for the shooting.

After careful review, my Office decided to charge Reckless Homicide as I believed, and still do, that this was not a valid self-defense case but rather one of Jerad Jones taking the law into his own hands when law enforcement could have, and should have, been called to handle the situation thereby preserving human life. The case proceeded to a week-long trial wherein the guilt or innocence of the accused rested where it should in the justice system, with the citizens. Ultimately, the jury decided to acquit Mr. Jones on his self-defense claim. Despite the ultimate acquittal of Jerad Jones, which I respectfully but personally disagree with, this prosecution sends a strong message to our community that the law should not be taken into one's own hands unless there is no alternative and, whenever possible, always rely on our professional and well-trained law enforcement.

Operational Considerations

This Office's numbers continue to place an inordinate amount of stress on an Office that is already challenged by inadequate levels of prosecutorial staff. According to the most recent Wisconsin Department of Administration study utilizing a weighted caseload formula, Dunn County is in need of 2.93 additional prosecutors. In fact, this Office

actually had more prosecutors in 2003 than it does now, despite the fact that the caseload and population of Dunn County has only increased since 2003.

During this last year, I have strongly lobbied our local legislators for additional prosecutorial staff at meetings both here in Dunn County and at the Capitol in Madison. To be blunt, this County has again been let down by the State Legislature as the new budget does not provide any additional prosecutors to any county in the State. Given the legislature's repeated failure to address basic prosecutorial needs, many counties throughout this State have begun supplementing their prosecutorial staffs via local mechanisms. As local examples, St. Croix County currently funds a full-time drug prosecutor position and Barron County has contracted with a private attorney to prosecute their CHIPS and Termination of Parental Rights cases to alleviate the workloads on its district attorney office.

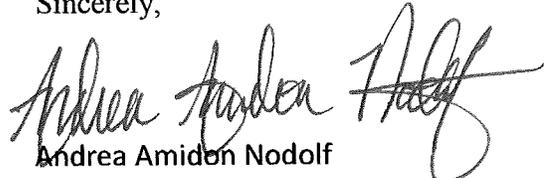
I am sensitive to the County's limited budget and am very appreciative of the County resources this Office receives. As such, at this time, I am not requesting to adopt either the St. Croix or Barron County model. The more cost-effective, first step is to free up additional prosecutor time from our existing prosecutors. Therefore, I have requested a position for a part-time Office Manager as the most financially conservative request to allow this Office to meet its operational needs. Currently, I not only serve as a full-time, front-line prosecutor in court every day, I also serve as a full-time office manager performing day-to-day operational functions such as paying bills, reviewing payroll, balancing the budget, and handling a wide variety of support staff matters. These duties prohibit me from maximizing my abilities as a prosecutor. With 125 law enforcement officers in this County and only three prosecutors, my Office can only do so much, and at some point, these inadequate staffing levels jeopardize public safety and the oath I took to the citizens of Dunn County. This part-time Office Manager would provide assistance in relieving prosecutorial stress by removing certain, lower level, day-to-day managerial tasks from my plate thereby allowing me to spend more time serving as a prosecutor.

One additional point I would like to bring to the Board's attention is our budget line item for "Prosecutorial Expenses" which is currently set at \$5,000 annually. Generally, this item is utilized for professional experts on cases such as medical professionals. Some years, this is an adequate amount. Other years, we have multiple, complex cases wherein the line item can be more than wiped out by a single case. In short, there is no way to foresee this issue from year-to-year. I have been, and will continue to, utilize the approach of conservative budgeting, but timely advising my home committee of anticipated overruns based on developing cases.

Conclusion

I would like to thank the members of this Office for their hard work and dedication during 2016. I am very fortunate to have two excellent assistant district attorneys, a hard-working, professional staff, and dedicated Victim/Witness program. This Office works together as a team to proudly and capably serve Dunn County. It is truly an honor to hold this position and serve the residents of Dunn County. Please do not hesitate to contact me should you have any questions, comments, or suggestions. I look forward to working with you to continue making Dunn County an amazing place to work and live.

Sincerely,



Andrea Amidon Nodolf
Dunn County District Attorney