



David A. Clarke Jr.
Sheriff

County of Milwaukee
Office of the Sheriff



Constitutional Sheriffs and Peace Officers Association

FPA
Referred

APR 07 2014
County Board
Chair

March 27, 2014

The Honorable Chris Abele
Milwaukee County Executive
Milwaukee County Courthouse
901 N. 9th Street, Room 306
Milwaukee, WI 53233

The Honorable Marina Dimitrijevic
Chairwoman, Milwaukee County Board of Supervisors
Milwaukee County Courthouse
901 N. 9th Street, Room 201
Milwaukee, WI 53233

County Executive Abele and Chairwoman Dimitrijevic:

The Sheriff's Office has a responsibility to inform County officials when circumstances arise which have the potential to expose the County to significant liability. Specifically, deputy and correctional officer staffing is at a critical emergency state due to ongoing mandated personnel cuts by the County Executive's Office. These cuts have impeded the Sheriff's Office's ability to meet the constitutional and statutory demands of the Office.

The 2014 recommended budget from the County Executive's Office cited that the cutting of Sheriff's Office deputies and correctional officers would result in improved efficiency within the Sheriff's Office. The cuts resulted in the exact opposite. The position cuts have placed public safety in jeopardy and have led to the physical burnout of deputies and correctional officers who are required to work an excessive amount of overtime. Quality of life issues for employees at all levels are deteriorating based on not receiving appropriate levels of off time. This excessive burden has the unintended consequence of lower performance, yet the County Executive's budget cites messages about the Sheriff's Office improving performance based on a reduction in personnel, an illogical conclusion.

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A reasonable person who chooses a career in law enforcement expects to make sacrifices in regards to their schedule. Dedicated law enforcement professionals know they will work on many holidays and occasionally on scheduled off days. Working overtime is an acknowledged necessity during summer and other events throughout the year. However, when a lack of authorized, budgeted positions results in deputies and correctional officers losing all of their off days and working double shifts on a regular basis to maintain public safety, it is an untenable position. The current state of the Sheriff's Office, due to the ongoing yearly budgeted personnel cuts, is placing the public at risk and exposing Milwaukee County to liability. The County's Department of Administrative Services implemented a naïve and uneducated budgeting approach in setting the public safety budget.

The Sheriff's Office requested budget for 2014 asked for an increase of 137 positions. The County failed to take into account the appropriate number of personnel recommended by professional law enforcement administrators and the proper relief factors for mandated staffing needs. The Sheriff's Office is subject to collective bargaining agreements, which include transfer notices and other factors that reduce certain options for flexible use of personnel. At the current budgeted staffing level, the Sheriff's Office lacks the flexibility to maintain services short of utilizing excessive amounts of overtime. Overtime is a management tool, but utilizing overtime as a normal course of business to cover unbudgeted positions to maintain the constitutionally mandated assignments of the Sheriff's Office is an inappropriate fiscal approach.

An appropriate number of budgeted positions are immediately needed to provide the Sheriff's Office the flexibility to meet the constitutional and statutory requirements of the Office. Positions are needed to assist in absorbing deputies and correctional officers who retire, are sick, injured, or on vacation, and we must account for sudden increases in workloads beyond the "normal," such as public safety emergencies. The hiring and training of new deputies and correctional officers takes approximately one year, thus showing the extreme sense of urgency required by those with the ability to positively impact the Sheriff's Office's ability to immediately start the hiring process. The exigency of the issue cannot be overstated.

A statutory mandate requires the Sheriff's Office to perform the service of civil process. The County appropriated only five positions for civil process, which in reality requires 16 deputies to cover the entire County on a daily basis. The importance of expeditiously serving legal documents, and specifically restraining orders, to meet the time sensitive deadlines is another generator of excessive overtime based on myopic budgeting practices.

The 2014 budget for the Courts Division provided 94 deputy sheriff positions in the adopted budget and three correctional officers. The Sheriff's Office does not have enough correctional officer staff in the jail to additionally use three correctional officers daily in the Courts Division. A policy decision to use the correctional officers in positions outside the jail--in the Courts Division for bailiff positions--is not acceptable. The Courts Division must fill 90 positions daily to meet mandatory work assignments in the Courts Division, which does include three positions

daily to staff visiting control (a post outside the secure jail with public contact and requiring the ability to make arrests). This leaves four deputies in reserve. Additional staff is oftentimes needed to cover enhanced security above the staffing previously needed for high profile trials, movement of inmates to/from court, etc.

The deputies work Monday–Friday with their off days being the weekends. Overtime is required daily to cover deputies extended for courts operating past the normal eight-hour shift. The 94 deputies have 4-6 weeks of vacation, which requires additional funded positions for the relief factor. The provision of the four deputies in “reserve” accentuates the poorly constructed logic used in the County’s budgeting process to cover sick absences, doctor appointments, vacations, high security trials, unanticipated security issues, and in-service training. Frequently, 20 deputies, or 21% of the staff, are on overtime in the courts to cover the positions.

Deputies from the Patrol Division and the Airport Division are mandated to either work on off days or work double shifts to cover the Courts Division. Those who have to work double shifts are either extending 3rd shifters (having already worked throughout the night) or requiring 2nd shifters to come into work before their regular shift. The 2nd shifters must remain at the Courts Division until the end of the Courts workday, which then daily forces 1st shifters from both the Airport Division and the Patrol Division to be mandated to stay until the 2nd shifters are released from the Courts. In the instance of 3rd shifters being extended, they are working from 10 p.m. the previous night and by 10 a.m. have worked 16 hours. When possible they are relieved and sent home, but seldom does this occur, which then forces them beyond 16 hours to complete the work day. Or, the agency has to disrupt other work areas by taking their personnel and reassigning them to the courts to keep the Courts Division working.

In the meantime, the mandated work volume in those areas is negatively impacted and causing deficits there. These regular extended hours are negatively impacting safety due to fatigue. This is forcing the Sheriff’s Office to basically employ a “rob from Peter to pay Paul” analogy on a regular basis. This complicated explanation accentuates the extreme conditions placed upon officers to compensate for the lack of authorized budgeted positions required to properly tend to the courts, a constitutional and statutory mandate of the Sheriff’s Office. It further contradicts the statement by the County Executive of creating efficiencies within the Sheriff’s Office.

The 2014 budget authorizes 245 deputy sheriffs. The Sheriff’s Office currently has 256 positions filled, with the caveat that the eleven “extra positions” are abolished upon vacancy. There are currently nineteen (19) deputy sheriffs not working due to light duty, extended leave, and worker’s compensation or pending disability. This does not take into account those on intermittent Family Medical Leave (FML) and on sick leave (SA). The authorized 245 positions do not provide the appropriate number of deputies required to provide a reasonable level of resources for public safety.

The budgetary limitations further resulted in the Sheriff's Office not having the ability to hire deputy sheriffs since 2002. The youngest deputy is 33.2 years of age, and the oldest deputy is 62.9 years of age, resulting in the average age of a deputy sheriff for this agency being 46. Sixty-eight (68) deputy sheriffs are 48 years of age or older, which accounts for 27% of positions currently filled. A random suburban agency within Milwaukee County of 50 or more sworn officers was polled. The survey included every sworn position, including supervision, into their calculation and determined the average age was 39.3 years. If supervision were taken out of the equation, the average age would be lower. If we use this agency as an example and if we said this was optimal for illustration purposes only, the Milwaukee County Sheriff's Office staffing only has 11% of the currently filled positions (256) that fall within this average age or lower.

At the point when the Sheriff's Office receives the authorized funding to hire new deputy sheriffs and correctional officers, there will be a significant period of time before they are ready to work on their own. There first must be recruitment, testing, establishing a certification list, background investigations, an interview process, job offering, and training academy certification through Wisconsin Training & Standards (520- hour program and soon to become 700 hours). Once a deputy sheriff graduates from the training academy and is state certified, each deputy must undergo extensive field training. This process, under the best circumstances, could be twelve months on the low end. We are also only able to properly field train a certain number of deputy sheriffs at one time. Mass hiring and compromising standards for new employee evaluation will lead to serious issues to which Milwaukee County would be liable. Ultimately, these issues negatively influence public safety.

Appropriate levels of supervision were decimated in the 2014 budget. The 2014 adopted budget only funds 13 Correctional Officer Lieutenant positions to supervise 256 Correctional Officer 1 positions in the Sheriff's budget. The 2014 adopted budget for the House of Correction (HOC) funded 23 Correctional Officer Lieutenant positions to supervise 238 Correctional Officer 1 positions. The County budget analysts understood the necessity of providing adequate supervisory staff in the County Executive-run facility, but not in the Sheriff's Office Jail. The disparate number accentuates the intent of the County Executive's budget personnel.

In addition, the 2014 adopted budget only funded 12 Deputy Sheriff Sergeant positions, abolishing eight sergeant positions to cover three shifts in seven divisions, plus multiple specialty units. There is a need for 24/7 Deputy Sheriff Sergeant supervisors at the Airport and Patrol Divisions. There is a need for three Deputy Sheriff Sergeant supervisors in the Courts Division, plus at least one Deputy Sheriff Sergeant supervisor is needed in General Investigations and Civil Process. The Targeted Enforcement Unit needs a minimum of two Deputy Sheriff Sergeant supervisors.

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The County Board restored many of the draconian and micromanagement cuts presented in the County Executive's originally proposed 2014 budget for the Sheriff's Office. Despite the Board's efforts, for which they are sincerely thanked, our 2014 budget started in January 2014, with a \$4.5 million dollar structural deficit. The shortsighted and poorly researched work performed by the County Executive's budget staff, for what the Executive claimed was his most important focus, resulted in an unrealistic, punitive budget for public safety.

The Sheriff's Office requires a minimum of 137 new non-supervisory positions, including 102 Deputy Sheriffs and 35 Correctional Officers, as requested in our 2014 budget proposal, for the Sheriff's Office to meet the constitutional and statutory obligations in an effective manner. The Sheriff's Office also requires a minimum of an additional 10 Correctional Officer Lieutenant positions to adequately supervise the jail, as well as 10 additional Deputy Sheriff Sergeant positions to properly supervise multiple divisions, shifts and units throughout the Sheriff's Office.

The Band-Aid approach of using excessive amounts of overtime requires the emergency application of a tourniquet of new positions. Therefore, I am requesting immediate approval and funding to hire the needed staff to mitigate the staffing crisis. Failure to provide an expeditious approval to move forward in hiring needed personnel leaves no choice but to contemplate legal action.

Sincerely,

A handwritten signature in blue ink that reads "David A. Clarke Jr." in a cursive script.

David A. Clarke Jr., Sheriff
Milwaukee County

encs.

c w/encs.: Corporation Counsel Paul E. Bargren
Amy Pechacek, Director, Risk Management
Mark Kass, Editor-in-Chief, Milwaukee Business Journal
Milwaukee Deputy Sheriffs' Association