



# MILWAUKEE COUNTY SHERIFF'S OFFICE

DATE: October 8, 2015

## REPORT

**TO:** Sheriff's Office Fiscal Affairs  
**FROM:** Richard R. Schmidt, Inspector  
**RE:** County Executive's Proposed Budget - Sheriff's Office 2016 – Negative Ramifications

The following details the  
**\$8,900,000 Structural Deficit**  
 Proposed in the County Executive's 2016 budget specific to the Sheriff's Office

\$70,800,000 - 2015 Sheriff's Office Tax Levy ← Same  
 \$70,800,000 - 2016 Sheriff's Office Tax Levy ←

**\$8,900,000** – Added Expenses to the Sheriff's Office 2016 Budget  
 \$ 0 – Added Funds to Pay for the Expenses  
***No Tax Levy Increase Results in an \$8,900,000 Structural Deficit***

### **Explanation:**

#### **List of Added Expenses:**

\$3,200,000	Salaries for Existing Staff
\$1,800,000	Legacy Fringe Expenditures
\$1,100,000	IMSD Technology Charges
\$1,600,000	Courthouse Space Rental Fees
\$1,200,000	Operating Costs
<b>\$8,900,000</b>	<b>TOTAL</b>

#### **List of New 2016 Lump Sum Reductions that Negates the Funds for the List of Added Expenses**

**\$ 535,501** Account 6995 – Contract Services Reduction  
**\$ 705,949** Account 7995 – Commodity Reduction  
**\$6,726,684** Account 8495 – “Other” Reduction  
**\$7,968,134** Total Reduction

**\$1,000,000** Unrealistic Revenue Increases  
 1. **\$500,000** Entered Twice for Medical Complex Revenue  
 2. **\$500,000** Inmate Telephone Revenue

**\$8,968,134 Grand Total of Structural Deficit**



**David A. Clarke Jr.**  
**Sheriff**

*County of Milwaukee*  
**Office of the Sheriff**



Constitutional Sheriffs and Peace Officers Association

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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County Executive Abele and Chairwoman Dimitrijevic

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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 3<sup>rd</sup> shifters (having already worked throughout the night) or requiring 2<sup>nd</sup> shifters to come into work before their regular shift. The 2<sup>nd</sup> shifters must remain at the Courts Division until the end of the Courts workday, which then daily forces 1<sup>st</sup> shifters from both the Airport Division and the Patrol Division to be mandated to stay until the 2<sup>nd</sup> shifters are released from the Courts. In the instance of 3<sup>rd</sup> 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.

County Executive Abele and Chairwoman Dimitrijevic

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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

**Washington County v. Washington County Deputy Sheriff's Association (2008):**

The Wisconsin Constitution does not define the duties of a sheriff, but case law has described examples and a method of analysis. Initially, the definition of whether duties were part of the sheriff's constitutionally protected powers focused on a historical analysis of whether they were longstanding established duties of the sheriff at common law such as housing the county's prisoners in the jail...But...the Wisconsin Supreme Court shifted the focus of the analysis to those duties that characterized and distinguished the office of sheriff..

**Andreski v. Industrial Commission et al (1952)**

The position of sheriff is one of great antiquity and honor. He was the deputy of the king in his shire and was accountable to no one but the king to whom he was responsible...

He was accompanied by his court, composed as was the king's court, of representative nobles, freeholders and burglers, before whom his officers brought persons accused of crime. Trial was had under the supervision of the sheriff and if conviction resulted the sheriff imposed the sentence and executed it. Although in rank some noblemen might be higher, in temporal power and authority within his shire and within his term of office the sheriff was legally superior to them all. He was the representative of the king, accountable only to the king and the king's authority lay in him.

Within the field of his responsibility for the maintenance of law and order the sheriff today retains his ancient character and is accountable only to the sovereign, the voters of his county...

No other county official supervises his work or can require a report or an accounting from him concerning his performance of his duty. He chooses his own ways and means of performing it. He divides his time according to his own judgment of what is necessary and desirable but is always subject to call and is eternally charged with maintaining the peace of the county and the apprehension of those who break it. In the performance of this duty he is detective and patrolman, as well as executive and administrator...

We recite these qualities and characteristics of the office not because they are novel but because they are so old that they are easily forgotten or unappreciated...

The sheriff's hours of work are such as he deems necessary. So, too, are his methods.

In the *Andreski* case the court was very clear, firm, and definitive when describing the Sheriff's authority. Even though the *Andreski* decision was made a half-century ago, it is often referenced in other court and Attorney General opinions. The *Andreski* case reinforced

Policing of expressways. Expressways shall be policed by the sheriff who may, when necessary, request and shall receive cooperation and assistance from the police departments of each municipality in which expressways are located...

Wis. Stats. § 349.02(1), which states (in part): **Police and traffic officers to enforce law**

It is the duty of the police, sheriff's and traffic departments of every unit of government and each authorized department of the state to enforce chs. 346 to 348 and 350.

Wis. Stats. § 302.425 which states (in part): **Prisons; State, County and municipal; Home detention programs.**

Sheriff's or superintendent's general authority. A county sheriff or a superintendent of a house of correction may place in the home detention program any person confined in jail. The sheriff or superintendent may transfer any prisoner in the home detention program to the jail.

The sheriff or superintendent may, if he or she determines that the home detention program is appropriate for a prisoner, place the prisoner in the home detention program and provide that the prisoner be detained at the prisoner's place of residence or other place designated by the sheriff or superintendent and be monitored by an active electronic monitoring system.

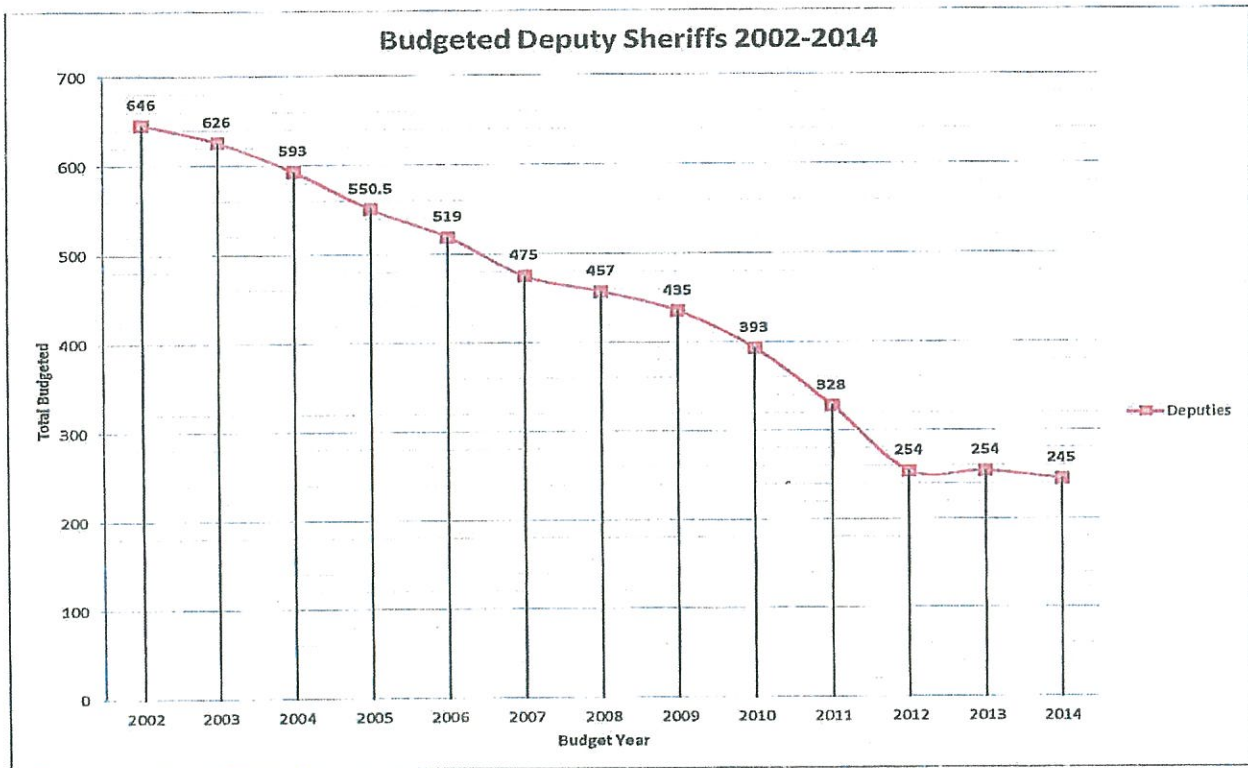
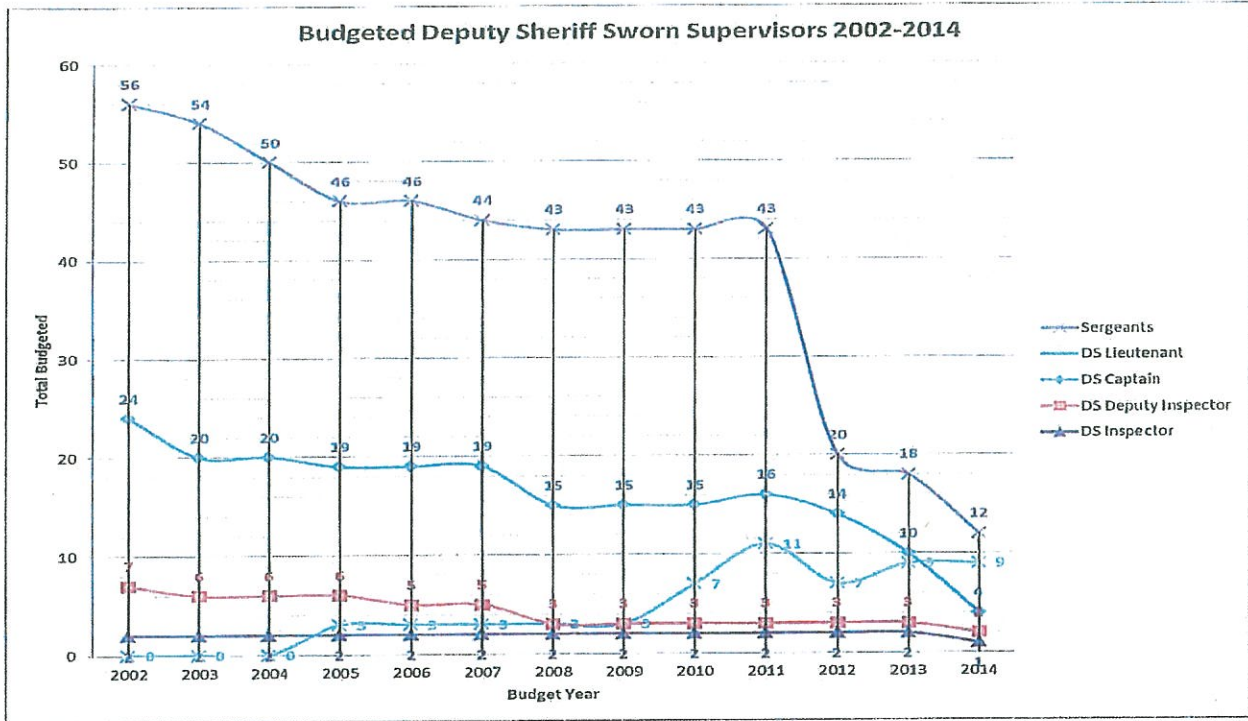
S:// Edward H. Bailey, I7

Edward H. Bailey, Inspector

Milwaukee County Office of the Sheriff

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Highway means all public ways and thoroughfares.



SHERIFF'S OFFICE UNIFORMED STAFF

Title	2002 ADOPTED	2003 ADOPTED	2004 ADOPTED	2005 ADOPTED	2006 ADOPTED	2007 ADOPTED	2008 ADOPTED	2009 ADOPTED	2010 ADOPTED	2011 ADOPTED	2012 ADOPTED	2013 ADOPTED	2014 ADOPTED	Title
Co	0	0	0	37.5	50	92	114	142	184	253	250	270	258	Co
Co Lt	0	0	0	0	0	0	0	0	0	0	18	22	13	Co Lt
Corr Managers	0	0	0	0	0	0	0	0	0	0	5	4	6	Corr Managers
Deputies	647	626	593	550.5	519	475	457	435	393	328	254	254	245	Deputies
Sergeants	56	54	50	46	46	44	43	43	43	43	20	18	12	Sergeants
D S Lieutenant	0	0	0	3	3	3	3	3	7	11	7	9	9	D S Lieutenant
Captain	24	20	20	19	19	19	15	15	15	16	14	10	4	Captain
DI	7	6	6	6	5	5	3	3	3	3	3	3	2	DI
Inspector	2	2	2	2	2	2	2	2	2	2	2	2	1	Inspector
Sheriff	1	1	1	1	1	1	1	1	1	1	1	1	1	Sheriff
Total Staff	737	709	672	665	645	641	638	644	648	657	574	593	551	Total Staff

Authorized and funded but does not account for unfunded positions

Budgeted Jail Officers

		v&t	net after v&t
2011	297 253 co 1; 44 ds 1	-2	295
2012	247 co 1	-20	227
2013	265 co.1	-20	245
2014	253 co 1	-25	238



Clarke's budget plan for next year details a proposed hiring binge.

Among the expansions: He'd add seven staffers in his "analytics division" to review crime data, at a cost of \$556,000; 35 more deputies for freeway alcohol and drug enforcement, for an extra \$4 million; add four staffers to beef up dispatching — for an increase of \$327,000 — even though cellphone 911 calls are now rerouted to the Milwaukee Police Department, and add 16 positions for investigations, for an extra \$1.5 million.

Splitting the jail and House of Correction will necessitate hiring 41 staffers, mainly correctional officers, at a cost of nearly \$2.1 million, the sheriff's request says. Part of the explanation for the extra officers: an anticipated uptick in the inmate population and the reopening of two mothballed jail housing units.

The hiring plans were hailed by Roy Felber, president of the deputies union, who said no new deputies have been hired in a decade. The department now has 274 deputies, fewer than half the number from a decade ago, when Clarke began replacing deputies with less costly correctional officers as a cost-saving measure.

Staff shortages have led to large overtime costs in the last two years, Felber said. Overtime for 2011 and 2012 totaled almost \$12 million — about double what was budgeted, county records show.

Supervisor Theo Lipscomb Jr., chairman of the County Board Judiciary, Public Safety and General Service Committee, said there was "no way" Clarke would get all the positions he's seeking. Clarke's request must be considered in conjunction with other departmental requests, Lipscomb said.

Supervisor Mark Borkowski, who describes himself as a Clarke backer, said he expected Clarke and Abele to continue their feud over the sheriff's budget.

"It's going to come down to the board" to settle things, Borkowski said.

The County Board was the only unit of county government to fail to submit a budget request to Abele for next year.

County Board Chairwoman Marina Dimitrijevic sent a letter saying it was impossible to figure out a board budget until full ramifications of Act 14 are known. That law cuts the board's budget through a complicated formula aimed at forcing cuts to staff and other areas.

"Since it is not possible right now to determine next year's tax levy, I am requesting the maximum amount of budgeted expenditures allowable under the state limitation," Dimitrijevic says in her letter to the county budget director.

The board also has voted to hire an outside legal firm to possibly mount a legal challenge to Act 14. The law also requires a binding referendum next spring on cutting supervisor pay in half to about \$24,000.

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*Twitter: [twitter.com/SteveSchultzeJS](https://twitter.com/SteveSchultzeJS)*

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# Milwaukee County Sheriff's Office

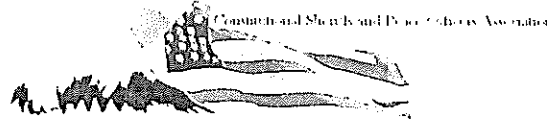
## **NEWS RELEASE**

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David A. Clarke Jr.  
Sheriff

2013 Sheriff of the Year

FOR IMMEDIATE RELEASE  
July 23, 2015



### Sheriff Says Inadequate Jail Staffing Putting Officers and Inmates at Risk

Milwaukee, WI – Sheriff David A. Clarke Jr. has notified county officials that staffing levels to run the state's largest jail facility are inadequate. The sheriff indicates that he is short 70 corrections officers (CO) due to County Executive Chris Abele's Human Resources (HR) Department's inability to keep up with demand.

"Abele's office controls hiring and recruitment. My office has been told by County HR officials that they themselves do not have the staffing to keep up with hiring and that they do not have the advertising budget needed to help with recruitment. That is unacceptable," Clarke said.

"I don't want excuses; I want results! I am responsible for the safety and security of nearly 1000 inmates who need to be overseen for medical needs, feeding, transportation to and from court appearances and other things required by law. Watching for suicidal signs is another critical task performed by CO's. Additionally, inadequate staffing puts the safety of corrections officers and civilian employees, including medical staff, at risk. Inadequate staffing also endangers inmates when arguments start between inmates that cannot be quickly quelled. Overtime to cover for lack of staffing is no longer helping me fulfill my obligations under statutory authority. CO work can become tedious. Off time is necessary to keep them sharp for attention to detail to keep mistakes down and to prevent complacency from setting in. Tired officers are more prone to mistakes and have short fuses. This could lead to over-reaction in instances where we demand restraint."

"Abele has spent an inordinate amount of time amassing and centralizing power for himself. My office had its own HR coordinator before he took control of all HR activities. Apparently he has over-loaded his ability to run everything and keep things functioning."

Our lack of personnel is blinking red. This is a disaster waiting to happen and county officials are on notice.

Correctional Officer Budgeted Positions	257
Current Number of Full Duty CO's	180
Current Number of CO's Not Fit For Full Duty	14

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For more information about the Milwaukee County Sheriff's Office, visit our website at [www.mksheriff.org](http://www.mksheriff.org) and our facebook page at <http://www.facebook.com/MilwaukeeCountySheriff>  
Follow us on Twitter @MCSOSheriff