

OFFICE OF THE SHERIFF



MILWAUKEE COUNTY

SHERIFF EARNELL R. LUCAS

Communication to the Board of Supervisors

DATE: June 15, 2021

TO: Committee on Finance

FROM: Theodore Chisholm, Chief of Staff, Office of the Sheriff

RE: **Expenditures of Overtime to Sustain Critical Public Safety Services**

During the May 13 meeting of the Committee on Finance, a motion prevailed seeking additional information on the use of overtime by the Milwaukee County Sheriff's Office. The present communication serves to fulfill this request.

Within its overall expenditure authority of \$45,856,029, the Milwaukee County Sheriff's Office is currently allocated \$33,583,928 in tax levy funds to support agency operations. This amount accounts for the substantial majority of the funding base for the agency's 718 full-time-equivalent positions. These positions are also supported, in part, by position-or-division-specific revenue allocations, some of which are provided by external governmental partners and others of which are drawn from operational revenue sources. Revenue-based expenditure authority totals \$12,272,101. An allocation of \$35,623,344 within the agency budget, ultimately drawing upon both levy-based expenditure authority and revenue-based expenditure authority, directly funds salaries associated with MCSO's 718 budgeted positions.

Also within this budget, \$3,907,140 is allocated to fund overtime expenditures that could be expected with all 718 positions, whether levy-or-revenue-funded, filled by actual employees who are available for deployment. Naturally, when fewer than 718 positions are actually filled, actual salary expenditures fall short of the budgeted \$35,623,344 salary allocation and actual overtime expenditures, incurred while filling the operational gap caused by staffing shortages, exceed the budgeted \$3,907,140. Along with unanticipated shortfalls in projected (and budgeted) revenue, most notably revenue drop-offs associated with the COVID-19 public health emergency, the overtime deficit (in its off-set state) contributes to the agency's overall anticipated deficit of approximately \$970,000.

As of pay period 11, only 629 of 718 positions budgeted within MCSO were filled by actual employees, for reasons articulated in very exhaustive detail in prior communications and appearances before the Committee. As a result, the Sheriff's Office is currently projected to spend only \$35,200,000 in salaries in 2021, \$1,904,108 short of the budgeted \$35,623,344, resulting in a salary surplus. The budgeted positions that are unfilled are in critical operational areas of the agency. For instance, approximately 210 out of 261 budgeted correctional officer

and equivalent positions are filled by actual employees. Similarly, approximately 242 out of 273 budgeted deputy sheriff positions are filled by actual employees, approximately 200 of whom are available for deployment.

The natural result of such significant short-staffing is the expenditure of overtime to ensure minimum coverage on all shifts. Ultimately, the agency is projected to incur, at the end of 2021, an overtime deficit of \$3,892,860. When combined with revenue shortfalls and other deficit causalities, and when balanced against the salary surplus and other projected surpluses – primarily in the areas of services and commodities – the agency is currently projected to conclude 2021 with a deficit of approximately \$970,000. This is merely a mid-year projection that does not take into account a number of known ameliorating factors, including that the collection of certain forms of revenue in the second half of 2021 is anticipated to outpace collection in the first half. Ultimately, the agency's overtime-specific deficit must be considered as a component of the agency's end-of-year budgetary position. To do so reveals a very complex picture, detailed in MCSO's monthly fiscal reports to the Office of the Comptroller, that remains unfortunately opaque when considered through a lens trained narrowly on overtime, which is but one constituent aspect of the overall budget.

The Sheriff's Office is working actively to reduce the need for such significant overtime expenditures. It is important here to dispense with the fiction that overtime expenditures associated with core public safety services are unnecessary or wasteful. Nothing could be further from the truth. The vast bulk of the agency's overtime expenditures sustain – not support – critical infrastructure security at our courthouses, at our airport, in our jail, and on our expressways. These are facilities and infrastructure systems that must be safeguarded, and are safeguarded in any comparable jurisdiction, by certified law enforcement and correctional officers. These services must be performed with a consistent level of staffing given the intensity of the work and the geographic breadth entailed. The staffing numbers depicted in our budget, coupled with the overtime allotted in our budget, account for the human resources required to properly perform these functions. When actual staffing levels dip below budgeted staffing levels, it is natural, and appropriate, that we employ alternatives so that we can continue to honor our statutory and local obligations and keep our community safe.

It must also be acknowledged that the expenditure of overtime incurs significant operational challenges, including further staff losses. A vicious cycle has emerged in which staff retire or leave the agency due to better financial opportunities elsewhere, causing remaining personnel to work more and more hours of overtime, which leads in turn to further departures for agencies with a less onerous overtime burden. So as to minimize the use of overtime, its authorization is subject to strict scrutiny by management-level staff and field supervisors. Overtime is not worked at an individual agency member's discretion but rather determined by the day's staffing needs, and then assigned pursuant to established "overtime lists" that comply, in the case of deputy sheriffs, with union contractual requirements.

Agency-wide, all commanders, managers and supervisors have been instructed to minimize the use of overtime to the extent compatible with public safety and, consequently, have allowed positions to go unfilled at certain times of day, making a calculated risk that the odds of an incident occurring are low enough to justify a short period of under-staffing. Such decisions are made minute-to-minute in the agency and are always informed by public safety needs. Technological innovations to minimize the time necessary for operational tasks are also prioritized. Currently, discussions are underway with the First Judicial Administrative District regarding the continuation of certain forms of video court, a newfound efficiency identified during

the COVID-19 pandemic. Ongoing efforts to regulate and minimize the use of overtime, when appropriate in light of public safety considerations, will continue unabated.

Ultimately, the most efficacious plan of action in mitigating further overtime expenditures will be a County-wide effort to increase the retention of law enforcement and correctional officers. Though this report is not the place to outline the intricacies of such an approach, a critical component of this strategy will involve increasing compensation to a level competitive with similar positions in surrounding jurisdictions. Disparities between compensation in the pay ranges offered to County law enforcement and public safety staff and personnel in other jurisdictions are yet another factor driving staff turnover and disinterest in remaining with the County for a full career. In turn, these turnover rates drive greater overtime expenditures to cover newly vacated positions.

The Milwaukee County Sheriff's Office shares the Committee's dedication to fiscal efficiency, and we readily recognize that the expenditure of overtime is less than optimal as a means of delivering the essential baseline of public safety services that the people of Milwaukee County deserve, expect, and are entitled to receive. But due to fiscal factors beyond the agency's control, overtime remains an essential option available to the Sheriff's Office to allow the continuity of core life-safety services. Its expenditure is neither an affront to good government nor a disservice to the people of the County, but rather a regrettable necessity in the service of a strong and safe community.

