

DATE: Friday, April 26, 2019

TO: Chairman Theodore Lipscomb, Sr., Milwaukee County Board of Supervisors

FROM: Daniel Hughes, Deputy Inspector, Milwaukee County Sheriff's Office
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CC: Milwaukee County Department of Human Resources
Milwaukee County Transit System
Milwaukee County Department of Administrative Services
Milwaukee County Office of the Comptroller

SUBJECT: Summary Report on the Feasibility of Establishing a Classification of "Transit Security Officer" within the Milwaukee County Sheriff's Office, File No. 19-135

Request

The Milwaukee County Board of Supervisors, in Resolution 19-135, resolved that staff from the Department of Human Resources would "study the feasibility of [...] how the Office of the Sheriff might serve as transit security, with full law enforcement authority."

Pursuant to Resolution 19-135, the Department of Human Resources consulted with representatives of the Milwaukee County Transit System (MCTS), the Milwaukee County Sheriff's Office (MCSO), and the Department of Administrative Services (DAS). Inter-agency discussions, led by the Office of the Sheriff, yielded insight into the feasibility of creating the classification identified in Resolution 19-135. In consultation with its partners, MCSO has prepared the following summary report regarding the feasibility of assuming responsibility for transit security and pursuing opportunities for grant funding.

Background

Milwaukee County is dedicated to the safe and efficient operation of an accessible system of public transportation. It is the priority of Milwaukee County and its constituent agencies and service providers, including MCTS and its public safety partners, to ensure a positive and safe experience for all who utilize Milwaukee County buses.

Currently, at an approximate cost of \$1.5 million per year, MCTS contracts with a private security firm to provide security services on buses and mitigate activity detrimental to the safety of drivers and passengers. Transit Security Officers (TSO) contracted through the firm are not state-certified ("sworn") law enforcement officers and lack the ability to issue citations or effect arrests.

Transit Security Officers (TSO) are routinely dispatched to calls for service made by bus operators. If a bus operator encounters a security-related concern, s/he utilizes his/her training and determines whether the situation mandates a security response or immediate intervention by law enforcement. In the former circumstance, the operator contacts dispatch and TSO are sent to the bus location warranting assistance. In the latter circumstance, the operator contacts dispatch

and the municipal police department with jurisdiction over the bus responds. If TSO require law enforcement assistance while performing their duties, they contact dispatch and the municipal police department responds accordingly.

In 2018, bus operators made 6,083 security-related calls to dispatch. Transit Security Officers wrote 3,578 incident reports for 2018. Law enforcement personnel responded to 278 incidents on MCTS buses. According to MCTS, 61% of these calls were Type 1, or calls that do not require a citation or arrest. 37% of these calls were type 2, or calls that are related to misdemeanor citations. 2% of the calls, or 147 incidents were Type 3 – calls that would result in a criminal arrest.

Transit Security Officers currently provide the following services:

- Riding high-incident routes (Average of 515 hrs./month)
- Patrolling and responding to operator calls for service (average 300 reports/month)
- Monitoring buses at high traffic intersections – Approximately 40 hrs. per month.
- Patrolling park and ride lots, stations and garages (Ave 15/day)
- Monitoring bus shelters for loitering and smoking
- Responding to operator requests to ride specific routes (Ave 5-6/month)
- Riding specific school routes (Lad Lake/Synergy/Right Step) (each school day)
- Providing dedicated presence at Transit Area during State Fair (4:00 p.m. to Midnight)
- The contractor also provides 30 special event officers per day (7:00 p.m. to 2:00 a.m.) for the 11 days of Summerfest (approx. \$45,000/year)

Interest in expanding the role of sworn Milwaukee County law enforcement officers on MCTS buses resulted in 2009 and 2012 reports (see Appendices A and B). In 2009, it was noted that the \$1,125,703 allocated for MCTS security, which funded approximately 21 FTE Transit Security Officers, would fund 13.3 sworn deputies. In 2012, the Department of Administrative Services estimated that a transition from non-sworn TSO to sworn deputy sheriffs patrolling MCTS buses would have resulted, at that time, in an increase in expenditures of \$1,998,952 for half of the year, or \$3,997,904 annually.

Feasibility of Establishing a New Classification of Transit Security Officers

Resolution 19-135 explicitly states that employees in the desired job classification would be empowered to “make lawful arrests and issue citations for disorderly conduct.” In the State of Wisconsin, duties of this nature may be performed only by sworn law enforcement officers certified by the Wisconsin Law Enforcement Standards Board. LESB certification is an “either-or” proposition: either an employee is a certified law enforcement officer, empowered to enforce all laws of the State of Wisconsin and county and municipal ordinances, or the employee is not. Therefore, any employee serving in the described job classification would be a certified law enforcement officer in the classified service of Milwaukee County. Currently, Milwaukee County employs only one classification of non-supervisory law enforcement officers in the

classified service: “Deputy Sheriff 1.” Thus, to perform the duties required by the resolution, transit security would need to be provided by this classification of officers.

Preliminary Fiscal Impact

The current contract with the private security firm calls for 34 employees at a cost of approximately \$1.5 million annually.

If Milwaukee County were to create a Transit Security Division (TSD), maintaining the same the staffing levels utilized by the private security firm, with the addition of one administrative assistant, the **salary and benefit costs** to create and implement a TSD would be approximately **\$2.8 million annually** at county loaded pay rates (loads projected for 2020). Actual deployment costs inclusive of overtime, higher-than-minimum step rates, and future negotiated salary increases as well as non-represented annual increases would escalate these payroll-related costs. **It is important to note that many Deputy Sheriffs eligible for assignment to a potential TSD are compensated at higher-than-minimum step rates, substantially increasing the estimated annual cost.**

Position	Number	Grade	Current Annual Rate	Annual Rate (Loaded)	Annual Cost
Admin Assistant	1	06P	\$37,078	\$61,001	\$61,001
Deputy Sheriff	28	17BZ-SH	\$49,587	\$76,033	\$2,128,924
Sergeant	4	22B-SH	\$66,851	\$96,779	\$387,116
Lieutenant	1	34M	\$73,840	\$105,178	\$105,178
Captain*	1	915E	\$84,677	\$118,200	\$118,200
					\$2,800,419

* Using top step rate for Captains given compression

In evaluating the feasibility of assuming responsibility for MCTS security, MCSO consulted with the Santa Clara County Sheriff’s Department in San Jose, California, which provides a 42-member transit patrol service (35 deputies, 5 sergeants, 1 lieutenant and 1 captain) to California’s Valley Transit Authority (VTA). In 2018, VTA’s average weekday ridership was just under 120,000, including a light-rail service, comparable to MCTS’s average daily bus ridership of approximately 130,000. VTA’s average weekday bus ridership in 2018 was approximately 91,270.

It is reasonable to project that the responsibilities of a TSD within MCSO would be comparable to and perhaps more extensive than those of the Santa Clara County Sheriff’s Department, requiring an equal or greater FTE allocation. MCSO’s internal discussions, informed by the professional expertise and judgment of senior agency commanders with field experience performing transit security duties, have determined that **a highly effective, countywide transit patrol with full staffing throughout MCTS hours of service could require a budget of**

approximately \$4,198,143. A budget in this amount would enable MCSO to provide three shifts of twelve deputies each; accounting for vacations, time off and absences due to training, eight to ten deputies would be available on each shift to perform transit security duties. These staffing levels would ensure the ready availability of backup and additional deputies to operate the vehicles used for prisoner transportation and rapid incident response. Additionally, this budget would accommodate the supervisory structure appropriate to a full-strength MCSO division, including one captain, one lieutenant, four sergeants and one administrative assistant.

If, instead of maintaining or increasing existing staffing levels, the existing approximately \$1.5 million allocated to MCTS security were simply transferred to MCSO, MCSO estimates that it would be able to augment its workforce by approximately 10 to 12 FTE at deputy sheriff level (accounting for multiple personnel compensated at higher-than-minimum step rates) and approximately 1 to 2 FTE at sergeant level. A TSD staffed by approximately 12 to 14 personnel would have a minimal enforcement footprint, amounting to a skeleton presence of two to three deputies available on each shift (with the potential for even fewer due to vacations and personal time off) with little to no funding available for overtime costs. The requirements of backup and available squad cars would allow only one or two deputies on each shift to perform patrol duties on MCTS buses, and these deputies would be unavailable to respond to rapidly-developing incidents elsewhere in the county. **MCSO does not consider such an approach to be a feasible strategy for ensuring public safety on MCTS buses.**

State and federal grants that could alleviate the cost of TSD would likely be unavailable in this particular instance, given that TSD's workforce would comprise fewer than 100 employees and that its establishment would not be characterized as a direct response to terrorism. These are the primary qualifiers for eligibility for both state and federal grants supporting law enforcement initiatives of this nature. Depending on available grant opportunities, training or equipment costs could be alleviated by grant funding that supports crisis-intervention training or the deployment of specialized equipment. At this time, MCSO is exploring opportunities for such funding; if obtained, it would be applied agencywide, and not exclusively to TSD or any particular division. At present, therefore, there exists no readily-available source of grant funding that would alleviate the substantial costs of a TSD functioning at an appropriate resource and staffing level.

In addition, infrastructure costs including office space, equipment, and vehicle expenses would need to be factored into the launching of the TSD. The average cost of an MCSO squad car is \$50,000, and the creation of a new patrol division with countywide responsibilities would require a substantial expansion of MCSO's existing fleet. Depending on the number of personnel allocated to TSD, and the need for available backup and prisoner transportation, the cost of TSD vehicles would easily exceed \$500,000 and potentially approach \$750,000 or higher. This cost would be supplementary to the minimum \$2,800,419 estimate provided above, resulting in an overall cost in excess of \$3 million.

Consequences of Transitioning to Certified Law Enforcement on MCTS Buses

A transition from non-certified TSO to certified law enforcement officers performing security duties would significantly increase the administrative and reporting obligations of the public safety personnel assigned to MCTS security. Unlike non-certified TSO, certified law

enforcement officers in any job classification are required by law and professional ethics to perform functions including, but not limited to:

- Enforcing all laws and ordinances of the United States, the State of Wisconsin, and Milwaukee County, regardless of circumstance. Certified law enforcement officers would be required to intervene in instances of county ordinance violations, including fare evasion and disorderly conduct. This would include incidents occurring outside an MCTS bus but observed by a certified TSO.
- Effecting arrests and issuing citations upon reasonable suspicion of the commission of a crime; an arresting officer would be responsible for ensuring the suspect's transportation to the Milwaukee County Jail. The intake and report-writing process initiated by an arrest would remove the officer from enforcement duties for a period that could last up to several hours.
- Properly reporting all law enforcement actions taken. Regardless of the incident, certified law enforcement officers would be required to conduct appropriate follow-up and investigation, interview witnesses, and generate detailed reports to supervising officers, for eventual submission to record-keeping authorities including federal and state transportation and law enforcement authorities.
- Maintaining full compliance with LESB training requirements and professional standards.

Additionally, the hiring of certified law enforcement personnel requires MCSO to implement recruitment and training processes that comply with the requirements of the Wisconsin Statutes, LESB standards and Milwaukee County General Ordinances. From recruitment to deployment, MCSO's timeline for hiring and training new law enforcement officers is approximately six months. Pre-deployment training includes attending and completing rigorous coursework at the Sheriff's Training Academy, including 720 hours of training required by LESB and 200 additional hours required by MCSO. Depending on officer development, the duration of this training could be longer than six months.

Furthermore, it would be incumbent upon Milwaukee County to provide resources sufficient to operate a Transit Security Division (TSD) in a manner that ensures the safety of all personnel. MCSO currently experiences resource constraints affecting its ability to fully staff and equip its existing operational divisions. Currently, divisions comprising certified law enforcement officers and performing duties statutorily assigned to county sheriff's offices, including the Court Services Division, are operating below budgeted staffing levels. Operating a newly-created division at a staffing level far below an acceptable industry standard would only exacerbate the agency's staffing challenges.

The resumption of transit security duties by MCSO would also require extensive discussions with the Milwaukee Police Department and the police departments of all eighteen suburban municipalities to ensure the continuity of security services on MCTS buses. Ensuring the ongoing engagement of municipal law enforcement partners in transit security efforts is paramount.

Conclusion

MCSO recommends the continuation of discussions with law enforcement and budgetary stakeholders, including the municipalities whose police departments currently provide law enforcement services on MCTS routes. MCSO does not recommend an approach to transit safety that simply reallocates the approximately \$1.5 million currently assigned for MCTS security. Such an approach would result in a marginal impact on public safety while placing officers at a tactical disadvantage due to insufficient supplementary resources (including prisoner transportation) and limited backup availability. MCSO does not offer a conclusion that the assumption of transit security duties is inherently infeasible, but rather that further discussion with a broader consortium of stakeholders is required to generate more detailed recommendations that ensure the safety of MCTS operators, Milwaukee County commuters and MCSO personnel alike.