



County of Milwaukee
Office of the Sheriff

Earnell R. Lucas
Sheriff

July 13, 2020

TO: Supervisor Jason Haas, Chair, Committee on Finance
Supervisor Willie Johnson, Jr., Vice Chair, Committee on Finance
Supervisor Supreme Moore Omokunde, Member, Committee on Finance
Supervisor Sequanna Taylor, Member, Committee on Finance
Supervisor Joseph J. Czarnezki, Member, Committee on Finance
Supervisor Shawn Rolland, Member, Committee on Finance
Supervisor Liz Sumner, Member, Committee on Finance

FR: Earnell R. Lucas, Sheriff, Milwaukee County Sheriff's Office

CC: George L. Christenson, Clerk, Office of the County Clerk
Shanin Brown, Committee Coordinator, Office of the County Clerk
Kelly Bablitch, Chief of Staff, Board of Supervisors
Steve Cady, Director of Policy and Research, Office of the County Comptroller

RE: Report from the Milwaukee County Sheriff's Office Pursuant to Resolution 20-464

Introduction

The Milwaukee County Sheriff's Office is committed to the performance of its constitutional and statutory duties in a manner that demonstrates honor, integrity, and the affirmation of public trust. As a state constitutional office responsible for particularized duties, including the operation of a jail, the execution of Circuit Court judgments, and the maintenance of order within the county, the Milwaukee County Sheriff's Office is not a police department. Rather, policing is but one of several means, alongside the professional administration of the Milwaukee County Jail, the service of civil process, the administration of court-ordered property sales, and the provision of bailiff and security services, through which the agency honors this fundamental charge.

Reflecting these diffuse responsibilities, the Milwaukee County Sheriff's Office comprises five administrative subdivisions: the Office of Legal Affairs and Compliance, the Office of Public Affairs and Community Engagement, the Detention Services Bureau, the Patrol Services Bureau, and the Investigative Services Bureau. These entities, in turn, comprise divisions, units, and shifts providing 24-hour service to the residents of Milwaukee County.

In Resolution 20-464, the Milwaukee County Board of Supervisors requests from the Milwaukee County Sheriff's Office a report detailing the agency's engagement in community policing, the agency's racial equity initiatives, information regarding deputy sheriff training, and a breakdown of agency funding supporting both community policing and deputy sheriff training. This report articulates the requested information and situates it in the context of the constitutional and statutory obligations of the Milwaukee County Sheriff's Office.

The Role of the Sheriff in Policing Milwaukee County

Any exploration of the policing operations of the Milwaukee County Sheriff's Office must situate the office in its constitutional context. A sheriff's office is not a police department: rather, policing is but one of several means employed by many sheriff's offices to meet their unique constitutional and statutory obligations. Police departments in the United States and in Wisconsin are inherently administrative creations; their powers and duties derive from state home-rule statutes empowering chartered municipalities to regulate public order within their boundaries. Municipal police departments in metropolitan America descend primarily from agencies founded during the urbanization boom of the mid-19th century. Such departments derive their institutional lineage and character from European innovations of urban constabulary, first developed in 17th-century Paris, refined in 19th-century London and defined by a focus on public order and the manifestation of civil authority during periods of upheaval.¹

A sheriff's office is not a creation of statutes and charters, nor is policing its exclusive function. Rather, it is the contemporary expression of an entirely distinct common-law tradition unique to the British and American constitutions: the consolidation of judicial administrative authority and law enforcement authority in a locally accountable office. The earliest sheriffs ("shire-reeves") served as officers of the royal court of Norman England, responsible for local administration, the enforcement of judgments and the pursuit of thieves within one of the kingdom's administrative subdivisions ("shires").² While manifestations of royal authority, sheriffs exercised broad latitude in the performance of their duties, which by common-law tradition could be neither circumscribed nor abridged by the crown.³

In the contemporary United States, which shares with Britain the jurisprudential tradition of common law, the office of sheriff retains much of its initial character, including a juxtaposition between direct accountability to the highest civil authority (the populace, in the United States, rather than the crown) and broad autonomy in the conduct of operations. In Wisconsin, for instance, courts have long held that the contemporary office of sheriff is characterized by the same "immemorial principal and important duties that characterized the office of sheriff at common

¹ See Clive Emsley, "A Typology of Nineteenth-Century Police," *Crime, Histoire & Sociétés* 3, no. 1 (1999): 36-38 and Eric H. Monkkonen, "History of Urban Police," *Crime and Justice* 15 (1992): 549. See also Holly Tucker, *City of Light, City of Poison: Murder, Magic, and the First Police Chief of Paris* (New York: W.W. Norton and Company, 2017).

² Peter Ackroyd, *Foundation: The History of England from its Earliest Beginnings to the Tudors* (New York: St. Martin's Press, 2011), 71-72.

³ David B. Kopel, "The Posse Comitatus and the Office of Sheriff: Armed Citizens Summoned to the Aid of Law Enforcement," *Journal of Criminal Law and Criminology* 104, no. 4 (2015), 782-784.

law.”⁴ The Wisconsin Statutes elucidate these duties: as an officer of the trial court exercising jurisdiction within one of the state’s 72 administrative subdivisions, or counties, the sheriff is charged with the safekeeping of individuals jailed by the court;⁵ the sheriff executes warrants, commitments and civil judgments;⁶ the sheriff attends upon the court while it is in session;⁷ reflecting the diverse magisterial functions of earlier sheriffs at common law, the sheriff performs “other duties required by law;”⁸ and, in a further reflection of these functions, the sheriff “keep[s] and preserve[s] the peace” within the county.⁹

The budget of the Milwaukee County Sheriff’s Office reflects the diversity of a Wisconsin sheriff’s obligations at common law. In the 2020 fiscal year, the Sheriff’s Office was allotted \$47,121,179 in expenditure authority by the Board of Supervisors. Of this amount, \$21,233,927, or approximately 45% of the agency’s expenditure authority, facilitates the safe and humane operation of the Milwaukee County Jail. An additional \$9,885,076, or approximately 21% of the agency’s expenditure authority, funds court security and the service of civil process.

\$10,628,619, or approximately 22.5% of the agency’s expenditure authority in the 2020 fiscal year, funds uniformed patrol operations; of this amount, \$8,911,659, or just under 19% of the agency’s expenditure authority, supports legally-mandated patrols of non-residential infrastructure (Milwaukee County expressways and grounds), while the remaining \$1,716,960, over 3% of the agency’s expenditure authority, facilitates patrols of Milwaukee County’s parks and parkways. As many of the county’s parks are situated in residential neighborhoods, the operations supported by this \$1,716,960 allocation most directly implicate principles of community policing.

Promoting an Equitable Community Through Milwaukee County Sheriff’s Office Operations

As the management consultant Peter Drucker observed, “culture eats strategy for breakfast.” In a nod to this truism, the U.S. Department of Justice defines community policing as “a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.”¹⁰ As this definition suggests, community policing is best characterized not as a set of tactics, but as a cultural disposition that underlies accountable and effective law enforcement operations.

Since January 2019, the Milwaukee County Sheriff’s Office has structured its operations around a simple mission statement: “we are held to a higher standard.” The Sheriff’s Office strives to meet this elevated standard of conduct by adhering to three organizing principles: to serve with honor, to act with integrity and to uphold the public trust. These principles underlie a sweeping campaign of reform that has resulted in the reorganization and optimization of every administrative

⁴ Wis. Stat. 59.27, note 3.

⁵ Wis. Stat. 59.27 (1).

⁶ Wis. Stat. 59.27 (9).

⁷ Wis. Stat. 59.27 (3).

⁸ Wis. Stat. 59.27 (7).

⁹ Wis. Stat. 59.28 (1).

¹⁰ “Community Policing Defined,” *U.S. Department of Justice Community Oriented Policing Services*, 1.

subdivision of the Sheriff's Office. New approaches implemented within the Milwaukee County Jail have resulted in significant improvements in the quality of life experienced by individuals detained in the facility, and in a better quality of employment for the correctional officers who safeguard the facility. New efficiencies have been pioneered in the operation of court services, both protective and procedural, improving the public's access to safe and efficient courts even amid the COVID-19 pandemic. Previously neglected resources have been realigned to place greater emphasis than ever before on legal and regulatory compliance and on proactive community engagement.

Similarly, the Sheriff's Office has taken concrete measures to ensure that the practices of certified law enforcement officers employed by the agency affirm the values of an inclusive and equitable community. Mindful of the history of entrenched institutional and individual racism widening a chasm between law enforcement and communities of color, the Sheriff's Office has eliminated practices that result in a disproportionate impact on marginalized groups. For instance, the Sheriff's Office has disengaged from detrimental practices of the failed "War on Drugs," shifting resources toward large-scale investigations of violent offender networks and away from targeting minor offenders entangled in drug use and addiction-supportive dealing. In late 2019, the Sheriff's Office withdrew from the use of no-knock search warrants, reserving this option for rare occasions when it is required to ensure officer or subject safety. The Sheriff's Office has required that deputies obtain supervisory permission to engage in vehicular pursuits and has strictly regulated pursuits to allow only those necessary to apprehend violent offenders or individuals posing an imminent risk of harm to the community. Similarly, the Sheriff's Office has banned once-common practices that dehumanize and degrade individuals who encounter law enforcement, such as the practice of seating detainees on a curb or beside a squad car during a vehicle search or field interview.

The Sheriff's Office has reinforced its commitment to operational reform through its Training Services Division, which maintains a full-service law enforcement and correctional training academy in Franklin funded with \$410,150 in the 2020 operating budget. In Wisconsin, the state Department of Justice governs law enforcement training and certification through the Law Enforcement Standards Board, which regulates the curriculum taught to new recruits at facilities like the Sheriff's Training Academy and mandates courses that deputies must pass, at periodic intervals, to retain their certification. Nevertheless, individual academies retain considerable latitude regarding the manner in which the curriculum is presented and supplemented, and the Sheriff's Training Academy has invested heavily in promoting practices that build trust with the communities served by the agency.¹¹

All deputy sheriff recruits must complete two sessions of cultural competence training, which encompasses implicit-bias training, a detailed study of Milwaukee County's cultural diversity, coursework encouraging the modeling of respectful interactions across cultural lines, and direct engagement with faith-based cultural institutions including the Islamic Society of Milwaukee and the Sikh Temple of Wisconsin. Additionally, consistent with the requirements of the Law

¹¹ See Appendix A for an overview of Training Academy courses taught to law enforcement recruits during basic training.

Enforcement Standards Board, all deputy sheriff recruits and deputy sheriffs receive extensive training in de-escalating encounters with community members, and in the use of less-than-lethal and lethal force in accordance with the state's governing Defensive and Arrest Tactics Manual. The Sheriff's Office has supplemented mandated training by expanding deputies' engagement in grant-funded crisis-intervention training, partnering with NAMI-Wisconsin, a well-established training provider, to host intensive sessions focused on successfully de-escalating encounters with subjects experiencing psychiatric crisis.

In 2019, recognizing the importance of conscientious leadership and supervision, the Sheriff's Office required all supervisors at or above the rank of sergeant to attend three eight-hour sessions of specialized training. Sessions were tailored to the needs of correctional and field operations supervisors and included intensive explorations of relevant constitutional, statutory and administrative law, the ethical and practical obligations of a manager or supervisor, best practices for communication with one's subordinates and superiors, and detailed technical guidance supporting efficient and highly accountable supervision. These sessions marked the first time in recent memory that the Sheriff's Office provided specialized training to those members of the agency entrusted with the oversight of daily operations and services.

Additionally, the Training Services Division is actively engaged in a comprehensive revision of all Sheriff's Office policies and procedures. This process, which began in late 2018, has continued unabated since January 2019 and has been facilitated by a partnership with Lexipol LLC, a well-respected national firm with extensive experience in law enforcement and correctional policy optimization. This process has been directed by the Sheriff's Office's Chief Legal and Compliance Officer and supported by a close working partnership with the Milwaukee County Office of Corporation Counsel.

The Practice of Community Policing by the Milwaukee County Sheriff's Office

Reflecting its cultural disposition toward accountability, the Sheriff's Office has developed innovative strategies to guide its policing operations. These strategies are informed by schools of policing theory that are closely aligned with the practice of community policing, including problem-oriented policing and intelligence-led policing. An agency adhering to principles of problem-oriented policing establishes its priorities not through reliance on custom or protocol but by discerning what concrete problems require the leveraging of state power in the community – a process that, in a democracy, requires direct and didactic engagement with community members who know exactly what specific public safety hazards demand law enforcement intervention. Conversely, an agency operating with a focus on the “means” of policing might care little about the ramifications of its operations, so long as they are fiscally efficient or easily reducible to public relations soundbytes.¹² The philosophy of intelligence-led policing optimizes the practice of

¹² For additional information on the philosophy recapitulated here, see Herman Goldstein, “Improving Policing: A Problem-Oriented Approach,” *University of Wisconsin Law School Legal Studies Research Paper Series*, no. 1336 (1979), which remains the foundational text of problem-oriented policing. See Goldstein at 238-239 for a summary of the “means over ends” syndrome.

problem-oriented policing, encouraging the use of data analysis and proactive community engagement to professionalize the process through which problems are identified and resolved.¹³

During the spring and summer of 2019, the Sheriff's Office successfully implemented a problem-oriented and intelligence-led policing strategy within the Milwaukee County Parks System. Previously, during the summer of 2018, several unrelated acts of violence in county parks resulted in community concerns regarding the parks' safety and accessibility, contributing to a perception that certain parks were unsafe for children, families and senior citizens. Additionally, the Sheriff's Office recognized a growing need to restore balance to its park enforcement efforts. In preceding years, Sheriff's Office park enforcement operations had focused on Milwaukee's lakefront. By early 2019, concerns had grown that parks in historically disadvantaged Milwaukee neighborhoods were receiving less attention and a less significant patrol presence. At the same time, residents maintained an expectation of high service levels along the lakefront, which encompassed several of county's busiest recreational parks. Furthermore, the Sheriff's Office was aware that traditional modes of communication between residents and law enforcement, reliant on the use of non-emergency tip lines, were out of step with trends favoring more direct interaction through social media platforms.

In April 2019, the Sheriff's Office enacted a strategic plan for park enforcement that addressed each of these concerns and optimized the infrastructure available to support field operations. Consistent with principles of problem-oriented policing, the strategic plan comprised three phases: the development of community-based response networks to address public safety challenges, the gathering of intelligence related to specific challenges, and the deployment of Sheriff's Office and community resources to address these specific challenges. In each of these phases, Sheriff's Office personnel worked to identify the factors contributing to park safety challenges and to address them using the least-invasive level of intervention allowable in each circumstance.

Through its Office of Public Affairs and Community Engagement, the Sheriff's Office engaged both traditional and unconventional partners in the development of community-based response networks supporting neighborhood parks. Sheriff's Office personnel established close working relationships with counterparts in the Milwaukee County Parks Department and the Milwaukee Police Department's Office of Community Outreach and Education; additionally, personnel worked with "Friends of the Parks" organizations to promote community investment in neighborhood parks. Sheriff's Office staff also engaged community activists, educators and nonprofit stakeholders whose activities could be leveraged to increase credible programming and promote youth safety in individual parks. Additionally, the Sheriff's Office worked with the Milwaukee business community to obtain promotional and financial support for park safety initiatives. Existing partnerships and community initiatives were fully incorporated into these efforts: in Kosciuszko Park, for example, the Sheriff's Office participated in a Department of City Development-led neighborhood revitalization campaign; in Moody Park, the Sheriff's Office partnered with the neighboring COA-YFC and neighborhood activists to provide programming in the wake of disturbances involving unoccupied youth. In another park, the Sheriff's Office hosted a dialogue involving numerous community partners, including public health and education

¹³ See Rich LeCates, "Intelligence-led Policing: Changing the Face of Crime Prevention," *Police Chief Magazine*.

leadership, after learning of resident concerns regarding youth safety and hazards to community health in the park.

The Sheriff's Office also worked creatively to obtain timely and precise information regarding specific park safety challenges identified by community members. Throughout the spring of 2019, the Sheriff's Office aggressively marketed a free mobile application that allows community members to submit anonymous tips regarding criminal acts taking place within the jurisdiction of the Sheriff's Office. To promote the use of this application and to establish its credibility, Sheriff's Office personnel participated in extensive advertising efforts, including engaging park users in friendly conversations regarding the application. Additionally, the Sheriff's Office leveraged its existing community relationships, its investigative units and its advanced data analytics capabilities to discern trends in criminal activity occurring in individual parks, using mapping software to identify geographic "hotspots" requiring community-based interventions.

Working in conjunction with its community partners and relying on accurate information obtained from residents, the Sheriff's Office employed a variety of community policing strategies to resolve challenges identified in county parks throughout the summer of 2019. When appropriate, tactics employed by the Sheriff's Office included visibility-driven enforcement. For example, high-visibility patrol missions were utilized following major incidents or reports of ongoing criminal activity. During these patrols, the twenty law enforcement officers assigned to parks patrol duties drove through "hotspot" areas in marked squad cars during times associated with peak unlawful activity, deterring activities including narcotics dealing, violent confrontations and illicit sexual encounters. But such tactics were not employed in isolation. Rather, when the Sheriff's Office learned of ongoing patterns of problematic activity within a given park, it developed an individualized strategy to address these patterns in conjunction with credible community stakeholders. Three examples from the summer of 2019 demonstrate the efficacy of this individualized, community-centric approach:

- Between May 15, 2019 and August 15, 2019, the Sheriff's Office responded to numerous calls for service in **Moody Park**, located at 2201 W. Auer Ave. in Milwaukee. Most calls for service involved fights between groups of young people who gathered in the park during summer evenings, resulting in several occasions in gunfire. The Sheriff's Office worked with neighborhood stakeholders and youth advocates increase programming available to youth in the park, and established rapport with activists providing day-to-day services to park users. Additionally, the Sheriff's Office largely desisted from responding *en masse* to youth gatherings, relying instead on strategic, de-escalatory outreach and participating in a seven-session program aimed at reducing tension between young park users and responding law enforcement officers. The Sheriff's Office significantly increased these coordinated public safety efforts in Moody Park around July 15: while the Sheriff's Office had logged 134 deputy activities from June 15 to July 15, during the next 30-day period, from July 15 to August 15, the Sheriff's Office logged 77 deputy activities in the park.
- The Sheriff's Office relied on intelligence-led policing strategies and crime prevention through environmental design (CPTED) to resolve recurring challenges in **Garden Homes**

Park, located at 2600 W. Atkinson Ave. in Milwaukee.¹⁴ After a rash of incidents involving unruly gatherings, reports of shots fired, and threats to passersby and public employees working in the park, the Sheriff's Office determined that conditions in the park were directly influenced by specific addresses in the surrounding neighborhood that were being exploited by individuals engaged in unlawful activity. Significant challenges with the park's physical layout, including insufficient lighting, were identified as exacerbating factors. Working closely with the Parks Department, the Milwaukee Department of Public Works, and neighborhood stakeholders, the Sheriff's Office employed crime prevention through environmental design strategies to establish a better-lit and more open park environment; additionally, Sheriff's Office investigators identified actors responsible for unlawful activity in the park and took measures to counteract their activities.

- Early in 2019, the Sheriff's Office became aware of significant challenges related to public order offenses (including overt alcohol use, the harassment of passersby, and drug transactions) occurring in **Kosciuszko Park**, located at 2201 S. 7th St. in Milwaukee, which according to residents deterred positive uses of the park. Throughout the spring and summer of 2019, the Sheriff's Office encouraged "quarterbacking" strategies – concerted positive programming and highly-visible pedestrian activity within a park experiencing public order challenges – while partnering with Milwaukee County's Housing Division to provide services to park users who appeared to be homeless. The Sheriff's Office participated actively in the Lincoln Village Opportunity Strategy, a consortium of intergovernmental, nonprofit, residential and business partners dedicated to advancing equity and neighborhood resilience in the surrounding community. The Sheriff's Office employed an appropriate continuum of interventions as the summer progressed, ranging from outreach conducted by the agency's Office of Public Affairs and Community Engagement to individuals engaged in unlawful activity to the issuance of citations and, on occasion, the arrest of subjects engaged in repeated patterns of illegal and disruptive conduct.

Conclusion

The people of Milwaukee County expect and deserve law enforcement services that affirm the fundamental rights and dignity common to all human beings. In this moment of national reckoning and reform, it is more critical than ever that elected sheriffs, as custodians of a longstanding office of public trust, exercise their responsibilities accountably and in a manner that is readily trusted by their constituents. From January 2019 onward, the Milwaukee County Sheriff's Office has undergone a series of philosophical and administrative reforms designed at maximizing its responsiveness to the community. These reforms reflect a consistent philosophy of public service performed with honor and integrity, reflecting the highest traditions of the community policing model and incorporating practical strategies with proven effectiveness. Furthermore, these reforms have permeated all subdivisions of an organization charged with diverse constitutional and statutory responsibilities, which encompass and extend beyond uniformed policing services.

¹⁴ See CPTED.net, the website of the International CPTED Association, for additional information on the philosophy of crime prevention through environmental design.

The success of Sheriff's Office personnel in forming community-based collaborations advancing public safety in the Milwaukee County Parks stands as a model for ongoing enforcement and engagement initiatives. In 2020, as in 2019, the Sheriff's Office has implemented a three-pronged strategy of park enforcement, relying on strong community relationships, accurate intelligence and interventions tailored to the needs of individual parks. Similarly, an emphasis on stakeholder relations, intelligence-led policing and public engagement characterizes the security operations of the Sheriff's Office, and the operation of the Milwaukee County Jail continues to reflect a strong commitment to the health and safety of those detained in the facility. As the Sheriff's Office advances into a new era of change and institutional reform, embracing the demands of the community it serves, its commitment to accountable, effective and efficient public service will remain as strong as ever.