

# **An Audit of the Sheriff's Office Expressway Patrol Unit**

**January 2006**

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# Milwaukee County

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January 12, 2006

To the Honorable Chairman  
of the Board of Supervisors  
of the County of Milwaukee

We have completed an audit of the Sheriff's Office Expressway Patrol Unit. The audit, conducted in accordance with an adopted County Board resolution (File No. 04-382), includes recommendations to address issues identified in the report.

A response from the Sheriff's Office is attached. We appreciate the cooperation extended by the Sheriff's Office staff during the audit.

Please refer this report to the Committee on Finance and Audit and the Committee on Judiciary, Safety and General Services.

Jerome J. Heer  
Director of Audits

JJH/cah

Attachment

cc: Milwaukee County Board of Supervisors  
Scott Walker, Milwaukee County Executive  
Sheriff David A. Clarke, Jr., Sheriff's Office  
Linda Seemeyer, Director, Department of Administrative Services (DAS)  
Stephen Agostini, Fiscal and Budget Administrator, DAS  
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Linda Durham, Committee Clerk, County Board Staff  
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# An Audit of the Sheriff's Office Expressway Patrol Unit

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## Summary

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Section 59.84(10)(b) Wis. Stats., directs that expressways, which include state and federal highways in Milwaukee County, “shall be policed by the sheriff.” This function is performed by the Expressway Patrol Unit, organizationally placed under the Sheriff’s Office’s Police Services Bureau. The unit is responsible for patrolling the 142 miles of expressway within Milwaukee County.

The number of deputy sheriff positions assigned to patrol the expressways has varied over the years, as have the number of patrol sectors for which coverage has been provided. From 1995 through 1999, there were six patrol sectors, generally with 50 deputy sheriff positions assigned to the Expressway Patrol Unit (four additional deputies were added in the 1999 budget as a result of a funding provided by a State grant for enhanced patrol). In the 2000 budget, the number of patrol sectors increased to seven with the opening of the I-794 extension from downtown to the airport via the Hoan Bridge. The number of deputy sheriff positions assigned to the Expressway Patrol Unit increased to 64 to staff the newly created sector, as well as a new truck enforcement initiative.

In June 2002, the Sheriff’s Office reduced the number of patrol sectors from seven to six, and the number of deputies patrolling the expressways was reduced to 57 in an attempt to reduce the amount of tax levy costs of providing this service as well as reduce the need for overtime to adequately staff the Criminal Justice Facility. In September 2004, the County Board directed the Department of Audit to analyze and report on the fiscal, safety and enforcement effects of the reduction in the number of deputy sheriffs assigned to patrol Milwaukee County’s expressways and the reduction in the number of patrol sectors.

### **Fiscal Effect**

Though the number of deputy sheriff positions declined by seven positions from 2001 (the year prior to the change) to 2004, tax levy support for the Expressway Patrol Unit actually increased by \$600,000. Several factors contributed to this increase. Total revenues decreased by \$585,000, primarily due to a decrease in citation revenue of \$625,000.

It should be noted that the reduction in citation revenue is the result of several factors besides the reduction in the number of deputies patrolling the expressways. Emphasis on other patrol duties other than traffic enforcement (through the issuance of citations) by Sheriff’s Office management has had a direct impact on citation revenue over the years. Also, over the review period the amount of State and federal grants emphasizing traffic enforcement was reduced or eliminated, directly

impacting citation revenue. These types of grants help pay for overtime for current staff for the purpose of writing citations. Thus, while the reduction in force undoubtedly had a direct impact on citation revenue, it is difficult to attribute how much each of these and other factors specifically had on the drop in citation revenue.

Total expenditures over the period remained essentially unchanged, increasing by only \$15,000. However, within the expenditure accounts there were significant changes that had offsetting fiscal effects. As expected, personal services costs fell by \$354,000, and supplies and services costs also decreased by \$168,000. These savings were offset by a \$523,000 increase in fringe benefit costs.

If the effects of the fringe benefit rate increase were eliminated, we calculated that total expenditures would have been reduced by \$609,000, resulting in a corresponding tax levy decrease of \$23,000 (compared to the actual increase of \$600,000).

Our emphasis in reporting the fiscal effect of the reduction in deputies patrolling the expressways focused on the bottom line of the Expressway Patrol Unit only. However, the transfer of positions from the Expressway Patrol Unit to the Criminal Justice Facility (CJF), along with the Sheriff's Office's imposition of overtime controls in that facility, have likely helped to reduce the reliance on overtime at the CJF. Personnel management decisions such as these have helped the Sheriff's Office operate within its overall budget since 2002.

### **Traffic Safety and Enforcement Effects**

We found no national law enforcement standards that suggest a specific number of patrol units per mile of expressway to provide sufficient traffic and safety enforcement. Defining patrol staffing allocation and deployment requirements is a complex endeavor which requires consideration of a number of factors, such as policing philosophies, priorities, practices and procedures, number of service calls, traffic volume, climate, and several others. Lacking professional standards, we were unable to draw conclusions as to the number of deputies needed to provide sufficient coverage for traffic and safety enforcement on Milwaukee County's expressways.

However, during the review period we noted a number of factors, in addition to the reduction in staff, that have had an effect on the Expressway Patrol Unit's ability to enforce traffic and safety laws, such as:

- Calls for service on the expressways have increased about 29%.

- The number of reported accidents has increased about 14%, with non-reportable accidents (no injuries, with property damage under \$1,000) increasing 57%.
- Other activities, such as warrant arrests and conveyances (up about 89%) have also increased, taking squads off the expressway to perform a function that previously had been shared with another unit within the Sheriff's Office.
- Traffic on all Milwaukee County expressways has increased about 5% overall, with much more significant increases on some stretches of the expressways.

As a result, we noted the following effects over the review period:

- The number of citations issued dropped 41%.
- In general, response times to calls for assistance have increased 4%, but response times for accidents involving only property damage have increased almost 86%, and response times for accidents involving personal injury have increased 40%.
- 'Gone on arrivals,' in which the subject of the service call is not at the specified location by the time a patrol unit arrives, have increased 23%. This includes an increase of nearly 60% in 'gone on arrivals' for accidents involving property damage.

Regardless of what staffing level the Sheriff's Office determines is necessary to fulfill its responsibility for patrolling the County's expressways, the County should be fully reimbursed for providing a service that the State provides at no cost to all other counties with expressways. We include a recommendation to either request sufficient State funding to eliminate County tax levy support for expressway patrol in Milwaukee County, or request that State law be changed to no longer hold the County responsible for expressway patrol.

### **Other Issues**

- General transportation aid funding from the State (\$4.8 million for 2004) is allocated without a reasonable, supportable basis by the County to the Expressway Patrol Unit and DPPI Highway Maintenance Division.
- The Clerk of Courts does not provide the Sheriff's Office with documentation supporting the \$5 per citation fee that the Clerk of Courts withholds from citation revenue due to the Sheriff's Office. This practice understates both total revenues and expenditures for the Expressway Patrol Unit by the total amount kept by the Clerk of Courts, which in 2004 was \$180,000.
- For citations regarding vehicle size, weight and load restrictions, State statutes require that the amount over \$150 be submitted to the State. The Sheriff's Office has been keeping the entire citation amount since January 2001, in accordance with a Corporation Counsel opinion. The amount in excess of the first \$150 that the Sheriff's Office has kept from January 2001 through September 2005 is about \$424,000. The State has never officially concurred with the practice, and State correspondence in 2004 suggests that the practice could come into question again, exposing the County to a significant potential liability until formal approval is obtained.

- Several errors in compiling internal statistics by the Expressway Patrol Unit were noted for 2004. Staff willingly corrected the errors noted.

We would like to acknowledge the cooperation of the Sheriff's Office staff throughout the audit process. A management response is included as **Exhibit 3**.

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## Background

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The Milwaukee County Sheriff is a State constitutional officer who is statutorily responsible for law enforcement and protecting the safety and security of citizens and property throughout Milwaukee County. The Sheriff's Office staffs the Criminal Justice Facility, provides bailiff services for circuit courts, patrols communities and expressways in Milwaukee County, and provides security and traffic control for special events.

Section 59.84(10)(b) Wis. Stats., directs that expressways, which include state and federal highways in Milwaukee County, "shall be policed by the sheriff." Milwaukee County is the only county in the state in which the sheriff rather than the State Patrol is responsible for patrolling the expressways, and receives state aid for doing so. While state law mandates Milwaukee County to patrol the expressways within Milwaukee County, it does not mandate the extent to which coverage is to be provided.

The Expressway Patrol Unit, organizationally under the Sheriff's Office's Police Services Bureau, is responsible for providing around-the-clock response to emergency situations involving protection, safety and law enforcement throughout Milwaukee County. The unit is also responsible for patrolling the expressway system, 142 miles of coverage, in Milwaukee County. The Captain in charge of the Expressway Patrol Unit is also responsible for County Grounds Security, including the Zoo and Parks Patrol, functions as the SWAT Commander, and oversees other special events, such as dignitary protection.

Milwaukee County expressways are administratively divided into patrol sectors for purposes of assigning areas of responsibility for patrol squads. A summary of the budgeted staffing levels and patrol sectors for the Expressway Patrol Unit can be found in **Table 1**.

**Table 1**  
**Budgeted Positions & Patrol Sectors**  
**1999 – 2005**

	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Deputy Sheriff	54	64	64	65	57	57	51
Sergeant	5	5	5	6 <sup>a</sup>	6	6	6
Captain	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u> <sup>b</sup>	<u>2</u> <sup>b</sup>	<u>2</u> <sup>b</sup>
<b>TOTAL</b>	<b>61</b>	<b>71</b>	<b>71</b>	<b>73</b>	<b>65</b>	<b>65</b>	<b>59</b>
Number of Patrol Sectors	6	7	7	6 <sup>c</sup>	6	6	6

Notes:

- <sup>a</sup> – One of the six sergeant positions was unfunded.
- <sup>b</sup> – One of the two captain positions was included in personal lump sum adjustment, thus the position was not filled.
- <sup>c</sup> – The number of patrol sectors was reduced from seven to six in June 2002.

Source: 1999 – 2005 Milwaukee County Adopted Budgets.

As shown in **Table 1**, in 1999, the Expressway Patrol Unit had a budget of 54 deputy sheriff positions to cover six patrol sectors. Four of the positions were funded by a State grant, which established an enhanced patrol program. The enhanced patrol program focuses on assisting disabled motorists and patrolling construction zones on the expressway system. From 1995 – 1998, the Sheriff's Office had 50 deputies patrolling the County's expressways.

In the 2000 Adopted Budget, 10 deputy sheriff positions were reassigned from the Criminal Justice Facility to the Expressway Patrol Unit in order to staff a seventh sector, the I-794 extension, and to staff a new truck enforcement initiative that would focus on commercial motor vehicles, equipment safety and speed. The seventh sector covered the entire I-794 highway from downtown south over the Hoan Bridge to Layton Avenue (General Mitchell International Airport).

A 2002 Department of Audit report found that funding for the Expressway Patrol Unit in 2001 was not sufficient to cover expenses. The report noted that the Sheriff's Office was contemplating reducing the number of sectors patrolled from seven to six, reducing personnel costs but also increasing the size of the remaining patrol sectors. The report warned that while the action may lower the Expressway Patrol Unit tax levy, there would likely be negative consequences in citation revenue and response times. The report recommended that the Sheriff's Office prepare an analysis that shows the total fiscal effects on both revenues and expenses of reducing expressway

coverage, and work with Intergovernmental Relations to attempt to obtain full reimbursement from the State for the cost of providing expressway patrols, or explore the potential for enacting changes in state law to have the State take over the responsibility.

In addition, a report issued by the Wisconsin Legislative Audit Bureau in September 2002 voiced similar conclusions. It stated that while both the Sheriff's Office and the State are facing financial constraints, it may be an appropriate time for the County and the State to assess who should be responsible for patrolling Milwaukee County expressways and how the costs of these patrols should be funded.

In June 2002, the Sheriff's Office reduced the number of patrol sectors from seven to six, and reduced the number of deputy sheriff positions in the Expressway Patrol Unit to 57 in an attempt to reduce the amount of tax levy costs of providing this service as well as reduce the need for overtime to adequately staff the Criminal Justice Facility. The 2003 and 2004 Adopted Budgets reflected the reduction in the number of deputy sheriff positions. The 2005 Adopted Budget reflects a further reduction in the number of deputy sheriff positions from 57 to 51.

In September 2004, the County Board directed the Department of Audit to analyze and report on the fiscal, safety and enforcement effects of the reduction in the number of Deputy Sheriffs assigned to patrol Milwaukee County's expressways and the reduction in the number of patrol sectors.

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## Section 1: Fiscal, Traffic Enforcement and Traffic Safety Effects of Staff Reduction

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Milwaukee County has 142 miles of expressway that the Sheriff's Office has responsibility for patrolling. To help manage this task, it has divided the County into patrol sectors. Generally, deputies are assigned specific sectors to patrol during their shifts. However, they are not limited to patrolling only the assigned sector, as circumstances often require them to respond to calls in other sectors.

**In July 2002, the Sheriff's Office reduced the number of deputy sheriff positions assigned to the Expressway Patrol Unit from 65 to 57, to help reduce the overall tax levy support required to provide expressway coverage.**

From January 2000 to July 2002, the County was divided into seven patrol sectors. In July 2002, the Sheriff's Office reduced the number of expressway patrol sectors in Milwaukee County to six, corresponding to a reduction in the number of deputy sheriff positions assigned to the Expressway Patrol Unit from 65 to 57, to help reduce the overall tax levy support required to provide expressway coverage. The positions were transferred to the Criminal Justice Facility to reduce the need for overtime to adequately staff it.

**Exhibit 2** is a map of Milwaukee County expressways divided into six sectors after eliminating Sector 7. The reduction had little effect on the size of Sectors 1 – 5. The primary effect was that Sector 6 (I-43/94 from the Marquette interchange south to Howard Avenue) was expanded to cover the area previously assigned as Sector 7 (I-794 from the Marquette interchange east to the Hoan Bridge, then south to General Mitchell International Airport).

### **Fiscal Effects**

Though the number of deputy sheriff positions declined by seven positions from 2001 to 2004, the tax levy of the Expressway Patrol Unit increased by \$600,292, from \$286,566 in 2001 to \$886,858 in 2004. As shown in **Table 2**, the increase in tax levy

for the Expressway Patrol Unit was primarily caused by a decline in citation revenue and an increase in fringe benefit expenditures.

**Table 2**  
**Expressway Patrol Unit**  
**Actual Expenditures and Revenues**  
**2001 – 2004**

<u>Expenditures:</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>Difference</u> <u>2001 - 2004</u>
Personal Services	\$3,788,890	\$3,880,839	\$3,376,452	\$3,434,612	(\$354,278)
Fringe Benefits	1,070,057	1,258,931	1,177,725	1,593,398	523,341
Vehicle Maintenance	1,181,867	1,212,626	1,139,476	1,195,296	13,429
Supplies & Services	<u>412,472</u>	<u>190,391</u>	<u>319,539</u>	<u>244,839</u>	<u>(167,633)</u>
Total Expenditures	\$6,453,286	\$6,542,787	\$6,013,192	\$6,468,145	\$14,859
 <u>Revenues:</u>					
Citation Revenue	\$2,766,730	\$2,388,060	\$2,079,085	\$2,141,975	(\$624,755)
General Trans. Aids	1,701,363	1,956,755	2,127,843	2,085,286	383,923
Policing Aid	1,040,800	1,040,800	1,040,800	1,040,800	0
Other State Grants	408,255	352,205	375,167	306,251	(102,004)
Federal Grants	247,128	13,345	0	0	(247,128)
Other Revenue	<u>2,444</u>	<u>649</u>	<u>21,179</u>	<u>6,975</u>	<u>4,531</u>
Total Revenues	\$6,166,720	\$5,751,814	\$5,644,074	\$5,581,287	(\$585,433)
 <b>Direct Tax Levy</b>	 <b>\$286,566</b>	 <b>\$790,973</b>	 <b>\$369,118</b>	 <b>\$886,858</b>	 <b>\$600,292</b>
 Funded FTE Deputy Sheriff Positions	 64	 65	 57	 57	 (7)

Source: Advantage financial files and BRASS position reports.

**The savings from lower personal services costs due to the staff reduction were more than offset by the County's increased fringe benefit costs.**

With a reduction in staffing, we would have expected to have seen a decline in total expenditures. However, as **Table 2** shows, total expenditures remained fairly constant from 2001 to 2004. While personal services cost declined by \$354,278 (9.4%), fringe benefit costs actually **increased** by \$523,341 (48.9%) over the same period. Therefore, the savings from lower personal services costs due to the staff reduction were more than offset by the County's increased fringe benefit costs.

### **Fringe Benefit Costs**

The issue of escalating fringe benefit costs (primarily health care and pension-related costs) is one that has received much attention over the past few years. As the above analysis

demonstrates, these rising costs have helped mask the effects of management decisions meant to reduce tax levy burden on specific operations. To help offset this factor, we have prepared **Table 3** to help show the fiscal effects of reducing patrol staff if the fringe benefit rate remained constant during the period under review.

**Table 3**  
**Expressway Patrol Unit**  
**Actual Expenditures and Revenues**  
**With Fringe Benefits Adjusted for Comparability Purposes**  
**2001 – 2004**

<u>Expenditures:</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>Difference</u> <u>2001 - 2004</u>
Personal Services	\$3,788,890	\$3,880,839	\$3,376,452	\$3,434,612	(\$354,278)
Fringe Benefits	1,070,057	1,096,025	953,576	970,002	(100,055)
Vehicle Maintenance	1,181,867	1,212,626	1,139,476	1,195,296	13,429
Supplies & Services	<u>412,472</u>	<u>190,391</u>	<u>319,539</u>	<u>244,839</u>	<u>(167,633)</u>
Total Expenditures	\$6,453,286	\$6,379,881	\$5,789,043	\$5,844,749	(\$608,537)
 <u>Revenues:</u>					
Citation Revenue	\$2,766,730	\$2,388,060	\$2,079,085	\$2,141,975	(\$624,755)
General Transp. Aids	1,701,363	1,956,755	2,127,843	2,085,286	383,923
Policing Aid	1,040,800	1,040,800	1,040,800	1,040,800	0
Other State Grants	408,255	352,205	375,167	306,251	(102,004)
Federal Grants	247,128	13,345	0	0	(247,128)
Other Revenue	<u>2,444</u>	<u>649</u>	<u>21,179</u>	<u>6,975</u>	<u>4,531</u>
Total Revenues	\$6,166,720	\$5,751,814	\$5,644,074	\$5,581,287	(\$585,433)
 <b>Direct Tax Levy</b>	 <b>\$286,566</b>	 <b>\$628,067</b>	 <b>\$144,969</b>	 <b>\$263,462</b>	 <b>(\$23,104)</b>
 Funded FTE Deputy Sheriff Positions	 64	 65	 57	 57	 (7)

Source: Advantage financial files and BRASS position reports.

**If the effects of the rising fringe benefits rate were eliminated, total expenditures over the period would have fallen by \$608,537.**

If the effects of the rising fringe benefits rate were eliminated, total expenditures over the period would have fallen by \$608,537 instead of increasing by \$14,859, with a corresponding decrease in tax levy support. Thus, instead of the \$600,292 increase in actual tax levy support over the period, support would have dropped slightly to \$23,104.

However, regardless of how fringe benefit costs are portrayed, the savings from reduced salary costs were offset by a net

**The savings from reduced salary costs were offset by a net reduction in revenues.**

**Citation revenue and state aid are the major revenue sources for the Expressway Patrol Unit.**

**Citation revenue declined by \$624,755, from \$2,766,730 in 2001 to \$2,141,975 in 2004.**

reduction in revenues. Over the same period, total revenues decreased by \$585,433. Individually, citation revenue showed the biggest decline, falling \$624,755. Other state and federal grants fell by \$349,132, while state funding provided through general transportation aid increased by \$383,923 from \$1,701,363 in 2001 to \$2,085,286 in 2004, and state-funded expressway policing aid remained unchanged at \$1,040,800.

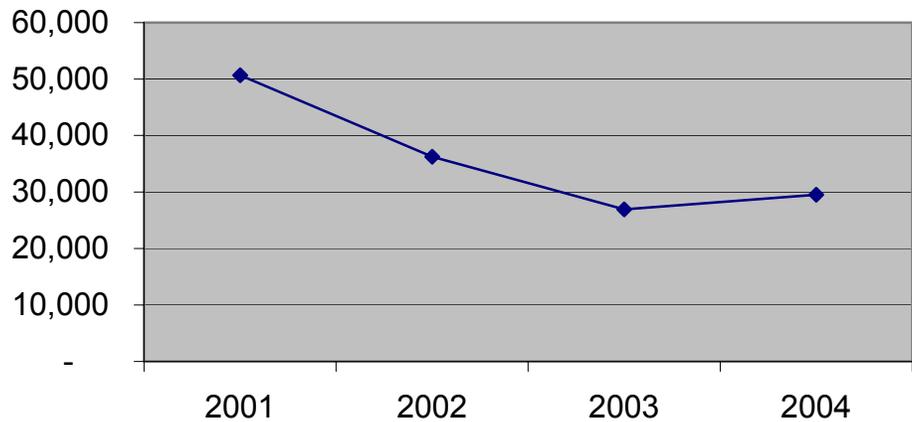
### **Revenue Sources**

Citation revenue and state aid are the major revenue sources for the Expressway Patrol Unit. Citation revenue is generated by sheriff deputies when enforcing state statutes and local ordinances on the expressway system. The state provides funding through expressway policing aid, general transportation aid, and various grants focusing on specific enforcement issues, including speed, alcohol, and seatbelt enforcement. In this report we focus on citation revenue, expressway policing aid revenue and general transportation aid revenue, since these comprise over 90 percent of total Expressway Patrol Unit revenues.

#### Citation Revenue

As noted in the above tables, citation revenue declined by \$624,755, from \$2,766,730 in 2001 to \$2,141,975 in 2004. This decline is also reflected in the decline in the number of citations issued, from 50,676 in 2001 to 29,528 in 2004, as shown in the following graph.

### Expressway Patrol Unit Citations Issued 2001 - 2004



Source: Expressway Patrol Unit internal patrol statistics.

**It should be noted that the reduction in citation revenue is the result of several factors besides the reduction in the number of deputies patrolling the expressways.**

It should be noted that the reduction in citation revenue is the result of several factors besides the reduction in the number of deputies patrolling the expressways. Emphasis on other patrol duties other than traffic enforcement (through the issuance of citations) by Sheriff's Office management has had a direct impact on citation revenue over the years.

**Another way to evaluate the cost effectiveness of the reduction in the number of deputies is to compare the cost of a Deputy Sheriff I position with the citation revenue the position would need to generate to fully support the position.**

Also, over the review period the amount of State and federal grants emphasizing traffic enforcement was reduced or eliminated, directly impacting citation revenue. These types of grants help pay for overtime for current staff for the purpose of writing citations. Thus, while the reduction in force undoubtedly had a direct impact on citation revenue, it is difficult to attribute how much each of these and other factors specifically had on the drop in citation revenue.

Another way to evaluate the cost effectiveness of the reduction in the number of deputies is to compare the cost of a Deputy Sheriff I position with the citation revenue the position would need to generate to fully support the position. For example, in

2002 the budgeted cost for a Deputy Sheriff I position was about \$60,000. Assuming a \$50 base fine for each citation, the position would need to write 1,200 citations. The difference is more dramatic for 2006, since the cost of a Deputy Sheriff I position is budgeted at \$88,700. This would require the position to write 1,774 citations.

**Increasing the number of deputies would only increase the tax levy support needed for the Expressway Patrol Unit, unless additional funding was provided by other sources.**

In comparison, the number of citations written annually from 2001 through 2004 on the most optimal basis, in which only enforcement hours are used to assess performance, has never exceeded 925 citations per position (in 2001). Further, these costs do not include vehicle and other related costs, which would increase the number of citations needed to be written to break even. As a result, increasing the number of deputies would only increase the tax levy support needed for the Expressway Patrol Unit, unless additional funding was provided by other sources.

#### Expressway Policing Aid

**During the State's budget process, an amount is appropriated to provide assistance to the Sheriff's Office for the cost of patrolling the County's expressways.**

During the State's biennial budget process, an amount is appropriated to provide assistance to the Milwaukee County Sheriff's Office for the cost of patrolling expressways within the County. This amount remained constant at \$1,040,800 from 2001 through 2004. It appears the State does not use specific criteria or a formula in determining the annual appropriation level.

**In August 2004, the Sheriff's Office formally requested additional assistance from the State, either through patrol assistance from the Wisconsin State Patrol (WSP) or through additional funding.**

As previously noted, in August 2004, the Sheriff's Office formally requested additional assistance from the State, either through patrol assistance from the Wisconsin State Patrol (WSP) or through additional funding. In the letter, the Sheriff's Office pointed out that the expressway system has a high number of drivers using the system that do not live in Milwaukee County and do not have the increased property tax burden of funding the expressway patrols in Milwaukee County. It also stated that the resources of the WSP are publicly owned assets to which the taxpayers of Milwaukee County have a legitimate claim. It

concluded by stating if Milwaukee County taxpayers continue to be denied the service of this public enterprise, then the Sheriff's Office requests that the state increase its level of reimbursement so as to have a neutral impact on Milwaukee County taxpayers.

**The State responded in December 2004 stating the WSP does not have the resources to provide adequate coverage even on one shift or for one portion of the freeway.**

The State responded in December 2004 stating the WSP does not have the resources to provide adequate coverage even on one shift or for one portion of the freeway. They noted that the WSP staffing levels would need to be increased in order to provide sufficient coverage, which they believe to be similar to the level provided by the Milwaukee County Sheriff's Office.

However, during the State's 2005-2007 biennial budget process the Legislature passed Assembly Bill 100, which would have provided an increase of \$250,000 annually for expressway policing aids to Milwaukee County for total funding of \$1,290,800 annually. An executive veto reduced the increase to \$50,000 a year, or \$1,090,800 annually. Further, as part of the veto, the Department of Transportation Secretary was requested to work with the Milwaukee County Sheriff to secure a report on the use of the \$1,090,800 in annual funding for expressway policing aids and to ensure that the monies are used to maximize highway safety.

#### General Transportation Aid (GTA)

**The State provides GTA to local governments to defray a portion of the costs incurred in constructing and maintaining roads under local jurisdiction.**

The State provides GTA to local governments to defray a portion of the costs incurred in constructing and maintaining roads under local jurisdiction. The GTA program is a reimbursement program based on each local government's construction and road maintenance spending patterns. The share of cost rate is determined by the available funding and the six-year average costs reported by each county. Eligible GTA costs include generally all road or street construction and maintenance expenditures within the right-of-way. A percentage of other expenditures are also considered eligible costs, including law enforcement, street lighting maintenance and construction, and

storm sewer construction. For example, the six-year average used to compute payments for 2005 is based on costs reported by the County in 1998 through 2003.

**The County has the ability to divide the grant amount to departments whose eligible costs are used for determining the County's portion of the state grant.**

The County has the ability to divide the grant amount to departments whose eligible costs are used for determining the County's portion of the state grant. **Table 4** shows the amount of GTA funding received by Milwaukee County, and how it has been allocated from 2001 - 2004.

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Highway Maintenance	\$2,101,472	\$2,416,647	\$2,628,251	\$2,746,238
<b>Expressway Patrol</b>	<b>1,701,363</b>	<b>1,956,755</b>	<b>2,127,843</b>	<b>2,085,286</b>
Parks	<u>139,152</u>	<u>159,883</u>	<u>174,033</u>	<u>0</u>
<b>Total</b>	<b>\$3,941,987</b>	<b>\$4,533,285</b>	<b>\$4,930,127</b>	<b>\$4,831,524</b>

Source: 2001 – 2004 Advantage financial files.

Based on the data in **Table 4**, the Expressway Patrol Unit received 43.16% of the total GTA funding received from the State. The Highway Maintenance staff record the GTA revenues for the Expressway Patrol Unit. The allocation has been in effect for as far back as current staff can remember, for at least 25 years. Current staff are uncertain as to how the allocation was initially determined.

**Good accounting practices suggest that a reasonable, supportable basis be used for allocating revenues and expenditures to various functions.**

Good accounting practices suggest that a reasonable, supportable basis be used for allocating revenues and expenses to various functions. In addition, the allocation basis should be reviewed on a periodic basis to ensure the allocation is still appropriate based upon current circumstances. It should be noted that whatever basis is used for future allocations to the Expressway Patrol Unit, it will directly impact tax levy support,

perhaps significantly. But the result will provide a more accurate picture of the cost of providing expressway patrol service.

To help ensure an objective allocation that reflects the needs of the Sheriff's Office, DPPI Highway Maintenance Division, and the County as a whole, we recommend that the Department of Administrative Services Controller:

1. *Determine a reasonable, supportable basis for allocating general transportation aid funding between the Sheriff's Office and DPPI Highway Maintenance Division, and*
2. *Review the allocation periodically to ensure the allocation remains appropriate.*

## **Traffic Enforcement & Safety Effects**

Effects on traffic enforcement are perhaps most noticeable in the changes in the number of citations issued. As shown in **Table 5** below, the number of citations has fallen from 50,676 in 2001 to 29,528 in 2004, a 41.7% drop. It further shows the change by type of citation, along with the change in the number of citations issued per deputy sheriff position, based on actual enforcement hours.

**The number of citations has fallen from 50,676 in 2001 to 29,528 in 2004, a 41.7% drop.**

**Table 5  
Expressway Patrol Unit  
Number of Citations Issued  
2001 – 2004**

<u>Citation:</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>% Difference 2001 - 2004</u>
Speeding	27,196	19,040	13,015	13,900	(48.9%)
Other Moving Violation	10,040	7,821	6,432	6,818	(32.1%)
Seat Belt	4,368	1,652	1,259	1,640	(62.5%)
Driver's License Violations	3,868	3,979	3,069	3,493	(9.7%)
Non-Moving Violations	4,208	2,833	2,115	2,568	(39.0%)
Operating While Intoxicated	843	786	736	923	9.5%
County Ordinances	<u>153</u>	<u>141</u>	<u>293</u>	<u>186</u>	21.6%
<b>Total Citations</b>	<b>50,676</b>	<b>36,252</b>	<b>26,919</b>	<b>29,528</b>	<b>(41.7%)</b>
<b>Citations Per Deputy Annually</b>	<b>925</b>	<b>835</b>	<b>713</b>	<b>746</b>	<b>(19.4%)</b>

Note: These statistics do not include citations that are not primarily related to patrolling the expressways, such as parking tickets.

For analysis purposes, actual enforcement hours on an annual basis were used to compute the number of citations written per deputy sheriff.

Source: Expressway Patrol Unit internal patrol statistics.

**The number of citations written per deputy sheriff position has fallen 19.4%, indicating less time spent on that activity due to increases in other factors and activities.**

**Overall, the increase in response times has not been dramatic, increasing from 10.5 minutes in 2001 to 10.9 minutes in 2004, a 3.8% increase.**

**Table 5** shows how speeding violations have dropped nearly in half since 2001. Seat belt violations dropped the most on a percentage basis, but in 2001 the County was receiving federal grant revenue earmarked for seat belt enforcement which ended that year. It also shows that the number of citations written per deputy sheriff position has fallen 19.4%, indicating less time spent on that activity due to increases in other factors and activities.

#### **Traffic Safety Effect – Response Times**

Over the review period, response times by patrol units to service calls have increased. Overall, the increase has not been dramatic, increasing from 10.5 minutes in 2001 to 10.9 minutes in 2004, a 3.8% increase.

However, response times to requests for assistance due to accidents, a high priority considering the direct impact on public safety, have increased at higher rates. For example, response

Response times for accidents involving personal injury have increased 40%. Similarly, response times for accidents involving only property damage have increased 86%.

times for accidents involving personal injury have increased 40%, from five minutes to seven minutes. Similarly, response times for accidents involving only property damage have increased 86%, from seven minutes to 13 minutes.

The effect of reduced response times may be reflected in the number of 'gone on arrivals.' As the term indicates, the subject of the service call is no longer at the call location by the time a patrol unit is able to respond to the call. Overall, these types of calls have risen from 5,140 instances in 2001 to 6,339 instances in 2004, an increase of 23.3%. **Table 6** shows the types of calls most frequently resulting in a 'gone on arrival,' along with how frequently they occurred from 2001 to 2004.

**Table 6**  
**Expressway Patrol Unit**  
**Examples of Gone On Arrivals (GOA)**  
**2001 – 2004**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>% Change 2001 - 2004</u>
<b>Total Gone On Arrivals</b>	<b>5,140</b>	<b>6,472</b>	<b>6,210</b>	<b>6,339</b>	<b>23.3%</b>
<b><i>Examples of Most Frequent Type of Service Calls GOA:</i></b>					
Disabled Vehicle	2,218	2,637	2,851	2,865	29.2%
Accident – Property Damage Only	704	1,007	999	1,124	59.7%
Debris on Expressway	562	776	651	588	4.6%
Pedestrian on Expressway	288	420	408	494	71.5%
Reckless Driver	572	652	509	425	(25.7%)
Animal on Expressway	164	249	197	263	60.4%
Possible Operating While Intoxicated	350	399	272	256	(26.9%)

Source: Computer-aided Dispatch System information maintained by the Sheriff's Office.

'Gone on arrivals' relating to accidents involving property damage perhaps best demonstrate concerns regarding the increase in response times. In such cases, the persons involved in the accident did not wait for the patrol unit to arrive, ostensibly because the units have not responded in a timely manner. As **Table 6** shows, 'gone on arrivals' for accidents involving property

damage occurred 1,124 times in 2004, an increase of 59.7% over 2001.

**'Gone on arrivals' involving accidents in which personal injuries were initially reported, increased 145.5% from 2001 to 2004.**

Of interest was another type of 'gone on arrival' involving accidents in which personal injuries were initially reported. This occurred 27 times in 2004, which was a 145.5% increase over the 11 times this occurred in 2001. Though much less frequent than accidents involving property damage, and likely involving minor injuries, this category along with 'gone on arrivals' related to accidents with property damage, help to highlight the need for improving response times to help ensure traffic safety for all reported accidents.

### **Factors Affecting Performance**

It was difficult to draw direct cause-and-effect relationships between just the reduction of deputies patrolling the expressways with effect noted above in traffic enforcement and safety. Several other factors, discussed in the following subsections, have had an effect on traffic enforcement and safety.

### **Increase in Expressway Activity**

Statistics from the Wisconsin Department of Transportation have shown a total general increase of about 5% in freeway traffic in Milwaukee County over the period 2001 - 2004. Traffic for some segments of Milwaukee County expressways have increased even more. For example, eastbound traffic on I-94 at 7<sup>th</sup> Street has increased 23.2%. That percentage translates into an additional 9,600 cars per day crossing that point of the expressway. While construction and other factors may have contributed to some increases, it is evident that expressway traffic in Milwaukee County has increased overall.

**Statistics from the Wisconsin Department of Transportation have shown a total general increase of about 5% in freeway traffic in Milwaukee County over the period 2001 – 2004.**

With expressway traffic increasing, the number of reported traffic accidents has also increased during this period, as shown in **Table 7**.

<b><u>Type:</u></b>	<b><u>2001</u></b>	<b><u>2002</u></b>	<b><u>2003</u></b>	<b><u>2004</u></b>	<b><u>% Change 2001 - 2004</u></b>
Property Damage	2,790	2,961	3,020	3,289	17.9%
Injury	1,276	1,272	1,264	1,358	6.4%
Fatality	6	10	11	5	(16.7%)
<b>Total Accidents</b>	<b>4,072</b>	<b>4,243</b>	<b>4,295</b>	<b>4,652</b>	<b>14.2%</b>

Source: State of Wisconsin Department of Transportation Crash Statistics.

The above statistics for accidents involving property damage include only accidents that are required to be reported to the State, where property damage is estimated to exceed \$1,000. The Expressway Patrol Unit compiles statistics of non-reportable accidents to which patrol units responded. Statistics were not available for 2001, but the number of non-reportable accidents between 2002 – 2004 were 329, 313, and 518, respectively. This translates into a 57.5% increase in non-reportable accidents over those three years.

**The volume of calls for the Expressway Patrol Unit service increased 29.2%, from 33,396 in 2001 to 43,159 in 2004.**

Also during this period, the volume of calls for the Expressway Patrol Unit service increased 29.2%, from 33,396 in 2001 to 43,159 in 2004. **Table 8** gives examples of the most frequent types of calls patrol units respond to, and how their frequency has changed over the period.

**Table 8**  
**Expressway Patrol Unit**  
**Examples of Most Frequent Calls for Service**  
**2001 – 2004**

	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>% Change 2001 - 2004</u>
<b>Total Calls</b>	<b>33,396</b>	<b>39,781</b>	<b>39,854</b>	<b>43,159</b>	<b>29.2%</b>
<b><i>Examples of Most Frequent Type of Service Call:</i></b>					
Disabled Vehicle	17,962	18,128	17,551	16,770	(6.6%)
Accident – Property Damage	4,762	5,642	6,038	6,562	37.8%
Reckless Driver	2,394	3,350	3,913	5,046	110.8%
Possible Operating While Intoxicated	1,264	1,932	1,987	3,160	150.0%
Debris on Road	2,671	3,261	2,886	2,891	8.2%
Abandoned - Tow	130	1,814	1,891	1,900	1361.5%
Pedestrian on Expy.	932	1,133	1,114	1,287	38.1%
Accident – Personal Injury	761	1,043	1,051	1,182	55.3%

Source: Computer-aided Dispatch System information maintained by the Sheriff's Office.

While reports of disabled vehicles went down slightly (6.6%), all other most frequent types of service calls went up. Of significance were the increases in accidents (both involving injury or property damage only), which can require significant amounts of a deputy's time to address.

#### **Warrant Arrests**

At the same time that fewer squad cars were patrolling the freeways, the amount of work that deputies perform while on the freeways also was on the rise, further reducing time available to write citations. One area of increased activity was the number of warrant arrests and conveyances that the Expressway Patrol Unit was assigned to perform.

**One area of increased activity was the number of warrant arrests and conveyances that the Expressway Patrol Unit was assigned to perform.**

Warrant arrest activity, as the name implies, includes arrests made for outstanding warrants. It also includes conveying prisoners from other police departments in Milwaukee County to the Criminal Justice Facility. Prior to 2001, either the police departments making the warrant arrest or the Milwaukee County Sheriff's Detective Unit would convey the prisoners to the

Criminal Justice Facility. When full-time third shift detective services were eliminated, the Expressway Patrol Unit became responsible for third shift warrant pickups. Currently, the Expressway Patrol Unit is primarily responsible for warrant pickups on all shifts.

**Table 9** shows how the number of warrant arrests and conveyances performed by expressway patrol squads has increased over the last four years.

<u>Type of Warrants:</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>% Change 2001 - 2004</u>
Felony	110	123	133	168	52.7%
Misdemeanor	1,198	1,794	2,281	2,522	110.5%
Ordinance	<u>326</u>	<u>319</u>	<u>331</u>	<u>401</u>	23.0%
<b>Total Arrests &amp; Conveyances</b>	<b>1,634</b>	<b>2,236</b>	<b>2,745</b>	<b>3,091</b>	<b>89.2%</b>

Source: Expressway Patrol Unit internal patrol statistics.

**Milwaukee County has been providing tax levy support over many years for a service that all other counties in the state having expressways get at no cost.**

**Summary**

Milwaukee County has been providing tax levy support over many years for a service that all other counties in the state having expressways get at no cost. While attempting to reduce the tax levy support for expressway patrol, the fiscal impact of the Sheriff Office’s decision to reduce the number of deputies patrolling Milwaukee County freeways has had the opposite effect. Primarily due to an increasing fringe benefits rate, the County’s tax levy support for this function has actually increased since 2001. Even after factoring out the effects of the increasing fringe benefits rate, the staff reduction had only a minor effect on reducing tax levy support, as savings from reduced personnel costs were almost totally offset by a corresponding decrease in citation revenue.

There have been measurable effects on traffic safety and enforcement over the review period:

- The number of citations issued have dropped 41.7%.
- In general, response times to calls for assistance have increased 4%, but response times for accidents involving only property damage have increased almost 86%, and accidents involving personal injury have increased 40%.
- 'Gone on arrivals' have increased 23%, including an increase of nearly 60% in those associated with accidents involving property damage.

However, factors in addition to the reduction in the number of deputy sheriffs assigned to patrol the freeways have had an effect on the Expressway Patrol Units' ability to enforce traffic and safety laws, including:

- Calls for service on the expressways have increased about 29%.
- The number of reported accidents has increased about 14%, with non-reportable accidents increasing 57%.
- Other activities, such as warrant arrests (up about 89%) have also increased, taking squads off the expressway to perform a function that previously had been shared with another unit within the Sheriff's Office.
- Expressway traffic on all Milwaukee County freeways has increased about 5% overall, with much more significant increases on some stretches of the expressways.

**We found no standards that suggest a specific number of patrol units are required per mile of expressway to provide sufficient traffic and safety enforcement.**

We found no standards that suggest a specific number of patrol units are required per mile of expressway to provide sufficient traffic and safety enforcement. According to the International Association of Chiefs of Police, ready-made, universally applicable patrol staffing standards do not exist. Defining patrol staffing allocation and deployment requirements is a complex endeavor which requires consideration of a number of factors, including the following:

- Policing philosophies, priorities, practices and procedures.

- Number of service calls.
- Population size and density.
- Composition of population, particularly age structure.
- Cultural conditions.
- Climate, especially seasonality.
- Citizen demand for crime control and non-crime control services.

Thus, we could draw no conclusions as to what is the appropriate number of deputy sheriffs needed to provide sufficient coverage for traffic and safety enforcement on Milwaukee County expressways.

Regardless of what staffing level the Sheriff's Office determines is necessary to fulfill its mission to patrol the County's expressways, the County should be fully reimbursed by the State for providing a service that the State provides at no cost to all other counties with expressways. Attempts at obtaining additional resources to avoid County tax levy support have been partially successful, as demonstrated by the \$50,000 increase in policing aid contained in the State's 2005 – 2007 adopted biennial budget. However, this amount covers only a small fraction of the \$886,858 tax levy support provided by the County in 2004. We therefore recommend that the Sheriff's Office work with Intergovernmental Relations to:

3. *Request State funding to eliminate County tax levy support for expressway patrol in Milwaukee County. If proper funding levels cannot be provided, request that state law be changed to no longer hold the County responsible for expressway patrol.*

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## Section 2: Other Issues

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**The Clerk of Circuit Courts is responsible for processing citations.**

### Processing of Citation Revenue

The Clerk of Circuit Courts is responsible for processing citations. Each citation is entered into the Consolidated Court Automation Programs (CCAP) system, which is a State-maintained computer system. The system allocates citation revenue based upon the applicable state statutes and local ordinances. **Table 10** presents an example of how CCAP allocates citation revenue for a speeding violation 11–15 miles per hour over the posted limit.

**Table 10**  
**Citation Revenue Breakdown (effective 4/27/04)**  
**Speeding Violation – 11-15 mph Over Posted Limit**

Base Deposit	\$50.00
Court Support Services Fee	68.00
Court Costs	25.00
Penalty Assessment	12.00
Crime Lab & Drug Assessment Fee	7.00
Justice Information Fee	12.50
Jail Assessment Fee	<u>10.00</u>
Total Citation Revenue	\$184.50

Source: Wisconsin Circuit Court Civil Forfeiture Table.

While the citation totals \$184.50, the Expressway Patrol Unit retains only the \$50 base deposit. The majority of the remaining \$134.50 is allocated to the State as follows:

**Court support services fee.** The \$68 court support services fee goes to the state to offset county court costs.

**Court cost.** A \$25 court cost fee goes partially to the state and partially to the county where the citation was issued to fund overall justice system costs.

**Penalty assessment.** The penalty assessment surcharge is 25% of the base deposit, or \$12 in this example. Revenue is divided as follows:

- \$5.52 goes to the law enforcement training fund within the Wisconsin Department of Justice.
- \$1.44 is used to develop alcohol and drug abuse education programs by the Wisconsin Department of Public Instruction and the Department of Health and Family Services.
- \$1.92 goes towards matching federally funded anti-drug enforcement programs and youth diversion programs by the Wisconsin Office of Justice Assistance.
- \$1.20 goes toward training correctional officers in the state prison system through the Wisconsin Department of Corrections.
- \$.60 goes toward program funds for the Office of Justice Assistance.
- \$1.32 goes toward program funds for the Department of Justice.

**Crime lab and drug assessment fee.** A \$7 fee on all violations that have a penalty assessment, except safety belt violations, goes to the state to fund crime laboratory activities.

**Justice information system fee.** The justice information system fee of \$12.50 goes to the state to help computerize the criminal justice system.

**Jail assessment.** The jail assessment surcharge is 1% of the base deposit or \$10, whichever is greater. In our example, the \$10 amount is used. The minimum \$10 surcharge is included in the total deposit for all traffic citations except safety belt violations. The fee goes to the county where the citation was issued and is used to construct, remodel, repair or improve county jails.

**Based upon the CCAP system reports, the Clerk of Circuit Courts enters the Expressway Patrol Unit citation revenue into the County's accounting system.**

Based upon the CCAP system reports, the Clerk of Circuit Courts enters the Expressway Patrol Unit citation revenue into the County's accounting system. We expected the total base deposit amounts to be recorded as Expressway Patrol Unit citation revenue. However, we found the Clerk of Circuit Courts deducts a fee amount from the total monthly citation revenue. State statute 814.63(2) provides that upon disposition of a forfeiture action in circuit court for violation of a county ordinance the county shall pay a nonrefundable fee of \$5 to the Clerk of Circuit Courts. Instead of billing the Sheriff's Office for the monthly fee, the Clerk of Circuit Courts deducts the amount from

the total citation revenue. While this method does not impact the tax levy of the Expressway Patrol Unit, it distorts the total revenues and expenditures of the Expressway Patrol Unit. **Table 11** shows the amount by which the Expressway Patrol Unit's revenues and expenditures were understated from 2001 through 2004.

<u>Year</u>	<u>Amount</u>
2004	\$180,180
2003	\$162,245
2002	\$228,395
2001	\$267,385

Source: Advantage financial records.

**The Sheriff's Office is not provided with any documentation regarding the recording of citation revenue.**

Upon further review, we discovered that the Sheriff's Office is not provided with any documentation regarding the recording of citation revenue. Since the Sheriff's Office is ultimately responsible for their budget and citation revenue is significant to the Expressway Patrol Unit, it would seem reasonable for the Clerk of Circuit Courts to provide supporting documentation for citation revenue transactions. Therefore, we recommend the Sheriff's Office continue to work with the Clerk of Circuit Courts to:

4. *Obtain documentation supporting the citation revenue and disposition fee recorded in the Sheriff's Offices financial records.*
5. *Ensure the transactions are being recorded in the proper accounts.*

**Reporting and Transmitting Citation Revenues to the State**

In addition, we noted concerns with the reporting of County revenue received from citations issued in conformity with State

Statute Chapter 348. This chapter deals with vehicle size, weight, and load restrictions.

State statute 66.0114(1) requires that “the entire amount in excess of \$150 of any forfeiture imposed for the violation of any traffic regulation in conformity with Chapter 348 shall be transmitted to the county treasurer if the violation occurred on an interstate highway, a state trunk highway or a highway over which the local highway authority does not have primary maintenance responsibility. The county treasurer shall then make payment to the state treasurer.”

**The CCAP system has been programmed to reflect this statute, so that the County keeps the \$150, with the remainder allocated to the State.**

The CCAP system has been programmed to reflect this statute, so that the County keeps the \$150, with the remainder allocated to the State. However, at the request of the Sheriff's Office, Corporation Counsel issued an opinion on this matter in November 2000, concluding that Chapter 66 does not apply to counties; therefore, 100 percent of the forfeiture amount may be retained by the County. This position was stated in a letter to the Director of State Courts in December 2000, along with a copy of the Corporation Counsel opinion and a note that the County will manually adjust all future reports and subsequently retain 100% of forfeitures for violations relating to overweight trucks.

**Corporation Counsel opined in November 2000 that Chapter 66 does not apply to counties; therefore, 100 percent of the forfeiture amount may be retained by the County.**

The Corporation Counsel opinion was revisited in 2004 at the request of the Clerk of Circuit Courts. The request was in response to a January 28, 2004 letter from the Deputy Director of State Court Operations to the State Treasurer that discussed the practice. Corporation Counsel maintained their position stating that the applicable statutes have not been amended.

**Without the formal approval, the County may be accruing a future liability owed to the State if the State subsequently disagrees with the County's position.**

While the State correspondence did not require or recommend any action on the County's current practice, the letter's issuance heightens the need for the County to obtain formal approval of this practice. Without the formal approval, the County may be accruing a future liability owed to the State if the State

**Projecting the average adjustment for the 40 months over the entire period, the total adjustments would be \$423,804.**

subsequently disagrees with the County's position. Sheriff's Office records showing the manual adjustments for 17 of the months between January 2001 and September 2005 (primarily 2001 and the first half of 2002) were not available at the time of our review. For the remaining 40 months, the adjustments totaled \$296,901. Projecting the average adjustment for the 40 months over the entire period, the total adjustments would be \$423,804.

To ensure that the County is in compliance with state requirements and to avoid a significant potential liability, we recommend the Sheriff's Office:

- 6. Work with the Clerk of Circuit Courts to obtain formal written approval from the State to retain 100% of forfeiture amounts issued under County ordinances in conformity with Chapter 348.*

#### **Accuracy of Internal Patrol Statistics**

**During our testing of the internal patrol statistics, we discovered several errors in the compilation of the statistics for 2004.**

During our testing of the internal patrol statistics, we discovered several errors in the compilation of the statistics for 2004. The errors were a result of spreadsheet formulas that failed to include all patrol activity and were not properly footing and cross-footing totals. In addition, we noted instances where statistics had been inaccurately entered into the spreadsheet. The impact of the errors on the FY 2004 patrol activity resulted in an understatement of patrol activity. **Table 12** provides examples of the impact the errors had on the 2004 patrol statistics.

**Table 12**  
**Effects of Patrol Statistic Errors**  
**2004**

	<u>Original</u>	<u>Revised</u>	<u>Number</u> <u>Difference</u>	<u>Percentage</u> <u>Difference</u>
Enforcement Days Worked	8,419	8,669	250	3.0%
Total Citations	29,350	30,775 <sup>a</sup>	1,425	4.9%
Warrant Arrests	2,927	3,091	164	5.6%
Accident Reports	5,200	5,316	116	2.2%

Note:

<sup>a</sup> – Includes all citations, including those not primarily related to patrolling the expressways, such as parking tickets.

Source: Original and Revised Internal Patrol Statistics.

We reviewed the internal patrol statistics for 2001-2003 to ensure the spreadsheet errors did not impact 2001-2003. Based upon our review, it does not appear these errors were made in 2001-2003.

Staff willingly corrected all errors discovered and also performed additional reviews to ensure other errors were corrected. In order to ensure that patrol activity is being properly and accurately recorded in future years, we recommend the Expressway Patrol Unit management and staff:

7. *Review patrol activity reports for overall reasonableness, take precautions when entering the data, and ensure that formulas are calculating and including all applicable patrol activity.*

## Audit Scope

The objective of this audit was to analyze and report on the fiscal, safety and enforcement effects of the reduction in the number of Deputy Sheriffs assigned to patrol Milwaukee County expressways and the reduction in the number of patrol sectors. The audit was conducted under standards set forth in the United States Government Accountability Office *Government Auditing Standards (2003 Revision)*, with the exception of the standard related to periodic peer review. Limited resources have resulted in a temporary postponement of the Milwaukee County Department of Audit's procurement of a peer review within the required three-year cycle. However, because the department's internal policies and procedures are established in accordance with Government Auditing Standards, and because this audit was performed in compliance with those policies and procedures, the absence of a peer review did not affect the results of this audit. The Milwaukee County Department of Audit has a letter of commitment for a peer review to be scheduled in 2006.

We limited our review to the areas specified in this Scope Section. During the course of the audit, we:

- Reviewed County Board files and reports concerning the reduction in deputies and patrol sectors;
- Reviewed Adopted County budgets detailing the financial budget and funded full time equivalent positions for the Expressway Patrol Unit and also for history of the unit;
- Researched state statutes and local ordinances applicable to the Expressway Patrol Unit;
- Reviewed state aid provided by the State of Wisconsin and various other grants received by the Expressway Patrol Unit;
- Reviewed prior audits issued on the Expressway Patrol Unit and also other patrol audits performed by other audit departments that may be helpful in our analysis;
- Interviewed financial, patrol, and communications staff in the Sheriff's Office;
- Interviewed financial staff responsible for entering financial information into Advantage for the Expressway Patrol Unit, including the Clerk of Circuit Courts staff and Highway Maintenance staff;
- Performed ride-alongs with deputies on first, second, and third shift;
- Analyzed financial data from Advantage, including actual revenues and expenditures, earned and incurred by the Expressway Patrol Unit before and after the reduction of staff in June 2002;
- Determined how state aid funding is calculated for significant aid provided by the State of Wisconsin;

- Reviewed computer-aided dispatch system information for overall reasonableness to analyze the trends in calls for service and response times;
- Obtained the State statistics on the number of reported accidents by type (i.e. fatal, personal injury, or property damage only); and
- Tested the 2004 internal patrol statistics and reviewed 2001-2003 internal patrol statistics for overall reasonableness in order to analyze the trends in enforcement activity.

USH 41/45

STATE OF WISCONSIN  
MILWAUKEE COUNTY FREEWAY

N

FOND DU LAC FREEWAY  
STH 145

SECTOR 1  
I-43 N-S

SECTOR 4

ZOO FREEWAY  
USH 45

STADIUM FREEWAY  
USH 41

HILLSIDE INT.

PARK  
FREEWAY  
STH 145

I-94 E-W

ZOO INT.

STADIUM INT.

SECTOR 2

I-94 E-W  
MARQUETTE INT.

SECTOR 6

I-794

SECTOR 3

I-43  
ROCK FREEWAY

I-43, I-894  
AIRPORT FREEWAY

HALE INT.

MITCHELL INT.

2nd ST  
STH 119  
AIRPORT  
SPUR  
STH 794

SECTOR 5  
I-94 N-S



County of Milwaukee  
**Office of the Sheriff**

David A. Clarke, Jr.  
Sheriff

January 11, 2006

Mr. Jerome J. Heer  
Director of Audits  
Department of Audit  
2711 W. Wells St.  
Milwaukee, WI 53208

Dear Mr. Heer:

The Milwaukee County Sheriff's Office response to the Expressway Patrol Unit audit recommendations is attached. The Sheriff's Office agrees with the audit recommendations with the exception of recommendation 6 regarding obtaining formal written approval from the state to retain forfeiture amounts issued under county ordinances for commercial vehicle violations. The Corporation Counsel issued an opinion on this matter in November 2000, and again in January 2004. Therefore, the Sheriff's Office considers the matter closed.

However, there are other comments/findings contained in the audit report that require a response. In September 2004, the County Board directed the Department of Audit to analyze and report on the fiscal, safety and enforcement effects of the reduction in the number of deputy sheriffs assigned to patrol Milwaukee County's expressways and the reduction in the number of patrol sectors.

The fiscal analysis focused on actual expenditure, revenue and tax levy changes from 2001 to 2004. However, there were many fiscal changes that occurred during this time frame other than the reduction in staffing levels and sector patrols. The change in fringe benefit costs, the change in grant activity (and related impact on the number of citations issued) and variances in citation processing distort the impact of the change in staffing levels.

A simpler, more direct analysis is to compare the personal service cost of a deputy sheriff versus the amount of citation revenue generated by each position. On average, a deputy sheriff issues less than 700 citations per year with a base fine amount of \$50. Therefore, the amount of citation revenue generated per deputy is approximately \$35,000 per year. The personal service cost of a deputy sheriff in 2002 was approximately \$60,000. Therefore, reducing the number of deputy sheriffs assigned to

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Mr. Jerome J. Heer  
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expressway patrol reduced the tax levy cost of the expressway patrol unit. In addition, the reassignment of these eight deputies to the Criminal Justice Facility reduced the amount of overtime needed to staff security posts in the CJF.

The Sheriff's Office had been experiencing multi-million dollar personal service deficits for several years prior to 2002, primarily due to overtime deficits in the CJF. It was necessary to fix the CJF staffing/overtime problem if the Sheriff's Office was ever going to operate within its personal services budget. Therefore, Sheriff Clarke returned the eight deputies to the CJF in mid-2002 as part of an agency-wide review of staffing levels, and reduced the number of patrol sectors from seven to six. The Sheriff's Office has now achieved personal service surpluses every year since 2002.

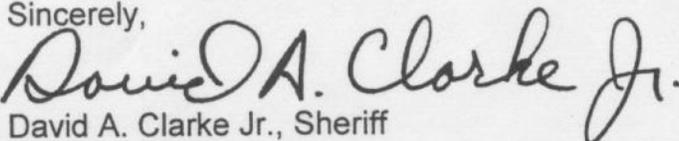
The audit report also includes various statistical changes that occurred from 2001 to 2004 to determine the safety and enforcement effects of the reduction in the number of deputy sheriffs assigned to patrol Milwaukee County's expressways and the reduction in the number of patrol sectors, such as response times, "gone on arrivals", and accidents.

It needs to be restated that the change in the number of sectors from seven to six had little effect on sectors 1 through 5. The primary effect was to increase sector 6 (I-43/94 from the Marquette interchange south to Howard Avenue) to include the Lake Park Freeway (I-794 from the Marquette Interchange east to the Hoan Bridge, then south to General Mitchell International Airport.) It should be noted that prior to September 1999, sector 6 included I-794 from the Marquette Interchange east to the Hoan Bridge. Therefore, the only additional patrol area for sector 6 is from the end of the Hoan Bridge south to General Mitchell International Airport.

This change to sector 6 had no impact on response times, "gone on arrivals" and accidents to other sections of the expressway. Response times in other sectors of the expressway are affected by increased traffic on the expressway system and an increase in calls for assistance due to an increase in cell phones. An increase in "gone on arrivals" is also due to an increase in cell phones. Minor incidents that the Sheriff's Office previously never knew about are now called in via cell phone. Finally, the majority of accidents are due to vehicles following too closely. The absence of an additional deputy on the Lake Park Freeway is not the cause of these accidents.

Thank you for the opportunity to respond to the recommendations of the Department of Audit regarding the Expressway Patrol Unit.

Sincerely,



David A. Clarke Jr., Sheriff  
Milwaukee County

Attachment

Milwaukee County Sheriff's Office  
Summary of Audit Recommendations  
Expressway Patrol Unit  
January 11, 2006

To help ensure an objective allocation that reflects the needs of the Sheriff's Office, DPPI Highway Maintenance Division, and the County as a whole, we recommend that the Department of Administrative Services Controller:

1. Determine a reasonable, supportable basis for allocating general transportation aid funding between the Sheriff's Office and DPPI Highway Maintenance Division, and
2. Review the allocation periodically to ensure the allocation remains appropriate.

Sheriff Response:

The Sheriff's Office concurs with this audit recommendation. The Controller should not only review the reimbursement allocation but should also review the transportation aids claim calculation.

3. We recommend that the Sheriff's Office work with Intergovernmental Relations to request State funding to eliminate County tax levy support for expressway patrol in Milwaukee County. If proper funding levels cannot be provided, request that state law be changed to no longer hold the County responsible for expressway patrol.

Sheriff's Response:

The Sheriff's office concurs with this audit recommendation. The Sheriff's Office has pursued additional state funding for expressway patrol and will continue to do so. In addition, the Sheriff's Office has discussed the transfer of all or a portion of expressway patrol to the State Patrol. During the 2005-2007 biennial budget process, the Sheriff's Office sought full funding of expressway patrol. Although unsuccessful in obtaining full funding, we did obtain an increase of \$250,000 in expressway policing aids. However, the governor reduced the increase to only \$50,000 annually.

4. We recommend that the Sheriff's Office continue to work with the Clerk of Circuit Courts to obtain documentation supporting the citation revenue and disposition fee recorded in the Sheriff's Offices financial records, and
5. Ensure the transactions are being recorded in the proper accounts.

Sheriff's Response:

The Sheriff's Office concurs that the Clerk of Circuit Courts should provide supporting documentation for citation revenue recorded in the Sheriff's Offices financial records. However we question the practice of subtracting \$5 for each forfeiture action from the

amount of citation revenue recorded in the Sheriff's financial records. State statute 814.63(2) provides that...the county shall pay a nonrefundable fee of \$5 to the Clerk of Circuit Courts. The State statute does not direct the Sheriff to pay the Clerk of Circuit Courts.

6. To ensure that the County is in compliance with state requirements and to avoid a significant potential liability, we recommend the Sheriff's Office work with the Clerk of Circuit Courts to obtain formal written approval from the State to retain 100% of forfeiture amounts issued under County ordinances in conformity with Chapter 348.

Sheriff's Response:

The Sheriff's Office is satisfied with the Corporation Counsel's opinion on this matter that was stated in November 2000 and repeated in January 2004.

7. We recommend Expressway Patrol Unit management and staff review patrol activity reports for overall reasonableness, take precautions when entering the data, and ensure that formulas are calculating and including all applicable patrol activity.

Sheriff's Response:

The Sheriff's Office concurs with this audit recommendation.