



Police Department

Nannette H. Hegerty  
Chief of Police

Friday, June 08, 2007

To the Honorable  
The Common Council  
City of Milwaukee

Dear Council members:

Attached to this letter is a detailed report containing the response of the Milwaukee Police Department to the Audit of Milwaukee Police Overtime conducted by the Comptroller's Office.

The Department takes seriously its statutory responsibility to provide for public safety, and recognizes that the careful administration of the resources provided to carry out this responsibility, including the expenditure of overtime monies, is a critical element in achieving this goal. To that end the Department has welcomed, and is appreciative of the efforts of the Comptroller's Office in conducting this audit. There is much in the analysis and thoughtful recommendations contained in the audit report that will be of value as the Department continues to move forward with its efforts to deliver high quality law enforcement services in a manner that respects its financial realities and responsibilities.

There are also, understandably, portions of the report that necessitate a response, whether in the form of clarification, additional information or a restatement of facts. It is vitally important that as accurate a depiction of the Department as possible be available when considering the conclusions and recommendations of the audit report. The response of the Milwaukee Police Department seeks to provide that accuracy, reflecting both the mission and current capacities of the Department.

Again, it is important to note the appreciation of the Milwaukee Police Department for the professionalism with which this audit was conducted, and the recommendations that will aid the Department in providing for a safe City of Milwaukee.

Sincerely,  
  
NANNETTE H. HEGERTY  
CHIEF OF POLICE

**OVERTIME AUDIT**  
**MILWAUKEE POLICE DEPARTMENT**  
**RESPONSE TO DRAFT REPORT**

This report is a response to the draft report on Milwaukee Police Department overtime that was prepared by the Police Executive Research Forum (PERF).

I Audit Scope and Objectives

No Response

II Background

A more accurate depiction should include the shifts that start one hour early on each shift. Approximately 40% to 50% of primary squad officers begin their shift one hour early.

Day Shift	7am to 3 pm	or	8am to 4pm
Early Shift	3pm to 11pm	or	4pm to 12am
Late Shift	11pm to 7am	or	12am to 8am

The early start time is not only designed to provide continuous coverage on the street at shift change, it is also intended to reduce extension of duty overtime.

The Milwaukee Police Department's Vacancy Report for Pay Period 26, ending December 31, 2006, indicates the Department is authorized for 1,539 police officers, and at that time had 1,371 actual police officers. Many of those police officers are not assigned to the Patrol Bureau. Police officers are assigned to non-patrol duties such as the Police Academy, School Resource Officers, Community Services Division, High Intensity Drug Trafficking Area (HIDTA), Vice Control Division, Sensitive Crimes Division, Crime Analysis, the Professional Performance Division and the like. These officers are engaged in police work but are not available to respond to calls for service. On May 03, 2007, 1,001 police officers were assigned to the Patrol Bureau. Of the 1,001 officers, approximately 114 were assigned to Patrol Support. These officers comprise the Tactical Enforcement Unit, Motorcycle Unit, Mounted Patrol Unit and the seasonal Harbor Patrol Unit.

III Audit Conclusions and Recommendations

*A. Summary Conclusions*

The comparison of Milwaukee Police Department overtime expenditures to that of "peer" cities does not accurately reflect the challenges faced by the City of Milwaukee. The draft report fails to include demographic, socio-economic or crime figures for the comparison cities. These data sets would be very important to put things in context for the report. To compare overtime expenditures without taking "crime drivers" into consideration results in a conclusion that is not meaningful. The levels of poverty, teen pregnancy, and high school dropouts are higher in Milwaukee than the cities to which Milwaukee was compared. All of these factors influence the

Police Department's workload and should be considered when conducting an analytical comparison of overtime expenditures with "peer" cities.

*B. Overtime Management Issues*  
(Overtime Budgeting)

No Response

**Recommendation #1**

Develop Zero-Based Overtime Budget

With the addition of some staff and training, zero-based budgeting for overtime could be conducted throughout the Milwaukee Police Department (MPD).

Overtime Planning and Management

Although the audit found no evidence of "formal" assessment or analysis by MPD management of overtime trends and patterns, overtime is evaluated on a bi-weekly basis by the Assistant Chief of Police to determine the need for reassignment and redeployment of officers. The Assistant Chief requires justification from the Patrol Bureau and Criminal Investigation Bureau as to their overtime expenditures. The requirement for justification causes all management staff to constantly scrutinize their overtime expenditures and develop strategies to reduce its use. It is not uncommon for the Assistant Chief to change staffing levels or to reassign or redeploy officers as needed.

Overtime reports are disseminated to the command staff following the conclusion of each pay period. These reports provide a comparison of overtime expenditures of the current year and the previous year, in addition to information on grant paid overtime for the same period. It also includes a comparison of actual hours expended on extension of duty with budgeted hours for all locations and shifts. Examination of this data allows management staff to hold subordinate staff accountable for proper overtime management.

Additionally, every Patrol Bureau and CIB work location commanding officer, along with subordinate shift commanders, appear before a quarterly review board comprised of the Assistant Chief and the Deputy Chiefs in which every facet of the command is examined, including, and most especially adherence to budgeted overtime hours. During these reviews goals are set, strategies to achieve the goals are developed, and timelines are established. This "line level" analysis of overtime drivers is extremely helpful in adjusting resource allocations to meet overtime goals.

The draft report states that the MPD makes little, if any, use of data in the current MPD information systems that are available through the Computer Aided Dispatch (CAD) system to analyze overtime usage. MPD administration disagrees with the concept of using CAD information for overtime analysis. The configuration of the Tiburon CAD system is not designed for overtime analysis, nor is it possible to extract that data from the system. The Tiburon CAD system could possibly be "rewritten" to provide this type of data, however, it is not economically or operationally feasible to do so.

Instead, this information can be extracted from the current payroll system providing that additional payroll codes are assigned to better capture the actual purpose of the overtime. Please refer to Recommendation #2 for additional information on this issue.

The draft report states that the Criminal Investigation Bureau (CIB) detectives incur significant overtime and that such high overtime levels are counter-intuitive, given the MPD policy of handing cases off from one shift to the next. The practice is to pass on any follow-up required for a particular case, not to pass on the entire case and to secure from duty. Given the need for successful prosecutions of offenders, it is not possible to hand over an entire case at end of shift.

The practice of passing on follow up to the incoming shift has a two fold benefit. Each officer is required to document his or her involvement in the case. If the out-going shift had to stay and complete all follow-up on active investigations and then file their reports, the amount of overtime expended would be substantially higher. The passing on of follow-up completes the active investigative responsibility for the out-going shift, as the subsequent shift detectives take up this work on straight time. The out-going shift detectives then must file all of the reports related to their portion of the investigation. This may include supplementary reports, arrest reports, entries into NCIC for stolen vehicles or property, teletypes for descriptions of suspects, reports for warrant requests, inventory of evidence or a multitude of other administrative duties that MUST be completed before they secure from duty.

The second benefit of the CIB follow-up practice is that the MPD enjoys one of the highest clearance rates for homicides of any major city in the country. The CIB regularly receives calls from other jurisdictions, inquiring of the practices that lead to high clearance and conviction rates. These clearance rates are the result of aggressive work on active leads on a 24/7 basis and a practice of not letting the work wait until the primary investigator returns on the next shift, after off days or after a vacation. When possible, CIB supervisory personnel will allow a detective to delay follow-up until their return on the next shift, but this is done on a case-by-case basis. The resulting clearances give closure to our victims, but just as importantly, it removes a criminal from the street where they will likely continue to re-offend until brought to justice. This is a form of crime prevention that cannot be quantified, but most certainly cannot be ignored.

The Tiburon data system has a case management module built into it; however, CIB command staff have indicated that the module's present format is not suitable for their needs. CIB command staff will travel to another local law enforcement jurisdiction that currently uses the Tiburon case management module to see it in actual use and reevaluate its usefulness for our Department.

The MPD has already identified the importance of Crystal Reports and the need to maximize the functionality of the Department's Tiburon data system. An analysis was conducted in 2006 that identified the Department's need to increase the number of personnel trained in the creation and use of Crystal Reports to extract data. To that end, funding was secured for the 2007 budget year to accomplish this goal. MPD Technical Services staff has completed the process for hiring a trainer to conduct the training. Training has been scheduled for June 11-15, 2007.

## **Recommendation #2**

### Provide Enhanced Reporting on Overtime

The draft audit report recommends the implementation of redesigned program codes to provide more meaningful exclusive classifications of work done on overtime. The MPD is working on this at this time. The CIB will expand its program codes to allow more specific analysis of the type of activity resulting in overtime. For instance, program codes will be assigned to such things as interrogation, report writing, inventorying of evidence or investigation. These types of codes will enhance MPD's ability to better determine exactly what types of activities drive overtime. The Patrol Bureau will reexamine its program codes and make recommendations for additions to enable command staff to better analyze overtime usage in the Districts.

### Overtime Authorization and Monitoring

MPD has indeed implemented strong controls over daily overtime decisions. I have even administered formal discipline for abuse of overtime. The draft report points out, however, that these procedures do not guarantee that overtime decisions are consistent between shift commanders. The shift commanders are held accountable for overtime approval through the Assistant Chief's review of overtime expenditures on a bi-weekly basis. Overtime reports generated by payroll specify the amount of overtime budgeted for each pay period along with the actual amount used. These figures are broken down to each shift throughout the Districts. Therefore, it is quite simple to determine if a shift commander is approving considerably more overtime than his or her peers through a comparison of work locations and shifts.

The draft audit report states that the bi-weekly reviews by the Assistant Chief and the Deputy Chiefs of a work location's allocated overtime hour expenditures serves as an incentive for locations commanders to meet their allocation, however there is no incentive for commanders to reduce overtime below their allocation. This does not take into account that the allocation provided to the work locations represents a reduction in overtime hours from the previous two years. Simply meeting the budgeted allocation for all work locations would result in significant reductions in overtime.

It is true that detectives are not always required to contact a supervisor every 30 minutes while on overtime. If a detective is on extension of duty while writing reports, this activity is conducted on a bank of computers located within eyesight of the shift commander. In a case such as this, a supervisor personally monitors the detective. The same would hold true for a detective at a major crime scene. Major crime scenes require the assignment of a Lieutenant of Detectives who personally monitors the detectives on scene. The third case scenario is a detective who is involved in an interrogation. Requiring this detective to check in every 30 minutes would be counter productive and could have an adverse impact on the detective's ability to develop a rapport with the suspect and secure a useful confession.

### *c. Operational Issues*

(Deployment)

The current administration of the MPD had intended to study deployment and staffing of its personnel when the Common Council voted to allocate monies to hire a consultant to conduct a deployment and staffing study. The deployment and staffing study is currently underway. Matrix Consulting Group was the vendor chosen to conduct the study.

The justification for overtime expended by the CIB was presented in the MPD's response to Recommendation #1.

MPD conducted a study to adjust District boundaries that was underway as this audit was being conducted. The study is complete and the revised boundaries have been presented to the Mayor's office for his comments or recommendations. After the Mayor reviews the proposal they will be presented to the Common Council for their input. Any necessary adjustments will then be made and the proposal will be presented to the Fire and Police Commission for approval.

**Recommendation #4**

Re-examine Deployment

Matrix Consulting Group is currently studying deployment and staffing.

**Recommendation #5**

Re-examine District Boundaries

New District boundaries have been proposed and are in the approval process at this time.

(Court Scheduling)

Having identified court related overtime as excessive, the current MPD administration had attempted to incorporate court-scheduling software into its court overtime reduction strategy. Unfortunately, the success of this endeavor required the approval of the Courts, District Attorney's Office and the suburbs of Milwaukee County. The former District Attorney and Chief Judge were not interested in participating; therefore, the proposal was dropped.

**Recommendation #6**

Explore Methods to Reduce Court Overtime

A working group will be assembled to explore revisiting MPD's prior proposal regarding court-scheduling software.

(Special Events)

City leaders have been approached in the past in regard to charging for police related services for special events. City leadership was not interested in pursuing this matter stating that additional revenue was generated for the City through participation of citizens in the event itself. It was felt that charging for police related services would result in cancellation of the events by the organizers and that would have an adverse impact on businesses located near the event itself.

### **Recommendation #7**

#### Report on Special Event Policing

An end of year report to the Common Council could easily be submitted if they so desire.

(Limited Duty and Civilian Staff)

The limited duty numbers reported in the draft report require some clarification. On May 3, 2007, MPD had a total of 129 sworn law enforcement officers on limited duty. Of that number, 65 were on permanent limited duty. Permanent limited duty is defined as a status wherein the officer will never recuperate adequately to allow him or her to return to full duty status. The remaining 64 officers were on short-term limited duty or light duty status. Short-term/light duty status varies from a few days to one-year; therefore members are continuously rotated back into the full duty work force. These officers may have a minor injury that will fully heal allowing their return to full street patrol.

The Limited Duty Program has been beneficial in the reduction of injury leave pay as it relates to members out on leave for occupational injuries. Members on light duty/limited duty status are placed in areas of the Department where they provide valuable law enforcement related services but do not have physical contact with the public. Elimination of this program would have an adverse impact on internal resources and on the services the MPD provides to the community.

The report states that the 2007 MPD budget includes 23 full-time equivalent Community Service Officer positions. This is incorrect. The correct number is 15 full-time equivalent positions.

### **Recommendation #8**

#### Investigate Methods to Reduce Limited Duty

The Personnel Division and the Medical Section of the Administration Bureau are currently in the process of developing both Light Duty and Limited Duty Policies addressing, not only the concerns noted in this audit, but numerous other issues. It is anticipated that the policy recommendations will be submitted to the Chief on or about June 30, 2007. The MPD executive staff, the City Attorney and the labor organizations will review both policies prior to implementation by the Department.

### **Recommendation #9**

#### Report Effectiveness of the Police Service Specialist and Community Service Officer Positions

The audit report calls for periodic assessment and report (in writing) to the Common Council on the cost, savings and overall effectiveness of Police Service Specialists, Police Service Specialist Investigators and Community Service Officers. Because Police Service Specialist Investigators are a new civilian designation on the Milwaukee Police Department it is premature to report on outcomes to the Common Council at this time. A year-end report could be submitted to the Common Council if they so desire. The Police Service Specialist Investigators are part of the MPD's strategy to civilianize positions allowing for law enforcement personnel to perform more law enforcement related work. Sometime in the near future, the entire Background Unit will be civilianized. Although MPD has authority to hire Community Service Officers, as of this time we have not received the classification report (which recommends salary) from the Department of Employee Relations. Until the report is received and approved by the Fire and Police

Commission and Common Council, we cannot start the hiring process. Currently we are preparing for additional recruit classes during calendar year 2007. Background personnel are concentrating on conducting extensive background investigations on potential police recruits. As stated above, we have not been able to move forward on the Community Service Officer positions. This administration anticipates that backgrounds on potential Community Service Officer positions will be conducted sometime after November 2007.

#### **Recommendation #10**

##### Explore Options to Reduce Overtime Related to Labor Agreement Provisions

The Milwaukee Police Department has in the past and will continue to work closely with the City Labor Negotiator to explore the possibility of modifying labor contracts through negotiations. It should be noted that the Department has no control over rates of pay, as they are a contractual item, which impacts and raises overtime dollars.

#### **MPD RESPONSE TO INFORMATION IN APPENDICIES**

##### Appendix #2 (Page 31 and Page 32)

Overtime expenditures by the day, early and late shift CIB detectives were addressed in Recommendation #2 of this document.

The draft report states that contrary to expectations, the units with the highest average overtime per detective are the early and late shift CIB units. It is not at all surprising to the Administration that such is the case. Considering crime trends and frequency of occurrence, the high volume of overtime for these shifts is directly related to the volume of new felony cases that occur on these two shifts. Historically, 75 to 80 percent of new homicides come in on these shifts. Violent crimes, in which personal injury occurs, generate time consuming investigations that require an immediate response and cannot be "held" until the next shift reports for duty. In addition, responding detectives are required to file offense reports, supplementary reports, inventory evidence, etc. while the follow-up for the investigation is passed on to the oncoming shift. Felony investigations of a "minor" nature, or those not requiring an immediate response, are routinely "held" for the oncoming shift at shift change to control and reduce overtime.

The additional factor resulting in high overtime on these shifts is noted in the draft report on Page 37, where it states, "substantial amounts of overtime are consumed by state felony cases and district attorney appearances." All of the detectives working on the night shifts must appear in court on overtime. To the greatest extent possible, MPD utilizes a liaison program to handle charging cases in the District Attorney's Office, but the court cases for these shifts will always be on overtime.

##### Appendix #2 (Page 32)

The chart makes reference to detectives assigned to the Personnel Division. There are no detectives assigned to the Personnel Division.

##### Appendix #2 (Page 38)



The draft report states that a FLSA replacement in the Criminal Investigation Bureau is automatic and that the Department should clarify and restrict the circumstances in which a detective is “hired back” to fill a shift vacancy.

Clarification as to the history of the FLSA policy and circumstances under which it is used is needed. The FLSA policy is a contractual item. Some time ago, replacement procedures were negotiated into the MPA contract. When, because of minimum staffing requirements, officers and detectives are unable to secure compensatory off days, they may provide a replacement and the compensatory off day must be approved. The MPA negotiated this agreement so that no one can be denied compensatory time off when prescribed staffing levels can be met through a replacement (paid at FLSA premium rates where they apply).

The FLSA policy is administered consistently in the Districts and in the CIB. Detectives are routinely granted compensatory off days without a replacement if staffing levels permit. If staffing is at or below minimum, the member is required to secure a replacement and the compensatory off day is granted in compliance with the contract.

The draft report further questions the need for minimum staffing levels in the CIB. The CIB handles all felony investigations occurring in the City of Milwaukee on a 24/7 basis. If detectives are not available to handle the call, this responsibility would fall to a patrol officer who, most likely, would not have the training or expertise to handle the felony investigation properly. This would compromise the investigation and lead to reduced clearance rates, unsuccessful prosecutions and a failure to provide maximum effort on behalf of the victim. In addition it would also cause an extraordinary drain on patrol resources, severely impacting the Department’s ability to respond to calls for service.