



**ROBERT L. COWLES**

Wisconsin State Senator • 2nd Senate District

MEMBER:  
Environmental Resources Committee  
Health, Utilities, Veterans and  
Military Affairs Committee  
Joint Committee for Review of  
Administrative Rules

January 29, 2004

JAN 30 2004

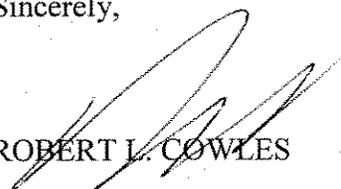
Sen. Ron Brown  
Room 104-South  
State Capitol  
Madison, WI 53702

Dear Sen. Brown,

I would like to request that you hold a public hearing on Senate Joint Resolution 52, relating to permitting the powers of sheriffs to be determined in each county.

Thank you in advance for your consideration of my request.

Sincerely,



ROBERT L. COWLES

GREEN BAY, WISCONSIN



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## Proposal challenges sheriff's authority

### State amendment would clear way for countywide agency

**By John Dipko**

*Press-Gazette Madison bureau [jdipko@greenbaypressgazette.com](mailto:jdipko@greenbaypressgazette.com)*

MADISON — A proposed amendment to the state Constitution would let counties powers from a sheriff's department and local police forces into a single, regional without the sheriff's consent.

But the measure lacks the support of a key lawmaker and former deputy sheriff committee was assigned the legislation.

The proposed amendment, co-authored by Republican Rep. Judy Krawczyk of Gr Republican Sen. Robert Cowles of Allouez, would let voters decide in a countywide to alter the duties of their sheriff, allowing for the creation of a metropolitan poli

Krawczyk said the proposal grew from a Brown County study that showed local could save more than \$3 million by consolidating municipal and county police for

But a 1992 state Supreme Court ruling gave constitutional protections to the cor powers of the sheriff to enforce laws and preserve the peace, said Richard Eggle communications coordinator for the Wisconsin Alliance of Cities, which supports amendment.

That means the only real way to consolidate law enforcement countywide would under the sheriff, a partisan elected office, Eggleston said.

"If you want law enforcement to stay a political, neutral entity and you want to enforcement stays politically neutral in your community, you have to keep your department," he said.

Krawczyk said governments need tools to pool resources and operate more effic

"The sheriff has a lot more authority than the average person thinks they do, an lot of say so," she said. "We want to give these local municipalities the power to the way they want to deal with it."



Opponents of the measure say consolidation is already happening, and the amendment disrupts uniformity between county law enforcement agencies while enabling a local center to dictate the fate of an entire county.

Under the amendment, the sheriff's powers would be determined by a resolution or countywide referendum, triggered either by the county board or local government representing 50 percent of the county's population.

"For one body to have that much power — I don't see a need for it," said Jim Paolucci, a legislative lobbyist for the Wisconsin Professional Police Association, which represents sheriffs in 53 of the state's 72 counties and representatives from more than 350 law enforcement agencies.

Brown County sheriff's Capt. John Gossage said his agency, headed up by Deputy Dennis Kocken, already takes part in metropolitan shared services through police agreements with local communities.

"We're one step ahead of the game," he said.

An Assembly committee chaired by Rep. Garey Bies, R-Sister Bay, a former deputy sheriff in Door County, took testimony on the legislation Jan. 28. But Bies said he heard nothing that the conflict extends beyond Brown County.

"We're talking about a problem that I really don't see statewide," he said. "It may be a local problem in this county, but I'd like to see more examples of where the problem exists."

Plus, Bies said, voters who dislike their sheriffs can vote them out in four years or recall them after their first year in office.

"Those are the venues where they can address the issues," he said.

The Brown County study committee, which includes Krawczyk's husband, Vern, was formed from a study last year that the county could save \$3.3 million a year through consolidating police forces.

Amending the constitution requires approval by two consecutive Legislatures and a statewide referendum.

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**Intergovernmental Cooperation Council of Milwaukee County**

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- Whitefish Bay

February 17, 2004

Senator Ronald W. Brown, Chairperson  
Committee on Homeland Security, Veterans and Military  
Affairs and Government Reform  
P. O. Box 7882  
Madison, WI 53707-7882

Re: 2003 Senate Joint Resolution 52

Dear Senator Brown and Members of the Committee on Homeland Security,  
Veterans and Military Affairs and Government Reform:

The Intergovernmental Cooperation Council of Milwaukee County supports 2003 Senate Joint Resolution 52, which provides for the powers of sheriffs to be determined in each county by referendum.

The municipalities of Milwaukee County continue to look for consolidation and efficiencies in its municipal operations. Under current law and the provisions of the Wisconsin constitution, the ability for municipalities to eliminate redundancies to the benefit of the local taxpayers is limited. This resolution and changes to the constitution would provide enabling legislation to allow for the flexibility of municipalities and counties to streamline operations.

The Intergovernmental Cooperation Council of Milwaukee County urges you to support this constitutional change.

Sincerely,

Timothy T. Seider, Chairman  
Intergovernmental Cooperation Council of Milwaukee County

TTS:jw



*County of Milwaukee*  
**Office of the Sheriff**

---

David A. Clarke, Jr.  
Sheriff

December 23, 2002

Mark Hayes, Chief of Police  
Cudahy Police Department  
5050 South Lake Drive  
Post Office Box 100380  
Cudahy, WI 53110-6106

Dear Chief Hayes:

Thank you for your correspondence of December 17, 2002. You have informed this office that, effective December 20, 2002, you will "no longer handle non-life threatening incidents within County Parks" including "all celebrations." Of course, the City of Cudahy may exercise reasonable discretion as it sees fit governing law enforcement within its municipal boundaries.

However, I have been advised that the Office of the Sheriff has very broad power with respect to law enforcement and generally keeping the peace in the entire county regardless of municipal boundary lines. Thus, this office has concurrent authority with local law enforcement personnel.

As the chief law enforcement officer of the county, a county sheriff may assert leadership, control, and direction of law enforcement in the county because of the superior position of the county sheriff. Thus, local police officers have a duty to cooperate with the county sheriff and are subject to the county sheriff's command even when acting within their municipal boundaries to aid the sheriff in preserving the peace or making an arrest.

In conserving the public peace and vindicating the law, I have been informed that a county sheriff represents the sovereignty of the state and has no superior in his county. Thus, a county sheriff performs official duties maintaining law and order as he sees fit. No other official supervises such work or can require a report or an accounting regarding the performance of a county sheriff's constitutional duties of maintaining the peace of the county and apprehension of those who break it.

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821 West State Street • Milwaukee, Wisconsin 53233-1488  
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Mark Hayes, Chief of Police  
Cudahy Police Department  
December 23, 2002  
Page 2

I am duty bound by the state constitution to maintain law and order throughout Milwaukee County including the county parks. As situations warrant, this office may call upon law enforcement personnel of the City of Cudahy to maintain the peace within county parks. To facilitate the exercise of this duty, please identify command personnel within your department for particular assignments as deemed required.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "David A. Clarke, Jr.".

David A. Clarke, Jr., Sheriff  
Milwaukee County, Wisconsin

cc: Raymond Glowacki, Mayor, City of Cudahy  
Tom Cetnarowski, President, Cudahy Common Council  
Scott Walker, County Executive of Milwaukee County  
Ryan McCue, County Board Supervisor, District 24

## AUTHORITY OF THE SHERIFF

The Authority of the State to create a Constitution and give like power to its laws is contained in Article X of the U.S. Constitution.

“The powers not delegated to the United States by Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

The office of Sheriff is created by the Wisconsin Constitutional (Art.6, Sec.4). The duties of the sheriff are set forth by statute. (Sec. 59.26 – 59.33, Wis. Stats.). It is an elected office in each county. Beginning in November 2002, a sheriff's term is four (4) years.

Much of the authority of the sheriff extends from ancient origins which is known as common law and still applies today, supported by legislation and case law.

The position of the sheriff is one of great antiquity and honor. He was the deputy of the king in his shire and was accountable to no one but the king to whom he was responsible for the royal levies of men for the army, money for the treasury, and for the preservation of the king's peace, for good order and for justice. Annually, or at shorter intervals, he bade progress throughout his domain, stopping at the more important towns to inquire into all matters of interest to the sovereign. He was accompanied by his court, composed as was the king's court, of representative nobles, freeholders, and burghers, before whom his officers brought persons accused of crime.

Andreski v. Industrial Commission, 261 Wis. 234, 240, 52 N.W. 2d 135, 137-38(1952).

Even today the office of the sheriff retains much of its historic character. The Sheriff holds a rather unique autonomous position. The sheriff alone chooses where to concentrate law enforcement efforts and by what means the department will utilize to carry out those efforts.

According to tradition, the sheriff has been the chief law enforcement officer in the county. The tradition continues today. The sheriff has the power and the duty to enforce state statutes throughout the county regardless of municipal boundaries. Local law enforcement officials have a duty to cooperate and are subject to his authority when the sheriff makes a call for aid.

Neither the Wisconsin Constitution nor the statutes clearly define all of the authority, rights or duties of the office. Over time, the Wisconsin courts along with the Office of the Attorney General, have helped define the position of the sheriff. The courts, obviously in the context of litigation, interpret and define statutory and constitutional language. The Attorney General, in opinions issued by his office, interprets the same language in an attempt to define the authority and responsibility of the sheriff. The class handout is a compilation of case law and Attorney General opinions discussing the historical position and authority of the sheriff. When reviewing the handout of these cases and opinions, you should keep in mind portions of the constitution have changed and that many of the statutes cited have been renumbered and may have changed in wording and substance.

## AUTHORITY OF THE SHERIFF

(HANDOUT)

- State ex rel. Kennedy v. Brunst, 26 Wis. 412 (1870).

The court first recognized that certain duties of the sheriff were constitutionally protected in 1870. In Brunst, the court reviewed an attempt by the legislature to transfer the Milwaukee County Sheriff's control of the county jail to the inspector of the house of correction. The court held that the legislature could not constitutionally "detach from" the office of sheriff "those generally recognized legal duties and functions belonging to it in this country, and in the territory, when the constitution was adopted." Brunst, Wis. at 414. The court explained its holding:

By virtue of his office, [the sheriff] insists, and as a part and parcel of the duties from time immemorial belonging to it by law, the sheriff of the county has custody of the common jail and of the prisoners therein; and it is no more competent for the legislature to take from the sheriff that duty and commit it to another officer, than it is to deprive the sheriff of the right to execute writs and processes, or the duty of conserving the public peace. It seems to us that this view of the question is rational, and in harmony with the spirit of the constitution. The office of sheriff, in a certain sense, is a constitutional office; that is, the constitution provides that sheriffs shall be chosen by the electors of the respective counties, once in every two years and as often as vacancies will happen. Sec. 4, Art.6. Now, it is quite true that the constitution nowhere defines what powers, rights and duties shall attach or belong to the office of sheriff. But there can be no doubt that the framers of the constitution had reference to the office with those generally recognized legal duties and functions belonging to it in this country, and in the territory, when the constitution was adopted. Among those duties, one of the most characteristic and well acknowledged was the custody of the common jail and of the prisoners therein.

Id. at 413-14 (emphasis added). It is apparent from this lengthy excerpt, which is nearly a third of the entire opinion, that it was the existence of the "generally recognized legal duties" at common law, and not their uniqueness to the office of sheriff, that brought them within the scope of a sheriff's constitutionally protected powers.

The court recognized in Brunst, the legislature, (county Board) cannot transfer the control of the jail to anyone else and it remains the domain of the Sheriff. The court itself recognized it has no authority to direct the day-to-day operations of the jail. The responsibility of the sheriff for the jail is codified in Wisconsin Statutes.

The duties of the sheriff include taking custody of the jail. Sec. 59.23(1) State stats

"The sheriff shall:

- (1) Take the charge and custody of the jail maintained by his county and the person therein, and keep therein himself or by his deputy or jailer."

The duty of the Sheriff to take responsibility of the jail is also referred to in Section 66. of the Wisconsin Statutes. In relation to the section on municipal law, Sec. 66.508 (14) stats.

"Nothing in this section shall be construed as relieving, modifying or interfering with the responsibilities for operation of jails which are vested in sheriffs under s. 59.23(1)."

Acknowledging the day-to-day operations of a correction facility are not susceptible to easy solutions, the court has taken a hands-off approach. The United States Supreme Court in Bell v. Wolfish, 99 S.Ct. 1861, (1979), addressed the issue. The court explained its holding

“Prison administrators therefore should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security.”

Such considerations are peculiarly within the province and professional expertise of corrections officials and, in the absence of substantial evidence in the record to indicate that the officials have exaggerated their response to these considerations, “courts should ordinarily defer to their expert judgments in such matters.” Bell p. 1878-1879

The Supreme Court in Bell continued on and reasoned not only will the administrator normally have a better grasp on his domain than a judge, but also “the operation of our correctional facilities is peculiarly the province of the Legislative and Executive branches of our Government, not the Judicial.” Bell p. 1879.

State v. Killebrew, 109 Wis. 2<sup>nd</sup> 611, 621, 327 N.W. 2<sup>nd</sup> 155, 160 (Ct. App. 1982)

The issue was one of a prisoners’ assignment to program segregation after an escape attempt. The Appeals Court Quoting Bell, noted

“...the question whether the restriction imposed for escape is reasonable related to the identified goals of rehabilitation, security and order is one ‘peculiarly within the province and professional expertise of corrections officials,’ to which courts should defer absent a showing of substantial evidence to the contrary.

However, you must be aware that federal case law provides a situation, in which a court may extend its authority into the jail and may not have to defer, that in which constitutional rights are involved. X(White) v. Gray, 378 F. Supp. 1185, (1974), pertains to a motion brought by a prisoner under the Civil Rights Act.

“Judicial restraint or a hands-off attitude towards prison (jail) administration is not applicable here, because when fundamental constitutional guarantees are involved, the district court must discharge its duty to protect these constitutional rights.” X(White) p. 1186, quoting Johnson v. Avery, 393 U.S. 483, 486, 89 S. Ct. 747, 21 L.Ed 2<sup>nd</sup> 718 (1969)”

If the circuit court finds that constitutional rights are being violated in the county jail, the court may exercise its authority and not have to defer to the sheriff.

#### REVIEW OF WISCONSIN CASE LAW

• Andreski v. Industrial Commission, 261 Wis. 234. 52 N.W.2<sup>nd</sup> 135; (1952).

Joseph Andreski was the Sheriff in Marathon County. On November 28, 1948, he left his office in his vehicle at about 10:45 a.m. He had told his undersheriff that he had a lot of work to do. At about

2:30 p.m., he entered a bar which he frequented. He remained there until 8:30 p.m. when he received a telephone call, and told the bartender, "I got to go." It is unclear if he consumed any alcohol.

He was next seen at 10:40 p.m. at another bar. He entered and asked for directions. At about 1:30 a.m. he was found, unconscious in his wrecked car near Wausau. He did not regain consciousness and died a day later.

The widow of the deceased sheriff attempted to recover death benefits under the Workman's Compensation Act. These benefits were denied by the Industrial Commission and the circuit court. The Supreme Court disagreed, describing the position of the sheriff as the court noted.

The position of sheriff is one of great antiquity and honor. He was the deputy of the king in his shire and was accountable to no one but the king to whom he was responsible for the royal levies of men for the army, money for the treasury, and for the preservation of the king's peace, for good order and for justice.

Within the field of his responsibility for the maintenance of law and order the sheriff today retains his ancient character and is accountable only to the sovereign, the voters of his country, though he may be removed by the governor for cause. No other county official supervises his work or can require a report or an accounting from him concerning his performance of his duty. He chooses his own ways and means of performing it. He divides his time according to his own judgment of what is necessary and desirable but is always subject to call and is eternally charged with maintaining the peace of the county and the apprehension of those who break it.

The Andreski court reinforced the sheriff's autonomy by saying a sheriff's work, his methods and his hours, are carried out as he sees fit. Secrecy about his movements, purposes and whereabouts, are appropriate.

- Wisconsin Professional Police Ass'n v. Dane County, 106 Wis.2d 303, 316 N.W.2d 656(1982). ("WPPA I")

The Sheriff appointed supervisory employee as "court officer." The WPPA contended that this violated a provision in the collective bargaining agreement, which stated that "bargaining unit work" could only be assigned to members of the union. The Supreme Court held that "Attendance upon the Court" is one of the duties preserved for the Sheriff by the Wisconsin Constitution.

- Wisconsin Professional Police Ass'n v. Dane County, 149 Wis.2d 699 (Ct.App. 1989) ("WPPA II")

The WPPA filed a grievance alleging that Dane County Sheriff violated the collective bargaining agreement by contracting with the U.S. Marshals Service to transport fugitives across state lines, instead of assigning the work to bargaining unit personnel. The Court of Appeals concluded that the collective bargaining agreement could not be allowed to interfere with the Sheriff's choice of who would transport the prisoners, because that would interfere with his inherent power of attendance upon the court. The case has some good language, including:

First, it would be destructive of government itself if a public governing body, through the exercise of its budgetary and fiscal controls, could render impossible the performance of the duties which devolve upon a constitutional officer because of the officer's constitutional status.  
(149 Wis.2d at 699).

• Portage County Deputy Sheriffs Association v. Daniel Hintz, 142 Wis. 2d 944 (1987).

This is an unpublished decision of the court of appeals, which means it cannot be cited in court. The Hintz court addressed whether the assignment of the duties of emergency government director to the Sheriff's Department violates Art.VI, Sec.4, Wis. Const. The court concluded that the county board could assign the duties of emergency government director to the Sheriff's Department without violating Art.VI, Sec.4, Wis. Const. The court noted:

The office of sheriff is one of the most ancient and important in Anglo-American Jurisprudence. Its origins pre-date the Magna Carta. Professional Police Ass'n v. Dane County, 106 Wis. 2d 303, 309, 316 N.W.2d 656, 658 (1982). A number of decisions have concerned themselves with attempts to take away or interfere with the sheriff's powers. To the extent that the sheriff's powers are conferred by the constitution, these efforts have been uniformly rebuffed. However the legislature may prescribe the sheriff's duties as long as his constitutional prerogatives remain. It has done so in Secs. 59.21 and 59.23, Stats. Section 59.21 deals primarily with the appointment of deputies and undersheriffs and personnel matters. Section 59.23(7) provides that the sheriff shall perform all the duties required of him by law.

• Washington County and Robert Schulteis, Washington County Sheriff v. Washington County Deputy Sheriff's Association, 192 Wis.2d 728, 531 N.W.2d 468 (Ct.App.1995).

In this case, the issue was whether the constitutional powers of the office of sheriff include the right to utilize nonbargaining unit law enforcement personnel from other municipalities to help maintain law and order and preserve the peace in anticipation of a public event expected to draw thousands of people to a county wide area. The court concluded that such authority is within the Sheriff's powers. In reasoning the court noted:

*The position of sheriff is provided for in Article VI, Section 4 of the Wisconsin Constitution. Although the sheriff's powers are not delineated in the constitution, the Wisconsin Supreme Court long ago set forth its interpretation of the scope of the sheriff's constitutional powers in State ex rel. Kennedy v. Brunst, 26 Wis. 412(1870), and State ex rel. Milwaukee County v. Buech, 171 Wis. 474, 177 N.W.781 (1920), and they all need not be repeated here. See Wisconsin Professional Police Ass'n v. Dane County, 106 Wis. 2d 303, 310-12, 316 N.W. 2d 656, 569-60(1982)(WPPAD). In determining whether Schulteis acted with the scope of his powers, "It is the nature of the job...which must be analyzed in light of the sheriff's constitutional powers" See Wisconsin Professional Police Ass'n v. Dane County, 149 Wis. 2d 699, 710, 439 N.W.2d 625, 629(Ct.App., 1989) (WPPA II). (Quoted source omitted) If the duty is one of those immemorial principal and important duties that characterized and distinguished the office of sheriff at common law, the sheriff chooses the ways and means of performing it. ID.*

The court observed that the constitutional duties of the Sheriff are those, which flow from the Sheriff's "generally recognized legal duties at common law, and not their uniqueness to the office of sheriff." Local 986BII, 168 Wis. 2d at 825, 484 N.W. 2d at 536 (Quoted source omitted)

Abraham v. Piechowski, 13 F.Supp.2d 870 (E.D. WI 1998).

This case addresses the question of whether a sheriff represents the county or state when enforcing the law. If the sheriff acts on behalf of the state rather than the county, the Eleventh Amendment provides immunity to the sheriff and protects him from liability and damages in federal court. The Abraham court found that when sheriffs perform law enforcement functions, they represent the county and not the state, and therefore, immunity did not bar this lawsuit.

The plaintiffs were duck hunting in Waushara County. Two women were canoeing when they encountered the plaintiff's duck decoys and heard shooting they thought was directed at them. The ladies called the Sheriff's Department after a verbal encounter with the plaintiffs. Sergeant Mark Piechowski responded to the scene, where he then had contact with the plaintiffs. The plaintiffs contend Piechowski was very confrontational and threatened to arrest all of them. The plaintiffs contend they were detained for about 25-30 minutes. Ultimately, the ladies recanted their stories and just wanted the issue dropped. Piechowski left without handcuffing anyone, taking anyone to the sheriff's station or citing them for any wrongdoing. They further complaint that Piechowski left without telling the plaintiffs they were free to go. The plaintiffs feel they were under arrest from the time Piechowski arrived, until he left.

The plaintiffs each brought claims against Piechowski under § 1983 and state law claims for false imprisonment and intentional infliction of emotional distress. They also brought claims against Sheriff Fox and the Department for failure to train, instruct or supervise Piechowski. A lawsuit brought against a governmental officer in his official capacity is not suit against the official, but rather against the official's office. The Eleventh Amendment bars suits brought against state officials acting in their official capacity. The court indicated that if Piechowski and Fox were "state" officials as opposed to "county " officials, the Eleventh Amendment would bar this action. The court then addressed the question of whether the sheriff represents the "state" or "county" when enforcing the law.

61 OAG 79 (February 22, 1972).

Outagamie County asks the following questions:

- 1.) Does the county board have power to authorize the establishment of a felony squad under the direction of the sheriff, which would have responsibility for felony investigations on a countywide basis?
- 2) What is the authority of the sheriff and such felony squad in a municipality, which has an established police department?

The Attorney General said the county board did have the authority to establish such a

felony squad. The unit could not be created outside the office of the sheriff, but would have to be under sole control of the sheriff in that he would have the power of appointment of deputies serving on such a squad.

A sheriff and his/her deputies have countywide jurisdiction. 61 OAG 80-1 (February 22, 1972); citing 50 OAG 47, 48 (1961). The sheriff has very broad overall power with respect to law enforcement involving statutes, county ordinances, and generally keeping the peace in the entire county, regardless of municipal boundary lines. Id; citing 58 OAG 72, 73-4(1969). A sheriff is generally limited only by budgetary and manpower limitations and "gentlemen's agreements to allow municipal police to have primary control over the matters within the boundaries of their city or village." Id. The Attorney General is of the opinion that the sheriff has concurrent authority with local law enforcement personnel regardless of municipal boundaries. The sheriff can, on a case by case basis, assert leadership, control and direction by reason of his superior position as chief law enforcement officer of the county. It is the duty of the local police officers to cooperate. ID.; citing 46 OAG 280, 283 (1957); 45 OAG 267, 270 (9156).

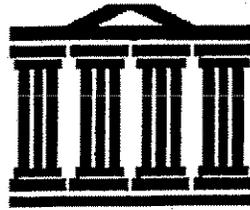
The Attorney General is of the opinion that local enforcement personnel are subject to the command of the sheriff even when acting within their municipal boundaries when the sheriff exercises a call to aid under Section 59.24(1), Wis. Stats. (now renumbered to 59.28(1)). The sheriff can form a "posse comitatus," which means the power of the county and by which the sheriff calls upon private citizens or other law enforcement personnel to aid him in preserving the peace or making an arrest Id. at 82.

In answering the county's second question, the Attorney General compared the statutory powers of the sheriff to those granted to local law enforcement. The statutes grant local law enforcement the powers to enforce state statutes within their municipalities, but limits their power to act beyond their municipal boundaries. Id. at 85; citing Section 66.305, 66.31, and 66.315, Wis. Stats. The sheriff, by contrast, has the powers and duty to enforce state statutes countywide regardless of municipal boundaries. Therefore, the sheriff would have the authority to operate a felony squad within a municipality even though there was an established police department. The Attorney General went onto say that the sheriff, on a case by case basis, could assert authority as a matter of legal right, even though it may not be expedient or practical to do so in many cases.

Ozaukee County asked the Attorney General to resolve a perceived conflict between two state statutes, 59.23(1) and 59.07(1)(d)(1). The conflict revolved around the authority of the county clerk to retain a set of jail keys. As historical background, the county clerk in Ozaukee County had kept a duplicate set of keys to all county buildings, including keys to the jail. The Sheriff demanded the return of the duplicate set of keys claiming that Section 59.23(1) indicated he should have exclusive control over the jail keys. The clerk refused to return the keys claiming Section 59.07(1)(d)(1) and 59.67(1) authorized him to retain a duplicate set. The Attorney General was of the opinion that the county clerk had no right to have a set of jail keys unless the Sheriff agreed to such possession.

The opinion is more important for its discussion of the historical duties of the sheriff. The sheriff's rights to control the jail are superior to those of the county clerk. State statutes designate the sheriff as custodian of the jail and its prisoners. The statutes reflect one of the powers of the sheriff as it existed at common law and at the time of the adoption of the state constitution. 68 OAG 330, 332 (1979); citing State ex-rel Kennedy v. Brunst, 26 Wis. 412, 414 (1870); Schultz v. Milwaukee County, 245 Wis. 111, 114-15, 13 N.W.2d 580(1945). The sheriff obviously needs the keys to the jail in order to fulfill his duty as custodian of the jail, the same cannot be said for the county clerk in respect to the duty of operating and maintaining county property. In discussing the historical powers of the sheriff, the Attorney General indicated that the sheriff's independence from other county officials and the performance of his duties supports the conclusion that the sheriff's right to control jail keys is absolute. 68 OAG 330,332 (1979); citing Andreski v. Industrial Commission, 261 Wis. 234, 240, 42N.W. 2d 835 (1952). The sheriff has been singled out by the state constitution as the only county officer for whose actions the county may not be held responsible. 68 OAG 330, 333 (1979); citing Article 4, Section 4 of the Wisconsin Constitution; Bablitch & Bablitch v. Lincoln County, 82 Wis.2d 574, 263 N.W. 2d 218 (1978). (Which now has changed, see the Abraham case discussed earlier.

(Orval Quamme, Sheriff.doc 1-15-02)



**CONSOLIDATING POLICE AGENCIES  
IN  
BROWN COUNTY**

**By  
The Police Executive Research Forum  
FINAL REPORT: MARCH 2003**

**The Police Executive Research Forum  
1120 Connecticut Ave., NW Suite 930  
Washington, D.C. 20036  
202-466-7820**

# CONSOLIDATING POLICE AGENCIES IN BROWN COUNTY

## BY THE POLICE EXECUTIVE RESEARCH FORUM

### Introduction

The State of Wisconsin, like many other states, is looking for ways to solve a budget crisis. The amount of state collected revenue shared with towns, villages, cities, and counties is likely to be substantially decreased in the near future. The Kettl Commission, formed to examine local government operations, recommended that Wisconsin localities explore consolidation of local services. One area that may offer the potential to decrease local spending while improving efficiency and effectiveness is in law enforcement.

Wisconsin has more police departments than California. Consolidating law enforcement organizations may be one way to provide more efficient service. Critical to such an exploration is the development of a model that will achieve the efficiencies of a large agency but still preserve local prerogatives. In Brown County the Metro Services Subcommittee began in the spring of 2001 to explore the extent to which consolidation of local police agencies might result in cost savings while still maintaining high quality police services. The county sought proposals from consultants to conduct a formal study and selected the Police Executive Research Forum (PERF) a Washington D.C. based non-profit research and consulting group to perform the work.

This report describes PERF's findings regarding Phase 1 of the study. PERF has examined current Brown County police organizations in order to determine whether the merger of local departments into a single countywide police force can realize significant cost savings. This report projects the needed staffing for a regional police force by organizational component and provides an analysis of the cost differences between current expenditures on local police agencies and the costs of a regional force.

### Current Conditions

Table 1 shows for each of the communities involved in the study its 2000 population, the funds budgeted for police service in its 2003 police budget, the number of sworn and non-sworn employees presently employed and the cost per citizen for law enforcement services.

**Table 1: Budget and Staffing of Brown County Departments**

Municipality	2000 Population	2003 LE Budget	Sworn Officers	Non-Sworn Employees	Total FTE Employees	Cost Per Citizen
Green Bay	102,313	\$19,618,660	192	40.5	232.5	\$191.75
DePere	20,559	\$3,608,782	34	8	42	\$175.53
Ashwaubenon*	17,634	\$2,841,508	44	7 FT/9 PT	55.5	\$161.14
Allouez	15,443	\$623,649	0	0	0	\$40.38
Howard	13,546	\$1,108,000	0	0	0	\$81.80
Pulaski	3,013	\$385,298	5 FT/6 PT	0	8	\$127.88
Denmark	1,958	\$118,100	2	0	2	\$60.32
Wrightstown	1,934	\$56,018	6 PT	0	3	\$28.96
Hobart-Lawrence	6,638	\$153,150	5 PT	1 PT	3	\$23.07
Suamico	9,399	\$708,400	0	0	0	\$75.37
<b>Subtotal</b>	<b>192,437</b>	<b>\$29,221,565</b>				<b>\$151.85</b>
<b>Brown Co</b>	<b>226,778</b>	<b>\$11,567,132</b>	<b>113</b>	<b>13</b>	<b>126</b>	<b>\$40.25***</b>
<b>Sheriff's Dept**</b>						
<b>Totals ****</b>	<b>226,778</b>	<b>\$38,348,648</b>	<b>390 FT/ 17 PT</b>	<b>68 FT/11 PT</b>	<b>472</b>	<b>\$169.10</b>

**NOTES**

\* The budget figures for Ashwaubenon are at 50% of the total operating budget for the Public Safety Department plus capital outlay for equipment and vehicles. The employees listed are the total number of employees for the Public Safety Department.

\*\* The Brown County figures do not include costs and sworn personnel for the operation of the Jail, process serving, court security, and prisoner transport functions. The budget for these functions is \$14,595,232.

\*\*\*The cost per citizen for the Sheriff's Department is calculated by taking the Sheriff's budget less the revenue from Allouez, Howard, and Suamico (which then equals \$9,127,083) and dividing by the county's population.

\*\*\*\*The total budget costs are for of all the communities listed except Allouez, Howard and Suamico, since those costs are included in the Brown County Sheriff's Department budget. Numbers do not include school crossing guards<sup>2</sup>

The data gathered shows a wide range of cost per citizen for law enforcement services. Figures in Table 1 indicate that the 2003 costs range from \$191.75 per person in Green Bay to \$23.07 for the Hobart-Lawrence police force. The Hobart-Lawrence consolidated department is a part-time police agency that is supplemented by the Brown County Sheriff's Department and the Oneida Tribal Police Department. The wide discrepancies in per person costs partly result from mixture of police forces ranging from full time and full service in Green Bay to those locales that contract for police service at some level from the Brown County Sheriff's Department.

In addition to the costs of their local police agencies, citizens in Brown County pay, through county taxes, an equivalent of \$40.25 per person to fund the law enforcement operations of the Sheriff's Department. Green Bay, DePere, and Ashwaubenon receive little benefit from those tax dollars. Other jurisdictions such as Howard and Allouez receive benefit in two ways. Any additional police services required over and above the

contracted service is provided by the Sheriff's Department at no additional cost. Secondly, they pay only for the actual officers that patrol their areas. Many of the overhead costs such as facilities, training, liability insurance, hiring, contract negotiation, arbitration issues and other personnel related costs are funded by the County. Because these costs are borne by all the taxpayers of the county, a large portion of whom reside in the City of Green Bay, those who live in jurisdictions with their own full time police agencies are subsidizing the contracting jurisdictions. This double taxation system also means that those who pay local taxes are subsidizing law enforcement services in unincorporated areas of the county.

Table 2 shows how the departments' staff special programs and special units. Staff allocated for separate records units, photo ID personnel, and evidence technicians are also shown.

**Table 2— Personnel in Special Programs for Brown County Law Enforcement Agencies**

	Traffic Units	PSLO	DARE	GREAT	CPO	Mechanics	Dispatch	Records	Photo ID	Drug Unit	Evid. Tech
Green Bay	4	8	no	yes	10	4	0	18.5	4	4	4
DePere	0	3	yes	yes	2	0	0	6	0	0	0
Ashwaubenon	0	2	yes	no	0	0	9	1	0	0	0
Allouez	0	0	no	no	0	0	0	0	0	0	0
Howard	0	0	no	no	0	0	0	0	0	0	0
Pulaski	0	1	yes	no	0	0	0	0	0	0	0
Denmark	0	0	no	no	0	0	0	0	0	0	0
Wrightstown	0	0	no	no	0	0	0	0	0	0	0
Hobart-Lawrence	0	0	no	no	0	0	0	0	0	0	0
Brown Co	2	4	3	no	0	2	0	26	2	5	0
<b>Sheriff's Dept</b>											
<b>Totals</b>	6	18	3	0	12	6	9	51.5	6	9	4

In Green Bay and DePere PSLOs conduct the GREAT (Gang Resistance Education and Training) program. PSLOs are used in DePere, Ashwaubenon, and Pulaski to deliver the DARE (Drug Abuse Resistance Education) program. As would be expected the larger agencies have more specialization. The largest number of personnel in Table 2 are assigned to the Records function. Consolidation and improved technology offer the opportunity to decrease the number of staff allocated to this function.

Only Ashwaubenon retains its own dispatch function. Dispatching for the other jurisdictions is handled by the consolidated dispatch center.

Table 3 shows the allocation by rank and position for each department. The totals for the Brown County Sheriff do not include personnel assigned to staff the jail, to process serving, to provide court security and to transport prisoners.

**Table 3—Personnel by Position in Brown County Departments**

	Detectives	Patrol (FTE)	First Line Suprvs	Mid Mgrs	Commanders	CEO	Secretary	Crossing Guards
Green Bay	20	139	24	6	2	1	2	54
DéPere	3	22	5	0	3	1	1	14
Ashwaubenon	3	29	6	4	1	1	1	13
Allouéz	0	0	0	0	0	0	0	9
Howard*	0	0	0	0	0	0	0	9
Pulaski	0	6.5	0	0	0	1	0	0
Denmark	0	1	0	0	0	1	0	0
Wrightstown**	0	2.5	0	0	0	1	0	0
Hobart-Lawrence**	0	2	0	0	0	1	0	0
Suamico	0	0	0	0	0	0	0	0
Brown Co	13	73	10	11	5	1	2	0
Sheriff's Dept								
<b>Totals</b>	<b>39</b>	<b>275</b>	<b>45</b>	<b>21</b>	<b>11</b>	<b>8</b>	<b>6</b>	<b>99</b>

\*Howard pays a fee to have a detective provide service to them on a part-time basis. That detective is included in the Sheriff's Department staffing. Sheriff's Department Detectives are classified as Sergeants.

\*\*The chiefs in Wrightstown and Hobart-Lawrence are part-time.

Table 4 shows the calls for service for each municipality in the year 2001, along with the average number of calls per day. The population for the Brown County Sheriff is the number of residents in the county less the population of the 9 other municipalities in the study.

**Table 4—Workload Data**

Municipality	2000 Population	Dispatched	Self Initiated	Total	Daily Average
		Calls For	Activity	Calls	
		Service 2001	2001	2001	
Green Bay	102,313	62,425	18,426	80,851	222
DéPere	20,559	7,719	6,389	14,108	39
Ashwaubenon	17,634	9,596	7,003	16,599	45
Allouéz	15,443	3,684	2,992	6,676	18
Howard	13,546	4,954	5,846	10,800	30
Pulaski*	3,013	1,008	716	1,724	5
Denmark*	1,958	229	152	381	1
Wrightstown*	1,934	367	126	493	1
Hobart-Lawrence*	6,638	332	358	690	2
Suamico	9,399	1200**	600**	1800**	5
Brown Co	43,550	12,347	11,943	24,290	67
Sheriff's Dept					
<b>Totals</b>	<b>226,778</b>	<b>104,661</b>	<b>54,551</b>	<b>158,412</b>	<b>429</b>

- Figures for Pulaski are from Brown County only. The village is in three counties and had a total of 2,577 calls for the year 2001. Denmark, Pulaski, Wrightstown, and Hobart-Lawrence do not have full-

time Police Departments. The figures listed are calls that are answered by police officers that are employed by their respective villages. Calls from these villages that are answered by the Sheriff's Department are included in the Sheriff's Department totals.

- \*\*Figures for Suamico are estimates.

Table 5 is a detailed account of personnel that are assigned to Investigative Divisions in their respective Departments.

**Table 5—Investigative Staffing**

	Command	Captain	Lieutenants	Investigators	Lialson Officers	Photo ID	Evidence Techs	Records
Green Bay	1		4	20	8	5	2	1
DePere		1		3	3			
Ashwaubenon		1		3	2			
Brown Co		1	2	13	4			1
Sheriff's Dept								
<b>Totals</b>	<b>1</b>	<b>3</b>	<b>6</b>	<b>39</b>	<b>17</b>	<b>5</b>	<b>2</b>	<b>2</b>

#### Discussion

One issue that arose during the data collection interview process concerned the Ashwaubenon Public Safety Department. Officials in Ashwaubenon feel that the public safety method of providing police and fire protection using cross-trained personnel is very cost effective. They feel that joining a consolidated police agency will force them to organize a separate fire department. Their concern is whether they might have higher costs with a consolidated police system. There may be ways to mitigate fire costs. (Perhaps the issue of combining some of the volunteer fire departments that exist in the area to provide savings ought to be examined.)

Most of the officials interviewed realize that there could be a benefit to a consolidated law enforcement agency if certain concerns could be resolved to their satisfaction. One of these concerns is the City of Green Bay, which is an urban area with "big city" police problems. The suburban municipalities are concerned not only that they will be paying to solve Green Bay's problems but also officers on their Department will be integrated into a large department and will have to serve in the higher crime areas of Green Bay. Still, they are attracted to the potential for substantial costs savings that might ensue from a police consolidation. There was a strong consensus that any CEO of a consolidated agency must be an appointed official rather than elected

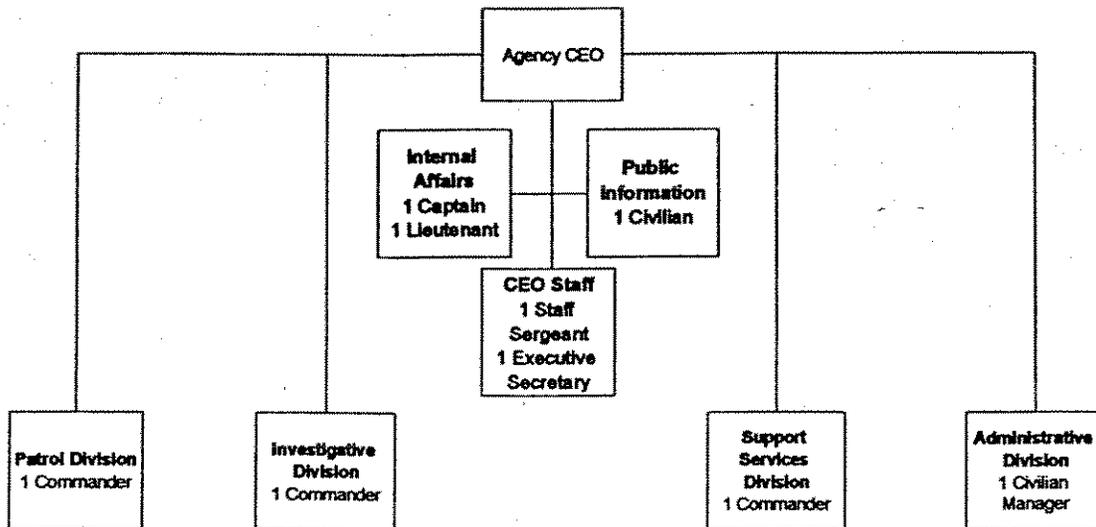
The Oneida Tribal Police Department was not included in this study; however, they provide police services to Native Americans that reside in Green Bay, Ashwaubenon, Hobart, Lawrence and the Village of Oneida. This agency also provides services to Native Americans that live in the adjoining County of Outagamie. The impact of their costs and services were not factored into this research.

The next section shows tables of organization and the staffing needs for a single county police agency. Based of the staffing numbers derived, cost factors are discussed in the

final section.

The first chart shows the overall structure of the consolidated agency.

**Chart 1: Consolidated Brown County Police Department**

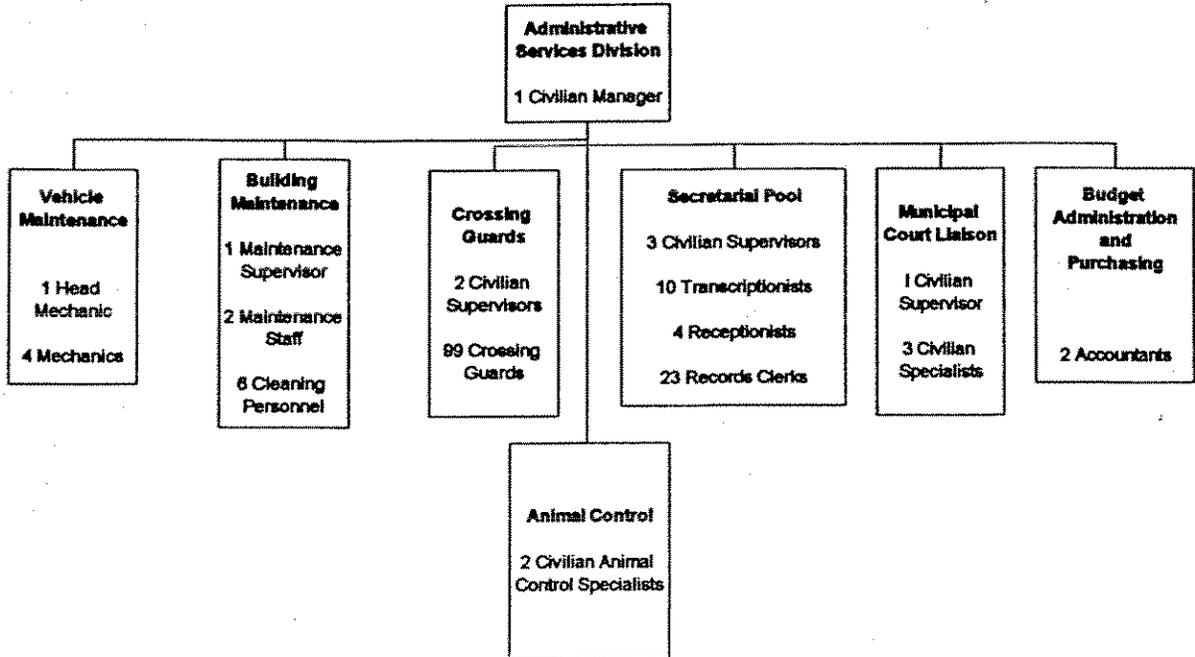


The proposed agency is composed of four major divisions, patrol, investigative, support services, and administrative. The three operational divisions would be headed by a sworn commander; the administrative division by a civilian manager.

In addition, to ensure that the needs of jurisdictions that have their own police chief now, are met, four area liaison chief positions are added. Each of these positions would be responsible for monitoring the delivery of police services to two jurisdictions and meeting with the consolidated agency CEO and departmental commanders to discuss how to meet the unique needs of citizens in each jurisdiction.

The second chart shows the detailed make-up of the administrative services division. This division would include a number of units that deliver services to other parts of the agency although they still have some direct service responsibility.

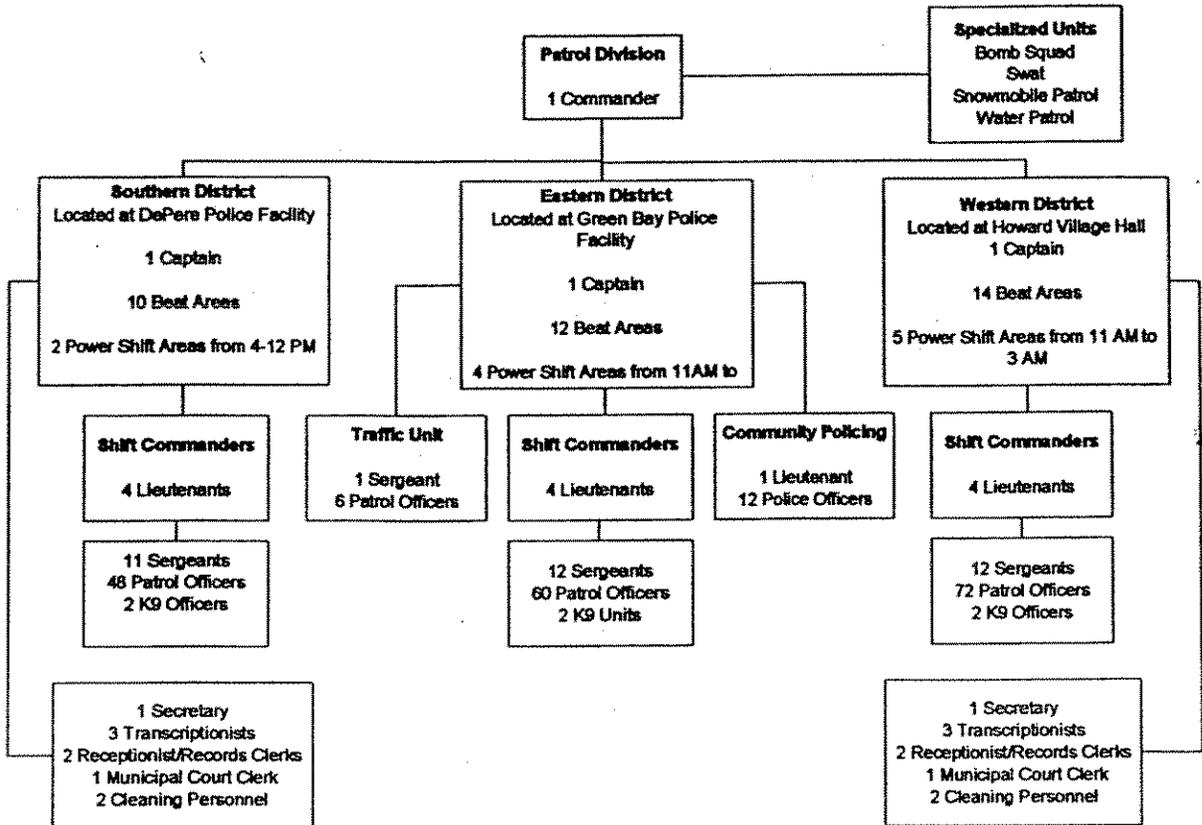
**Chart 2: Proposed Administrative Services Division**



The main records facility would be housed in the Eastern Division headquarters (now headquarters for the Green Bay Police Department) which would also be the administrative headquarters of the consolidated department. Each District headquarters will need maintenance, secretarial, transcription, and municipal court personnel. The number of such personnel needed for the Southern and Western Districts are included in the tables showing the organization for those districts. These functions would be performed in the Eastern District on a pooled basis since Eastern would also be the police headquarters.

The next chart presents the structure and staffing of the Patrol Division.

**Chart 3: The Patrol Division**



The Patrol Division would work out of three different districts. The Southern District would be the current DePere Police Department building, which would be the reporting point for all officers assigned to an area that would cover the City of DePere, Ashwaubenon, the Village of Bellevue, Allouez, parts of Hobart, the Town of Lawrence, and the Southern half of the county including Wrightstown and Denmark.

The DePere Police facility is large enough and has sufficient space to accommodate the personnel assigned to the Southern District. The building will require additional locker room facilities to accommodate the additional officers.

The Western District would be housed in the Village of Howard Village Hall and the officers reporting to this station would patrol Howard, Pittsfield, Pulaski, the Northern part of Hobart, north and West to the County line and that part of Green Bay which is west of the Fox River.

The Howard facility is not large enough and will require new or remodeled space to house the personnel assigned to the Western District. Although there is some office space, it is not adequate to support the personnel assigned to the district.

The Eastern District would be housed in the Green Bay Police Department and the officers reporting there would patrol the area of Green Bay which is east of the Fox River and the eastern part of the County.

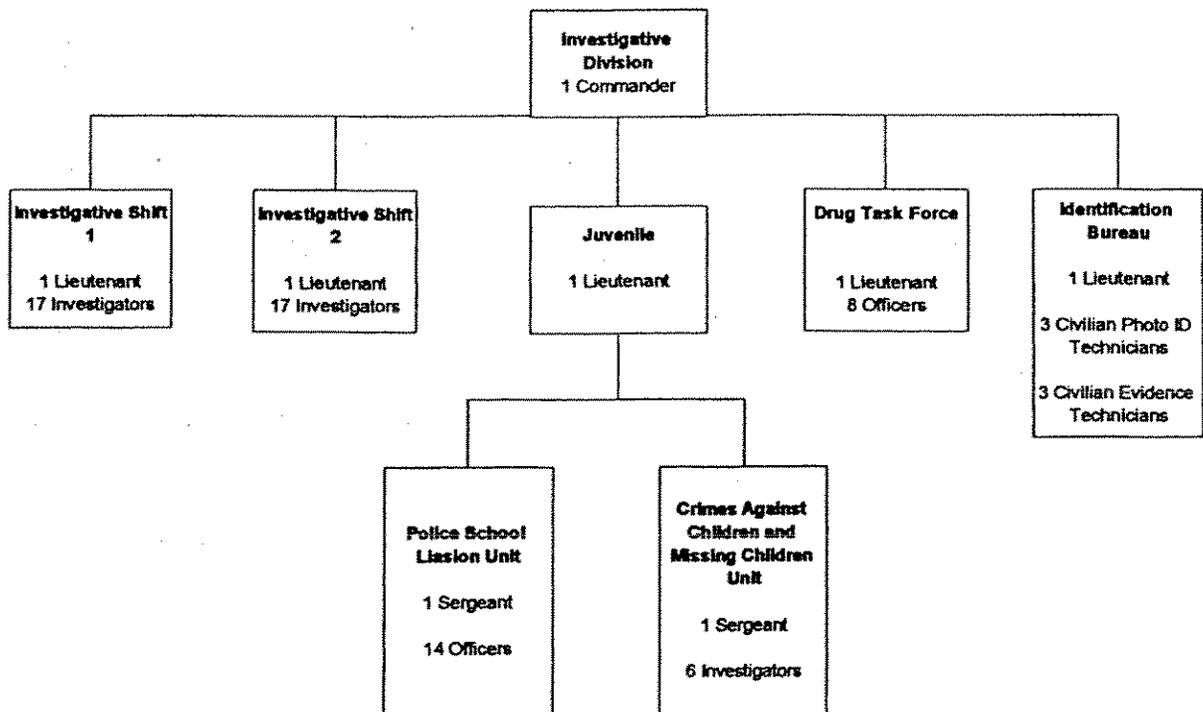
If the Communications Center is moved from the Green Bay Police Department facility to the new jail facility, adequate space is available in the Green Bay Police Department for the Eastern Patrol District, the Investigative Division, Central Records, Support Division personnel and the Administrative Division.

Secretarial staff for the Eastern District is not shown because these services would be provided from a pool who also support for the Investigative Administrative, and Support Service Divisions.

The specialized units shown on the chart would be filled by officers as collateral duties.

The fourth chart shows the make up of the Investigative Division.

**Chart 4: The Investigative Division**



There are currently 41 investigators in Brown County. In addition there are 7 people who work in photo-ID and evidence, 2 people that work full-time as clerk typists and 17 police-school liaison officers. Six lieutenants, three captains and one commander supervise these personnel. The salary for these supervisors is approximately \$565,000 annually. There are two crime scene vehicles in the county. In 2001 the County had 3 homicides, all in the City of Green Bay. The county had 59 forcible rapes, 44 robberies,

22 aggravated assaults, and 1,078 burglaries. One crime is too many, but the rate of crime in Brown County is low compared to other similar jurisdictions. The combined detective bureau would work out of the Green Bay Police Department building. A division of this size could be supervised by one Captain and six Lieutenants, 4 of them as shift supervisors, one a major case supervisor and one as a supervisor over the liaison, photo/id and evidence functions. There would no longer be a need for two crime scene vehicles and the lab and photo processing equipment that are used in Ashwaubenon, DePere, and the Brown County Sheriff's Department. Just the reduction in supervisors for this unit would result in a savings of approximately \$180,000 per year in salaries.

Chart 5 shows the Support Service Division.

**Chart 5: The Support Services Division**

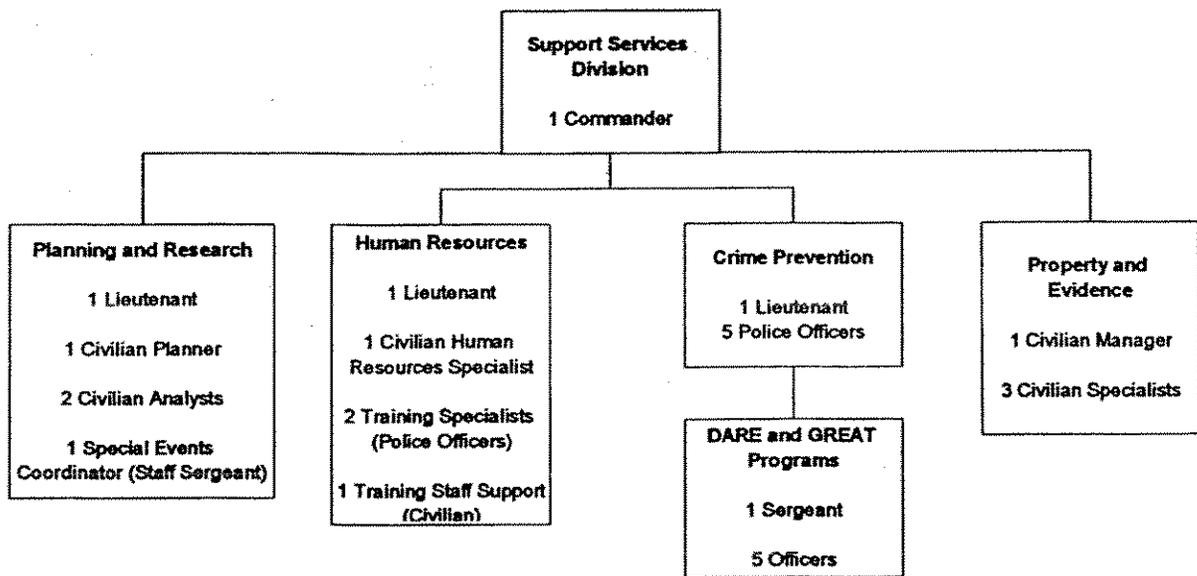


Table 6 summarizes the staffing needs of a consolidated police agency for Brown County compared to the current number of staff, by position.

Table 6—Personnel Comparison Between Current Conditions and the Proposed Consolidated Agency

Rank/Position	Proposed Number	Existing Number	Difference
Chief of Police	1	8	-7
Area Liaison Chief (2)	4	0	+4
Commander	3	11	- 8
Captain	4	0	+4
Lieutenant	22	21	+1
Sergeant	38	45	-7
Investigator	40	39	+1
Staff Sergeant	2	0	+2
Police Officer	238	275	-37
<b>Total Sworn Personnel</b>	<b>352</b>	<b>399</b>	<b>-47</b>
Civilian Manager	2		
Civilian Supervisor	8		
Secretary	7		
Records Clerk	23		
Transcriptionist	10		
Other Civilian Personnel	36		
<b>Total Civilian Personnel</b>	<b>86</b>	<b>74</b>	<b>12</b>
<b>Total Personnel (3)</b>	<b>438</b>	<b>473</b>	<b>-35</b>

Note: Other civilian personnel include building maintenance personnel. Only Green Bay included these personnel in their civilian totals. For most of the other agencies, this function is shared with other parts of the government. Two additional civilian positions were added to the total existing number to cover these shared positions.

The consolidated agency reduces the number of positions by a total of 35. 47 fewer sworn positions would be needed with 12 additional civilian positions utilized. This represents a substantial saving resulting from consolidation.

## COSTS

The total direct expenditures on law enforcement by Brown County jurisdictions is about \$38,350,000 for 2003. This pays for 399 sworn positions and the equivalent of 74 civilian positions. Although a portion of this expenditure goes for capital and equipment spending, most police agencies spend about 85-90% of their budget for personnel. To get an approximate cost for the consolidated department, a formula was used that summarizes police expenditures at about \$85,068 average per sworn position for 2003 (factoring in salary, benefits, equipment and other expenses) and about \$59,548 average per civilian position for 2003 (again factoring in salary, benefits, equipment and other expenses).

The consolidated department with 352 sworn positions and 86 civilian positions would

therefore cost about \$35,070,000. The total savings would be about \$3,280,000. The study team regards these figures as a reasonable set of working figures. The next critical question is how the costs of a consolidated agency would be assessed and what each jurisdiction's costs would be.

Table 7 shows the results of apportioning the costs of a consolidated police agency by the population of each jurisdiction.

**Table 7: Costs of the Consolidated Agency Based on Population**

	Population	Percent	Expenditures	Total Cost	By Pop	Change
Green Bay	102,313	45.2%	\$19,618,660	\$23,736,758	\$15,819,914	-\$7,916,845
DePere	20,559	9.1%	\$3,608,782	\$4,436,282	\$3,178,888	-\$1,257,393
Ashwaubenon	17,634	7.8%	\$2,841,508	\$3,551,277	\$2,726,617	-\$824,660
Allouez	15,443	6.8%	\$623,649	\$1,245,230	\$2,387,839	\$1,142,609
Howard	13,548	6.0%	\$1,108,000	\$1,653,227	\$2,094,519	\$441,293
Denmark	1,958	0.9%	\$385,298	\$464,108	\$302,751	-\$161,356
Wrightstown	1,934	0.9%	\$118,100	\$195,944	\$299,040	\$103,097
Pulaski	3,013	1.3%	\$56,018	\$177,291	\$465,878	\$288,587
Hobart/Lawrence	6,638	2.9%	\$153,150	\$420,330	\$1,026,386	\$606,056
Suamico	9,399	4.1%	\$708,400	\$1,086,710	\$1,453,299	\$366,589
Unincorporated Brown County	43,550	19.2%	\$9,127,033	\$1,382,225	\$5,309,899	\$3,927,673

In this table, the first column represents each jurisdiction's population, the second column is the percent of the county population each jurisdiction represents. The third column is their 2003 budgeted amount for police services.

The "Total Cost" column adds the cost of county law enforcement to each jurisdiction's police budget costs. This was derived by dividing the law enforcement portion of the sheriff's budget by the total number of county residents, multiplying that figure (\$40.25) by the number of people in each jurisdiction and adding it to the amount in the expenditure column. This represents the total amount paid for policing services.

The "By Pop" column shows the proportion of the costs of the consolidated agency each jurisdiction would pay, if they paid the same percent as they have of the county's population. This analysis shows that jurisdictions that have contracts with the sheriff's department, or have only police coverage by the sheriff, would pay more. This indicates that they are being subsidized now by the cities with their own police agencies but who still pay into the sheriff's department's budget through county taxes.

Another approach to apportioning costs could be by the number of citizen calls for service (CFS) that each jurisdiction generates each year. Table 8 is a sample of how these figures might look. It is important to note that several of the jurisdictions do not show an accurate number of CFS. For example, figures for Pulaski are from Brown County only. The village is in three counties. Denmark, Pulaski, Wrightstown, and Hobart-Lawrence do not have full-time Police Departments. The figures listed are calls

that are answered by police officers employed by their respective villages. Calls from these villages that are answered by the Sheriff's Department are included in the Sheriff's Department totals. The number of calls for Suamico were estimated. Table 8 is presented as suggestion of how a calls-for-service apportionment might look.

**Table 8—Sample Cost Apportionment by Calls for Service\***

	Calls for Service	Percent	Expenditures	Total Cost	By CFS	Change
Green Bay	62,425	60.1%	\$19,618,660	\$23,736,758	\$21,075,615	-\$2,661,143
DePere	7,719	7.4%	\$3,608,782	\$4,436,282	\$2,606,050	-\$1,830,232
Ashwaubenon	9,596	9.2%	\$2,841,508	\$3,551,277	\$3,239,753	-\$311,523
Allouez	3,684	3.5%	\$623,649	\$1,245,230	\$1,243,774	-\$1,456
Howard	4,954	4.8%	\$1,108,000	\$1,653,227	\$1,672,545	\$19,318
Denmark	229	0.2%	\$385,298	\$464,108	\$77,314	-\$386,794
Wrightstown	367	0.4%	\$118,100	\$195,944	\$123,905	-\$72,039
Pulaski	1,008	1.0%	\$56,018	\$177,291	\$340,316	\$163,025
Hobart/Lawrence	332	0.3%	\$153,150	\$420,330	\$112,088	-\$308,241
Suamico	1,200	1.2%	\$708,400	\$1,086,710	\$405,138	-\$681,572
Unincorporated Brown County	12,347	11.9%	\$9,127,033	\$1,382,225	\$4,168,532	\$2,786,307

\*Note: Some Calls for Service figures reflect only the calls answered by a jurisdiction's own officers, and not those calls answered by sheriff's deputies. This chart is a sample of using this method.

In this chart, the costs change since the workload, measured by calls for service, differs from the population. Green Bay accounts for about 45% of the county population but about 60% of the calls for service. The unincorporated portion of the county accounts for 19% of the population but only 12% of the CFS workload.

Using this method, the costs in most jurisdictions decrease. Costs in the unincorporated portion of the county increase. Again, this is a result of the current cost apportionment method through which the incorporated jurisdictions subsidize the law enforcement service provided to the unincorporated parts of the county.

Another method to assess costs is to blend population and calls for service. Table 9 shows a sample of averaging the percent of population with the percent of calls for service for each jurisdiction and then apportioning costs accordingly.

**Table 9: Sample Costs Using Blend Of Population And Calls For Service**

	Expenditures	Total Cost	By Blend	Change
Green Bay	\$19,618,660	\$23,736,758	\$18,447,764	-\$5,288,994
DePere	\$3,608,782	\$4,436,282	\$2,892,469	-\$1,543,813
Ashwaubenon	\$2,841,508	\$3,551,277	\$2,983,185	-\$568,091
Allouez	\$623,849	\$1,245,230	\$1,815,806	\$570,576
Howard	\$1,108,000	\$1,653,227	\$1,883,532	\$230,305
Denmark	\$385,298	\$464,108	\$190,033	-\$274,075
Wrightstown	\$118,100	\$195,944	\$211,473	\$15,529
Pulaski	\$56,018	\$177,291	\$403,097	\$225,806
Hobart/Lawrence	\$153,150	\$420,330	\$569,237	\$148,907
Suamico	\$708,400	\$1,086,710	\$929,218	-\$157,491
Unincorporated Brown County	\$9,127,033	\$1,382,225	\$4,739,215	\$3,356,990

\*Note that this figure incorporates the calls for service data from Chart 8 and therefore represents a sample of this methodology.

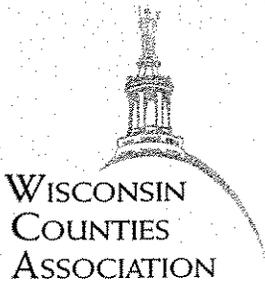
This approach shows a different cost assessment than either of the other two. Table 10 shows the differences in terms of law enforcement costs changes for each jurisdiction depending on the method used.

**Table 10: Summary Of Changes In Policing Costs**

	By Population	By CFS	By Blend
	Change	Change	Change
Green Bay	-\$7,916,845	-\$2,661,143	-\$5,288,994
DePere	-\$1,257,393	-\$1,830,232	-\$1,543,813
Ashwaubenon	-\$824,660	-\$311,523	-\$568,091
Allouez	\$1,142,609	-\$1,456	\$570,576
Howard	\$441,293	\$19,318	\$230,305
Denmark	-\$161,356	-\$386,794	-\$274,075
Wrightstown	\$103,097	-\$72,039	\$15,529
Pulaski	\$288,587	\$163,025	\$225,806
Hobart/Lawrence	\$606,056	-\$308,241	\$148,907
Suamico	\$366,589	-\$681,572	-\$157,491
Unincorporated Brown County	\$3,927,673	\$2,786,307	\$3,356,990

\*Note that these figures incorporate the calls for service data from Chart 8 and therefore represents a sample of this methodology.

These differences demonstrate how important it is to develop a method of cost apportioning that is widely perceived as fair and equitable.



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## MEMORANDUM

TO: Honorable Members of the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform

FROM: Sarah Diedrick-Kasdorf, Senior Legislative Associate 

DATE: February 18, 2004

SUBJECT: Opposition to Senate Joint Resolution 52

The Wisconsin Counties Association (WCA) opposes Senate Joint Resolution 52, which would permit the powers of the sheriff to be determined in each county.

WCA has serious concerns with municipalities being given the authority to draft resolutions that govern the county sheriff's departments. It is the county board of supervisors that funds the operation of the sheriff's departments, not the town or village boards, nor the city councils.

WCA also has concerns that in certain counties, one or two municipalities would have the authority to force a referendum on the powers of the sheriff. These municipalities may not represent the wishes of the majority of the municipalities within the county.

The Wisconsin Constitution clearly intended to have the people of this state choose the top law enforcement official in each county. WCA believes in the electoral process set forth in the constitution and has faith in the electors of each county to choose a well-qualified, competent sheriff to carry out the powers of the sheriff as set forth in the constitution and statutes of this state.

While we support measures to facilitate consolidation, an appointed "chief" is not necessary for that to occur. Law enforcement consolidation can occur without the adoption of a constitutional amendment. State statutes can be modified to ease the process. As a sheriff is elected by the citizens of each county, the citizens can choose at the next election to choose another chief law enforcement official if they disagree with the management of a consolidated law enforcement agency at the county level.

Amending the state constitution is a matter that should not be entered into lightly. WCA respectfully requests that the joint resolution be put on hold until alternative methods for consolidation of services at the county level are fully explored.

Thank you for considering our comments.

  
**ROBERT L. COWLES**  
Wisconsin State Senator - 2nd Senate District

MEMBER:  
Environmental Resources Committee  
Health, Utilities, Veterans and  
Military Affairs Committee  
Joint Committee for Review of  
Administrative Rules

February 18, 2004

Sen. Ron Brown, Chair  
Senate Homeland Security, Veterans  
and Military Affairs and Government Reform Committee  
Room 104-South, Capitol  
Madison, WI 53702

Dear Sen. Brown,

Thank you for holding a hearing on Senate Joint Resolution 52, relating to permitting the powers of sheriffs to be determined in each county (first consideration). I am the sponsor of SJR 52 and would appreciate your support of the proposal.

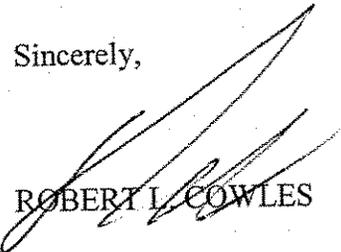
Senate Joint Resolution 52 would provide local units of government with flexibility in addressing the varying law enforcement needs across the state. Additionally, this constitutional amendment could provide for a more unified approach to law enforcement and in turn save valuable taxpayer dollars.

Keep in mind that each County would still make the final decision regarding their law enforcement needs. Local control over this issue would remain in place.

Senate Joint Resolution 52 came about as a result of recommendations that were made by the Brown County Metro Services Subcommittee, which was organized to look for ways to save taxpayer dollars and consolidate services in Brown County.

Thank you for your consideration of SJR 52.

Sincerely,

  
ROBERT L. COWLES

CC: Committee Members