



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary
David Erwin, Chief of Police

**Wisconsin Department of Administration Division of Capitol Police Testimony on the Joint Legislative
Audit Committee's Proposed Audit of the Wisconsin State Capitol Police**

Tuesday, August 22, 2023

Good afternoon, Co-Chairs Wimberger and Wittke, and Committee Members,

My name is David Erwin, and I am the Chief of the Wisconsin State Capitol Police, a division of the Wisconsin Department of Administration. I have been in public service my entire adult life. I served 11 years in the United State Marine Corps and 16 years with Wisconsin State Patrol, serving under four different Governors. For the past 11 years it has been my honor and privilege to serve as the Chief for the Wisconsin State Capitol Police. This is my first experience in front of the Joint Legislative Audit Committee, so I thank you for the invitation to speak today regarding the proposed audit of the Wisconsin State Capitol Police.

I am proud to lead the Division of Capitol Police. While our division name might suggest that we're only responsible for Capitol security, I wish to share with you the true scope of what we do and the many contributions we make to the state. The Wisconsin State Capitol Police Department has statewide jurisdiction to serve the approximately 35,000 employees of the State of Wisconsin. We have two distinct bureaus within our agency, the Bureau of Patrol Operations, and the Bureau of Specialized Services.

The Bureau of Patrol Operations includes the uniformed officers many of you see daily inside the State Capitol. In addition to our presence in the Capitol, our patrol officers conduct routine patrols and provide the primary response to calls for service in 61 state facilities located between Madison and Milwaukee. In addition to our typical police and security services, Capitol Police also supports and ensures safety at special events, including the Dane County Farmer's Market, Concerts on the Square, Taste of Madison, and Art Fair on the Square. We also support various state office buildings outside of our primary response areas with services such as providing comprehensive security assessments.

To offer some perspective on the scale of our work, Capitol Police received just under 17,000 calls for service in the past 12 months. Those calls range from simple building lockouts and parking complaints to numerous felony arrests for crimes against state employees and property. With just 31 police officers and first-line supervisors, you can see that we are truly a small but mighty team.

Our second bureau, the Bureau of Specialized Services, includes our Communications Center, an Infrastructure Security Unit, and our Criminal Investigations Unit. I will take a moment to explain the contributions each of them makes to the State of Wisconsin.

Our Communications Center receives telephone calls and dispatches officers to calls for service, but they additionally monitor alarms of various types from 302 facilities across the state. From Waukesha to La Crosse, all the way to Madeline Island, our professional dispatchers are orchestrating police, fire, EMS, and maintenance calls 24 hours a day, seven days per week, all with just seven dispatchers in that unit. Truly amazing!

Our Criminal Investigations Unit is a team of three detectives who are dedicated to solving more complex cases. They work in collaboration with our law enforcement partners at the local, state, federal, and tribal levels. Some important services our investigations unit offers are providing intelligence briefings and bulletins, monitoring for threats to elected officials and state employees, and serving as the liaison to the Wisconsin Statewide Intelligence Center, WI Department of Justice, the Wisconsin National Guard, and state Emergency Police Services. Again, all with just three dedicated investigators.

Our Infrastructure Security Unit is comprised of two electronic security systems managers, two electronics technicians, and a locksmith. They plan, install, and maintain access control systems, building automations, and a network of security cameras throughout the state. This team of just five individuals services the entire DOA Enterprise.

The Bureau of Specialized Services is also responsible for sending out emergency notifications through the RAVE Alert system. These include active threats, evacuations, severe weather notices, and other critical announcements.

Together, our team's mission statement is, "People serving people with dignity and respect while providing competent and compassionate law enforcement services." The safety and security of the people we serve, the Capitol building, and the many state office buildings mentioned above, is of the utmost importance to me. I would bubble wrap every one of you if I could. I am proud of the hard work my dedicated staff do every day to protect and serve the citizens of Wisconsin.

Every one of us with the Division strive to achieve our mission every day, despite the challenges we continue to face. Like so many other organizations across the state and country, the Capitol Police is struggling with vacancies. We currently face a 21-percent vacancy rate for sworn officers. We often feel as though we serve as a training ground for other local law enforcement agencies, as they frequently recruit our officers by offering them higher rates of pay. Nevertheless, our Capitol Police officers are dedicated professionals who do their job of securing the personal safety of state employees, residents, and visitors with pride.

I want to thank the Legislature and Governor for your support of the various pay enhancements proposed in the 2023-25 biennial budget to help with our recruitment and retention efforts. It is truly appreciated! We hope the results of this audit will help us reach a mutual understanding of the appropriate level of staffing and other support required to achieve our mission.

In the meantime, we will continue delivering outstanding service to the best of our abilities with our current resources and will partner with other agencies to complete work as necessary. While the Division greatly appreciates the support received from outside law enforcement agencies, effectively managing

uniform policies and procedures with rotating staff is a challenge for us. When short-staffed, we also face possible safety risks for both our staff and the people we serve.

Nevertheless, the Division of Capitol Police has robust policies in place to ensure timely and effective response to incidents, particularly within the State Capitol. We work diligently to ensure these policies are followed and that we are operating as intended. As some of you may recall, when issues with incident response at the State Capitol were brought to our attention last year, we worked very closely with a variety of stakeholders, including the Assembly and Senate, to bolster our processes, trainings, and procedures.

Part of that process included an independent third-party review of our duress alarm system and how our dispatchers and officers respond when an alarm is activated. That third-party review was requested by the Senate and completed by the UW Madison Police Department in May 2022. In response to the UW Police Department's audit and our conversations with stakeholders, we went above and beyond to strengthen and augment our training offerings, communication, evaluate our equipment, and more.

Some of the steps we have taken include:

- Implementing regular testing of duress alarms.
- Providing refresher trainings in the immediate aftermath of the incident last year and developing an end user video on duress alarms.
- Conducting regular meetings with the Senate and Assembly Sergeant-at-Arms.
- Creating an electronic report management software to track the testing of alarms, and
- Reassessing physical security protocols for the duress system control boxes.

In addition, this year Capitol Police has partnered with the Senate and Assembly on a significant project to improve legislative duress alarms in the Capitol in order to improve functionality and streamline operations. I'm happy to say that this transition is expected to be implemented before the end of the year.

From my perspective, one of the best takeaways from last year's incident is the improved communication and relationships that were created. We know we are all partners in securing the Capitol with the mutual goal of keeping the building safe, open, and available for all who wish to visit and experience this wonderful facility.

I will close by saying, I strive to continuously improve. To improvise, adapt and overcome is the Marine Corps way, it was the way we did it in the State Patrol, and it is the way I have led the State Capitol Police Department for the past 11 years. The Capitol Police has in place the strongest leadership team our agency has ever had. Our entire team believes in the continuous improvement concept as much as I do, and we have an amazing staff who are dedicated to coming to work every day to do a great job. You can count on our full transparency and cooperation during this audit process.

We look forward to continuing to improve our communications and collaboration with regard to incident response management, conducting continuous improvement evaluations, and making sure we do everything in our power to provide great service that the people of Wisconsin deserve and expect.

Thank you for your time and consideration. I would be happy to address any questions you may have at this time.



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary
Paul Hammer, Deputy Secretary

**Wisconsin Department of Administration Office of the Secretary Testimony on the Joint Legislative Audit
Committee's Proposed Audit of the Wisconsin State Capitol Police**

Tuesday, August 22, 2023

Good afternoon, Co-Chairs Wimberger and Wittke, and Committee Members,

My name is Paul Hammer, and I am the newly appointed Deputy Secretary of the Department of Administration. It is my pleasure to speak with you today about the proposed audit of the Wisconsin State Capitol Police.

Secretary-designee Kathy Blumenfeld sends her regrets that she was not available to attend today's hearing due to a long-planned engagement outside of Wisconsin. But please know that we are unified with the Division of Capitol Police in welcoming the opportunity to learn how we can improve our operations and highlight the professionalism and services they provide. Our leadership team looks forward to any insights and recommendations that may be shared.

The State Capitol Police is a vital business function for our agency. Like all law enforcement agencies, our officers are asked to take on difficult and sometimes dangerous roles. These men and woman play a critical role in protecting the Capitol and everyone who works here. In addition, as Chief Erwin will explain in more detail, the Capitol Police have statewide responsibilities over all state employees and facilities. We ask a lot of them every day.

That being said, Secretary-designee Blumenfeld and the executive team at DOA expect continuous improvement across all our business areas. As the Secretary has remarked to this Committee in previous audits - we at DOA are committed to our mission and strive to improve what we do so that we are more effective and more efficient. We believe audits provide opportunities to find areas of improvement.

For me personally, today marks my 20th day on the job. So, I am still in the process of learning all the various roles and responsibilities of our programs. That said, the Legislative Audit Bureau's scope includes DOA's oversight of the Capitol Police. As Chief Erwin's superior, I can tell you my approach based on my experience overseeing the Wisconsin State Patrol in my 6.5 years as Deputy Secretary of the Wisconsin Department of Transportation.

I'm not a certified law enforcement officer. I do not manage daily law enforcement decision making nor staff deployments. Nor do I manage security and threat analyses. My role is to assist the Chief and the Division to overcome operational, programmatic, and financial challenges. In the event of an emergency, it

is my job to ensure the Capitol Police have the resources they need and to ensure they follow the policies and procedures established by state law and the Department.

Chief Erwin will provide more detail on the Division of Capitol Police, their operations, and efforts to continuously improve their organization. Our leadership team looks forward to any insights and recommendations that may be shared through the audit process to best support our Capitol Police officers who go above and beyond to protect and serve our community.

On behalf of Secretary-designee Blumenfeld, the Secretary's Office looks forward to working with the Legislative Audit Bureau through out the audit process.

Thank you for the opportunity to speak with you today.



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Kirsten L. Johnson, Secretary

TO: Members of the Joint Legislative Audit Committee

FROM: Kirsten Johnson, Secretary
Deb Standridge, Deputy Secretary
HJ Waukau, Legislative Director

DATE: August 22, 2023

RE: Audit Report 23-6: Administration of Certain Supplemental Federal Funds, Department of Health Services; Audit Report 23-4: State of Wisconsin FY 2021-22 Single Audit

On May 24 2023, the Legislative Audit Bureau (LAB) published [Report 23-6: Administration of Certain Supplemental Federal Funds](#) which provided recommendations for the Department of Health Services (DHS) stemming from LAB's audit of specified federal funds. As noted in LAB's report, DHS was responsible for administering \$653.8 million in supplemental federal funds from the Coronavirus Aid, Relief, and Economic Security (CARES) and the American Rescue Plan (ARPA) Acts. Specifically, LAB conducted audits related to the Provider Payment Program, the Ventilator Stewardship Program, and Office of the Inspector General; for which funding was provided by CARES and ARPA funds. During the onset and height of the COVID-19 pandemic, the capacities and capabilities of our public health institutions were tested beyond what anyone had experienced in generations. DHS responded to this novel event with outstanding efficiency and accuracy, while simultaneously managing \$15 billion in existing federal and state programs.

Since receiving LAB's initial recommendations DHS has worked to implement the corrective actions, as detailed in our August 15, 2023, letter to the Joint Legislative Audit Committee (JLAC). In that August 15 letter DHS describes the progress and status of each individual recommendation. DHS also details future target dates where applicable for each recommendation.

As noted in the letter DHS sent to LAB on May 24, 2023, it is worth reiterating that the programs reviewed in LAB's report were implemented during highly unusual circumstances of the public health emergency. Governor Evers signed Executive Order 72 on March 12, 2020, declaring a public health emergency for COVID-19. On January 19, 2022, 15,474 new confirmed cases of COVID-19 were added to the system for a 7-day average of 18,732 cases per day. In addition, on the same day, the moving average of patients hospitalized was 2,329 patients. Of the suspected and confirmed hospitalized COVID-19 patients, 11 percent were on ventilators. DHS was required to make quick decisions to provide funds to the long-term care, emergency medical services, and hospital providers, who needed them to continue to provide care during this critical emergency. We operated in a collaborative, dynamic manner which allowed us to administer the supplemental funds fairly and effectively. DHS also worked closely with partners from across the health care spectrum to make sure they had the resources necessary to provide care and treatment for their patients and partners.

Regarding Report 23-6 DHS has specific comments it would like to call out for JLAC:

Provider Payments

DHS does not assert that the LAB misrepresented the documentation collected related to the providers outlined in the report for the Covid Provider Payment program. It does however disagree with the

LAB's assertion that the documentation collected by DHS related to these individual providers was insufficient to prove need during the COVID-19 crisis.

During a time in which DHS needed to ensure that providers were able to continue to stay in business to provide critical long-term care services to the residents of Wisconsin, DHS staff had significant back and forth communication with providers to ensure we were comfortable with the level of documentation to support funding requests. Where documentation could not be provided, requests for funding were denied. In one case, the LAB suggested that DHS should have collected information that would not have even been available at the time of data collection or asserted that we should have collected daily data versus monthly data, something DHS did not feel was necessary at the time of review.

DHS has since committed to follow the recommendations set forth by LAB and has reached out to the providers identified by LAB, several of whom have already provided additional documentation.

Ventilator Stewardship Program

The ventilator program was established during an emergency response and this background impact played a significant role for the decisions made regarding the number of ventilators purchased as well as staff turnover making file location difficult. Auditing a program established in these conditions, but assuming optimal conditions, fails to account for the dynamic nature of the emergency that DHS staff along with other state partners navigated.

Commensurate with the recommendations put forward by LAB, DHS's Office of Preparedness and Emergency Health Care Warehouse Unit (WU) has either completed the actions as recommended, or is actively working to implement them in a timely manner.

Office of the Inspector General

The Office of the Inspector General (OIG) remains committed to uphold its mission to protect the people of Wisconsin by preventing, detecting, and investigating fraud, waste, and abuse of DHS programs. These programs include the DHS internal operations cited in the report in addition to the Medicaid, FoodShare, and WIC programs. As detailed in the report, OIG has conducted thousands of investigations of fraud, waste, and abuse within these programs.

OIG's program integrity operations continue to strive to maintain compliance with all applicable regulations and best practice standards. It is in this spirit that OIG has taken action to begin implementing all recommendations put forward by LAB and provided timelines and anticipated completion dates. It should be noted that the DHS Inspector General and Deputy Inspector General were not Certified Inspector Generals under the Association of Inspector General until the end of the audit period. And there was no statutory requirement for this certification. The Inspector General obtained certification March 17, 2023, and the Deputy Inspector General on March 18, 2022, and these were the first certifications for DHS OIG.

DHS SFY 2021-22 Single Audit: LAB Report 23-4

Coinciding with LAB Report 23-6 DHS has also worked on and responded to LAB's inquiries regarding the State of Wisconsin FY 2021-22 Single Audit (Report 23-4). Since receiving LAB's findings DHS has worked diligently to resolve the recommendations put forth by LAB. Many of the corrective actions proposed by DHS have either already been completed or are on track to meet their specified timelines.

Regarding the single audit, DHS received a follow-up inquiry on April 4, 2023 from the JLAC co-chairs inquiring about the status of a \$43 million overpayment to the Centers for Medicare and Medicaid Services (CMS), and requesting a response from DHS by April 28, 2023. The overpayment was the result of an infrequent occurrence where Medicare premiums for Medicaid members were paid outside

of the typical window resulting in a reduction in award from CMS by \$43 million. In a March 22, 2023 letter to LAB, DHS described the corrective actions it was taking to recoup the \$43 million reduction from CMS. In its April 14, 2023 response to the JLAC co-chairs DHS stated it had received confirmation from CMS that DHS would be receiving the entirety of the \$43 million back from CMS. DHS also stated it had already begun to implement LAB's recommendations to improve reconciliation procedures to include the review of Medicare invoices and grant award notices. As of April 21, 2023, the matter had been resolved and DHS had received the funds back from CMS.

DHS appreciates the professionalism of the LAB staff auditors working on the federal supplemental funds audit. In addition, we commend our staff for their diligence in responding to the audit requests, as well as all their extra efforts during the difficulty of the public health emergency. Should the JLAC or its members wish, DHS is happy to provide additional information and answer questions the Committee may have.

