

LAW ENFORCEMENT MANAGEMENT INSTITUTE

A REPORT ON ISSUES CONCERNING CONSOLIDATION
OR CONTRACTING FOR POLICE SERVICES

A LEARNING CONTRACT
SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
MODULE II

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ROCKPORT, TEXAS

AUGUST, 1990

#105

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INTRODUCTION

The issues concerning consolidation or contracting for police services appear to be fairly simple to the average layman. However, the average layman, whether concerned citizen, mayor, city councilmember, county judge, or county commissioner do not know the facts of this "fairly simple issue." If the general public, had more facts at their disposal, citizens might be more hesitant to suggest consolidation or contracting for police services as a recourse to problems such as budget short-falls, tax roll-backs and municipal/county government concerns in general. Of course, the major issue is the fact that citizens perceive tax dollars may be saved by consolidating agencies or contracting for police services.

There are many factors to be considered before attempting to consolidate police services. For instance, the fact that a Police Department and the Sheriff's Department perform duties specifically designated for each department, should be considered. Two questions must be asked: Do the capabilities for accomplishing the overall combined task of policing exist within the agency that will be responsible for delivering the service? Will contracting for police services actually save tax dollars, and what exactly are the legal requirements and liabilities involved in contracting for police services?

The most important consideration of all is the question of citizen needs. Are the citizens that call for police services going to receive the type of service that they would require from a law enforcement officer. Are officers continuing to be trained provide citizens the best law enforcement service possible for their tax dollars?

A contractual arrangement exists when one unit of government pays another unit of government or a private supplier to provide a public service for its citizens. The major advantages of contracting are that the separation of demand and financing from production permits each function to be performed more effectively, and competition is introduced into the provision of public services. Burbank, is a Chicago residential suburb of 30,000, that incorporated in 1970, at which time it contracted with the Cook County Sheriff's Department to continue the services it had been providing to Burbank as an unincorporated area. To evaluate the effects of contracting police services, Burbank was compared with the 17 other Cook County Municipalities of similar size. Burbank was found to be receiving police services at much lower costs than similar-sized suburbs having their own police departments, yet it seems to be receiving comparable performance as measured by crime, arrest, and clearance statistics. Burbank has the fewest police officers per capita of any of the communities studied, which may affect routine services; for example, Burbank ranked last of the 18 communities in revenue from traffic fines for each of the last three years. This may indicate that Burbank is forced to

concentrate on major crimes at the expense of other police services.¹

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POLICE DEPARTMENT DUTIES AND SHERIFF DEPARTMENT DUTIES

The duties and functions of a police department are the preservation of the peace and order, the prevention and detection of crime, the apprehension of offenders, the protection of person and property under the laws of the state, the protection of the innocent, the enforcement of the laws of the state and the ordinances of the city and the performance of a multitude of tasks relating to public welfare and safety.

The duties and functions of a police department are similar to those of a Sheriff's Department. A police department provides security in municipal court, works and provides accident reports to the state and actively enforces traffic laws. A municipal police department enforces city ordinances that pertain to their jurisdiction after being adopted by the council, commission or governing body.

In addition to federal and state laws, these officers are required to enforce city ordinances which can number into the thousands. Many of the ordinances parallel state laws and are easily learned; and enforcement of these city ordinances is very similar to the state law. Other city ordinances require additional research and training for the officer to become proficient in the application and enforcement of the ordinance.

The duties and functions of the Sheriff's Department are the preservation of the peace and order, the prevention and

detection of crime, the apprehension of offenders, the protection of person and property under the laws of the state, the protection of the innocent, the enforcement of the laws of the state, civil process and the performance of a multitude of tasks relating to public welfare and safety.

The duties and functions of a Sheriff's Department are very similar to those of a police department with a few additions. A Sheriff's Department is also responsible for court security in some counties (with the exception of Municipal and Justice of the Peace courts). The security in County and District courts can be very demanding on a Sheriff's Department in addition to its normal duties. Police departments are normally responsible for the security in municipal courts.

A Sheriff's Department normally transports prisoners to and from the State Correctional Facilities for purposes of imprisonment, bench warrants, etc. This is another demanding task that is generally performed by a Sheriff's Department rather than Police Department.

A Sheriff's Department is responsible for maintaining a jail or correctional facility. A Police Department that does not have a jail or correctional facility may not be required to do so due to the size of the Police Department and the availability of the Sheriff's jail if an agreement or contract for jail services is utilized. A Sheriff's Department is also responsible, in most counties, for the service of civil process.

IMPLEMENTATION CONCERNS OF CONSOLIDATION OR CONTRACTING FOR POLICE SERVICES AND THE EFFECTS ON EMPLOYEES

Perhaps the most comprehensive contract law enforcement program in the nation is in densely populated Los Angeles County, California. The L.A. County Sheriff's Department polices almost all the county's 30 municipalities outside the City of Los Angeles. The sheriff maintains numerous substations to service local areas. However, even in L.A., the large scale of contract policing had not meant the elimination of many already-existing small departments. The county has grown very quickly in the past 20 years, and dozens of new cities have been incorporated. All of the newly incorporated areas were formerly policed by the sheriff; when they incorporated, they simply kept the sheriff, contracting for service in lieu of forming their own departments.

One more alternative to total consolidation is the formation of "cooperatives." For instance, in Snohomish County, Washington, population 250,000, 18 municipal police departments and the County sheriff combined in 1974 to build two central dispatch facilities for all the departments. The agencies involved ranged from a 93-officer city police department to several towns that employed only one part-time marshall each.

Each of the facilities is run by a board with representatives from all the governments involved. They are financed through each of the participating agencies. The agencies have also formed a floating manpower pool from which officers of the smaller departments are replaced temporarily while they take

leave of absence for training courses. Cooperative plans like this vary widely in form, number of agencies involved and services shared.

In 1973, the Las Vegas (Nevada) City Commission and the Clark County Commission agreed on the terms of the consolidation of their police services. Las Vegas--by far the county's largest city--and the county had been making unsuccessful attempts at total political consolidation for five years, and the police consolidation was viewed by many as a first step toward eventual unity. The commissions lobbied for state enabling legislation, and when that was passed, they set up a joint police commission made up of commissioners from both governments. The commission, an entity separate from both governments, was given the power only to propose a budget to the separate governments for consideration. Actual money allocations were left to the city and county governments. Power to set police policy was given to a sheriff who was elected countywide. (The chief of police was, in effect, demoted and appointed under-sheriff.) Members of both governments expected the consolidation to save everyone money and improve police services.

Since July 1, 1973, the day the consolidation went into effect, the two governments have been fighting about the Metro Police, as they are known. The disputes came to a head in October, when the city filed a lawsuit to have the consolidation declared unconstitutional. The grounds for the suit are that city residents are being taxed twice for the department--once through city property and business taxes, and once through county real estate

taxes.

The Las Vegas city seal describes the area as the "entertainment capital of the world." This legitimate claim distinguishes the city's police problems from those of many older and poorer American cities, but the events following the Las Vegas police consolidation could happen almost any place where the merger of police services is not a total merger of two governments. Clark County and Las Vegas have a combined population of about 450,000, equally divided between the city and the county. Most of the county's population lives in areas that blend into the city on all sides. There is a huge rural area in the county, too, more than 7,500 square miles of thinly settled desert and mountains. The county population has grown 50 to 60 percent since the consolidation, mainly in the sections of the county adjoining the city. From 1973 to 1977, the number of serious crimes reported in the county increased from 22,000 to 31,000, and this growth shows no signs of slowing. Ten million tourists shuttle in and out yearly, swelling crime and other police matters by matters by an estimated 25 percent.

Representatives from both governments, sensing that these problems would grow, decided that a unified police department would ease matters. The two departments with about 250 officers and 150 civilians each, started working together after a six-month planning period.

The city and county immediately began squabbling over who was going to pay how much for the police. The Nevada State Tax

Commission arbitrated and decided that the county owed 47 percent and the city 53 percent. The county comptroller's office gained control over the disbursement of funds. City commissioners were unhappy with what they saw as a successful power play by the county and an unfair split of the expenses. In what was clearly a power play, the county successfully lobbied the legislature in 1975 to remove the city representatives from the police commission, but the city was still required to pay its share for the police. In 1977, the city commissioners got the legislature to reinstate them on the commission and to reduce their share of expenses to 50 percent.

It is unclear what effect consolidation had on the police budget. The largest immediate cost was in new salary scales and fringe benefits. In addition, Metro had to buy hundreds of new pistols, uniforms and other gear to standardize the department. Cars had to be repainted and badges changed. City and county officials estimate that all of this cost about three million dollars the first year.

This experience is not unique to Las Vegas. Other consolidated departments have found their budgets growing rapidly for similar reasons. Economies of scale achieved through consolidated auxiliary operations and larger bulk purchases have a limited effect, since salaries usually comprise 80 percent of a police budget. Salaries, and the number of people receiving them, almost never go down as a result of consolidation.²

CONCLUSION

Information pertaining to the implementation and effects on employees concerning consolidation or contracting for police services is limited.

Concerning consolidation, Police Departments and Sheriff Departments provide services to the community that are unique to their individual departments. The accomplishment of all services by one department is possible if the entities involved are willing to accept the responsibilities for the negative as well as the positive impacts. Budgets will have to be increased to raise the salaries and benefits of all employees to the level of the higher of the two comparable salaries. Consolidation of the two departments into one in terms of uniforms and gear is another expense that, if properly done, will be a one-time expense for uniform, badge and vehicle identification, etc. A centrally - located records system and no jurisdictional boundary requirements for citizens reporting crimes and officers enforcing laws should greatly enhance the effectiveness of the agency.³ Ideally, the total consolidation of the entire governmental entities would resolve any future disputes that may evolve.

Concerning contracting for police services, the entity that contracts for the services will have to pay a price for the services and will lose control of the policing powers it would have had with its own police department. If the entity is newly incorporated and has no police department, then this power will not

be missed by the governing body. The governing body will also enjoy the fact that the liability factors that exist with a law enforcement agency do not apply to their entity.

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