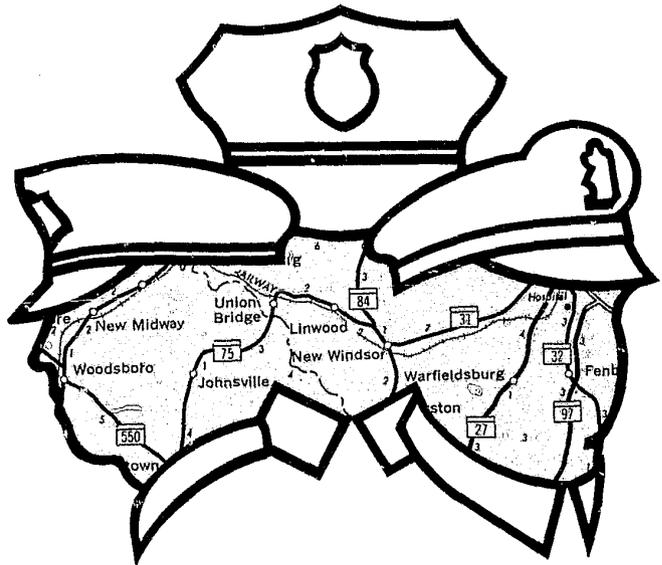




PROGRAM MODELS

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Small Police Agency Consolidation: Suggested Approaches



Office of Development, Testing and Dissemination
National Institute
of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
U. S. Department of Justice

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by
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PREFACE

Following the lead of several national study groups, an increasing number of communities are giving serious consideration to the consolidation of their law enforcement agencies. This emerging trend has followed closely on the heels of significant cost increases in law enforcement, public demands for more and better service, and the increased difficulty faced by smaller communities in hiring and retaining qualified law enforcement personnel.

Since 1970, more than a thousand communities have been involved in studying the feasibility of consolidation. It is presently estimated that nearly 500 communities are now engaged in operational consolidations, nearly all of which serve areas of less than 25,000 people.

The following report has been prepared in response to the growing interest in small law enforcement agency consolidation. Specifically, the report is designed to assist communities considering law enforcement mergers to properly plan and successfully implement such a delivery system. Key aspects of the report describe the subjects that should be examined in studying the feasibility of consolidation; the legal requirements of law enforcement mergers; financing a consolidated delivery system; planning the transition from the old system to the new; the relationship between the provider agency and the jurisdictions that receive services; and, methods of evaluating merged law enforcement systems.

Over the past decade, a number of national study commissions and state planning bodies have advocated the merger of small law enforcement agencies. During recent years, the position of these groups has been fueled by the crushing burdens of runaway inflation and increasingly limited local financial resources. The result has been the merger of scores of small law enforcement agencies across the country. Of interest, however, is that although the actual numbers of consolidated agencies has been significant, one could not define the response as overwhelming.

As is set forth in this report, law enforcement consolidation is not labeled a cure-all for the problems that plague small agencies. It does, however, represent a viable option which warrants consideration by those seeking alternative methods of police service delivery. The question arises, therefore, that if consolidation is indeed such a "viable alternative", why has its actual use been relatively limited. In investigating this question, field experience has shown that the answer rests on the limited understanding of elected officials, law enforcement personnel and the general public as to what small police agency consolidation is and how it affects participating communities.

More specifically, it has been found that the uncertainties which most frequently inhibit the expanded use of small agency consolidation center on the following general questions.

- What is small agency consolidation and what, in general terms, does it involve?
- How can a community determine if consolidation is a workable alternative under existing local considerations?
- If a community becomes involved in a study of consolidation, will it be bound by study findings and recommendations?
- If consolidation occurs, can a community retain any control over the cost, level and quality of services it receives?
- If dissatisfied, can a community terminate its involvement in a consolidated system?
- Will consolidation cost a community more than its existing local police department?
- What have been the results of other law enforcement agency consolidations?

In response to these areas of concern, the following is offered.

- For purpose of the study, small agency consolidation focuses primarily on non-metropolitan and rural law enforcement agencies comprised of less than 25 equivalent full-time sworn personnel.
- The term "consolidation" is defined as the abolishment of one or more existing full- or part-time

law enforcement agency(s), and the assumption of the responsibilities of that agency(s) by another organization. The provider agency of the consolidated system may be an outgrowth of an existing law enforcement unit (i.e. sheriff's office or municipal or state police agency), or it may be a new agency established specifically to provide police services to two or more local jurisdictions (i.e. special police districts).

- Through the use of formal feasibility studies, a community can determine if consolidation is a reasonable alternative and, if so, how, specifically, it can go about implementing such a system.
- Even if consolidation is deemed feasible, communities that were part of a study are not bound by its recommendations and, in fact, may propose alternatives or even choose to withdraw from further involvement.
- Once implemented, even if another agency or unit or government becomes the provider of law enforcement services, recipient jurisdictions nearly always retain a voice regarding costs, service levels and service quality through involvement on a permanent Law Enforcement Advisory Committee.
- All consolidated systems include provisions for withdrawal if a community becomes dissatisfied.
- With regard to costs, available evidence suggests that consolidation may realistically be expected to produce more law enforcement service for the dollar than is possible under independent small local agencies. Unfortunately, existing documentation is somewhat confusing. For example, it is common to find comparisons of the cost of *existing* service under a local police department, with a *desired* level of service under a consolidated system. In such cases, the costs of the consolidated system are nearly always higher. This is caused by the fact the "existing" service provided by local agencies generally reflects undermanned and underequipped conditions (e.g. these are the conditions which generally precipitate the consideration of a merger in the first place). To be more accurate, the cost of a *desired* level of service under an existing local agency should be estimated and compared with the cost of the same level of service under a consolidated system. Because of the limited use of this technique in the field, few accurate cost comparisons could be found.
- Documentation as to the results of existing consolidated agencies is also quite limited. Many available evaluations offer only subjective assessments of the general acceptance of a merger. Of the evaluations which are more objective in nature, few deal with indicators of agency impact and efficiency. This is primarily due to the limited thought and study which has been given to the notion of technical efficiencies and economies of scale regarding public services. Of the evaluations which were reviewed, however, the results have been quite favorable.

Moreover, in the following report, an attempt is made to provide more fully developed answers to the above questions. When this is not possible, methods of deriving the answers are described.

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SUMMARY OF FINDINGS AND CONCLUSIONS

A. Factors Leading to the Consideration of Consolidation

Among the hundreds of communities now involved in consolidated law enforcement systems, two primary conditions appear to have precipitated the original consideration to merge. They include:

- Increased demands for more and better quality law enforcement services, coupled with declining or increasingly limited local financial capability to meet this demand.
- Interjurisdictional overlapping of law enforcement jurisdiction, and/or associated disputes, jealousies, etc.

Several conditions indirectly associated with the provision of law enforcement services also appear to have influenced communities to consider consolidation. These include:

- Problems or crises (i.e. extended financial or manpower shortages, union pressures, charges of racial discrimination, corruption, etc.) that have raised questions regarding the desirability and/or ability of the current system to meet the future policing needs of a community.
- The existence of and confidence in a nearby provider agency.
- A history of intergovernmental cooperation between jurisdictions which has served as a precedent to a law enforcement merger.
- Desired detachment from local administrative problems, such as relief from negotiating with law enforcement labor unions, or from dealing with job actions or walk outs, the maintenance of personnel and payroll records and from the recruiting, training and retaining of personnel.

B. The Experience of Merged Agencies

Although only limited empirical evidence exists which documents the successes and disappointments of merged law enforcement agencies, persons involved in consolidated units claim the following:

- Consolidation mitigates several conditions which limit or reduce the effectiveness of law

enforcement service, such as jurisdictional overlapping, disputes, jealousies, and competition.

- Consolidation permits a broader range and level of service than is financially possible through small independent agencies (i.e. full-time law enforcement capabilities, emergency back-up, improved communications, etc.).
- Consolidation results in higher quality personnel complements through better training, supervision, organization and working conditions.
- Consolidation tends to reduce per unit costs for police services, or results in the provision of more service for the same law enforcement dollar invested.

Although the research found several arguments which reflect dissatisfaction with police consolidation, substantiation was mixed. For example, some claim that such mergers result in the loss of local law enforcement services. Although certain justification to this claim exists—especially with regard to door and window checks, local traffic control services, and the enforcement of local codes and ordinances—the problem is now recognized in an increasing number of law enforcement service contracts, which specify the services to be provided. This has tended to reduce dissatisfaction in this area.

Some groups claim that recipient jurisdictions lack control over the level and quality of services they receive. The study found little evidence, however, that this has deterred communities from participating in consolidated systems or that it has been the cause of termination of any consolidated agencies. This is due, to a great extent, to the existence of permanent advisory boards which serve as vehicles for reviewing service accomplishments and resolving complaints or points of disagreement.

Complaints that consolidation provides no better service than separate small agencies is open to debate. For example, many cases were found where retention and recruiting difficulties produced cuts in local agencies to as few as two or three people. It is difficult to claim that a merger of small agencies,

which might only provide one unit of 24-hour patrol, is not a somewhat better alternative.

Finally, arguments that consolidation may cost as much or more than current systems are frequently misleading. This is not to say that such claims are false, but rather, examples in the research were essentially non-existent which compared the cost of *desired* local service, with the cost of the same services under a consolidated system. Most commonly, comparisons are made between expenditures for *existing* local service and the cost of desired services under a merged agency, with little or no attention given to the amount and nature of services actually provided under each system (i.e. in many cases, existing service is quite limited when compared with the service offered by a merged agency).

C. Planning Behind Merger Efforts

Most law enforcement mergers, particularly in sparsely populated areas, do not involve formal assessments of the feasibility of consolidation. Decisions are simply made, based on a general review of conditions and needs, by local political leaders, in conjunction with the chief law enforcement officer of the agency that will likely provide the services.

Although this approach has worked in many cases, two shortcomings were found. They relate to the method and extent of system financing (i.e. one merged agency was "bankrupted" because of poor financial planning) and the nature of services that are to be provided (i.e. many misunderstandings were found in which recipient jurisdictions expected far more service than the provider agency either intended or was capable of providing).

Several reasons were found which support the use of more formal planning and/or feasibility studies prior to consolidation. For example, it was found that:

- Feasibility studies provide a means to more thoroughly assess the benefits and costs of police services restructuring.
- If a merger is found to be feasible, the resulting information can be used to promote implementation, since the documentation offers an objective assessment of available alternatives.
- Such planning also produces baseline data necessary for subsequent monitoring and evaluation.

Moreover, if formal planning or feasibility studies are undertaken, it was found that the most critical elements to be included should be:

- Demographic profiles of participating jurisdictions (e.g. to help define the areas to be served, areas requiring special services, etc.).
- Profiles of reported criminal activity (e.g. to describe past demands for police services and to serve as a basis for determining future manpower requirements).
- Organization and operations of existing law enforcement agencies (e.g. to help point out strengths, weaknesses and areas of compatibility among pre-merger agencies).
- Law enforcement manpower profiles (e.g. to help ascertain the number of qualified law enforcement personnel in the area who may staff a merged agency; the salaries and benefits which must be considered; rank and seniority matters which must be addressed, etc.).
- Management and administrative profiles (e.g. to help identify the best features of pre-merger agencies which might be incorporated in a consolidated department).
- Equipment and facilities inventory (e.g. to identify difficulties associated with using, re-using or disposing of current facilities and the types and amounts of equipment which could be used by a merged agency).
- Actual and projected operating costs of pre-merger agencies (e.g. to provide a basis for comparison between current costs, projected costs, and the cost of desired levels of service under consolidation).

Other topics which are generally addressed in formal feasibility studies include:

- Public opinion inventories.
- Assessments of current law enforcement systems.
- Presentations of alternative approaches.
- Recommended alternatives and necessary next steps.

A final major planning activity which precedes law enforcement mergers concerns the transition from the old system to the new. The study found that many consolidations, especially among the smallest law enforcement agencies, use neither a formal nor an informal transition process. Most of these cases simply involve the extension of county services to additional jurisdictions. As the size of agencies grow, however, transition planning also increases. The most common subjects addressed include:

- Interjurisdictional equipment transfers (i.e. including fee simple purchase, loans, and credits against initial payments for services).

- Standards and procedures for hiring personnel from agencies that will be dissolved.
- Equalization of salaries and benefit packages.
- Insuring jurisdictional enforcement authority for members of the provider agency.
- Merging records systems.
- Developing common general orders and field manuals.

D. Other Factors Important to Successful Mergers

1. **Legal requirements.** The successful implementation of a consolidated law enforcement agency is much more likely if the change is already enabled by state law. In cases where mergers are publicly recommended without such sanctions, necessary legal requirements must first be met. This not only adds significantly to the time required to implement a merger, but tends to dilute the momentum for change.

2. **Financing a merged law enforcement agency.** Financing is a key factor in the successful planning and implementation of all consolidated law enforcement agencies. Research has documented numerous cases in which financing was the subject over which the greatest time was spent and the most disagreements arose during the planning of consolidated agencies.

Financial considerations are also significant when it comes to public acceptability and/or decisions to continue merged agencies.

The specific areas of financing over which the most significant difficulties arise concern:

- The availability of revenues sufficient to sustain the level of service desired by participating jurisdictions.
- The equitability of cost sharing formulas and associated procedures.

3. **Contracts between provider and recipient jurisdictions.** Nearly all the merged agencies studied utilize formal service contracts. These documents serve to clarify the substance and cost of services to be provided and, in cases of misunderstanding, serve as a baseline for resolving disputes.

Interlocal contracts are rarely uniform. Variations reflect the nature of the understanding, controlling statutes, prevailing local conditions and the style of those involved in the contract negotiations and preparation process. There are, however, certain basic provisions that are covered in most contracts for the

provision of interlocal law enforcement services. These include:

- A clear description of services to be provided.
- The amount the recipient jurisdiction will be required to pay for the services, and the time and manner in which payments are to be made.
- A description of which party will assume the liability of defending the provider agency in a suit.
- Procedures relating to the maintenance of records and the issuance of financial reports.
- Specifications as to the persons or officials who formally represent the parties to the contract.
- The composition of a permanent law enforcement board, if one is to be used, including a description of its role, responsibility and its relationship with the administrator of the provider agency.
- A detailing of real property and/or equipment and a description of the manner in which it will be transferred to the provider agency.
- A description of the duration of the contract, together with procedures for contract amendments and termination.

4. **The use of permanent law enforcement review bodies.** Law enforcement boards, commissions and committees function as part of most merged systems. In some cases, they are a perpetuation of planning committees established during the feasibility study stage of a merger. In other cases, they are called for in state enabling legislation or are voluntarily established and sanctioned in interagency contracts. These bodies are generally comprised of appointed representatives from each participating jurisdiction, and usually include members of county or municipal councils and a county and/or city attorney.

The responsibilities of the boards vary, but generally involve policy making, oversight of activities, and apprising the provider agency of specific problem areas.

E. Evaluations of Merged Law Enforcement Agencies

Of the consolidated agencies studied, approximately one-third have been evaluated on at least one occasion. Some of these studies were carried out internally by the director of the agency; several were completed by staff of a state or regional planning agency; and, others were conducted by private consulting or research organizations.

Of the studies examined, both the substance and comprehensiveness varied widely. Many were essentially subjective assessments of the general accept-

ance or "success" of a merged agency. Others were more objective, but dealt in only a limited fashion with indicators of agency impact and efficiency.

CHAPTER I. INTRODUCTION

A. Purpose of the Report

The purpose of this report is to present a program guide for those considering the merger or consolidation of small law enforcement agencies.¹ By definition, the report focuses on mergers which involve:

The abolishment of one or more existing full- or part-time law enforcement agencies and the assumption of the responsibilities of those agencies by another organization. The provider agency in the consolidated system may be an outgrowth of an existing law enforcement unit (i.e. sheriff's office or municipal or state police agency), or it may be a new agency established specifically to provide police services to two or more local jurisdictions (i.e. special police district). This definition does not require comprehensive reorganization of the participating local governments.

In terms of agency size, this report concentrates on law enforcement units comprised of fewer than 25 equivalent full-time employees. Although the majority of agencies of this size are found primarily in rural and other non-metropolitan areas, many of the tenets set forth in the following pages may also be applicable to certain suburban law enforcement agencies.

Concentration on agencies of this general size reflects several considerations, including:

- Statements expressed by national groups and commissions toward the need to consolidate smaller law enforcement agencies for improved efficiency and effectiveness.²
- Agencies with fewer than 25 employees constitute more than 85 percent of all existing law

enforcement units and thus represent a reasonable "universe" for a study of this nature.³

- Communities with law enforcement agencies of this size (i.e. generally communities with populations of less than 25,000), are being faced with crime rate increases which outstrip even metropolitan areas. For example, as is illustrated in Table 1, the rate of increase of both violent and property crimes between 1970 and 1975 was most severe among the smallest communities. Although these figures may at least partially be the result of improved reporting procedures, the rate of increase is nonetheless significant.

TABLE 1. *Percent Increase in Index Crime Rates 1970-1975*¹

Population Range of Municipalities	Type of Crime	
	Violent ² (Percent Change)	Property ³ (Percent Change)
1,000,000 or more	0%	35%
500,000 to 999,999	17	86
250,000 to 499,999	58	101
100,000 to 249,000	51	108
50,000 to 99,999 ..	86	143
25,000 to 49,999 ..	92	166
10,000 to 24,999 ..	102	197
Less than 10,000 .	169	309

¹ Federal Bureau of Investigation, *Crime in the United States, 1970 and 1975* (Washington, D.C.: U.S. Government Printing Office).

² Violent crimes include homicide, forcible rape, robbery and aggravated assault.

³ Property crimes include burglary, larceny-theft and motor vehicles theft.

Moreover, this report describes a number of factors critical in the consideration, design and implementation of small law enforcement agency mergers. Although it is designed for a broad readership, spe-

¹ The terms "merger" and "consolidation" will be used interchangeably in this report.

² Although the Advisory Commission on Intergovernmental Relations (*State-Local Relations in the Criminal Justice System*, 1971, p. 171) and the National Advisory Commission on Criminal Justice Standards and Goals (*Police*, 1973, p. 108) define small agencies as "fewer than 10 sworn employees", field research has shown that agencies of less than 25 employees share many of the same problems and needs.

³ Bureau of the Census, *Compendium of Public Employment 1972 Census of Governments* (Washington, D.C.: U.S. Government Printing Office, Vol. 3, No. 2) pp. 396-397.

cial attention was given to the needs of elected county and local officials and administrators; the heads of local law enforcement agencies; state and regional law enforcement planning agencies; and community groups, among others.

Following a brief review of the background and methodology used in the preparation of this document, the subject of consolidation is examined in terms of:

- The positive and negative aspects of consolidation.
- Assessing the feasibility of merged law enforcement service.
- Meeting the legal requirements of consolidation.
- Financing the planning and implementation of a merged system.
- The transition from the old system to the new.
- The use and nature of formal contracts between provider and receiver agencies.
- Assessing the progress of a consolidated system.

B. Background

The spiralling costs of local government operations, spurred by citizen demands for more and better services and the runaway inflation of recent years has led to increased scrutiny of all public services. One response to this problem has been action aimed at the internal operations of local governments. Specifically, such techniques as time and motion analysis, program budgeting, management by objectives, and internal reorganizations have been utilized in hope of improving both productivity and efficiency.

In a number of areas public scrutiny has gone so far as to raise questions regarding the overall appropriateness of maintaining entire governmental units. This has occurred not only in metropolitan areas plagued with a proliferation of overlapping or duplicative units of local government, but in rural areas where small, financially-pressed communities continue to function independently of county government.

Within the context of government reorganization, a wide range of approaches have been applied to curb the increasing costs of government while maintaining acceptable levels of service delivery. In addition to mergers and the establishment of special police districts, the most common of these approaches are the following.⁴

⁴ The definitions used in the following pages are drawn from

- *Informal arrangements.* This is an unwritten, cooperative agreement between localities to collectively perform a task that would be mutually beneficial (i.e. the monitoring of neighboring radio frequencies so that needed back up can be provided).
- *Sharing.* Sharing is the provision or reception of services which aid in the execution of a law enforcement function (i.e. the sharing of a communications system by several local agencies).
- *Pooling.* This is the combination of resources by two or more agencies to perform a specified function under a predetermined, often formalized, arrangement with direct involvement by all parties (i.e. the use of a city-county law enforcement building or training academy, or the establishment of a crime task force such as those used in St. Louis, Kansas City, Topeka, Tuscaloosa and Des Moines).⁵
- *Contracting.* This is a limited and voluntary approach in which one government enters into a formal, binding agreement to provide all or certain specified law enforcement services (i.e. communications, patrol service, etc.) to another government for an established fee. Many communities which contract for full law enforcement service do so at the time they incorporate to avoid the costs of establishing their own police capability.
- *Police service districts.* A police or law enforcement service district is an area usually within an individual county where a special level of service is provided and which is financed through a special tax or assessment. In California, residents of an unincorporated portion of a county may petition to form such a district to provide, for example, more intensive patrol coverage than is available through existing systems.⁶ Such service may be pro-

Robert R. Delahunt, et.al. *An Evaluation Study in the Area of Contract Law Enforcement: A Review of the Literature*, pp. 80-103.

⁵ Under the task force approach selected investigative personnel from participating agencies form a unit that is activated only in response to specific crimes (primarily homicides, certain cases of manslaughter, rape and certain serious assaults.)

⁶ Commission on Peace Officer Standards and Training, *Police Service and Jurisdictional Consolidation*, (Sacramento, 1976), pp. 8-9.

vided by a sheriff, another police department or a private person or agency.⁷

Three other reorganization types also exist: *Federation*, which involves the delivery of metropolitan-type services by a newly established county-wide government which supplants existing county government, but not existing local governments (i.e. Toronto, Canada and Dade County, Florida); *Amalgamation*, in which two or more units of local government combine totally to form a new government (i.e. Jacksonville, Florida; Nashville, Tennessee; and, Lexington, Kentucky); and, *Annexation*, which is the total or partial absorption of an area by an existing governmental unit.

C. Alternative Structures Among Merged Law Enforcement Agencies⁸

As noted, this report deals exclusively with merged or consolidated law enforcement agencies and special police districts. Even within these limited organization types, a number of alternative structures exist. The most common involve a county sheriff providing service to communities that no longer find it desirable to maintain their own police departments. Several other approaches are also used. These alternatives are described below, with examples, so that those considering consolidation can explore all possible options.

1. The county sheriff as the administrator of a merged law enforcement agency.

a. Standard county mergers. Sheriffs in many parts of the country administer consolidated law enforcement systems. The most common approach involves the sheriff providing expanded service for some or all of the communities in a county. In sparsely populated rural areas, consolidation frequently results in the sheriff becoming the only law enforcement agency in the county. In more heavily populated rural and urban counties, some communities prefer to maintain their own police departments. Consequently, the sheriff assumes the policing responsibility for only some communities. With regard to these approaches, however, the current study uncovered no significant differences between systems

which are countywide in nature and those which serve only some incorporated areas in a county.

b. A specialized case: The Riley County Police Department. In a number of counties, law enforcement services are provided by a county police department headed by a chief of police. In most cases, such agencies are in highly urbanized counties which have enacted "home rule" charters (which authorize essentially the same powers as a first-class city). Because the position of sheriff is called for in state constitutions, a separate elected sheriff is generally retained to operate a detention facility and to process warrants and other legal papers.

In Riley County, Kansas, a significantly different approach to the provision of police services is employed. Through a combination of constitutional changes, special state enabling legislation, and a local referendum, the Riley County Police Department was established. The unique feature of this arrangement is that the position of sheriff was abolished in Riley County, with the duties transferred to the appointed Director of the department. Another unusual feature is that the department technically qualifies as a "special police district" because it has no legal or legislative ties with the City of Manhattan (the largest city in the county and the county seat) or the Riley County government.

The department is administered by a five-member "Law Enforcement Agency Board" the membership of which represents the three participating governments, in addition to an at-large member and the Riley County Attorney. The board is responsible for appointing the Director of the department, approving the department's budget, and acting on policy and other matters brought before it by the Director.⁹

2. Mergers among local governments. Mergers limited to local governments take one of two forms: one jurisdiction assumes sole responsibility as the provider agency; or, the participating communities jointly provide police services.

a. Brea-Yorba Linda, California. The arrangement between Brea and Yorba Linda, California is an example of the first form. The Brea Police Department is solely responsible for providing law enforcement services to the city of Yorba Linda in accordance with the terms of a formal contract. Under this arrangement, the Yorba Linda City Administrator, who is designated as the city's "Chief of Police", has "the duty and responsibility of providing the Chief of Police of Brea with general policies

⁷ This approach is presently being used in Contra Costa and San Mateo counties in California and in Suffolk and Nassau counties in New York.

⁸ Information for this subsection was drawn from secondary sources and site visitations, which are described more fully later in this chapter.

⁹ Field interview, Manhattan, Kansas, October 26, 1976.

relative to the furnishing of police services within Yorba Linda".¹⁰ Further, Brea provides a "Division Commander" who works in offices located in Yorba Linda and supervises and coordinates the provision of all police services in that city. The Division Commander must follow the directions and policies of the City Administrator/Chief provided that they do not conflict with the policies and legal procedures of the Brea Police Department. The arrangement specifically states, however, that the Brea Chief and his staff have authority and control over day to day operations and the procedural manner in which those operations are carried out.¹¹

b. *Yamhill-Carlton, Oregon.* The cities of Yamhill and Carlton, near Portland, Oregon, entered into a mutual agreement for the operation of a joint police department. The two communities are separated by a five mile span of county highway.

Because of the proximity of the cities, the success of previous informal agreements regarding the provision of back-up support, and the clear need for 24-hour patrol (which neither jurisdiction could afford individually), a merger occurred. The combined department operates under the direction of a Police Committee comprised of members appointed by each city council. The committee "oversees the general operation and personnel of the department and its reserve unit and makes recommendations to the respective city councils concerning the operation and financing of the unit".¹²

Under this arrangement each city maintains fiscal and administrative control over its own personnel but generally exercises that control consistent with the recommendations of the joint police committee. In practice, primary responsibility for supervision of the officers, preparation of coordinated police budgets and direction of the consolidated program is in the hands of the Yamhill-Carlton Police Chief. The Chief is selected by the police committee subject to the approval of each of the two city councils.¹³

3. **Special police districts.** Two agencies were studied that may be classified as special police districts (i.e. single purpose units of local government

designed specifically to provide police services to two or more municipalities). One of the agencies is a regional police department, while the other is an interlocal public safety department.

a. *The Northern York County (Pennsylvania) Regional Police Department.* The Northern York County Regional Police Department was formally established in 1972 to achieve the following objectives.¹⁴

- Change the attitude of local citizens from one of not feeling protected to that of feeling protected by an efficient, professional police force.
- Increase traffic patrol and enforcement to slow the increase in traffic accidents.
- Provide all participating jurisdictions with 24-hour complaint coverage for local ordinances and crimes.
- Provide a faster response rate to increase the percentage of offenders apprehended at the scene.

The department presently serves three towns and three boroughs. Its service area consists of 81 square miles and includes approximately 23,000 people.

The department receives its direction from the Northern York County Regional Police Commission, a body consisting of the Mayor of each borough or a member of the borough council and one township supervisor from each township. The principal responsibility of the six member commission is to insure accountability and performance of the regional agency. It exercises this responsibility through monthly meetings, adoption of an annual budget, establishing service levels, and several other activities designed to make the department a viable agency.¹⁵

The Chief of the Department is responsible for the management and operations of the department, and for maintaining open communications with each participating town and borough. This is accomplished through a monthly report to each municipality summarizing the amount and cost of service and police activity for that period. The chief also participates in periodic meetings with borough councils and township supervisors, and in an annual audit of the financial administration of the agency.¹⁶

¹⁰ Agreement for Law Enforcement Services" between the cities of Brea and Yorba Linda, California, July 1, 1976, p. 2.

¹¹ *Ibid.*

¹² "Agreement between the Cities of Carlton and Yamhill, Oregon," July 1, 1974, Section 3, p. 1.

¹³ Field interview. Yamhill, Oregon, November 1, 1976; and, Bureau of Governmental Research and Service, University of Oregon and the League of Oregon Cities, *Contracting for Police Services in Oregon, Alternative Approaches: Survey and Case Studies*, 1975, October, 1975, p. 41.

¹⁴ Local Government Research Corporation, *Northern York County Regional Police Department: Phase I, Evaluation*, 1972, pp. 1-2.

¹⁵ Public Administration Service, *An Evaluation of the Northern York County Regional Police Department* (Chicago, Illinois, May, 1974), p. 19.

¹⁶ Field interview, York County, Pennsylvania, September 23, 1976.

b. *The South Lake Minnetonka (Minnesota) Public Safety Department.* The South Lake Minnetonka Public Safety Department was established in January 1, 1973. It provides law enforcement services to the contiguous villages of Shorewood, Greenwood, Tonka Bay and Excelsior, Minnesota.

Overseeing the agency is a joint law enforcement board comprised of the mayors of the four villages. During its first three years of operation the board was directly involved in many policy and personnel matters in addition to participation in the budgetary process. Since January, 1976, however, all matters involving personnel and operational activities have become the sole responsibility of the chief.

The establishment of the department as a special district was made possible through existing Minnesota joint powers legislation. The approach was agreed to as a means of maximizing the quality and amount of available law enforcement services. Consideration of the sheriff as a possible provider of law enforcement services was dismissed because of the urbanized nature of the participating villages, their physical proximity to one another, and the past history of successful cooperative services arrangements between the villages.

D. General Methodology

In carrying out the work associated with this report, the following methodology was used.

1. **Gathering current knowledge.** This portion of the work involved the conduct of secondary source research in addition to certain limited original research.

With regard to the secondary research, a review of available literature was undertaken to identify current knowledge concerning conditions, attitudes and results experienced through the implementation of law enforcement mergers. Appendix A presents annotations of a selection of materials reviewed in this process. For those seeking additional sources, the following bibliographic works should be consulted.

- *Consolidation and regionalization of police services.* This annotated bibliography, dated November 27, 1975, prepared by the National Criminal Justice Reference Service, is of particular value in identifying sources which assess the results and impact of a variety of police service consolidations.
- *A bibliography of contractual and consolidated police services.* This work was prepared by the National Sheriffs' Association as part of its

Phase I National Evaluation Project carried out in 1976. It deals with contractual police services, but provided valuable annotations regarding various elements of law enforcement mergers.

- *Police consolidation.* This is a selected bibliography prepared in 1976 by the National Institute of Law Enforcement and Criminal Justice. It presents a cross-section of current literature available on consolidation, including materials which address the advantages and disadvantages of this process.

As a supplement to the secondary source research, telephone contact was made with each State Planning Agency (SPA) to complete an initial inventory of agencies that have participated in successful or unsuccessful consolidation efforts. While in contact with the SPA's, copies of completed feasibility, design and evaluation reports dealing specifically with small agency consolidation were requested.²⁷ This, coupled with the literature search, resulted in a preliminary listing of agencies that have participated in small police agency consolidations.

It should be noted that information regarding merged agencies, as well as additional literature sources were solicited from the International Association of Chiefs of Police, the National Sheriffs' Association, the International City Management Association, the National Association of Counties and other national organizations and agencies.

2. **An examination of existing small agency consolidations.** This phase of the work permitted the gathering of firsthand information concerning the problems, potentials, and opportunities inherent in the merger of small law enforcement agencies. A variety of steps were taken. First, a mail questionnaire was designed, tested and distributed to 175 agencies which, according to secondary sources and other information, functioned under a merger arrangement. The mailings were sent primarily to agencies that were providing law enforcement services, as differentiated from those that were receiving services. Agencies that had reportedly terminated their consolidated system were also contacted to insure that all critical problems and pitfalls were considered.

The principal areas within which the questionnaire sought information included:

- The nature of the merger (i.e. full, partial, timing, etc.).

²⁷ The materials received are incorporated in Appendix A.

- Factors leading to the consideration of consolidation.
- The existence and nature of feasibility and evaluation studies.
- The legal action required to implement the merger.
- The ways and extent to which federal funds were used to plan and implement the merger.
- The use of a formal contract between provider and receiver agencies.
- The use, role and composition of representative law enforcement committees.
- The nature of termination provisions.
- The methods used to finance ongoing operations.

A facsimile of the questionnaire employed is presented in Appendix B.

Of the total mailings, 58 percent were returned. Of those, 32 total and 23 partial mergers were verified.¹⁸ Five agencies were, in fact, examples of inter-agency "pooling" (i.e. major crime task forces and drug enforcement units). The remaining 38 agencies stated that they had never formally consolidated.

Following a review of the mail questionnaire responses,¹⁹ it was determined that each of the responding totally consolidated agencies would be contacted. Fifteen were visited on site, while the remainder were contacted by telephone. An open-ended questionnaire instrument was used for both on-site and telephone contacts.

The principal criterion used in selecting the sites to be visited was the desire to contact as diverse a group of agencies as possible. Departments were selected, therefore, which were geographically stratified and which included examples of the principal types of provider agencies (i.e. sheriff's department, police department, special police district); various population groups served; and, the different financial procedures utilized (i.e. proportionate share, unit cost, and the direct cost allocation formulae). The selection process also took cognizance of agencies that used (or did not use) formal contracts, fea-

sibility studies and program evaluation procedures. (Appendix C denotes the agencies selected through this process.) Finally, in order to obtain firsthand information on possible pitfalls to consolidation, one agency was visited which had terminated its merged system (Teton County, Montana).

It should be noted that some agencies were visited which were admittedly larger than the "fewer than 25 employee" framework of the study. In most cases, these agencies, as well as those that were abolished in the respective mergers, were within the prescribed range before merging. In the remaining case,²⁰ the nature of the merger and the steps taken in its planning and implementation provided certain insights and examples pertinent to the consolidation of much smaller agencies.

During the site visitations, contact was made with such persons as the following:

- Chief law enforcement officer
- Rank and file law enforcement personnel
- Key general government administrative officials (i.e. city manager, county judge, finance officer, county clerk, etc.)
- Elected officials
- Local media representatives

The visits produced firsthand information on all aspects of operating (and terminated) mergers and a variety of other printed reports and materials.

3. **Advisory committee.** Throughout the grant period, an Advisory Committee was utilized. It consisted of an academician whose specialty is law enforcement consolidation; a chief law enforcement officer who was an active participant and now serves in the administration of a merged law enforcement agency; and, the assistant director of a major state law enforcement training and research agency who has been responsible for several studies and reports on consolidation.²¹ Committee members reviewed and provided inputs regarding the mail, telephone and site visit questionnaires; the various outlines of this document; and, the draft version of this report.

¹⁸ Follow-up telephone contacts and field visitations verified many additional total and partial mergers. It should be noted, however, that this study was *not* designed to provide an exhaustive inventory of small agency consolidations.

¹⁹ A brief analysis of selected information supplied by the responding totally consolidated agencies is presented in Appendix C.

²⁰ The Las Vegas Metropolitan Police Department.

²¹ Gordon Whitaker, Ph.D., Assistant Professor, Department of Political Science, University of North Carolina at Chapel Hill; John Nelson, Undersheriff, Office of the Sheriff, Jacksonville, Florida; and, Bradley W. Koch, Assistant Director, Commission on Peace Officer Standards and Training, California Department of Justice.

CHAPTER II. LAW ENFORCEMENT CONSOLIDATION: A CURRENT REVIEW

A. Emerging Attitudes Toward Law Enforcement Agency Mergers

As noted in a recent report:

Traditional wisdom and logic support the conclusion that fragmented authority and duplicative governmental functions are unnecessarily expensive, wasteful and inefficient. Public administration scholars, practitioners, and citizens have long advocated consolidation of similar governmental functions as a reform method for reducing governmental overhead and increasing efficiency.¹

Although this report goes on to say that consolidation may not always satisfy all expectations, it concludes that the fault is that of simplistic organizational designs rather than of consolidation itself.²

One of the first major groups to promote this viewpoint in the law enforcement field was the President's Commission on Law Enforcement and Administration of Justice in its 1967 report: *The Challenge of Crime In A Free Society*.³ Since that time, a number of other national groups have advocated the merger of small law enforcement agencies. In 1971, for example, the Advisory Commission on Intergovernmental Relations indicated that:

Small local police departments, particularly those of 10 or fewer men, are unable to provide a wide range of patrol and investigative services to local citizens. Moreover, the existence of these small agencies may work a hardship on nearby jurisdictions. Small police departments which do not have adequate full-time patrol and preliminary investigative services may require

the aid of larger agencies in many facets of their police work.⁴

The Commission further proposed that "state governments improve the capability of rural police systems by . . . providing incentive grants to encourage consolidation of sub-county police forces into a single county police force . . ."⁵

In 1973, the National Advisory Commission on Criminal Justice Standards and Goals recommended the "recombination and consolidation of police departments with less than 10 full-time sworn officers . . ."⁶ And, the Committee for Economic Development indicated that small jurisdictions "lack anything resembling modern professional police protection."⁷

One effect of this national focus on small agency mergers has been the position taken by several state criminal justice planning agencies. For example, in Vermont, the Governor's Commission on the Administration of Justice requires local law enforcement agencies to employ at least ten full-time sworn personnel to be eligible for state and federal funding.⁸ This policy is shared by the Maryland Governor's Commission on Law Enforcement and Administration of Justice.⁹ In a 1975 report issued

⁴ Advisory Commission on Intergovernmental Relations, *State-Local Relations in the Criminal Justice System* (Washington, D.C.: U.S. Government Printing Office, 1971); referenced in Elinor Ostrom and Dennis G. Smith, "On the Fate of 'Lilliputs' in Metropolitan Policing", *Public Administration Review*, Number 2, March/April, 1976, p. 192.

⁵ Advisory Commission on Intergovernmental Relations, *State-Local Relations*, p. 23.

⁶ National Advisory Commission on Criminal Justice Standards and Goals, *Report on Police* (Washington, D.C.: U.S. Government Printing Office, 1973), p. 110.

⁷ Committee for Economic Development, *Reducing Crime and Assuring Justice* (New York, New York: The Committee), p. 31.

⁸ National Conference of State Criminal Justice Planning Administrators, *State of the States on Crime and Justice* (Washington, D. C.: The Conference, 1974), p. 43.

⁹ Telephone interview, January 4, 1977, with Ronald Parker, Maryland Governor's Commission on Law Enforcement and Administration of Justice.

¹ John E. Angell, Steven, A. Egger, Fontaine Hagedorn, *Police Consolidation Project: Staff Report* (Portland, Oregon: Police Consolidation Project, June, 1974) p. 45.

² *Ibid.*

³ President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime In A Free Society* (Washington, D.C.: U.S. Government Printing Office, 1967).

by the Michigan Advisory Commission on Criminal Justice, it is indicated that the minimum acceptable size of law enforcement agencies is 20 full-time sworn officials.¹⁰ And, as early as 1974, the Nebraska Commission on Law Enforcement and Criminal Justice provided funds for several county law enforcement consolidations.¹¹

Based on the research leading to this report, it was found that several hundred feasibility studies dealing with the merger of law enforcement agencies have been at least partially funded by the Law Enforcement Assistance Administration, U.S. Department of Justice.¹² It is estimated that well over 100 agencies have already begun consolidated operations,¹³ nearly all since 1970. It is also estimated that 85 to 90 percent of the consolidated units serve populations of less than 25,000 persons.

The highest concentration of merged law enforcement agencies appears in the central states. Nebraska and South Dakota, for example, have the most consolidated units, with 15 and 12, respectively. These units are largely countywide in scope and are administered through sheriff's offices. Both states have utilized consolidation in sparsely populated non-urban areas, although a merger is now being considered in the Sioux Falls, South Dakota area (population approximately 100,000). Both states also have state criminal justice planning agencies and regional planning councils which actively promote the consolidation of small law enforcement agencies (See Appendix C for a list of other merged agencies identified in the study).

B. Why Consolidate: Arguments in Support of Small Agency Mergers

1. **The perceived benefits of small agency consolidation.** Drawing from telephone and field interviews as well as the literature search, a variety of purported and perceived benefits of small agency consolidation were identified. In summary, supporters of consolidation tend to make the following arguments:¹⁴

¹⁰ Michigan Advisory Commission on Criminal Justice, *Criminal Justice Goals and Standards for the State of Michigan* (Ann Arbor, Michigan: The Commission, 1975), p. 191.

¹¹ National Conference, *State of the States on Crime and Justice*, p. 43.

¹² LEAA Profile System.

¹³ This does not include the scores of contract police programs which are also operational across the country.

¹⁴ In addition to the site and telephone interviews, purported benefits of consolidation were presented in previously cited footnotes 1-6, as well as: University City Science Center, *A Judge-*

a. *Consolidation mitigates several conditions which limit or reduce the effectiveness of law enforcement service.* Supporters claim that small agency mergers reduce interjurisdictional overlapping, disputes, jealousies and competition; eliminate questions of interjurisdictional enforcement authority; and, provide consistent areawide practices and procedures.

b. *Consolidation results in an improved level and quality of service.* It is argued that mergers result in a broader range and level of service than is financially possible through small independent agencies. These improvements are said to be embodied in full-time, specialized, law enforcement and emergency back-up capabilities; improved communications capabilities; and, more intensive patrol coverage in both urban and rural areas, coupled with reduced response time to emergency calls for assistance.

c. *Consolidation results in higher quality personnel complements.* This claim is said to result from the better training, supervision, organization and working conditions offered by merged agencies, as well as the higher salaries, benefits and advancement opportunities which tend to attract better qualified individuals.

d. *Consolidation produces improved efficiencies and economies of scale.* Proponents argue that per unit costs for police services are reduced through small agency mergers, or that more service can be provided for the same law enforcement dollar invested. Other claims along this same general vein include the following: specialized services can be provided because of economies realized through the greater utilization of expensive equipment and/or personnel; increased coverage can be provided without appreciably increasing costs; and, more efficient and productive use can be made of auxiliary

mental Assessment of Contract Law Enforcement (Washington, D. C.: U. S. Government Printing Office, 1976), pp. 4-5, 37-38, and 40-45; Daniel Skolar, "Coordinating the Criminal Justice System—Is Planning Enough?", *Criminal Justice Digest* (Washington, D.C.: Washington Crime News Service, 1976), pp. 1-6; Henry S. Reuss, *Revenue Sharing: Crutch or Catalyst for States and Local Governments?* (New York, New York: Praeger Publishers, 1970); Institute of Urban Studies, University of Texas at Arlington and the Texas Municipal League, *Handbook for Inter-local Contracting in Texas* (Arlington, Texas: November, 1972), pp. 1-10; Bureau of Governmental Research and Service, University of Oregon and League of Oregon Cities, *Contracting for Police Services in Oregon, Alternative Approaches and Case Studies: 1975* (Eugene, Oregon: 1975), pp. 17-62.

personnel engaged in such activities as communications, records, etc.

2. **Evidence limited in support of these assertions.** Although isolated cases were found in the research that the above benefits have been realized through small agency consolidation, little empirical evidence exists that supports these notions on a broad scale. In one of the few series of studies which deal directly with the question of the purported benefits of consolidation, it was found that increased size does not necessarily result in economies of scale or improved levels of law enforcement service.¹⁵ More specifically, it was stated that:

Larger departments (agencies with more than 76 employees) were not found to be providing better services to citizens than were small (12 or fewer employees), or medium-sized (12 to 76 employees) departments; small- to medium-sized departments provide better service as measured by a variety of indicators.¹⁶

Importantly, this entire series of studies deals with questions surrounding the consolidation of small suburban police departments with large metropolitan law enforcement agencies. Study findings are not oriented toward the issues of merging small, primarily non-metropolitan agencies. In fact, on the basis of data developed in one metropolitan study, the authors would not make a categorical recommendation against combining even some of these agencies.¹⁷

¹⁵Elinor Ostrom and Dennis C. Smith, "On the Fate of 'Lilliputs' in Metropolitan Policing", *Public Administration Review*, November 2, and March/April, 1976. Also, Elinor Ostrom, William H. Baugh, Richard Guarasci, Roger B. Parks and Gordon P. Whitaker, *Community Organization and the Provision of Police Services* (Beverly Hills, California: Sage Publications, 1973); Elinor Ostrom and Roger B. Parks, "Suburban Police Departments: Too Many and Too Small?" in Louis H. Masotti and Jeffrey K. Hadden (eds.), *The Urbanization of the Suburbs* (Beverly Hills, California: Sage Publications, 1973); pp. 367-402; Elinor Ostrom, et. al. "Do We Really Want to Consolidate Urban Police Forces? A Reappraisal of Some Old Assertions", *Public Administration Review*, Vol. 33, September/October, 1973, pp. 423-433; Elinor Ostrom and Gordon P. Whitaker, "Community Control and Governmental Responsiveness: The Case of Police in Black Communities", in David Rogers and Willis Hawley (eds.), *Improving the Quality of Urban Management*, Vol. 8, *Urban Affairs Annual Reviews* (Beverly Hills, California: Sage Publications, 1974), pp. 303-334. Elinor Ostrom, Roger B. Parks and Gordon P. Whitaker, *Policing Metropolitan America* (Washington, D. C.: U. S. Government Printing Office, 1977).

¹⁶ Elinor Ostrom and Dennis C. Smith, "On the Fate of 'Lilliputs'", p. 193.

¹⁷ *Ibid.*, p. 196.

C. Arguments in Opposition to Small Agency Consolidation

1. **The perceived costs of consolidation.** Based on the literature and field research, it was found that the arguments against consolidation, or its "costs", fall into four categories, as follows:

a. *Loss of local law enforcement service.* In addition to the psychological loss of identity among recipient communities, which is claimed to accompany consolidation, opponents purport that local officers know a community and its problems better than those of a consolidated agency; mergers dilute the relationship between local citizens and members of the law enforcement agency that serves them; and, the enforcement of local codes and ordinances suffer as a result of consolidation.

b. *Loss of control over the level and quality of law enforcement service.* Essentially, this argument reflects the concern that consolidation removes police administration too far from the residents of a community. That is, it is claimed that a community will have little or no effect on improving services if they become unsatisfactory.

c. *Consolidation has proven no more effective than current delivery systems.* Although proponents claim the many benefits of consolidation, opponents argue that the benefits have not been documented.

d. *Consolidation may cost as much or more than the current delivery system.*

2. **Substantiation of these arguments is mixed.** With regard to claims relating to the loss of local enforcement services, certain justification exists. Several cases in the field were identified where local jurisdictions were dissatisfied over the loss or decrease in door and window check services; local traffic control service; and, the enforcement of local codes and ordinances.¹⁸ This problem has become generally recognized, however, and an increasing number of law enforcement service contracts between provider agencies and recipient jurisdictions have begun to

¹⁸ Field interviews in Lancaster County, Virginia; Lakewood, California; Excelsior, Minnesota; Saline County, Kansas; and, McCook County, South Dakota. Some of these claims were also substantiated in a recent statewide survey: "the two areas of least satisfaction appeared to be traffic control and city ordinance enforcement." Bureau of Government Research and Service, University of Oregon, and the League of Oregon Cities, *Contracting for Police Services in Oregon—Alternative Approaches and Case Studies: 1975*, p. 20.

specify exactly which services are to be provided. This has tended to reduce the potential for dissatisfaction. (See Chapter VII, Parts A-C)

With regard to the issue of control over the level and quality of service, little evidence exists that: (1) this argument has deterred communities from entering into consolidated or contractual law enforcement agreements;¹⁹ or, (2) that it has been the cause of the termination of consolidated agencies. In fact, in nearly all of the agencies studied, a standing Law Enforcement Advisory Committee, or some other formal means of communication between provider agencies and recipient jurisdictions has been established. These bodies serve to facilitate the review of service accomplishments and the discussion and resolution of complaints or points of disagreements. (See Chapter VII, Part D)

Claims that consolidation works no better than current delivery systems may sometimes be debated, but in many cases the argument is meaningless. Part of the reason for debate stems from the fact that few yardsticks exist for measuring the performance of merged agencies and for comparing such performance with independent local police departments—especially in non-metropolitan areas. (See Chapter VIII for a review of evaluation indicators.) The argument becomes even more questionable among small communities faced with severe financial and manpower shortages to the extent that local service is marginal, at best. In cases where turnovers cut personnel complements from 5 to 2 or 3, it is difficult to claim that a merged system, which might only provide one unit of 24-hour patrol and response coverage, is not a somewhat better alternative.²⁰

Finally, arguments that consolidation may cost as much or more than current systems are frequently misleading. This is not to say that such claims are false, but rather, examples in the research were essentially non-existent which compared the cost of *desired* local service, with the cost of the same service under a consolidated system. Most commonly, comparisons are made between expenditures for *existing* local service and the cost of *desired* services under a merged agency, with little or no attention

given to the amount and nature of services actually provided under each system (i.e. in many cases, existing service is quite limited when compared with the service offered by a merged agency). See Chapter V, Section F for a discussion of the costs of consolidation.

It must be recognized that the foregoing was not intended to present an exhaustive study of the pros and cons of small law enforcement agency consolidation, nor was it intended to support or negate the use of consolidation as a method of police services delivery. Rather, it was designed only as a backdrop for the remainder of this report which presents, for communities wishing to consider this approach, a discussion of methods of planning for and implementing a small law enforcement agency merger.

D. Other Factors Which Influence Decisions on Consolidation

1. **Non-law enforcement and other related considerations.** A number of other factors may also precipitate consideration of consolidation as a desirable method of law enforcement service delivery. These include the following:²¹

- A problem or crisis may exist (i.e. an extended financial or manpower shortage, union pressures, charges of racial discrimination, corruption, etc.) that raises serious questions regarding the desirability and/or ability of the current system to meet the future policing needs of a community.
- The existence of and confidence in a proximate provider agency;
- The ability of recipient jurisdictions to afford the financial costs of consolidation; and,
- A history of intergovernmental cooperation between the participating jurisdictions to serve as a precedent.

Several other non-law enforcement considerations also influence community decisions to consolidate. The relief from administrative problems is one factor. This might include, for example, relief from negotiating with law enforcement labor unions, or dealing with job actions or walk outs, the maintenance of personnel and payroll records, and the recruiting, training and retaining of personnel. The

¹⁹ University City Science Center, *A Judgemental Assessment of Contract Law Enforcement*, p. 5.

²⁰ Site visits in rural areas noted several cases where personnel turnover in some communities caused extended manpower shortages (i.e. 50 percent or more) among small full- and part-time agencies (e.g. Saline and Johnson Counties, Nebraska; Lancaster, Virginia; Moody and McCook Counties, South Dakota; and Teton County, Montana).

²¹ The following was derived from several telephone and site interviews and an interview with Donald Overly and Theodore Schell of the University City Science Center, July 16, 1976.

relief from policy and budget process pressure is another consideration.²²

2. Factors which tend to limit consideration of law enforcement mergers. The factor most influential in limiting the use of consolidation as an alternative means of law enforcement services delivery is the paucity of information on the subject. That is, based on secondary source and field research, the uncertainties that most frequently inhibit the expanded use of small agency consolidation center on the absence of answers to the following questions:

- Can my community benefit by consolidating police services with another agency and, if so, how?
- What will be the financial implications of consolidation as well as the intangible costs, such as the level and quality of police services that

²² University City Science Center, *A Judgemental Assessment of Contract Law Enforcement*, p. 43.

will be provided, its impact on local pride and identity, its responsiveness to local needs; etc.?

- What effects will consolidation have on the employees involved in our current law enforcement organization?
- If implemented, can my community retain any control over the level and cost of services that are provided, and, if not satisfied, can the merger be terminated?
- If deemed desirable, how can my community insure that a plan to consolidate is sound, realistic and capable of being implemented in the quickest and least difficult manner?

Moreover, decisions to consider consolidation must be preceded by as clear an understanding as possible of the nature and potential effect of the merger. As a point of departure, the remaining chapters of this report answer above questions or describe steps that can be taken to arrive at those answers.

CHAPTER III. THE FIRST STEP: ASSESSING THE FEASIBILITY OF MERGED LAW ENFORCEMENT SERVICE

A. Informal Assessments

More than half the agencies that responded to the mail questionnaire used an informal approach in assessing the feasibility of merged law enforcement service. In some cases, this involved discussions among local political leaders; in other cases, a sheriff or other chief law enforcement officer of the provider agency "determined" the need for and desirability of a merged system and proposed such an arrangement to potential recipient jurisdictions.¹

The use of this method has certain advantages. Among political leaders, for example, once the decision to establish a merged system is made, the need for a more formal feasibility study is often obviated. Frequently, this is also the case when such decisions are made between county commissioners and local councilmembers. Although an independently elected official, no cases were found in which the Sheriff did not concur with and support the decision of the commissioners.

Sheriffs, or other leaders of a provider agency, also have certain leverage in feasibility decisions. This is based on the fact that potential recipient agencies may already be searching for alternatives to their present delivery system. Consequently, proposals generated by the head of a provider agency may offer a practical and expeditious option.

On the negative side, the informal feasibility study has certain drawbacks. Although the merged systems that have resulted from this approach cannot be defined as inadequate, certain aspects of these systems have suffered from lack of proper planning. Two such aspects concern the method and extent of system financing, and the nature of services that are to be provided.

With regard to financing, several merged agencies have noted problems. In one case, a decision made

exclusively by county commissioners and local councilmembers led to a gross under estimation of the cost of providing service to the participating city. Although an attempt was made to estimate the cost of sheriff's personnel that would be serving the city, such expenses as uniform allowances, motor vehicle operating costs, depreciation of equipment and certain fringe benefits were overlooked in the budgeting equation.²

In another case, community leaders determined that a proportionate share method of financing was desirable, and that the "proportionate shares" were to be based on the assessed valuation of the participating communities.³ According to the director of the merged agency, this method of cost allocation caused considerable difficulty, almost leading to abandonment of the agency itself.⁴

With regard to the nature of services offered by provider agencies, informal planning has led to severe misunderstandings. In one area, an agreement was reached whereby the particular services to be provided were not specified. When the agreement was executed, the recipient community expected far more service than the sheriff was physically and financially capable of providing. As a result, "deputies were required to work 16 hours, seven days a week, with no overtime pay or increase in salary."⁵ This situation, ultimately, led to the termination of the merged law enforcement agency.

Moreover if an informal approach is to be used

¹ Field interview, Teton County, Montana, November 2, 1976.

² Assessed valuation is the dollar amount at which a property or properties are valued for taxing purposes. In the referenced case, the greater the assessed value of all property on a community's tax roll, the greater proportion of the cost of merged law enforcement service the community was to pay.

³ One of the communities, which comprises only a small share of the total geography and population of the service area, was paying a major share of the department's operating costs because of its high assessed valuation. This arrangement led to serious claims of unequal protection under the law and generally prejudicial treatment. Field interview: Excelsior, Minnesota, October 14, 1976.

⁴ Field interview: Teton County, Montana, November 2, 1976.

¹ It was indicated by several persons contacted by phone and in person that these "determinations" were precipitated by local difficulties in hiring, retaining and/or financing law enforcement personnel.

to assess the feasibility of consolidation, the following should be clearly detailed:

- Why law enforcement reorganization is necessary (i.e. inadequate coverage under existing systems, the nature of the rising crime problem, the inability of individual localities to finance needed improvements).
- How the restructured service delivery system would be organized and administered (i.e. who would be in political and administrative control; how could the voice of recipient jurisdictions be heard, etc.).
- What specific services would be provided to recipient agencies.
- What the total cost of the reorganized system would be, including equipment, facility, administrative and service costs; the method to be used to finance the system; and, the criteria to be used to allocate overall costs to all participating jurisdictions on a fair and equitable basis.

B. Formal Feasibility Studies

1. **Reasons for the use of formal feasibility studies.** "Formal" feasibility studies, as opposed to the informal variety, are generally prepared by local study groups, criminal justice staff of state or regional planning agencies, or private consultants or research organizations.

There are several reasons which support local decisions to undertake a formal feasibility study. First, it provides a means to more thoroughly assess the benefits and costs of police service restructuring. Because the work can be conducted at a staff level, more complete research is possible and more time can be spent on the assessment than is frequently the case when local political and administrative leaders study consolidation.

Second, if a merger is considered feasible, the resulting information can be used to promote the concept among the participating communities, using the resulting data and documentation. Armed with an objective assessment of the alternatives, community leaders can point to facts concerning consolidation.

Finally, formal feasibility studies, if conducted properly, can produce the baseline data necessary for the subsequent monitoring and evaluation of merged law enforcement service. Thus, after the implementation of a consolidated system, participating communities have a basis for objectively judging the value of merged service, and for deciding on its continuation, change or termination.

C. An Inventory of Common Components in Consolidation Feasibility Studies⁶

In order to achieve the purposes behind a formal feasibility study, a rather extensive compendium of information must be developed. This information will be of material benefit to communities wishing to objectively and thoroughly assess the need for and requirements of merged law enforcement service.

A brief discussion of the key factors that should be addressed in a formal feasibility study follows, together with the general sources through which needed information can be obtained.

1. Demographic profile of participating jurisdictions.

a. *Information to be gathered.* Demographic information to be gathered for each community should include the following:

- *Area.* The number of square miles in the participating communities, including miles of paved road.
- *Roads and Highways.* The number of miles of roads, by type, in the participating communities.
- *Population.* The number of residents in the community at the time of the last census, or based on more current local projections; percent of total population under 18, 18 to 25, 26 to 65, and over 65 years of age; median educational attainment; and, average or median family income.
- *Housing.* A breakdown of housing units by type (i.e. single family, free-standing homes; apartments or other multi-family units; mobile homes; and, vacation homes).
- *Schools.* The type and location of schools (i.e. elementary, junior and senior high schools and colleges and universities located in the community).
- *Business.* A brief summary of the names and size of major local employers.

b. *Sources.* Most of this information appears in U.S. Bureau of Census documents, or may be obtained through a city or county planning and/or clerk's office. Details on area schools are available

⁶ This section is drawn from feasibility studies conducted by Koepsell-Girard and Associates (Fate/Lax, Virginia); Peat, Marwick, Mitchell and Company (Austin, Texas); Booz, Allen and Hamilton, Inc. (California) and other public and private research and planning organizations. See Appendix A for citations of specific studies.

through the school districts serving the respective communities.

c. Value of the Information. The demographic profile provides a "picture" of participating communities in terms of the number and general characteristics of residents; the size of the area that will require servicing; and, parts of the community that may require special service (i.e. areas around mobile home or multi-family housing developments, schools and major businesses).

2. A profile of reported criminal activity.

a. Information to be gathered. At least a three year profile of reported criminal activity should be gathered for each community involved in the study.⁷ It should cover both Part I and Part II offenses. Part I offenses include:

- *Criminal homicide.* Murder and non-negligent manslaughter; and, manslaughter by negligence.
- *Forcible rape.* Rape by force and attempted rape.
- *Robbery.* Armed robbery (any weapon) and strong-arm robbery (no weapon).
- *Assault.* Assaults involving guns, knives or other cutting instruments, other dangerous weapons; other aggravated assaults (i.e. hands, fists, etc.); and, other non-aggravated assaults.
- *Burglary.* Forcible entry; unlawful entry (i.e. no force required or evidenced); and, attempted forcible entry.
- *Larceny-theft.* \$50 and over in value; under \$50 in value; and, agricultural thefts (equipment and livestock). Larceny includes such crimes as shoplifting, pickpocketing, purse-snatching, thefts from motor vehicles, etc.
- *Motor Vehicle Theft.* Theft of automobiles; trucks and buses.

Part II data should also be included with special reference to such offenses as arson, fraud, vandalism, drunken driving, forgery, embezzlement and narcotics offenses. Traffic offenses, where available, should also be included.

Finally, information on other "calls for service" should be compiled for the same time period. These are calls received by law enforcement agencies to

which a deputy or officer is required to respond. These calls do not necessarily involve the report of a crime. They commonly include domestic disturbances, barking dog or noise complaints, or other disturbances. Information on such calls is important because they utilize a significant proportion of the overall professional time of a law enforcement agency.

b. Sources. In most areas, monthly and annual summaries of this information are prepared by local law enforcement agencies in accordance with state and/or federal uniform crime reporting requirements. Data should be available through the individual agencies, or the state (contact the state criminal justice planning agency—SPA—for exact location).⁸

In cases where such information is not regularly compiled, it will be necessary to review actual incident reports, activity reports, etc., maintained by local agencies.

Information concerning calls for service will also have to be compiled from local records. The most reliable sources are logs maintained by local dispatchers, or dispatch cards, request logs, etc.

c. Value of the information. This information serves two key purposes. First, it provides a clear picture of the nature and extent of police service a community has required in recent years. This is a valuable means of insuring that sufficient manpower will be included in a reorganized system to cover expected workloads. Second, the data may later be used as a baseline from which to evaluate merged law enforcement service.

3. Organization and operations of existing law enforcement agencies.

a. Information to be gathered. For each locality with a law enforcement capability, regardless of its size, the following information should be obtained:

- A current organization chart of the agency.
- Documentation concerning the legal authority for the agency's existence (i.e. state law, local ordinance, etc.) and, as appropriate, for its powers of enforcement and arrest (i.e. which laws is it empowered to enforce; what authority do officers have beyond the boundaries of their community, etc.).
- General orders describing the organization and general operating procedures of the organization, including the authority, role and

⁷ Data for such an extended time may not always be available, particularly for small communities without a full-time law enforcement agency. Regardless, as much data as are available should be gathered (i.e. statistics for even a few months can be used to project certain levels and types of activity).

⁸ A current listing of the name and address of each state planning agency is presented in Appendix D.

responsibilities of the sheriff or chief; manpower deployment procedures, etc.

Information should also be gathered on the organization and functions of all line, staff and auxiliary operations in the respective agencies. Specifically, the *structure* and *services* available in the following areas should be documented:

Line or field operations:

- patrol
- traffic supervision
- criminal investigation
- vice
- organized crime
- intelligence
- youth services
- other

Staff services:

- internal controls/inspection
- planning and research
- public information and community relations
- community crime prevention
- other

Auxiliary services:

- records
- dispatching/communications
- jail management
- evidence and property control
- other

As conditions dictate, this information should also be compared on a "service by service" basis to document which agencies provide similar services in the same area (i.e. state police, United States, state or local park police, etc.).

b. Sources. This information should be on file with each local law enforcement agency or with the county or city clerk. Documentation concerning the legal basis and authority of the agencies, if not available through these sources, may be obtained through the respective county or city attorney.

c. Value of the information. The information not only presents a profile of existing local agencies, but further documents the nature of law enforcement operations and service in participating communities. This will point out strengths, weaknesses and comparability of current service, and will aid in determining the feasibility of alternative organizational arrangements.

4. Law enforcement manpower.

a. Information to be gathered. A comprehensive inventory of all full-time and part-time sworn and

non-sworn personnel should be developed. It should include the following information for each person currently employed by local agencies:

- Name
- Rank or job title, including a job description
- Age
- Years of service with a law enforcement agency, including names of agencies where previously employed
- Length of service with current agency
- Current salary and fringe benefits
- State law enforcement certification status
- Actual training completed or underway, including the title/purpose of such training
- Other related information, such as commendations, special interests or experience, etc.

With specific reference to part-time personnel, information concerning the following should also be included:

- Average hours worked per week
- Time during day/week generally available for law enforcement duties
- Nature of full-time job

Information should also be gathered on local reserve units or posses where they exist. The data should include minimum training required of reserves; required weekly or monthly service; whether reserves are permitted to carry side-arms; if they are paid a salary, uniform allowance, vehicle allowance, etc.; and, the nature of law enforcement duties and powers of arrest.

b. Sources. Individual personnel jackets should provide most of the information required. The respective sheriff or chief should be able to fill any gaps.

c. Value of the information. This information provides a comprehensive inventory of all law enforcement manpower resources available in communities considering consolidation. This is of particular value to the head of the potential provider agency, as it documents the number of local persons qualified to serve in the provider agency; possible salaries and benefits that would have to be considered; matters of rank and seniority that would require attention; people with special interests or experiences that could be an asset to a merged agency; and, possible auxiliary personnel that may serve as a valuable back-up resource.

5. Management and administration.

a. Information to be gathered. This topic focuses on two primary areas of management and adminis-

tration: personnel policies and evidence and property control.

Information on the following personnel policies should be gathered:

- *Recruitment.* Methods of recruiting, the existence and nature of testing practices; etc.
- *Selection.* Established procedures for selection among groups of applicants/recruits.
- *Promotion.* The existence and use of promotional examinations; the use of oral review boards; final selection criteria and procedures.
- *Wage scales.* Existing wage scales by rank; established procedures for step increases; etc.
- *Incentive programs.* Pay incentives for higher education credits, productivity, etc.
- *Benefit programs.* Including payments for FICA; health, life, accident, liability, disability and other forms of personal insurance; retirement programs, etc.
- *Training policies.* Including minimum basic training requirements and actual practices; in-service training programs; and, provisions for special or advanced training.

Information should also be compiled on physical arrangements and operating procedures used in the storage of evidence and of personal property (i.e. recovered property or property of prisoners).

b. Sources. Various internal documents will require examination in order to compile this material. Some agencies have standard administrative manuals which may contain most of the information. If not in documented form, discussions with the sheriff/ chief will be required.

c. Value of the information. Most consolidated agencies employ the "best features" of the units they supercede (i.e. the highest salary scales, benefit packages, etc. from among participating jurisdictions are adopted by the provider agency to guarantee that personnel assimilated from dissolved agencies do not lose income or fringe benefits). The inventory of management and administrative information will provide involved communities with a documentation of existing benefits and practices; a basis upon which to effect the most reasonable "equalization" arrangements; and, a way of employing the most appropriate procedures from among those currently utilized.

6. Equipment and facilities.

a. Information to be gathered. A complete inventory should be made of the facilities and equipment leased or owned by each involved law enforcement

agency. The facilities inventory should include the following:

- Description and location of buildings; including size (square feet of floor area), age and condition.
- Utilization; including current use, amount of space actually used, overcrowded conditions, etc.
- Current ownership or lease arrangements; building publicly-owned; if leased from private concern what are terms and conditions, would there be a penalty for breaking the lease, and the potential to re-use or sublet the space.

With regard to law enforcement equipment, the inventory should describe all equipment by: type, make, capabilities, age, condition, and approximate current value and/or purchase price. Equipment that should be covered in the inventory includes:

- *Operations equipment.* Cameras, fingerprint kits; other crime scene kits; binoculars; emergency medical equipment; radar units; etc.
- *Vehicles.* Cruisers, trucks, all-terrain vehicles, including special equipment on vehicles such as light bars; prisoner screens, sirens, etc.
- *Animals.* Including K-9 corps; horses used for patrol or for emergency use in mountainous terrain, etc.
- *Communications equipment.* Including teletype units; base station equipment; vehicle-based units; hand-held units; etc. (include information on frequency range and make to permit an assessment of compatibility).
- *Personal equipment.* Uniforms (including color and style); leathers; flashlights; batons; rain and snow gear; handcuffs; etc.
- *Weapons.* Handguns; shotguns; tear gas grenades and guns; ammunition; mace; riot gear; etc.
- *Office equipment.* Desks; chairs; file cabinets; typewriters; calculators; recording and transcribing equipment; reproduction equipment owned by department; etc.

b. Sources. Information concerning facilities is generally available in local building departments, although agency personnel may provide certain documentation. Some information on equipment will be available in departmental files, although a physical inventory of equipment should be carried out.

c. Value of the information. If consolidation is found feasible, a complete facilities and equipment

inventory will serve a number of key purposes. First, it will be possible to identify difficulties that may exist in terms of using, re-using or disposing of current law enforcement facilities. Second, it will be possible to determine the types and amounts of sound, compatible equipment that may be transferred to the consolidated unit. Third, it may be used as a basis for calculating "in-kind" contributions which may be credited against a community's share of first-year operating costs. This will be an important factor in minimizing start-up expenses.

7. The cost of law enforcement service.

a. *Information to be gathered.* Budget information for the current year and two preceding years should be compiled for each agency involved in the study. Information to be gathered should include:

- *Salaries and wages.* For all sworn, civilian and part-time persons under the employ of the agency.
- *Employee benefits and insurance.* Including social security, health insurance, retirement programs and other coverage provided agency personnel (i.e. life, disability, liability, false arrest and other job-related insurance or bonds).
- *General operating expenses.* Including vehicle and equipment expenses; maintenance and repair; communications expenses; care and feeding of prisoners; general and administrative expenses; out of jurisdiction travel and related expenses; and other major budget items.
- *Capital costs.* Vehicle and equipment purchases; facilities purchases and related improvements; etc.
- *Miscellaneous expenses.*

Where possible, the budgets of existing law enforcement agencies should also be *projected* for two to three years. This information will provide a basis for subsequently assessing the relative cost of merged law enforcement service.

If a community wishes to participate in a consolidated system but does not currently provide law enforcement service, costs to establish local service should be estimated (using the above budget categories). This will provide one basis for determining if participation in a consolidated department would be in the best financial interests of the community.

In both cases, the cost projections/estimates should reflect the level of service *desired* by a community (i.e. 24-hour patrol coverage, dispatching, etc.), plus associated support and initial start up costs (i.e. ve-

hicle and equipment purchases). One approach to calculating such estimates is to utilize budget data from existing agencies in the area, making necessary modifications to reflect a desired level of service. Separate projections of start up costs would, however, have to be developed.

b. *Sources.* Existing agency budgets will provide the basis for needed budget information. As appropriate, local suppliers might also have to be contacted (regarding equipment prices).

c. *Value of the information.* This information documents the actual or projected operating costs of law enforcement services. This will be valuable in assessing the feasibility of consolidation by providing a basis of comparison between current costs (and levels of service, which is detailed elsewhere), and the projected costs and desired levels of service under a merged system. The historical budget information will also be helpful at a later date in comparing the increase in law enforcement costs before and after consolidation (i.e. would costs have increased at a greater rate under the old system as compared with the new).

8. **Public opinion inventory.** Occasionally, public opinion polls are used to assess a community's general attitudes toward its current law enforcement delivery system and the potential of a merged system.⁹ The use of this technique was not common among the agencies contacted in this study. Generally, however, the public is polled when local elected officials are uncertain of the electorate's attitudes. In other cases, when the public is disposed to reorganization, but local leaders do not take action, a positive public opinion survey may provide a mandate for elected officials to act.

In general, questions that should be included in such public opinion surveys should deal, at a minimum, with the following:

- Opinions concerning existing law enforcement service (i.e. level or quality of service, costs, etc).
- Specific problems or shortcomings, if any, associated with the existing delivery system.
- Methods foreseen by the public to correct these problems and/or improve the current delivery system.
- Attitudes concerning the development of a merged or consolidated agency.

⁹ For example, a public opinion poll was used as an initial step in studying the feasibility of the Northern York County (Pennsylvania) Regional Police Department.

- Perceived problems and/or benefits foreseen with such a system.

The response to such an inquiry could provide a variety of valuable inputs. For example, attitudes could be determined concerning the general public awareness of existing service; the desire for or opposition to change or improvement; and, the public's cognizance and general level of acceptance of such a concept as law enforcement consolidation. Very strong public attitudes (in favor or in opposition to merger) could also be valuable in designing an active implementation strategy, or abandoning the thought altogether. A moderate public attitude concerning change and, specifically, the organization of a consolidated law enforcement agency, might be indicative of the need for a comprehensive and thorough public education program. That is, unless the electorate can be apprised of the pros and cons of the existing system and the proposed change, later reactions (i.e. future polls, reactions at public hearings, voting, etc.) may not be accurate indicators of public sentiment.

9. **An assessment of the current law enforcement system.** At a minimum, an assessment should be made of each of the topics addressed above (i.e. items 1-7 or 1-8 if a public opinion inventory is carried out).

Unfortunately, there is no "best way" for policy makers to arrive at a final decision concerning law enforcement consolidation. By attempting to answer the following questions, however, progress can be made toward determining if a major change is necessary. Drawing from the assessment, therefore, the following questions should be answered:

- Can needed law enforcement service be provided at a desired level without consolidation?
- Can the desired quality of service be provided through existing arrangements?
- Can the desired level and quality of service be provided economically under existing arrangements?

If the answers to these questions are negative, steps should be taken to describe the nature and degree to which changes in existing law enforcement systems are needed.

10. **A presentation of alternative approaches.** The next step in a feasibility study should include a discussion of plausible organizational options open to the participating governments. Specifically, the report should:

- Identify actual organizational alternatives (i.e. changes to existing systems; the merger or

consolidation of services through the county, a special police district; etc.).

- Document the legal requirements needed to effect such changes (i.e. is it presently possible under the state constitution and joint exercise of powers legislation, and if not, what must be done).¹⁰
- Describe exactly what services should and could be provided under the new system.
- Detail how the services would actually be provided under the reorganization plan.
- Detail the costs of the alternative approaches, making certain that the relationship between estimated costs and projected levels of service are clear. This should also include suggestions on how the costs of a merged system could be shared.
- Discuss what would happen to personnel presently employed by local departments if the reorganization occurred (i.e. job tenure, seniority, rank, salary, benefits, etc.).
- Describe how facilities would be used or disposed of, and how equipment could be transferred if a merged arrangement resulted.
- Explain the types of interjurisdictional policy groups that might be structured to insure that the voice of each locality would be heard (i.e. standing law enforcement committees, including their composition and duties).
- Describe when and how individual localities could terminate involvement in a merged system if the service and/or cost was found unsatisfactory.

11. **Recommended alternatives and necessary next steps.** Specific recommendations should be presented on the type of change or reorganization, if any, felt to be most appropriate. Necessary next steps should also be presented in terms of:

- Organizational arrangements
- Manpower
- Equipment and facilities
- Operating requirements and procedures
- Financing the merged system

A summary of the foregoing discussion is presented in Appendix E: "Model Feasibility Study Outline".

D. Results of the Study

It should be remembered that participation in the

¹⁰ See Chapter IV for a more detailed discussion of legal requirements.

study does *not* bind a community to its final recommendations nor does it require a community to proceed with system implementation. If a community is not convinced of the value of consolidation, regardless of the results of the study, it is not legally required to go further. This point is emphasized because many communities have refused to participate in feasibility studies and, consequently, have not had the opportunity to consider possible alternatives, because they believed that formal studies bound them to participate in subsequent implementation. This is not the case.

Also of importance is that it is common for study recommendations to be accepted in principle by participating jurisdictions, but they are seldom accepted outright. Study results frequently provide the basis for objective and educated discussion of merged police service; for negotiating between communities on the best approaches to implement such a measure; and, for detailing next steps to be taken. Feasibility study recommendations offer a well-structured basis for local program planning, not a final, unalterable blueprint for law enforcement consolidation.

One final word of caution is warranted regarding formal studies. The involvement of too many communities should be avoided. Only those communities with a strong interest in law enforcement reorganization should be invited to participate. Involvement of a large number of communities, many of which may have little real interest in merged police service, may do little more than make the study more difficult and substantially increase points of disagreement between the participants. One county in Texas made this mistake and transformed a realistic potential for merged police service into a forum of bickering localities that ultimately took no action whatsoever.¹¹

12. Conducting and financing formal feasibility studies. Formal feasibility studies may be financed in a number of ways. A board or committee of local government representatives can authorize the release of selected staff people to conduct the study, using the above-cited outline, and report back its findings. If this approach is used, actual cash outlays may be minimized. Special care should be taken, however, to insure the availability of sufficient numbers of trained researchers to gather and properly assess the required information.

In some states, the SPA or established regional

¹¹ Field interview: Waco, Texas, October 27, 1976. It should be noted that once a consolidated system is established, it is not uncommon for additional jurisdictions to elect to become part of the merger at a later date.

planning agencies or councils of government have staff trained in police planning. In many instances, such staff can be assigned to conduct local feasibility studies at little or no cost to the localities involved.¹² As in the first case, SPA's and regional councils may not always have trained and available staff to conduct a comprehensive study. If state or regional resources are available, however, they should be considered.¹³

Another means of carrying out a formal feasibility study is through the use of a private consulting organization. Although many qualified firms exist that are experienced in this area, their fees must generally be financed with local revenues. Federally-supported grants (i.e. U.S. Department of Justice, Law Enforcement Assistance Administration—LEAA) to carry out such studies, although available in the past, will probably be limited in the future.

Finally, under LEAA's National Technical Assistance Program, localities may request short-term assistance to examine the value of merged law enforcement service. Steps that must be taken to receive this assistance start with a written request to the State Planning Agency. If the SPA staff is unable to provide the assistance directly, the request is forwarded to LEAA which, in turn, takes the necessary steps to insure that a law enforcement organizational specialist responds to the request. No more than ten days of technical assistance can be provided under this program.¹⁴ Recent changes in national law enforcement funding priorities, however, may limit the availability of this assistance.

E. The Use of Local Law Enforcement Boards and Committees

1. The role of the boards and committees. When communities begin to formally consider the restructuring of local law enforcement agencies, it is quite common for a policy board or committee to be established. Such boards serve a variety of purposes. Initially, they provide a forum to discuss the problems and concerns of the involved localities. Such groups also act as policy advisors to staff or others who may conduct formal feasibility studies by debating and resolving misunderstandings or conflicts during and at the conclusion of such studies. Com-

¹² Regional planning agency staff in several parts of Nebraska and South Dakota, for example, have conducted a number of feasibility and follow up evaluation studies.

¹³ See Appendix D for the names, addresses and telephone numbers of the various State Planning Agencies.

¹⁴ The ten man days must be sufficient to accomplish both field research and the preparation of a written report.

mittee members also serve to inform and apprise their respective communities regarding the feasibility, as well as the benefits and costs of alternative law enforcement delivery systems. Such a board also provides one basis for insuring that each community's interests are addressed throughout the process.

Many law enforcement boards and committees continue to function beyond the completion of the feasibility study—often as a formal law enforcement commission with policy and/or budget review powers. A more complete discussion of the role and functions of such bodies is discussed in Chapter VII, Section D.

2. The composition of law enforcement boards and committees. Persons generally included on law enforcement boards and committees are county commissioners; city, town or village councilmembers; and, county and/or city attorneys. If a proposed consolidation will require the sheriff's office to serve as the provider agency, the sheriff is generally included as an ex-officio, non-voting member. For obvious reasons, the chiefs and rank and file representatives of local departments that could be abolished by a reorganization are rarely involved at this stage.

Some communities openly invite members of groups opposed to law enforcement restructuring to participate on such boards. The advantages cited by proponents of this approach center on the fact that "turning the opposition around inside the confines of a committee is far less destructive than facing such groups in open forum after the feasibility of consolidation has been proven."¹⁵

In some cases the media is asked to be present during board/committee meetings, although they are not formally represented. Opponents of this approach feel that the presence of the media makes it difficult for community leaders to candidly discuss the many sensitive issues that must be resolved if consolidation is to work. Proponents, however, feel that media involvement is valuable because "it provides both substantial support and an effective means through which the pros and cons of the consolidated system can be reviewed. No better way exists to educate and inform the public about police service reorganization."¹⁶

F. Gaining Public Acceptance of the Concept

It is important to gain public acceptance of merged

police services, particularly if implementation depends on a local referendum. The process of gaining this acceptance must focus on informing the public about the concept and it must be accomplished in such a way that the arguments against merger are addressed.

1. The opposition. The people or groups that oppose small agency consolidation vary. They include persons who disagree with the concept; persons who are generally uninformed about the concept and resistant to change; and, persons who feel they will be adversely affected by the change. This latter group frequently includes the chiefs and officers of agencies that will be abolished; elected officials whose span of authority includes the local police department; and, residents and merchants who feel that reorganization will reduce the quality of patrol coverage.

Although valid in many instances, the arguments of the opposition are frequently uninformed. Opposing arguments may also be exaggerated, one-sided views of the costs and negative aspects of police services mergers. In one community, opponents seeking the termination of a recently implemented consolidation actually went so far as to falsely report burglaries as a basis for claiming that crime was skyrocketing under the merged system. Interestingly, the fallacious nature of these reports was discovered by investigators and the persons involved were arrested, tried and found guilty.¹⁷

2. Addressing the arguments of opposition. When dealing with the arguments opposed to consolidation, it is important to remember that many persons may have an incomplete understanding of the facts. Because of the recent origin of police mergers, combined with peoples' strong psychological attachment to their "local police department", citizens may be in favor of law enforcement improvements, but may oppose consolidation because they do not fully understand the pros and cons of the concept.

Most successful merger campaigns are based on the positive merits of consolidation. Among the agencies surveyed, it was found that seemingly unprofessional confrontations, harshness and bickering between proponents and opponents do nothing but cloud the issues and increase public uncertainty regarding change. It was further found that when faced with a choice between uncertain change or the status quo, regardless of the shortcomings of the latter, most people will oppose change.

Several viable steps can be taken to keep the issues

¹⁵ Field interview: Manhattan, Kansas, October 16, 1976.

¹⁶ *Ibid.*

¹⁷ Field interview: Manhattan, Kansas, October 16, 1976.

of consolidation before the public in a positive fashion. These include the following:¹⁸

- Obtain comprehensive media coverage so that the public is regularly informed about the pros and cons of the merger proposal.
- The campaign should be well organized and should seek the support and involvement of people well-known and respected in the community.
- The public should not be told that consolidation will cost less. Realistically, mergers can, at best, provide improved levels of service at a cost less than would be possible under individual local law enforcement agencies.
- "Fact sheets" should be prepared and widely distributed. They should summarize the key features of the merger in a pleasant appearing,

¹⁸ Interview with Senator Donn Everett, Kansas State Legislature, Manhattan, Kansas, October 16, 1976.

easily understandable format. They should also discuss why consolidation is needed, and the problems that this approach will resolve.

- Through public presentations, as well as other means, discussion of consolidation should be interspersed with examples of why the current delivery system is in need of change (i.e. investigations bogged because of interjurisdictional conflicts, unnecessary injuries or death, etc.).
- Elected officials, sheriffs or chiefs from successful consolidations in communities of a similar size or character should be brought in to meet the community groups and appear on radio or television.

With specific reference to these points, one interviewee indicated that such a positive approach "can provide the backbone of the campaign".¹⁹

¹⁹ *Ibid.*

CHAPTER IV. MEETING THE LEGAL REQUIREMENTS OF A MERGED LAW ENFORCEMENT SYSTEM

The successful implementation of a consolidated law enforcement agency is much more likely if the change is already enabled by state law. In cases where mergers are publicly recommended without such sanctions, necessary legal requirements must first be met. This not only adds significantly to the time required to implement a merger, but tends to dilute the momentum for change.¹ Therefore, as a first step in any move to consolidate, all legal ramifications should be assessed.²

A. Constitutional and Statutory Requirements

1. **Constitutional authority.** Most state constitutions authorize formal agreements for the provision of law enforcement services, at least among some local governments.³ In some cases, however, constitutions are "strictly interpreted", which means that county and local governments can perform no function which is not expressly permitted in the constitution. Other constitutional interpretations mitigate against law enforcement consolidation because of prohibitions against:

- The legislative enactment of "local" or "special" acts.
- The establishment of "special commissions" to perform "municipal functions".
- The diversion of municipal assets.⁴

Such interpretations have led several states to restructure or amend their constitutions to specifically authorize inter-local contracts and agreements.⁵ If

¹ Robert R. Delahunt, et.al. *An Evaluation Study in the Area of Contract Law Enforcement: A Review of the Literature* (Washington, D.C.: National Sheriff's Association, July 1976), p. 129.

² This step was previously recommended as a component in formal feasibility studies.

³ Advisory Commission on Intergovernmental Relations. *A Handbook for Interlocal Agreements and Contracts* (Washington, D.C.: U.S. Government Printing Office, 1967), p. 3.

⁴ Robert R. Delahunt, *Evaluation Study*, p. 113.

⁵ They include: Alaska, 1959; California, 1922; Georgia, 1941; Hawaii, 1959; Michigan, 1963; Missouri, 1945; and, New York, 1963. ACIR, *Handbook*. p. 29.

a county or community considering a police services merger is uncertain of its state's constitutional provisions, however, contact should be made with either the State Attorney General or Department of Community Affairs. Local city or county attorneys can easily make such inquiries.

If it is determined that constitutional authority does not exist, a formal amendment may be required. Each state has established procedures for such action, and each generally requires an extended period of time for enactment. If such action is found desirable, the following model amendment, formulated originally by the New York State Joint Legislative Committee, might serve as an appropriate point of departure.

ILLUSTRATION 1. *Model Constitutional Provision for Intergovernmental Cooperation*¹

Subject to any provision which the legislature may make by statute, the state, or any one or more of its municipal corporations and other subdivisions, may exercise any of their respective powers, or perform any of their respective functions and may participate in the financing thereof jointly or in cooperation with any one or more municipal corporations or other subdivisions within this state or with other states, or municipal corporations, or other subdivisions of such states.²

¹Extracted from Advisory Commission on Intergovernmental Relations, *1967 State Legislative Program of the Advisory Commission on Intergovernmental Relations*, (Washington, D.C.: October 1966), pp. 387-390 and Council of State Governments, *Suggested State Legislation—Program for 1961*, (Chicago, Illinois: Council of State Governments, October 1960), pp. 63-66.

²Title, format and procedural practice for constitutional amendment should conform to state practice and requirements.

2. **State statutory requirements.** Most states also have enacted statutory provisions which permit the merger of law enforcement agencies. Appendix F lists 38 states whose provisions authorizing interlocal cooperation have been confirmed through secondary

sources, responses to the mail questionnaire, or field interviews.

It is important to note that not all state statutes are equally broad in terms of powers which may be exercised jointly or units of government which may participate. In Texas, for example, more than 100 statutory authorizations for intergovernmental cooperation are on the books. However, the complexity and multiplicity of these laws have hampered their usefulness to local governments. This piecemeal action has resulted in little or no authority in some areas, and narrow or overlapping authority in others.⁶

Moreover, as part of a formal feasibility study, or at the initiative of potential participants in a merged system, statutory provisions for interlocal agreements should be examined. As in the case of constitutional authorization, each state's Attorney General or Department of Community Affairs should be contacted for an opinion.

If statutory provisions are nonexistent, or are considered too narrow to serve the purposes of a consolidated law enforcement agency, it may be necessary for locally-elected state legislators to introduce specific enabling legislation. To aid in this process, Appendix G presents a "Model Interlocal Contracting and Joint Enterprises Act".

B. Enactment of Consolidation at the Local Level

1. **The passage of ordinances and resolutions.** The most common means of adopting a consolidated policing system is through action by the legislative councils or boards of the participating local governments. Such ordinances or resolutions generally articulate the need for the joint or contractual provision of law enforcement services and officially approve a previously negotiated contract for the provision or receipt of services.⁷

⁶ Institute of Urban Studies, *Handbook for Interlocal Contracting in Texas* (Arlington, Texas: Texas Municipal League, November, 1972), pp. 11-12.

⁷ A complete discussion of such contracts is presented in Chapter VII.A.

The advantage of this approach is in its simplicity. Action is taken directly by locally-elected officials; the time required to carry out a local referendum is avoided; and, the action can generably be reversed just as easily if the arrangement proves unsatisfactory. Occasionally, public hearings are scheduled before such action. This usually occurs only when community-wide opposition or confusion regarding the merger prevails.

2. **Local referenda.** Local referenda have been used most widely when a total government amalgamation is involved, or when some other significant governmental change is planned.⁸ Referenda are not common relative to small police agency consolidations.

The use of the referendum to mandate a law enforcement merger is a significant undertaking. To be effective, an organized effort, similar to that of a structured political campaign is required. The discussion presented in Chapter III.F.: "Gaining Public Acceptance of the Concept" becomes highly relevant in cases involving referenda.

The voting practices common in consolidation referenda take one of two forms. Either a majority of all voters is required to pass the merger, or a majority of the electorate in each participating locality is needed. Examples of the second case occurred in Riley County, Kansas and Duval County, Florida. In Riley County, a majority vote was recorded in all three jurisdictions involved and the Riley County Police Department became the sole law enforcement agency in the county. In the Florida case, while a majority of the electorate in the City of Jacksonville and Duval County voted for the consolidation, three outlying jurisdictions voted it down. The Jacksonville-Duval County consolidation took place, but separate police agencies continued to operate in the three outlying jurisdictions.

⁸ For example, the establishment of the Riley County (Kansas) Police Department, which abolished the County Sheriff's Office and the Manhattan Police Department required passage of a referendum.

CHAPTER V. SOUND FINANCIAL PLANNING AND MANAGEMENT, A KEY TO A SUCCESSFUL MERGED LAW ENFORCEMENT AGENCY

A. Introduction: Financing is the Key

Financing is a key factor in the successful planning and implementation of all consolidated law enforcement agencies. Research leading to this report documented numerous cases in which financing was the subject over which the greatest time was spent and the most disagreements arose during the planning of consolidated agencies. Financial considerations are also significant when it comes to public acceptability and/or decisions to continue merged agencies.

The specific areas of financing over which the most significant difficulties arise concern:

- The availability of revenues sufficient to sustain the level of service desired by participating jurisdictions.
- The equitability of cost sharing formulae and associated procedures.

These points are discussed below.

B. Funding a Consolidated Agency: Revenue Sources

Once established, county and local tax revenues provide the primary means of support for consolidated law enforcement agencies. There are several supplemental funding sources, however, of which communities considering consolidation should be aware.

1. **Federal revenue sources.** Funds available through two federal assistance programs have been used widely to supplement local revenues. These programs are described below.

a. *LEAA action grants.* Under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice, is authorized to supply grant monies to assist local governments in strengthening law enforcement services. Administered by LEAA, through the respective State Planning Agencies, localities have, in the past, been able

to request funds to partially finance many of the "start up" expenses of small agency consolidations. The most common use of these funds by consolidated agencies has involved the purchase of vehicles, communication equipment and other materials. The next most common use has been to cover the salaries of additional manpower required by the consolidation.¹ Recent changes in national priorities, however, may limit the future availability of these funds.

If interested in an LEAA action grant, localities considering a merged law enforcement system should contact their regional planning agency or SPA. The executive staff or the police specialist should be familiar with this program and should have details on the requirements and application procedures. It should be remembered, however, that these monies can be used only to finance new activities. They cannot be used to reduce the local share of a consolidated agency's budget or to cover normal operating expenses.

If LEAA funds are utilized, it is important to realize that certain special precautions must be taken. Mainly, the responsibility for financing the merged agency at the conclusion of LEAA assistance should be planned for from the start. A number of jurisdictions have overlooked this matter, or have treated it too lightly. The results have created crises that have severely shaken the stability of these agencies, and have led some to total collapse when federal funding ceased.

b. *Comprehensive employment training act (CETA) grants.* The national CETA program, administered through the U.S. Department of Labor, provides funds for the training and employment in certain economically-deprived areas. For one to qualify under the basic CETA program, one must either be unemployed for at least 30 days; or "under-em-

¹ This information was derived from the mail questionnaire distributed by International Training, Research and Evaluation Council during research related to this report.

ployed" (i.e. employed, but earning less than the established poverty level).

Communities with an operating CETA program maintain files on eligible persons who may be interviewed and hired by an interested law enforcement agency. CETA monies, as noted, can cover the costs of training eligible personnel (i.e. to meet state law enforcement training standards) and to meet salary and related expenses for at least one year. Under certain circumstances, funding can exceed one year. Thus, a small agency can be augmented with CETA funds which can pay the salaries of one or more sworn or non-sworn persons.²

Persons interested in exploring the CETA Public Service Employment Program should contact the regional planning agency serving their area to determine the specific name of the appropriate administering agency. At the county and local level, CETA programs are generally administered by agencies involved in personnel, manpower or community development services.

As with LEAA funds, agencies that utilize this program should take special care to insure that participating jurisdictions are aware that CETA funding is not permanent and that alternative revenue sources will one day be required.

One consolidated agency that has successfully used the CETA program is the Yamhill-Carlton (Oregon) Police Department. Although the original agreement between the two cities called for only three officers, Carlton applied for and was granted funds for the hiring of a fourth officer through the CETA program; CETA also provides funds for half the salary of one other officer. Area officials charged with allocating CETA funds looked favorably upon this as an example of inter-city cooperation.³

Unfortunately, the program has provided Carlton-Yamhill with only a partial solution to its needs. During field interviews it was found that at the cessation of CETA funding, the department will probably be reduced to three officers, because local revenues may not be sufficient to support the salary of the fourth person.⁴

c. General revenue sharing. A third supplemental source of funding available to local jurisdictions is

² During the research, cases were found in which CETA funds were used to pay the salaries of officers, jailers, dispatchers and clerical personnel.

³ Bureau of Governmental Research and Service, *Contracting for Police Services in Oregon, Alternative Approaches: Survey and Case Studies* (Eugene, Oregon: University of Oregon and League of Oregon Cities, Eugene, Oregon, 1975) p. 42.

⁴ Field interview: Yamhill, Oregon, November 1, 1976.

General Revenue Sharing. A number of communities have used portions of their overall allocation to sustain the operations of a merged law enforcement agency.

Based on information supplied by the Federal Office of Revenue Sharing, U.S. Treasury Department, there are no limitations on the use of these funds, so long as the use is sanctioned under state and local law. The funds can be used for new activities, or to sustain an existing function.

2. Other local options. Several other options exist in various states and localities that may also warrant consideration by merging agencies. They include the following:

a. State aid to localities. Some states have taken an active role in promoting governmental service mergers. This has involved the provision of SPA staff assistance to consolidating agencies (i.e. Nebraska and South Dakota). In other states, departments of community affairs have been established and offer even broader assistance (i.e. Texas and New Jersey). In a few states, financial incentives are made available to localities. This is the case with the New Jersey Department of Community Affairs. Under the state's recently passed Interlocal Service Aid Act:

If the local governments involved have previously been providing a service, but are now going to provide it on a joint basis, the state will grant funds to cover all extraordinary administrative and operating costs incurred by the local unit as a result of implementation of the joint program.⁵

Moreover, New Jersey recognizes that certain transitional expenses may result from the establishment of joint delivery systems. This may involve the cost of setting up a new office, a temporary need for additional manpower, or other expenses that will end when the joint service is fully operational. The Department, under the terms of the Act, can absorb some of these temporary costs.⁶

b. County "subsidy" of merged agency costs. Through negotiation, some localities have formalized agreements under which the county provider agency pays somewhat more than its "fair share" of a merged agency budget. In several areas, sheriff's departments have agreed to such arrangements when deputies, who are contractually obliged to patrol

⁵ James Alexander, Jr., "Interlocal Services-New Tools for Local Cooperation", *New Jersey Municipalities*, February, 1974, p. 20

⁶ *Ibid.*

certain communities, are also available to cover surrounding rural areas. This permits the sheriff to provide more extensive patrol and "visibility" in rural areas than was possible before consolidation and at a fraction of the cost that would prevail if this coverage was to be provided by separate personnel. Such personnel are also generally available on a countywide basis for emergencies and to provide needed back up support. Thus, such trade-offs have proven beneficial to both the provider agency and the recipient jurisdictions.

c. *Fine revenues as a funding source.* In many states, revenues derived from fines are, by law, earmarked for a specific purpose such as support of the courts, local schools, police training, etc. In other states, some or all of these revenues are returned to the jurisdiction of record. In one case (Wright County, Minnesota), the sheriff's department retained all fine revenues generated from violations in recipient jurisdictions. The retention of these revenues was accounted for annually as an estimated credit toward each jurisdiction's share of the overall agency budget. Specifically, in its annual budget, the sheriff's department estimated the average revenue expected to be generated from fines (principally traffic violations) in the participating jurisdictions. The estimate was based on prior years' experience. This figure was translated into an average percentage of the participating communities' total contribution to the consolidated budget. This percentage was then subtracted from each community's budget before it was billed. If a deficit in a community's payment developed because fine revenues were lower than expected, the sheriff's department assumed the burden for the fiscal year in question. Annual adjustments were made, however, to minimize this potential in succeeding years. In the past three years, the fine revenue discount was fluctuated between 30 and 42 percent;⁷ although changes in state law will likely reduce this further due to the earmarking of certain fine revenues.

If this approach is found desirable, existing state regulations relating to the use and distribution of fine revenues for both state and local violations should be investigated. A state department of taxation, revenue, treasury, or similar agency should be contacted if a city or county attorney or county auditor's office is unable to document the process.

⁷ Springsted, Incorporated, *Analysis of Law Enforcement Resources: Wright County, Minnesota* (St. Paul, Minnesota: July, 1973), pp. 73-77, and field interview, Buffalo, Minnesota, October 15, 1976.

C. Sharing the Costs of a Consolidated Law Enforcement Agency: Operating Alternatives

Each of the merged agencies studied utilize an annual budget. Although formats vary, each accounts for all law enforcement expenditures.

Regardless of the design, the most critical factor in a consolidated agency budget is the method used to distribute costs among participating jurisdictions. Some agencies share costs *proportionately*, based on such factors as population, crime rate, etc; others use a *direct cost* allocation system; and, still others use a formula based on a *per unit cost* for specific law enforcement service. Each of these approaches is described below. Whichever method of cost allocation is used, however, participating communities must recognize that the purpose of consolidation is to minimize the cost of improved law enforcement services. Thus, all cost sharing techniques should be designed to achieve equity, not to profit or take undue advantage of some communities at the expense of others.

1. **Common proportionate share criteria.** The most commonly used criteria for the proportionate distribution of merged law enforcement costs are:

- Population
- Total area (square miles)
- Miles of roads
- Crime rate
- Calls for service
- Assessed valuation

These criteria can be used separately or in combination to determine the percentage of a merged agency's budget that is to be paid by each participating jurisdiction.

The proportionate share approach is used most frequently when the provider agency is responsible for determining the overall level of service needed (i.e. nature and extent of patrol coverage, investigative and other back-up support, etc.). The various criteria are then used to estimate the proportion of the agency's total resources that each recipient community is likely to need and, correspondingly, the share of total costs it should bear.

The criteria based on population, total area and miles of roads broadly estimate service needs. They are used most frequently by newly merged agencies that lack a historical profile of actual service requirements.

Crime rate and calls for service may more accurately depict potential service requirements. Since

most small agencies maintain only limited data, however, these criteria are used most commonly by agencies that have been merged for two years or longer. Shared cost formulae based on these criteria can be adjusted annually to reflect changing crime and service patterns.

The logic behind the use of the assessed valuation of the criteria determine service requirements based on potential economic loss as well as to distribute agency costs according to the "ability to pay". Although this logic is consistent with other taxing strategies (i.e. federal income tax), it has created problems in several areas. Wealthy communities have sometimes claimed that they are paying an inordinately large share of a consolidated budget without receiving a proportionately larger share of the service. These claims suggest that unless a peculiar situation exists, a proportionate share approach based on assessed valuation may not be the equitable or politically viable approach.

The proportionate share system functions best when all participating jurisdictions are satisfied with the "standard" level of service offered by the provider agency. If one or more jurisdictions feel the need for additional or specialized services (i.e. school crossing guards, special foot patrol in certain areas or at certain times, etc.), arrangements should be made for a supplemental billing procedure. In this way the system remains equitable for all parties concerned.

The calculation of costs using the proportionate share methods is straightforward. An example of the formula which is valid for each of the cited criterion is presented below:

$$\frac{\text{Population (or total area, miles of road, etc.) of recipient jurisdiction}}{\text{Population (or total area, miles of road, etc.) of all jurisdictions participating in the merged system}} = \text{Percent of merged budget to be paid by the recipient jurisdiction}$$

For example, if the population of community X is 1,000 and the total population served by a provider agency is 10,000, the proportion of the merged budget that would be paid by community X would be one-tenth, or ten percent ($1,000/10,000 = 1/10$ or 10%). If the total budget is \$100,000, community X's share would be \$10,000 ($\$100,000 \times 1/10$).

2. **Direct cost allocation systems.** Two types of

direct cost formulae were identified during field research. One was used at the county-level, while the other was used in a case involving two adjoining communities.

a. *The countywide approach.* The use of a direct cost formula at the county level requires that a specified number of officers will be regularly assigned to recipient jurisdictions, or that such jurisdictions will receive a minimum number of patrol hours each day or week. The provider agency determines the direct costs associated with the provision of these officers or the patrol coverage (i.e. salaries and benefits of patrol officers and vehicle costs) and bills the respective communities accordingly. Other services provided countywide (i.e. jail, dispatching, criminal investigation, etc.) are paid for by all citizens through county taxes. Thus, local taxes pay only for a specified amount of additional law enforcement service, above and beyond that which is ordinarily provided to all residents of a county.

Factors that should be considered in calculating the direct cost of additional patrol coverage include the following. (Note: calculations may reflect annual or hourly costs):

*Salary and benefits of average deputy:*⁸

- Base salary
- Employer payroll taxes, including social security (FICA) and state and federal unemployment taxes
- Insurance, including coverage for life, hospitalization, workman's compensation/disability, false arrest and liability
- Retirement
- Uniform and equipment allowance
- Training⁹
- Vacation (average days per year)
- Sick leave (average days per year)
- Holidays

Transportation/vehicle expenses:

- Gasoline
- Oil
- Tires
- Maintenance (average expenses)
- Insurance
- Depreciation, on both vehicle and special

⁸ Agencies may not always provide all of the following benefits. Appropriate deletions should, therefore, be made in calculating these costs.

⁹ Training expenses may be particularly heavy if new personnel must be hired to serve recipient communities. Only a portion of initial training costs should, however, be allocated to a locality.

EXHIBIT 1. Patrol Officer Availability Worksheet¹

Basic Work Year: 40 hours × 52 weeks = 2,080 hours		
	Unavailable Hours	
Purpose:		Hours:
Vacation		_____
Sick Leave		_____
Holidays		_____
Training		_____
Other (i.e. military reserves, etc.)		_____
Total		_____
Basic Work Year	Unavailable Hours	Hours Available for Patrol
2,080	-	=

¹ Derived from Robert R. Delahunt, et al. *Contract Law Enforcement: A Practical Guide to Program Development* (Draft) National Sheriff's Association, Washington, D.C.) July, 1976, p. 66.

equipment (i.e. light bars, communications equipment, sirens, etc.)

Converting salaries and benefits into an hourly rate requires the detailing of costs and availability of information (i.e. the average number of hours per year an officer is available for duty). Exhibit 1, provides a worksheet that may be used by localities in calculating patrol officer availability. Once available hours per year for an average deputy or officer have been calculated, information regarding salaries and benefits can be compiled. Exhibit 2, presents a worksheet that can be used for this purpose.

Drawing from Exhibit 2, at \$13,100 per officer, a one-officer vehicle providing 24-hour patrol coverage would require approximately five patrol officers¹⁰ and would cost approximately \$65,500 (5 officers × \$13,100). It is common for agencies to provide one supervisor for every six officers. Therefore, it may be appropriate for 5/6 of the cost of a supervisor's time to be added to the cost of one 24-hour patrol unit. Assuming an average direct hourly cost of \$8.00 (which may be calculated with the referenced exhibits) for a supervisor, the annual cost would be \$11,730 (\$8.00 × 1,760 × 5/6). Thus, the

¹⁰ One year consists of 8,760 hours (365 × 24). If an average officer is available for 1,760 hours per year, approximately 5 officers would be required to man one 24-hour patrol unit (8,760 / 1,760 = 4.98 officers).

total direct cost for the patrol service would be approximately \$77,230 (\$65,500 + \$11,730).

Vehicle costs depend on how long a vehicle is kept by an agency, the hours per day it is used and the urban or rural nature of the area patrolled. The two factors that must be determined, however, in estimating vehicle costs are: the per mile cost of operation and the estimated miles the vehicle covers in a given year.

An estimate of per mile expenses can be calculated on the basis of prior fleet experience. That is, divide total vehicle expenses for the most recently completed fiscal year (i.e. gasoline, oil, tires, maintenance, insurance and depreciation of vehicles and related equipment such as light bars, radios and sirens), by the total miles driven by all patrol vehicles.

If depreciation data is unavailable, it may be desirable to substitute the cost of new car purchases and the price of various items to support the cruiser (i.e. radio, light bar, etc.) over a period that corresponds with the vehicle replacement cycle (i.e. 2, 3 or 4 years).

Projecting patrol vehicle mileage in recipient jurisdictions can be a difficult task in a newly merged agency. Two approaches can be used, however.

EXHIBIT 2. Estimating Hourly Direct Personnel Costs' for Average Officer/Deputy

Personnel Costs		Unavailable Hours	
Salary	\$10,000	Vacation	120
Payroll Taxes	600	Sick Leave	40
Insurance	900	Holidays	80
Retirement	1,200	Training	40
Uniform Allowance	150	Other	40
Other	250		
Total	\$13,100	Total	320
Basic Work Year	Hours Unavailable	=	Hours Available
2,080	320	=	1,760
Total Personnel Costs	Hours Available	=	Direct Hourly Personnel Cost
\$13,100	1,760	=	\$7.44

¹ Derived from Robert Delahunt, et al. *Contract Law Enforcement: A Practical Guide to Program Development* (Draft) (National Sheriff's Association, Washington, D.C.) July, 1976, p. 73.

First, the provider agency can calculate the average miles recorded on all patrol vehicles for the previous year. This can be used for purposes of making initial budget estimates. Second, this estimate can be refined shortly after patrol service has been initiated. This is done by checking the mileage of vehicle(s) used in a recipient jurisdiction over a twenty-eight day period and multiplying this by thirteen to arrive at a projected annual figure (28 days \times 13 = 364 days). This method has been used to project mileage with a high degree of reliability.¹¹

An illustrative method of calculating vehicle costs is presented in Exhibit 3. As the exhibit indicates, if the cost of operating a fleet of ten vehicles is \$60,000 per year and the vehicles are driven a total of 500,000 miles, the per mile cost is approximately 12¢ (\$60,000/500,000 = \$0.12). If vehicular mileage in a recipient jurisdiction is 50,000 miles annually, the total vehicle cost would be \$6,000 (50,000 \times 12¢ = \$6,000).

Thus, the total expense for five patrol officers, the part-time services of one supervisor, and vehicle costs to support a one-officer, 24-hour per day patrol unit would be \$83,230 (\$65,000 for the cost of patrol officers, plus \$11,730 to cover the cost of 5/6 of a supervisor's time, plus \$6,000 for vehicle expenses).

The listing of personnel and transportation expenses was derived from formulae used by a number of agencies. Still, care should be exercised in calculating direct costs. It is not uncommon for one or more of these factors to be overlooked, which may require the provider agency to absorb significant additional expenses. This not only places a heavy burden on the provider agency, but may necessitate service cutbacks which are rarely understood by recipient jurisdictions.

b. The interlocal approach. The principal difference in direct cost systems used at the municipal level is that the cost of support services must be taken into account in calculating the expenses to be supported by recipient communities (e.g. in the case of merged local communities, support and administrative services are not covered by a countywide tax, but rather by the taxes of the participating jurisdictions).

Although a local provider agency may be confronted with certain new expenses in supporting additional patrol personnel (i.e. lockers, space in report writing and roll call rooms, etc.), these costs are normally not included in local billings. Persons

EXHIBIT 3. Estimating Annual Vehicle Expenses¹

Annual Operating Expenses for Fleet of Ten Vehicles			
New Car Purchases			\$21,000 ²
Gas and Oil			20,000
Maintenance			11,000
Radio and Lights			4,000 ³
Insurance			4,000
Total			\$60,000
Total Vehicle Costs	Total Miles Driven	Cost Per Mile	
\$60,000	÷ 500,000	=	12¢
Cost Per Mile	Projected Mileage	Estimated Vehicle Costs	
12¢	× 50,000	=	\$6,000

¹ Derived from Robert R. Delahunt, et al. *Contract Law Enforcement: A Practical Guide to Program Development* (Draft) (National Sheriff's Association, Washington, D.C.) July, 1976, p. 77.

² Assumes two year replacement cycle of \$5,000 vehicles and \$800 trade-in per vehicle (\$5,000 - \$800 \times 10 units \div 2 years).

³ Assumes 5 year replacement cycle of \$1,000 light and radio packages (\$1,000 \times 10 units \times 40 percent of equipment life).

interviewed indicated that the availability of the additional personnel in emergency situations more than makes up for these relatively minor support costs absorbed by the provider agency.

One merged agency functioning on an interlocal basis uses the following approach.¹²

- A direct cost formula (similar to that described above) is established for patrol personnel and vehicles assigned to the recipient jurisdiction.
- The percentage of the agency's total patrol officer complement that is assigned to the recipient jurisdiction is calculated. (For example, a total of 50 patrol officers are employed by a department; 20 officers or 40 percent, are permanently assigned to the recipient community.)
- Department administrative, support and related costs are calculated (i.e. the department's current budget, minus the cost of patrol officers and vehicles for both the recipient and provider agency).
- The resulting administrative and support cost calculation is multiplied by the percent of the agency's patrol complement which serves the recipient jurisdiction (i.e. total administrative and support costs \times 40 percent).
- The direct cost figures are added to the pro-

¹¹ Robert R. Delahunt, *Contract Law Enforcement*, pp. 76-77.

¹² Brea (California) Police Department.

portionate share of support and administrative expenses required to serve the recipient community. This figure represents the recipient community's share of annual consolidated budget.

Certain modifications to this process are used in practice by the Brea Police Department. The share of administrative and support expenses billed to the recipient community is actually less than the percent of the total patrol complement it is assigned. The reasoning behind this "discount" is that the provider agency would have to employ certain personnel even if the merger had not taken place (i.e. at least five dispatchers would still be needed, as would a standard complement of records personnel, the chief, a deputy chief and various other line officers).

This "discount" approach was said to be advantageous to both parties. The recipient agency receives the services of a full complement of administrative and support units at a cost much less than would be required if a separate local police department was instituted. The provider agency can either lower its original expenses for these units (because local revenues are being supplemented by monies from the recipient agency), or it can use the supplemental monies to staff other special units, which was not feasible when the agency was funded solely by its own tax resources.

3. **The "unit cost" approach.** The "unit cost" approach used by the Northern York County (Pennsylvania) Regional Police Department contains many similarities to the direct cost approach, in addition to many unique features. Specifically, the Department uses "protection units" as a measure of service. One protection unit consists of ten hours of police service per week.¹³ The police services provided as part of a protection unit include preventive patrol, responding to calls for services, criminal investigation, and related police time used serving participating jurisdictions.

The cost of administrative time (i.e. the salary \times the hours sworn persons expend on court time, vacation, sick leave and training, in addition to the full-time services of the chief), is allocated to the participants based on the proportion of total protection units purchased by each jurisdiction. That is, if

one community purchases 30 percent of the total protection units budgeted by the regional agency for a given year, the community is expected to support approximately 30 percent of the cost of all administrative time.

The number of protection units purchased by a participating jurisdiction is a local decision. Each community has one representative on a policy and budget making regional police commission. At the beginning of the budget cycle each representative, with the concurrence of the respective borough or village commission, informs the chief of the number of protection units it wishes to purchase (or, occasionally, how much money it wishes to spend on police protection) during the coming year. Each community's decision is based on the protection units purchased in the prior year; additional units that were needed over and above those originally budgeted; current and anticipated criminal activity; and, of course, local budget considerations.

An overall agency budget is then prepared. It is the chief's responsibility to determine the number of patrol officers, supervisory personnel, investigators, and special unit officers that will be needed to meet expressed local demands. As an illustration, the department's latest budget called for 68 protection units, which translates into 680 hours of police service per week. At 40 hours per week, an equivalent of 17 full-time sworn personnel, plus relief officers, were needed, in addition to non-sworn support staff (680 hours/40 = 17 full-time equivalent sworn officers).

Upon approval of the overall budget by the law enforcement commission, total departmental costs are divided by the number of protection units purchased so that a unit cost results (i.e. total departmental budget \div 68 = cost of each protection unit). Each community is then billed, quarterly, on the basis of the protection units it has purchased.

4. **Other methods of allocating service costs.** Two other cost allocation techniques warrant review. The first is referred to as the "negotiated base". In merged agencies, particularly sparsely populated rural areas, a certain degree of negotiation is required. In one South Dakota county, for example, a proportionate share system based on population was developed. Realistically, however, two participating communities could not afford to pay their share based on this or any other formula. According to the sheriff, some give and take was necessary in order to insure the life of the merged agency. "Without the participation of the two small communities, the consolidation would not have occurred. So the

¹³ Originally, a protection unit was comprised of 20 hours of police service per week, out for purposes of budgeting and ease of administration (some small participating communities needed only a portion of a protection unit), the 10 hour unit was found to be more useful.

county and the other larger communities picked up the difference."¹⁴

The second cost allocation technique involves the use of "direct charges" to cover the costs of a specialized or limited use function. The following types of services have been provided by merged agencies through a direct charge approach:

- Special intersection control (i. e. shift change at local manufacturing plants).
- Weekend and holiday crowd control.
- Overnight parking enforcement.
- Security inspection services.
- Other activities where hourly duties may be periodically required.

Provider agencies charge for these services on the basis of actual salaries. The direct cost allocation formula described above, however, could also be used. For such special duties, provider agencies may also charge nominal indirect fees to defray the administrative costs incurred in coordinating the delivery of the service.

D. Insuring that Services are Received: The Importance of Sound Management Procedures

Regardless of the cost allocation system used by a consolidated agency, activity reporting procedures should be established. The resulting information is not only valuable for agency management purposes, but can be used to:

- Apprise participating jurisdictions of the nature and extent of services that are provided.
- Document the type and amount of criminal activity, as well as general calls for police service, being generated in each community.
- Evaluate the merged system in terms of its effect on criminal activity as well as the efficiency of its service activities.

Most law enforcement agencies maintain general activity information as a matter of practice (i.e. criminal offenses, calls for service, traffic accidents, citations issued, etc.). At a minimum, provider agencies should inform all participating jurisdictions of the nature, location and availability of this information for review by local officials.

1. Reporting on general law enforcement service. The services provided by many merged countywide agencies are general in nature. Based on

written agreements, sheriffs commonly provide "basic law enforcement service" which consists of preventive patrol, 24-hour response to all calls for service, criminal investigation, jail operation and various other support services. Many contracts do not specify a set number of hours of patrol coverage to be provided each day or week. For this service, recipient communities pay a certain annual charge in monthly or quarterly installments.

One method of briefing recipient communities concerning the services they receive involves a simple accounting activity submitted with monthly or quarterly invoices. The Wright County (Minnesota) Sheriff's Department, for example, accompanies its monthly invoices with four major types of information. This includes:

- Index crimes: each index crime which occurred in the community is identified by offense, victim and nature of loss.
- Clearance: all arrests are noted with the associated offense.
- General calls for service: the report summarizes the number of police responses by type of activity, including: car and subject checks, citizen aids, open doors, domestic disturbances, suspicious persons and vehicles, etc.
- Traffic activity, including the number of citations issued by offense and the number of warnings issued.

One addition to this list might also be provided. Specifically, if a set amount of preventive patrol is part of a merger agreement, reports to recipient communities should include a summary of the number of hours of patrol service that was provided during the reporting period.

2. More detailed reporting procedures. In some cases, a more detailed service arrangement exists between a provider agency and recipient jurisdictions. In Brea, California, for example, the cost allocation formula is based on the direct and support costs of a specified number of full-time equivalent patrol officers. Recipient communities (i. e. Yorba Linda) receive a much more complete monthly activity breakdown. It includes the following information for the current month and year to date, as well as a comparison of the same information for the previous year.

- The number of Part I and Part II offenses, by type, as well as municipal code violations.
- A monthly tally of the value of property stolen and recovered.
- A summary of adult and juvenile arrests for

¹⁴ Field interview: Flandreau, South Dakota, October 13, 1976.

felonies and misdemeanor offenses, and a review of dispositions (i.e. offense filed, released, petitioned, handled informally, or referred to other agency).

- Traffic division activity, including traffic accidents (broken down by injury, non-injury and fatal categories); traffic complaints filed and rejected; and, traffic citations issued for hazardous driving or other violations.
- Hours of patrol time spent in the jurisdiction by type of activity (i.e. general patrol, responding to calls for service, etc.).
- Hours spent in jurisdiction by traffic and investigation division personnel.
- Actual miles driven in jurisdiction by division and vehicle (i.e. patrol division, investigation division etc.).

3. Reporting to meet unit cost allocation requirements. As described above, the Northern York County Regional Police Department utilizes a system based on protection units. Because local payments are based on a specified number of protection units purchased, it was felt necessary to maintain an accurate accounting system to:

- Assure participating communities they receive the services for which they have paid.
- To manage departmental resources so that a community does not exceed its allotted protection units at the expense of its neighbors.

As a means of maintaining this balance, a "daily patrol log" system is utilized. The following illustration presents a facsimile of the form used by the Northern York agency.

Each sworn member of the department is issued a pad of the logs which must be maintained during each duty shift. The columns along the margins provide a 24-hour clock, broken down into 15 minute segments. Each participating jurisdiction is assigned a code number (i.e. Area #1, Area #2, etc.). During each 15 minutes of general patrol, the officer enters the correct code in the appropriate time box. If he responds to a specific call for service, the time the call was received is noted in the "call received" column; the "minutes spent" column is completed when the officer is cleared for duty and, a brief summary of the call is entered in the space provided for "details". The time boxes in the 24-hour clock are also completed to indicate the time spent by area.

At the conclusion of each shift, the officer tallies the log and summarizes the amount of time spent by area (or on administrative duties) at the bottom of the log. Each completed log is reviewed and ap-

proved by a supervisor. The logs are tabulated by administrative staff on a monthly basis. At this time a summary sheet is prepared which details the number of protection units received by each agency (i.e. 43 hours of service equals 4.3 protection units), the types of services provided and whether or not a jurisdiction is ahead or behind in its allocation formula (i.e. the form summarizes, on a monthly basis, the running total of protection units each jurisdiction receives).

If, during the course of a year, a jurisdiction is exceeding its protection unit allocation (i.e. extensive investigative time in response to a major crime may cause this to occur), two options exist. First, the community can "purchase" additional protection units from jurisdictions behind on their allotment. This process may or may not involve the actual transfer of funds. This "trading" arrangement is beneficial to the agency as well as the communities because it helps to maintain a constant manpower complement and budget. Unless an additional four protection units are needed on a constant basis (i.e. 40 hours of service per week), it would be necessary to face the difficult task of hiring part-time personnel.

The second option involves a cut back of preventive patrol in the community exceeding its allocation. This permits the other communities to receive their desired level of service. It should be noted, however, that the department responds to all calls for service regardless of the status of a community's allocation.

4. Other means to insure the receipt of services. Other means are also used to insure satisfaction with the amount and quality of service. The most common technique involves the presence of a member of the provider agency at the scheduled council meetings of recipient jurisdictions. At these meetings, agency personnel present monthly activity reports, review problems and complaints, and respond to other questions from both elected officials and citizens.

The persons who attend these meetings do so on a permanent basis so that an effective liaison is established between the provider agency and the recipient jurisdictions. In cases where personnel are permanently assigned to patrol a community, these same persons usually serve as the community liaison officer.

E. Potential Problems Associated with Inadequate Financial Planning and Authority

Several communities have encountered serious

difficulties as a result of inadequate financial planning or authority. Following is a brief review of these problems.

1. **Inadequate financial planning.** In one county the need for consolidation was discussed and agreed upon by county commissioners and the council members of one interested city. The level of service required by the city and the costs of needed service were determined with only a limited review of the facts and with little input from the sheriff's department. The resulting problems were as follows:¹⁵

First, direct costs were underestimated. In determining the direct cost for deputies, only base salary, payroll taxes, insurance and retirement were considered. Such items as vacation, sick leave, holidays, training costs and uniform allowance were overlooked. After a year of operation, these oversights were estimated at \$1,200 per person per year, or approximately \$3,600 for the three persons serving the recipient jurisdiction.

Second, transportation expenses were only partially incorporated in budget calculations. According to the contract between the county and the recipient jurisdiction, the city was to provide a vehicle for use by the county, but the county was required to pay all operating costs. Unfortunately, these costs were not considered in the consolidated budget. It was later estimated that the cost for fuel, oil, tires, insurance and maintenance amounted to nearly \$3,500 per year.

Thus, through budget oversights, the county was required to absorb more than \$7,000 a year (\$3,600 personnel + \$3,500 vehicle expenses). Although this may not seem like a large amount, when considered in the context of the city's total payment to the county of \$25,000 per year, it becomes quite significant.

This problem, coupled with a poorly worded agreement between the county and city (which resulted in sworn personnel working 16 hour shifts, seven days a week for extended periods) led ultimately to the termination of this consolidated program.

2. **Inequitable cost allocation criteria.** Earlier, reference was made to the difficulties associated with the use of assessed valuation as a criterion for allocating the costs of consolidation. One merged agency is facing serious difficulty because of its use of this method of cost allocation. One smaller, "wealthier" participating community has claimed that it pays for far more service than it receives,

which the other communities have grown comfortable with their relatively low payments for consolidated police service. Only the threat of dissolution caused the participating jurisdictions to consider alternative allocation formulae.¹⁶

In another example, early attempts to promote a consolidation referendum in Riley County, Kansas, failed to receive sufficient support. One observer believed the reason for the early failure was the fact that assessed valuation was to be used as a basis for cost allocation. This provision was subsequently changed, a referendum was held and consolidation was supported at the polls.¹⁷

3. **Limited financial authority.** Several states have established ceilings on the amount of money that can be expended for law enforcement purposes. In Nebraska, localities may make payments to a consolidated agency in the amount of its pre-merger police budget, or \$9.00 per capita, whichever is greater.¹⁸ Villages under 800 population are specifically limited in that no more than \$9.00 per capita can be spent for law enforcement regardless of their previous police budget.¹⁹ In Minnesota, since 1971, municipalities can pay no more for law enforcement service than 6 mills.²⁰

Although these limitations have created certain problems for the affected agencies, they have not been insurmountable. It is important, however, that jurisdictions considering mergers be aware of these financial limitations and take them into account in all planning and budgeting decisions.

4. **The potential "double charge" of participating jurisdictions.** One potential problem that should be recognized by those considering consolidation is the inadvertent "double-charging" of municipalities. In most states, the sheriff is responsible for enforcing state statutes countywide and for generally "keeping the peace". He is also generally responsible for maintaining a jail, serving as an officer of the court, and other related functions. Many of these services are provided for incorporated jurisdictions, regardless of whether they maintain a police department or are part of a consolidated agency. These services are financed through general county tax revenues.

Thus, when cost allocation systems are being developed, care should be taken to insure that participating jurisdictions are not paying twice for the same

¹⁵ Field interview: Teton County, Montana, November 2, 1976.

¹⁶ Field interview: Excelsior, Minnesota, October 14, 1976.

¹⁷ Field interview: Manhattan, Kansas, October 16, 1976.

¹⁸ Field interview: Saline County, Nebraska, October 20, 1976.

¹⁹ *Ibid.*

²⁰ Field interview: Excelsior, Minnesota, October 14, 1976.

service (i.e. by way of county taxes and a contract for consolidated services). Such double charging not only creates conflict and weakens the credibility of consolidation, but can lead to expensive and time-consuming litigation.

Much debate has revolved around this issue in Los Angeles County, California. In 1973, Section 51350 of the Governmental Code was adopted which stated that a county can charge cities with whom it contracts for the provision of services for only those additional costs which are incurred by the county in providing those services. The legislation specifically prohibits the county from charging contract cities for any services which are made available to all of the county, or which are general overhead costs of the county government. These are defined to include costs which the county would incur regardless of whether it provided a service under a contract to a city.²¹

F. A Realistic Look at the Cost of a Merged Law Enforcement System

1. **The absolute costs of consolidated law enforcement service rarely declines.** Many proponents claim that consolidation lowers the cost of law enforcement service. This is rarely the case in terms of actual dollars; but relatively speaking, consolidation may provide more law enforcement service for the dollar than is possible under individual local agencies.

There are many reasons why consolidated agency budgets are greater than the combined budgets of local agencies that formerly existed. One of the main reasons consolidation occurs is because of dissatisfaction with existing local police service. This dissatisfaction frequently stems from severely undermanned agencies resulting from limited revenues. Thus, when a merger occurs, one of its first charges is to provide an acceptable level of protection. This often requires additional manpower, whose salaries, fringe benefits and related costs increase agency budgets.

Over recent years, another key reason for increased budgets has been inflation. Between 1973 and 1976, for example, the national cost of living increased by more than 30 percent. This has clearly affected law enforcement salaries as well as other costs, such as automobiles, insurance, gas and oil.

Another reason for increased costs involves "equalization". Specifically, when agencies merge,

it is common for salaries as well as benefit packages to be "equalized", or raised to the highest salary structure and best benefit package that existed among the participating agencies. This insures that no one suffers financially from reorganization. It also significantly eases the transition from the old system to the new. Unfortunately, this process also tends to increase budget expenditures.

2. **Some costs of consolidated service are less than under separate local departments.** Little documentation exists regarding the comparative costs of consolidated and independent law enforcement agencies. Some studies, however, have shown that merged law enforcement service costs no more than separate agencies. Drawing from agency budget documents, a study performed by the Riley County Police Department showed that its costs have increased more slowly than those of comparable, separate agencies. As is illustrated in the following table, the increase in per capita expenditures in Riley County was lower than for comparable areas in the state that maintain separate county and city law enforcement agencies. Costs per sworn officer for the same period were lower than four of five comparable jurisdictions.

TABLE 3. *Comparative Cost Increases 1975-1977 for Selected Kansas Law Enforcement Agencies*¹

Law Enforcement Agency	1970 Population	Percent Increase 1975-1977	
		Departmental Expenditures	Costs Per Sworn Officer
Douglas County Sheriff/ Lawrence Police Dept.	57,900	26.8%	27.5%
Lyon County Sheriff/ Emporia Police Dept.	32,000	31.1	18.5
Reno County Sheriff/ Hutchinson Police Dept.	60,800	N/A	26.8
Saline County Sheriff/Saline Police Dept.	46,600	28.2	23.9
Shawnee County Sheriff/ Topeka Police Dept.	155,300	29.4	29.4
Riley County Police Dept.	56,800	21.0	20.1

¹ Derived from memorandum to Willis L. Penhollow, Director, Riley County Police Department, from Alvan D. Johnson, Assistant Director, October 14, 1976.

A study of the Jacksonville, Florida, consolidation also found economically favorable results.²² (It should

²¹ Memorandum to contract cities in Los Angeles County, California, from Special Committee of City Attorneys, dealing with City of Los Angeles vs. County of Los Angeles, Cities of Artesia, et.al., Superior Court Case No. C76041, April 13, 1976, p. 1.

²² Koepsell-Girard and Associates, Inc., *Consolidation of Police Services Case Study: Jacksonville, Florida* (Falls Church, Virginia: Koepsell-Girard and Associates, Inc., 1973), pp. 178-183. All comparisons are in constant 1969 dollars.

be noted that the Jacksonville example is utilized because of the extremely limited availability of similar documentation for smaller consolidated agencies.) With regard to efficiency, the following was found:²³

- Part I arrests per \$1,000 expenditure increased by 50 percent, Part II arrests per \$1,000 expenditure increased by 25 percent.
- Non-parking traffic citations issued per \$1,000 expenditure increased by 64 percent, while parking violations increased by 5 percent.

Using constant dollars and drawing from reported increases in efficiency and effectiveness of Jacksonville's consolidated agency, relative per unit cost reductions were calculated as follows between 1969 and 1972.²⁴

- The cost to clear a Part I offense declined from \$474 to \$434, or 8 percent.
- The cost per Part I arrest declined from \$700 to \$433, or 35 percent; Part II arrests were reduced from \$165 to \$132, or 20 percent.
- The cost of issuing a non-parking citation declined from \$20 to \$12, or 40 percent, while

²³ *Ibid.*

²⁴ *Ibid.* Consolidation, in and of itself, could not be documented as the sole influence in these reductions. It is likely that other factors, such as improvements in management and supervision were also at play.

similar costs for all traffic citations were reduced from \$13 to \$8, or 38 percent.

When scrutinizing these figures, one may question how per unit costs for these services can decline so noticeably, while actual expenditures increase. Although many factors were at play, a partial answer can be offered. As an illustration, in 1969 Jacksonville cleared 6,236 Part I offenses. The adjusted cost per clearance was \$474. Thus, the total cost for all Part I clearances was \$2,956,000 (6,236 × \$474). In 1972, there were 8,034 Part I offenses cleared. At an adjusted cost of \$434, the total cost of Part I clearances was \$3,487,000. Therefore, although "per unit costs" declined on a comparative scale, the number of "units" grew by such a margin that the total cost increased.²⁵

3. **Overview.** The first few years of a merged agency represent a highly capital intensive period. Because significant investments are needed to implement a merger and to improve previously substandard conditions, the effect frequently balloons total costs. Communities considering consolidation might well be prepared for this eventuality. Although future savings and economies may develop as the new system matures, initial investments to consolidate and to raise the level of law enforcement service to acceptable levels will not be inexpensive.

²⁵ *Ibid.*, p. 181.

CHAPTER VI. THE TRANSITION FROM THE OLD SYSTEM TO THE NEW

A. The Use and Value of a Transition Period

Many mergers among very small law enforcement agencies utilize neither a formal nor an informal transition period. Most of these cases simply involve the extension of existing services to additional jurisdictions. Generally, there is little need to consider such matters as the disposition of equipment or facilities owned by the recipient jurisdictions, the hiring of large numbers of supervisors and officers from dissolved local agencies, or significant administrative and operational issues. The merger is agreed to by the affected jurisdictions and it "happens".

Unfortunately, when mergers of other than the smallest agencies are involved, this form of "action planning" may not be sufficient. As the size of the communities increase and their respective law enforcement needs become more complex, so do the problems of implementation. Questions of interjurisdiction equipment transfers begin to arise as do such issues as standards for hiring personnel from agencies that will be dissolved, equalizing salaries and benefit packages, insuring jurisdictional enforcement authority for members of the provider agency, merging records systems and developing common general orders and field manuals.

As the number and complexity of issues grow, so does the need for a more structured transition period. Only through such an approach can action be properly planned and can subsequent delays and difficulties be minimized.

In some cases, transition is carried out by the chief law enforcement officer of the provider agency, assisted by top aids. With larger agencies, formal transition committees are formed. They are generally comprised of functional specialists from each affected agency and deal with such matters as communications, investigation procedures, patrol and beat structures, personnel and training, records and identification and uniforms and equipment.¹ The

¹ Koepsell-Girard and Associates, Inc., *Consolidation of Police Services Case Study: Jacksonville, Florida* (Falls Church, Virginia,

findings of such committees are commonly prepared in written form and are submitted to top management for final decisions.

Because the use of formal transition planning committees is generally limited to large agency consolidations, such as Jacksonville, Florida, and Las Vegas, Nevada, they will not be treated directly in this chapter. Since it is important, however, that even smaller communities be aware of the potential problems that must be considered in a merger, the remainder of this chapter addresses topics in the following areas:

- Facilities and equipment.
- Personnel and labor relations.
- Administrative and legal considerations.
- Operational considerations.

B. Facilities and Equipment

1. **Law enforcement facilities.** In most smaller communities, law enforcement agencies occupy space within a larger municipally-owned building. Only rarely are small departments housed in a freestanding facility. Thus, if a local department is dissolved as a result of a merger, its space can easily be utilized for other public purposes.

In cases where a department is housed in a separate facility, its reuse may be more difficult. In some cases, where a separate facility exists, a community may be reluctant to consolidate. If a merger appears likely, however, special care should be taken to the use or reuse of the facility. In one South Dakota county in which the sheriff's office became the provider agency, a relatively new city police building was rented to the county because of the age and inadequate size of the existing county facility.²

2. **The purchase or transfer of existing equipment.** A number of approaches are used to transfer

1973), pp. 103-115; and, field interview: Las Vegas, Nevada, November 5, 1976.

² Field interview: Flandreau, South Dakota, October 13, 1976.

or otherwise dispose of equipment owned by agencies that are dissolved through consolidation. These methods generally fall into two categories: the purchase of the equipment by the provider agency and the lending of the equipment to the provider agency.

a. *Equipment purchases.* In cases where local agency equipment is in good operating condition and is compatible with the provider agency's existing equipment, several merged units have purchased equipment from the recipient jurisdictions. These purchases have involved such items as vehicles, mobile and hand-held radios, office equipment, firearms, ammunition and radar equipment.

Purchase arrangements among the agencies studied varied. In Riley County, Kansas:

The law provided that the county turn over to the new agency (Riley County Police Department) the equipment it possessed at no cost and it further provided for the new agency to purchase from the cities involved certain equipment to be transferred into the new agency.³

In another county, the sheriff negotiated a "value" for selected equipment with local officials and "credited" the respective communities. That is, the negotiated value of the equipment was deducted from subsequent invoices for services rendered.⁴

The advantage of negotiating and purchasing used equipment is shared by both parties. The provider agency obtains immediate access to needed equipment at a price far less than would be possible through other channels. The recipient communities actually receive cash or cash value for equipment that might otherwise be unneeded and unused.

b. *Equipment loans.* A number of arrangements exist in which communities loan equipment to a provider agency. The logic behind this arrangement is that if a community becomes dissatisfied with consolidation and wishes to terminate its involvement, it will have access to the basic equipment needed to re-establish a local police capability.

In Nebraska, state guidelines summarize the most common loan approach:

All law enforcement equipment that is relevant to the consolidation and that is existing with the participating agency is to be made available to the administering unit. This equipment is to be submitted to the consolidation on a no-cost loan

agreement providing that the equipment or its replacement will be returned to the original owner in the event that the consolidation is terminated.⁵

Some agencies are required to return equipment comparable in condition and value to that loaned when the community entered into the merger. In one unique approach, localities that joined a regional police agency each contributed equipment from their original departments. Each community, therefore, was credited with contributing a proportionate share of the new agency's "assets". If a community terminates its involvement, it is permitted to withdraw its proportionate share of the agency's assets as calculated at the time of the disengagement. Although this arrangement was termed as equitable, the provider agency likened the potential situation to a "divorce proceeding" where community property would have to be valued and divided.⁶

3. **The purchase of new equipment.** When new equipment must be purchased, special attention should be given to the timing of its receipt. Many merged agencies were required to begin operations with incompatible uniforms and vehicles, and with other equipment that had to be foraged at the last minute because of ordering or shipping delays.

One of the most common causes of this problem is the delay frequently experienced in the receipt of agency funds. One unit faced with this problem applied for a bank loan, using appropriated funds as partial collateral. This "bridge loan" made it possible for equipment to be ordered sooner, and for the merger to begin on schedule.⁷

C. Personnel and Labor Relations

A variety of factors should be considered with regard to personnel and labor relations. Among these are the following.

1. **The issue of too many chiefs.** When initiating work on this study, it was expected that a common problem among merging agencies would involve the conflict and competition between chief law enforcement officers whose agencies would become part of

³ W.L. Penhollow, "Riley County Law Enforcement: An Update on Consolidation", *Kansas Government Journal*, May, 1976, p. 197.

⁴ Field interview: Wright County, Minnesota, October 15, 1976.

⁵ Nebraska Commission on Law Enforcement and Criminal Justice, *State Criminal Justice Plan*, Section A: Consolidation of Law Enforcement Services and Functions, undated.

⁶ Field interview: Excelsior, Minnesota, October 14, 1976.

⁷ Field interview: Northern York County Regional Police Department, September 23, 1976.

a merged unit. This was not true when actual cases were examined.

Most existing consolidations are administered by sheriffs. When consolidation occurs, there is essentially no conflict because the authority of an elected sheriff as the chief law enforcement official of a county leaves little room for debate. Further, the desire of small communities to merge is often precipitated by the resignation or dismissal of an existing chief of police. Even when this is not the case, however, few chiefs or rank and file officers lose their jobs as a result of consolidation. They are usually offered positions with the provider agency if they meet minimum entry standards. Even if the entry level is that of a deputy sheriff, most former chiefs were said to be satisfied because they realized increases in salary and/or benefits (e.g. the salary and benefit packages of nearly all the counties studied were more liberal than those of the small communities within those counties).

Two exceptions to this pattern were found—the Riley County Police Department and the South Lake, Minnetonka Public Safety Department. In Riley County, Kansas, a unique approach was employed. As previously referenced, through constitutional changes and new legislation the office of the sheriff was eliminated in the county and the Riley County Police Department was established. The director of the new agency, selected after a nationwide search, was the former chief of the Manhattan Police Department. The former sheriff was retained by the new department at the rank of captain; however, he received increases in both salary and benefits because of the system used by the new department.⁸

With regard to the South Lake Minnetonka (Minnesota) Public Safety Department, in a move to minimize competition between the former local agencies, a chief was selected from outside the area. The chiefs of the abolished agencies were retained at the rank of sergeant. This resulted in no loss in salary or benefits.

In summary the problem of “too many chiefs” has not proven to be a common issue in small agency consolidations. In cases where the issue arises, the key to its resolution has been the assurance that the former executives would face no salary or benefits decreases.

2. The issue of equalization. “Equalization” is the process by which the best features of the salary ranges and benefit packages of merging agencies are

adopted by the government that will provide law enforcement services. This approach is used principally when it is expected that most of the personnel from the agencies abolished by consolidation will be employed by the new provider agency.

Mergers in which a county is to be the provider unit seldom “equalize” because sheriff’s offices in nearly all but highly populated areas already have the highest salaries and most complete benefits in the county. Equalization is used most frequently when two or more local governments merge or a “regional police department” is established. In these cases, equalization dispels much of the uncertainty and resistance to the merger from the standpoint of local officers by guaranteeing that no one will suffer a financial loss and, in fact, may realize an increase.

Other aspects of equalization involve the adoption of what are considered “the best recruitment and promotional examination procedures; training standards and requirements; and, rank structures. Another common guarantee provided by equalization is that the seniority of persons hired from abolished agencies will be retained.

One area where certain difficulties have arisen involves the equalization of retirement or pension funds. In most cases, small local departments have no established retirement programs, while consolidated agencies frequently do. In cases where more than one local agency has a retirement plan, and specifically where the plans are not under the same basic system, confusion may arise. For example, the main difficulty in implementing one consolidated agency involved the transfer of one community’s pension fund. The problem kept the community from participating in the merger until an opinion was rendered by the state auditor general.⁹ Moreover, if incompatible pension funds exist among participating agencies, special precautions should be taken to obtain a proper legal opinion on the merger or “equalization” of such plans.

3. The hiring of former local officers. Practices concerning the hiring of those local officers left unemployed because of consolidation vary widely among programs administered through sheriff’s offices. In some cases, only highly qualified individuals are retained. As one sheriff indicated, “former local officers are given no promises”.¹⁰ Others retain local

⁸ Local Government Research Corporation, *Northern York County Regional Police Department: Phase I Evaluation* (State College, Pennsylvania, July, 1973), p. ii.

¹⁰ Field interview: Wright County, Minnesota, October 15, 1976.

⁹ Field interview, Manhattan, Kansas, October 26, 1976.

officers even if they do not meet minimum training requirements by "grandfathering" them in. In these instances, salaries are generally low and highly qualified persons are difficult to find. One countywide program (the Decatur County, Iowa, Public Safety Commission) hired many local officers and provided them ten weeks instruction at the state training academy, so that all personnel met minimum training requirements.¹¹

One of the major variables among programs administered by agencies other than a sheriff's office is the way hiring "assurances" are handled. Prior to the establishment of the South Lake Minnetonka Public Safety Department and the Riley County Police Department, personnel from the former local agencies were given verbal and written assurances that they would be eligible to join the respective merged agencies. In Riley County, former personnel were hired based on their past experience, training and individual desire for work area. According to the director, the requested assignment "worked out favorably for all but one or two people out of approximately 100".¹²

Because of the increased emphasis toward consolidation, the State of Oregon has provided legislative assurances that qualified personnel will be retained. Specifically, the state law indicates that:

No public employee shall be deprived of his employment solely because the duties of his employment have been assumed or acquired by another public employer, whether or not an agreement, annexation or consolidation with his present employer is involved.¹³

Moreover, the practice of hiring local officers whose positions have been eliminated through consolidation involves a variety of factors. If communities become involved in a merger situation, therefore, the following questions should be addressed with regard to the retention of former local officers:

- Does the provider agency have sufficient manpower to provide necessary services to an expanded service area.
- If spaces are open, do local officers possess the desire, experience and training to qualify for

employment with the provider agency and, if not, is the provider agency prepared to pay the cost of necessary training.

- If several persons are needed to meet service requirements, does an area have a sufficient manpower pool from which qualified personnel can be drawn, or will it be necessary to lower formal standards to permit the provision of basic services.
- Is it critical for the successful implementation of a merger to assure that all qualified local officers will have the option of "lateral transfer" to the consolidated unit, retaining all seniority, rank, salary and benefits.
- Does state law dictate that all qualified persons must be retained by a merged law enforcement agency.

Regardless of the decisions reached, one point should be remembered. Once consolidation is seriously considered, a policy should be established regarding the hiring of local police personnel. This policy should be spelled out clearly to all local agencies at the earliest possible time. Whether the policy calls for hiring everyone, or just a few, the presentation of the facts will ease the uncertainties and pressures on the affected local officers. It will also serve to minimize the negative outlook that often accompanies uncertainty and that creates unneeded and difficult problems among the communities seeking to consolidate.

4. **The potential for a top-heavy organization.** Most of the pre-merger agencies studied were small and had only a limited number of supervisory personnel. Thus, no problems existed with regard to too many ranking officers. With larger local agencies, however, there may well be more personnel holding supervisory rank than can effectively be used. With regard to two agencies that faced this problem, reassessments of all supervisory staff were made. Although no one suffered financially, rank structures were modified so that only necessary supervisory slots remained, and the most qualified persons were assigned to fill the slots.¹⁴

5. **Arbitrary promotions and pay raises.** The terms of some mergers specify that personnel from local departments will be hired by the consolidated agency at no lower rank or salary than was held at the time of the actual merger. If this condition exists, how-

¹¹ Decatur County Sheriff's Department, *Decatur County Countywide Unified Law Enforcement Concept* (Decatur City, Iowa: Decatur County Sheriff's Department, 1974), p. 27.

¹² Letter from W. L. Penhollow, Director, Riley County Police Department, May 30, 1974, p. 4.

¹³ ORS 236.610 (1).

¹⁴ Field interview: Las Vegas, Nevada, November, 1976, and Koepsell-Girard and Associates, *Consolidation of Police Services Case Study: Jacksonville, Florida*.

ever, persons responsible for administering the consolidated agency should beware of promotions and salary increases which occur prior to the date binding such agreements. In two cases studied (Las Vegas, Nevada and Jacksonville, Florida), local agencies issued such promotions and pay raises. In the Las Vegas case, the consolidated agency successfully overruled these actions. Jacksonville, however, was not so successful. Budgets, which had already been prepared, had to be modified. Further, because additional funding was unavailable, many support and administrative services had to be cut back to cover the unexpected increase in payroll costs. To avoid a similar problem, communities considering consolidation should exercise necessary precautions to make such last minute promotions non-binding.

6. Assimilating personnel from different agencies. In cases involving the transfer of a significant number of officers from local departments to a consolidated agency, attention should be given to the effective mixing of personnel. Law enforcement officers, like any other group, tend to polarize rather than blend, especially during the early stages of a merger. This tends to create cliques and unproductive competition. It also extends the time required for the merged agency to reach maximum efficiency.

Based on the experience of a number of merged agencies that have successfully dealt with this problem (i.e. Riley County, Las Vegas, South Lake Minnetonka Public Safety Department and the Northern York County Regional Police Department), the following suggestions are offered.

- Insure that common uniforms, badges, patches, identification, vehicles and other equipment are available to all personnel at the earliest possible time. Nothing mitigates against assimilation more than the presence of different uniforms at roll call, or different colored vehicles on patrol.
- Assign personnel formerly from one community to patrol other portions of the consolidated agency's service area. This does not mean that such officers should be prohibited from patrolling their "home beat", but rather, to be effective law enforcement officers they should be familiar with the entire area. This increases their effectiveness, particularly in emergency situations, and serves to make the officers a part of the overall unit.
- "Forced mixing" should also be encouraged wherever possible; i.e. in cases where two person patrol units are still used; on various patrol

shifts; in locker assignments; and, in roll call seating.

7. Law Enforcement unions and bargaining groups. In only a limited number of cases were unions or formal bargaining groups found among smaller law enforcement agencies. In cases where they existed among pre-consolidation agencies, they were permitted to transfer to the merged department (these cases involved interlocal and regional departments). Notably, the decision to permit representation in these cases was made jointly by the rank and file officers involved and by the management and/or board of the provider agency.

In instances where two or more unions or bargaining groups exist among agencies that are to merge, the decision to permit such representation should first be made by officials of the communities involved. If representation is supported, the officers from the affected agencies should be permitted to vote on the organization with which they wish to be affiliated.¹⁵

D. Administrative, Legal and Related Considerations

1. Interjurisdictional enforcement authority. The authority of personnel of consolidated law enforcement agencies varied with the nature of the provider agency. Sheriffs, according to most state laws, are the chief law enforcement officers of the county, and are granted "all the powers conferred by law . . . to suppress disorder and keep the peace."¹⁶ Most states also grant that the sheriff may serve any process and make any arrest authorized to be made by any municipal officer. In other words, state law generally grants sheriffs "county-wide powers and overlapping jurisdiction as far as incorporated areas are concerned".¹⁷ Thus, so long as sheriff's personnel are deputized, they have the authority to enforce, at a minimum, state and county laws anywhere in the sheriff's jurisdiction. Formal agreements between the county and recipient jurisdiction generally extend the sheriff's enforcement authority to include local codes and ordinances, if it does not exist already.

¹⁵ This approach was used in the formation of the South Lake Minnetonka Public Service Department, Excelsior, Minnesota.

¹⁶ Chapter 9-26-16, South Dakota Codified Laws of 1967. Most states have similar provisions.

¹⁷ Lester A. Kanstad and Kevin Kavanaugh, *Rural Law Enforcement: McCook County South Dakota* (Sioux Falls, South Dakota: District II Planning and Advisory Commission on Criminal Justice, June, 1973), p. 14.

In cases involving interlocal and regional consolidations, different procedures are followed. In all cases studied, at a minimum, enforcement authority is specified in the agreements which bind the mergers. In the City of Yorba Linda's contract with the Brea Police Department, the chief is expressly empowered to enforce state statutes and the municipal ordinances of Yorba Linda, except those ordinances that require special training of officers.¹⁸ Among regional agencies such as the Northern York County Regional Police Department, authorized services include the investigation of all crimes, the enforcement of ordinances, and "all other services normally provided by a municipal police agency".¹⁹

As an added protection, sworn officers of the South Lake Minnetonka Public Safety Department are "sworn in" as peace officers by the Clerk in each of the participating jurisdictions.²⁰

2. Interjurisdictional accident, false arrest and related liability insurance. Law enforcement activities account for a significant proportion of the liability claims against municipal governments. Most of these claims involve charges of false arrest or detention and automobile accidents involving police vehicles.²¹

When law enforcement services are provided under contract by one community to another, the provider agency assumes liability. It is unclear both in the statutes and courts, however, whether the recipient jurisdiction can be held liable along with the provider and whether joint recovery on claims is possible. Consequently, it is advisable for both the provider and recipient agency to carry liability insurance.

The extent of coverage needed under such circumstances varies from area to area. In Oregon, for example, "liability of a public body and its officers is limited to \$50,000 on a single claim of property damage, \$100,000 on a single claim for other damages, and \$300,000 on all claims arising out of the same occurrence."²²

Although several carriers provide liability insurance coverage, most merged agencies administered

by sheriff's offices utilize the program offered through the National Sheriffs' Association. Generally, this program provides coverage up to \$250,000 per person suing, up to an aggregate of \$500,000 per occurrence, plus the costs of defending the case. Although the program does not cover general automobile liability, it does insure against claims of false arrest or detainment; harassment; malicious prosecution; physical assault; civil rights violations; wrongful processing of papers; attacks while imprisoned; etc.²³

3. Policies and procedures manuals. In one form or another, most larger law enforcement agencies have established and written policies and procedures. Many of the smaller agencies studied, however, have no such guidelines. As the subject was explored, the need for such directives became apparent. One report summed up the general opinion:

Another problem (with the consolidated agency) is the lack of supervision and control over the deputies. There is no set of written policies and procedures for the deputies to follow. Absence of such policies and procedures results in several different ways of handling certain situations, something that a combined system is supposed to remedy.²⁴

The need for policies and procedures is even more critical among newly merged agencies. Consolidation among small agencies frequently involves the hiring of several new officers, and for many, requires the enforcement of laws in several new jurisdictions. Thus, the absence of established guidelines can cause a variety of difficulties. Unfortunately, the organizational and operational stresses of consolidation often make standard policies and procedures one of the last things to be considered.

Moreover, it is strongly urged that during transition, a standard loose-leaf procedures notebook be developed. It should be a collection of written rules, policies and procedures governing all pertinent law enforcement operations, including a law enforcement code of ethics; general responsibilities of all officers; and, general orders on specific matters of concern to all department members. Each member should be briefed on the contents of the notebook and should be provided a personal copy as soon as possible after consolidation.

¹⁸ "Agreement for Law Enforcement Services" between the cities of Brea and Yorba Linda, California, July 1, 1976, p. 3.

¹⁹ Article VI: Section A. Jurisdiction and Power "Articles of Agreement", Northern York County Regional Police Department (Pennsylvania) May 22, 1975, p. 8.

²⁰ Field interview: Excelsior, Minnesota, October 14, 1976.

²¹ Bureau of Governmental Research and Services, University of Oregon, *Municipal Tort Liability and Liability Insurance in Oregon*, 1974, Chapter IV.

²² ORS 30.270, as amended by Chapter 609 Oregon Laws of 1975.

²³ Telephone interview with representative of the National Sheriff's Association, January 17, 1977.

²⁴ Kevin Kavanaugh, et al. *Evaluation of the McCook County Combined Law Enforcement System* (South Dakota Division of Law Enforcement Assistance, August, 1975), p. 10.

4. **The development of common forms.** When the administrator of a merged agency is a sheriff, little must be done regarding the development of common forms. As an effective "tracking device", however, a number of agencies have designed a citation format which incorporates a check-off system specifying the jurisdiction in which an offense occurs (i.e. especially traffic offenses or breaches of local ordinances which would generate fine revenues for the jurisdiction of record) and the court in which the case is to be recorded and heard.

In mergers involving two or more local jurisdictions, one of two courses of action are generally followed. In cases where one local department is expanded to provide services to neighboring communities, its forms are generally used, or modified to include a check-off arrangement similar to that described above. If a regional department is established, all new forms are generally developed (although the content of existing local forms may be considered). This tends to "disassociate" the new agency with any one of the former departments which, correspondingly, makes full assimilation of sworn personnel easier to accomplish.

5. **The recodification of local ordinances.** In enforcing local codes and ordinances, officers of a merged agency must be familiar with the laws of each participating locality. In most cases, provider agencies obtain and centrally file copies of local codes to aid in this task.

Because of the similarities of the laws in most local governments, a number of merged agencies have either recodified or combined the codes into a single volume. These volumes are organized by subject and present the specific citations of each participating community in a format which is easy to read, and far less bulky than the use of individual books. The approach makes it possible for each officer to have a personal copy of the local codes for easy access and quick reference.

6. **The merging of record systems.** The maintenance of a common and complete system of records by a provider agency is critical to successful criminal investigation. Therefore, it is important that the records of departments abolished by consolidation be relocated in the offices of the provider agency.

In most cases, this "relocation" is not difficult because many small municipal departments maintain only a sketchy records system. In cases where substantial records exist, however, they are relocated into the records room of the provider agency. Although they are seldom merged with provider agency records, they are always available for reference re-

garding old cases. New records and records compiled after consolidation are filed in the provider agency's system. Thus, as time passes and as old local cases are cleared or closed, the provider agency's records become the only system.

7. **The merging of communications systems.** In most sparsely populated rural areas, as well as in many more populous jurisdictions, communications/dispatching, is already handled centrally by a sheriff's office. Thus, the problem of merging communications arises only rarely.

In cases where communications are not totally merged, partial consolidations are common. For example, local departments may be responsible for dispatching during standard business hours, but "switch over" to a county system at all other times. In these instances, some merging is necessary, but the process is simplified because of the cooperative experience already gained by the jurisdictions.

If separate communications/dispatching capabilities exist among pre-merger agencies, the following should be considered:

- *Compatibility of communications equipment/frequencies.* It may become necessary to purchase new equipment (or frequency crystals) for some agencies to insure base to unit, and unit to unit communications.
- *Common dispatch codes.* It may be necessary to adopt a common complaint designation code (i.e. for criminal and non-criminal calls for service), and to develop code books and training relating to the new designations.
- *Familiarizing dispatchers and patrol personnel with new territory.* See Section E. 7 of this Chapter for a discussion of this topic.

The merger of discrete local communications capabilities may result in certain economies. If sworn personnel are used, consolidation may permit their reassignment to operations activities. If non-sworn personnel are used, they may be reassigned to other administrative responsibilities, or they may be released, if the communications work force is already adequate.

E. Operational Considerations

1. **The selection, assignment and dismissal of personnel.** Responsibility for the selection, assignment and dismissal of personnel should rest solely in the hands of the director of the provider agency. The only exceptions to this rule should reflect: (1) terms in the agreements between provider and recipient agencies dealing with the hiring of former local of-

ficers; and, (2) grievance procedures established by the provider agency to avoid unjust or prejudicial treatment of employees.

The possibility always exists that personnel assigned to patrol an area may be found "unacceptable" by certain local groups or citizens. To handle these cases, channels should be established between participating communities and the head of the provider agency to discuss the removal or transfer of such persons for cause. In most instances, informal channels of communication will satisfy this need.

As will be discussed in more detail below, many consolidated agencies utilize law enforcement boards or commissions comprised of representatives of participating jurisdictions. Where this approach is used, care should be exercised to keep personnel decisions in the hands of the administrator of the provider agency. In one case studied, a law enforcement board maintained strong decision making authority over many personnel matters. One review of the underlying conditions noted the following:

Since the chief of police was not allowed to make final decisions in these matters, the men decided to deal directly with council members . . . There were a number of meetings between the men and elected officials. At these meetings, department procedures were discussed, as well as complaints about salaries, benefits and security. With the advent of these meetings, department discipline began to drop rapidly, the department became fragmented and there was virtually no unity or leadership in the department.²⁵

2. Permanent assignment vs. rotational plans. From agencies studied, it appears to be a local option whether to rotate personnel or assign permanent patrol beats. Most agencies studied favor periodic rotation, particularly regarding general patrol activity. Fixed assignments are most common among specialty units such as investigation, crime prevention and other activities requiring special training.

A number of legitimate arguments were noted in favor of both rotation and fixed assignments. Proponents of fixed assignments argued that it:

- Permits staffing with volunteers.
- Increases knowledge of locality.
- Promotes job specialization.

- Improves knowledge of area crime problems, patterns and local suspects.
- Creates the feeling of a "local beat cop".

Those who favor periodic rotation indicated that it:

- Maintains the interest of officers and keeps productivity up.
- Avoids "over-familiarity" with local people.
- Eliminates staleness and dissatisfaction caused by being tied down to one area.
- Provides opportunities for professional growth through exposure to different areas.
- Makes officers more valuable in emergency situations because of their familiarity with other parts of an agency's service area.

The most common rotation plans involve monthly changes of assignment.

In resolving the issue of fixed versus rotational assignments, decisions must be based on local needs, the desires of recipient jurisdictions and the professional prerogative of the administrator of the provider agency.

3. The use of resident deputies or officers. This technique is not employed by all consolidated agencies. When it is used, however, it is generally by county-wide agencies.

In practice, resident deputies or officers are assigned on a permanent basis to essentially provide all law enforcement services within a physically isolated community and its surrounding rural area. The officer generally resides in the community he serves. If housing is unavailable, some agencies purchase and locate a mobile home in the area for the officer's use (i.e. the Las Vegas Metropolitan Police Department).

The decision to utilize a resident program is dictated most commonly by geography. In many counties, participating jurisdictions are located as much as an hour's drive from headquarters. Thus, the resident program may substantially reduce response time and essentially provide a "local officer" who has access to the back up resources of a larger law enforcement agency.

If an agency is considering the use of a resident program, care should be exercised in selecting the right person for the job. That is, the officer must have the proper attitude and aptitude to work in such an environment and must be trustworthy and a proven "self-starter", since direct control over out-stationed personnel is quite limited. Further, the guarantee of at least a semi-permanent assignment

²⁵ Vernon Lindemann, "A Survey of Governmental Forms and the Political-Police Relationship", a paper presented to the Center for Studies in Criminal Justice, St. Cloud State University, April, 1976, p. 14. The author was a sworn member of the subject department during this period.

must be provided if an officer is to relocate to a designated area.

4. **Central headquarters versus the use of field offices.** Most consolidated agencies maintain only one office. In some cases, however, additional field offices are established.²⁶ Such offices are commonly small storefront arrangements that are used by officers that patrol the area for purposes of writing reports and for initial interviews of witnesses and suspects. Realistically, however, these offices are frequently used to create the illusion of police presence or "visibility" and to serve public relations needs.

5. **Patrol practices.** As described above, patrol personnel in the merged agencies studied cover both urban concentrations and surrounding rural areas during typical tours of duty. Because of the large territory that must be covered, some agreements specifically rule out "door checks" as a patrol duty. Of all the areas of dissatisfaction with merged patrol service, interestingly, this issue arose most frequently. Although the services provided by pre-consolidated agencies were frequently limited, they did include a "night watchman" service that was particularly appreciated by local businesses. Even with the broader patrol service available through consolidation, the loss of the door check service has created dissatisfaction in many areas. Therefore, if it is at all feasible, the patrol activities of a merged agency should include at least a limited door check service. It is not only an effective crime prevention measure, but is a valuable public relations technique.

6. **The role of reserve/auxiliary units.** An increasing number of law enforcement agencies are utilizing the services of reserve officers. According to one survey, 46 percent of the cities under 5,000 population which responded used reserves for regular patrol duty, to cover vacancies created by vacations and other temporary absences of regular, full-time officers.²⁷

Of the merged agencies studied, an extensive and diverse use of reserves was found. In addition to filling such vacancies as noted above, reserves:

- Serve as the second officer in patrol vehicles on key shifts or in times of increased criminal activity.
- Are used on special stake outs.
- Check on residences while persons are away on vacation.
- Serve in crowd and traffic control situations on holidays, at school functions, etc.
- Supplement regular patrol on weekends.

One merged agency uses reserves on walking beats to patrol commercial areas. This practice was first used to curb vandalism and was found to be so successful it was continued.²⁸

Training for reserves varies from on the job training in some rural areas to the completion of 40 to 160 hours of standard law enforcement training in more urban jurisdictions. Reserves are generally in uniform while on duty and frequently carry sidearms. Their powers of arrest vary among jurisdictions. One agency studied requires its reserves to serve a minimum number of hours each month, not only to supplement sworn personnel, but to keep them active and proficient.²⁹

Another value of the use of reserves is that they generally serve on a voluntary basis and are not paid, except on occasion, for uniform allowance and mileage for the use of personal vehicles. Thus, recipient jurisdictions benefit from the availability of extra manpower at little or no additional cost to its taxpayers.

7. **Familiarizing personnel with the "new territory".** Familiarizing patrol and dispatch personnel with the expanded service area of a merged agency is of critical concern. The nature of this familiarization process varies considerably from rural to more urban areas.

In rural areas few streets, even within town or village limits, have either names or numbers. Locational instructions are generally keyed to the name of the caller or by a major landmark. In small communities, local law enforcement officers generally know all residents by name and are familiar with the location of specific homes and businesses. Thus, when service is to be provided by a merged agency, special care must be taken to familiarize each officer with the citizens and geographic layout of recipient communities.

In more populated areas where street names and numbers are common, both patrol and dispatch per-

²⁶ For example, among the agencies studied it was found that field offices are maintained in Yorba Linda by the Brea Police Department and in the City of West Point by the King William County (Virginia) Sheriff's Office. Source: Field interviews in Brea, California, on October 29, 1976 and Lancaster County, Virginia, on October 4, 1976.

²⁷ League of Oregon Cities, *Police Reserves in Oregon: A Survey Study*, 1975.

²⁸ Field interview: Excelsior, Minnesota, October 14, 1976.

²⁹ Field interview: Manhattan, Kansas, October 16, 1976.

sonnel are generally issued updated maps or map-books with easy-to-interpret coordinates.

The most complete familiarization process found among the agencies studied was in the Riley County Police Department. At the time of its merger and as new recruits are hired, a series of maps are used for briefing and testing purposes. The maps are used to familiarize personnel with the names, identification numbers and locations of the following features, or "landmarks" in the service area:

- Rural fire stations
- Major subdivisions
- State and federal highways
- County roads
- Landmarks (i.e. schools, churches, farms, geologic formations, etc.)
- Public use areas (i.e. parks, marinas, public buildings, etc.)
- Villages
- Townships and township boundaries

This approach is used to train dispatchers to recognize the location of calls for service by the indicators most commonly used by area citizens. Correspondingly, dispatchers can direct patrol units to the location of calls even when an officer is unfamiliar with the person or family seeking assistance.

8. The enforcement of local codes and ordinances. Provider agencies serving a number of recipient communities frequently have difficulty becoming familiar with the varied codes and ordinances of these jurisdictions. As referenced above, some areas have recodified local laws or have combined them in a common, indexed code book. Unfortunately, this is the exception rather than the rule.

One means used by provider agencies to minimize this problem is found in Wright County, Minnesota's standard law enforcement contract. It specifies that the sheriff's services:

shall include the enforcement of Minnesota Statutes and Laws and the municipal ordinances which are of the same type and nature as Minnesota State Statutes and Laws enforced by the Sheriff in unincorporated territory of said county.³⁰

Merged agencies occasionally avoid the enforcement of certain "nuisance" ordinances. The most

common of such ordinances, and a manner of avoiding their enforcement is illustrated in Saline County, Nebraska's interlocal agreement, which indicates that the sheriff will enforce:

all village ordinances except those that pertain to the maintenance or supervision of trash removal and the disposal of domestic animals unless proven to be unsafe.³¹

In terms of general patterns of enforcement of local codes, two practices are common. First, patrol personnel do not openly search for local code violations. Rather, they respond to complaints pertaining to such violations. Second, the strictness of enforcement (e.g. the issuance of warnings vs. citations) is generally defined jointly by the head of the provider agency (or the resident deputy/officer assigned to an area) and an elected representative of the recipient community.

9: The change of law enforcement emergency numbers. As noted earlier, centralized communications is common in many parts of the country. In areas where this service already exists, no change in police emergency numbers is necessary as a result of consolidation.

When emergency numbers must be changed, two common practices are used. First, for several weeks preceding a merger, the fact that the change will occur, plus the new emergency number and its effective date are advertised over local radio stations and in local newspapers.

Second, arrangements are made with the telephone company to either: (1) extend the time period during which a recorded message will notify the caller of the new emergency number when the old one is dialed (i.e. the referral should be extended to at least six months); or, (2) an automatic switch-over arrangement is made so that calls to the old number are automatically tied in with the new number.

It is important to note that the required change of emergency numbers due to consolidation also provides an ideal opportunity to convert to a "911" system. The account executive for city and county government of the telephone company which serves the participating jurisdictions can provide the necessary information regarding this service.

³⁰ "Law Enforcement Contract" used by Wright County, Minnesota. Section 1 d.

³¹ "Saline County (Nebraska), Village of Western Interlocal Cooperation Agreement: Law Enforcement", April 17, 1973, Section 5, p. 2.

CHAPTER VII THE RELATIONSHIP BETWEEN THE PROVIDER AGENCY AND RECIPIENT JURISDICTIONS

A. The Use of Formal Contracts or Agreements

1. **Contracts and agreements: a definition of terms.**¹ Interlocal agreements and contracts are the most widely used formal instruments of cooperation among governments in the United States. They offer a flexible yet predictable and enforceable method of providing consolidated law enforcement services and can be used without affecting basic governmental structure or organization.

In the strictest sense, service "agreements" are commonly used to undertake jointly any functions or responsibilities which governments can undertake singly. They provide formal status to arrangements which might otherwise be carried on informally as, for example, sharing responsibility for the maintenance and upkeep of a border street or other facility between jurisdictions. They also offer a formal basis for mutual aid, for example, when the need arises for back-up law enforcement services.

"Contracts" are used mainly for the purchase of services which are to be provided by one agency on behalf of another. Here, the relationship between the agency buying the service and the agency selling it is virtually identical to that between any public agency purchaser and a vendor.

2. **Contract or agreement: which to use.** Generally, if a mutuality of interest, resources, facilities and potential contribution exists among jurisdictions, a joint agreement approach should be used. For example, in developing mutual "back up" agreements many law enforcement agencies operate on a "you help us, we'll help you" type of understanding.

Agreements, however, are not applicable in many cases where one organization provides services to another. Contracts are normally executed if services are needed on an ongoing basis. The contract approach may also be more appropriate when the co-

operating jurisdictions are of different types, with different organizational structures; i.e. county agencies working with municipal organizations. Notably, contracts for services are particularly well adapted for providing a standardized service such as that involving law enforcement activities.

A contract also provides a binding legal document which details the type, nature and conditions under which services are to be rendered. It can detail points in a manner and format that can avoid later misunderstandings and disputes.

B. Features of Law Enforcement Contracts: A Suggested Model²

Interlocal contracts are rarely uniform. Variations reflect the nature of the understanding, controlling statutes, prevailing local conditions and the style of those involved in the contract negotiations and preparation process. There are, however, certain basic provisions that should be covered in any contract for the provision of interlocal law enforcement services. These provisions are outlined below.

1. **Nature of the document.** The contract document should begin by identifying the jurisdictions involved and their legal relationship. It should also include a general preamble which describes the nature of the services to be provided, the desirability of the joint undertaking, and the legal authority which permits the consolidated provision of law enforcement services.

2. **Work to be performed.** The contract should clearly set forth the nature and level of services that are to be provided. The "nature" of services should include reference to preventive patrol, response to other calls for service, criminal investigation, records, communication, detention, etc. Reference to the "level" of service may specify the number of

¹ Advisory Commission on Intergovernmental Relations, *A Handbook for Interlocal Agreements and Contracts* (Washington, D.C.: U.S. Government Printing Office, March, 1967), pp. 2-14.

² Much of the material in this section was derived from ACIR *Handbook*, pp. 55-59 and Institute of Urban Studies, University of Texas at Arlington and the Texas Municipal League, *Handbook for Interlocal Contracting in Texas* (Arlington, Texas, November, 1972), pp. 19-29.

hours of patrol coverage that will be provided each day or week. More generalized language might also be used, such as:

- Such services shall encompass only duties and functions of the type coming within the jurisdiction of the (county sheriff) or (chief of police) pursuant to the laws and statutes of the state.
- The standard level of service provided shall be the same basic level of service provided to (unincorporated areas) or (the jurisdiction presently served by the department). This generally includes . . . (specify).

The contract should also specify the degree to which the provider agency will assume responsibility for the enforcement of local codes and ordinances (i.e. trash removal, barking dog calls, health ordinances, the sale of licenses, and other matters related to local ordinances). Additional determinations as to the types and amount of services might include the number of personnel to be assigned; stipulations as to back up service when duty patrolmen are called away from the city; average response time; use of special equipment such as a mobile crime lab; the provider's participation in community relations activities; and, **periodic reports** the provider would provide to **document service** actually rendered under the contract.

3. Liability. The contract should specify which party will assume responsibility of defending the provider agency in a suit. It should also include a general indemnification clause under which one party agrees to indemnify or compensate the other should it be found liable. Since the recipient jurisdiction will have little control over the actions of deputies/officers of the provider agency, an understanding should be sought to hold the recipient jurisdiction harmless for any liability arising from the provision of the specified services.

4. Amount and manner of payment. The contract should specify the amount the recipient jurisdiction will be required to pay for the service, and the time and manner in which payments are to be made. The amount should be based on a mutually agreeable formula or procedure (i.e. proportionate share based on established criteria, unit cost based on specified units of service, etc.).

Terms should also include specifications as to the distribution of fines and other revenues that may be generated by and accrued to the recipient jurisdiction. For example, the provision might call for the payment of all such revenues to the provider agency

with an appropriate credit applied to the recipient jurisdiction's monthly or annual payment.

Finally, in newly merged agencies the contract should specify that the provider agency may apply for federal financial assistance and contributions from other public and private sources, and that local payments can be used for necessary "local cash match".

5. Other fiscal procedures. The contract should require the maintenance of records and the issuance of financial report. The provider agency should be required to make its books and records available for inspection and audit by the recipient jurisdiction. Provisions should also be made for the periodic review and assessment of rates or charges for law enforcement services. To insure that adequate latitude is provided, it is preferable that the contract contain a formula for the escalation of such rates. This is important since a vague provision to "review and revise charges at some future point in time" provides little, if any, protection.

6. Administration. There should be specific reference to the persons or officials who represent the parties to the contract, so that all notices, amendments and other communications will be received by those persons or officials. There should also be a provision to the effect that the provider agency retains sole control over the hiring, deployment and dismissal of its personnel.

7. Law enforcement boards. If the merger incorporates a standing law enforcement board or committee, the contract should specify the composition of the board, as well as its role, responsibility and relationship with the administrator of the provider agency.

8. Real property. The contract should detail the types of real property (i.e. vehicles, communications equipment, etc.) and the manner in which it will be transferred to the provider agency (i.e. purchased by the provider agency at a negotiated value; loaned to provider agency for the duration of the recipient's participation then returned, etc.).

9. Duration, termination and amendments. Provisions should specify the duration of the contract, which may be for a set period, or may be indefinite. Such provisions should also detail procedures for cancellation, with proper notification, at the end of a term, and for renewal if an additional term is desired by the parties.

The circumstances under which either party may withdraw from the contract for cause should also be specified (i.e. failure of the recipient jurisdiction to meet the established payment schedule, failure of

the provider agency to render the specified services, etc.). This might also include provisions for notice and for legal suits and actions in the event of default by either party.

Finally, procedures should be delineated to permit modification or amendment to the contract.

10. **Other provisions.** Depending upon the nature and terms of the merger, other provisions such as the following should be considered:

- Provisions that the administering agency will render supplemental or emergency coverage, including the designation of a person or official authorized to request such coverage on behalf of the recipient jurisdiction.
- Provisions for citing certain offenses in specific courts (i.e. state, county or local) and specifications as to which jurisdiction must assume the costs of prosecution and detention of cases heard in the various courts.
- Provisions for the recipient jurisdiction to pay specific additional costs for services not spelled out in the "work to be performed" section of the contract. This may relate to special events, traffic or crowd control, school crossing guard service, etc.

Generally, intergovernmental contracts need not be overly complex, but they should stipulate those basic provisions which the parties intend to govern their relationship. Nothing should be left to chance. All matters agreed to verbally should be reduced to provisions in the contract. This is particularly important when one realizes the difficulty of one city council or county board knowing what was intended by its predecessors. Only through a written contract can safeguards be provided against future misunderstandings and disputes over interpretation.

An outline of these suggested contract provisions is presented in Appendix H.

C. Negotiating the Contract

Following the decision to participate in a consolidated law enforcement system, six general steps are involved in negotiating a services contract. These steps are outlined below.³

- Negotiations are opened between the provider agency and the recipient jurisdiction. The terms and conditions of the contract are defined and a decision is made as to which party is to prepare the contract document. Those involved in

³ Institute of Urban Studies, *Handbook for Interlocal Contracting in Texas*, pp. 29-30.

this step commonly include the administrator of the provider agency and local councilmen and legal counsel of the recipient jurisdiction.

- A preliminary contract instrument is prepared, including all matters agreed to verbally. Legal safeguards for the parties are also incorporated. Legal counsel for the parties are the key participants at this stage.
- A legal and substantive review of the preliminary instrument is made for possible additions or corrections. The same persons that were engaged in the first step are active at this stage.
- A final negotiating session is held to resolve differences and reach agreement on the terms and conditions to be contained in the final contract. This involves the administrator of the provider agency, local councilmen and local counsel.
- A resolution is drafted and adopted approving execution of the contract and authorizing the appropriate officials of the provider agency and recipient jurisdiction to sign the agreement. This action is taken by the local council and the governing body of the provider agency. In cases where the sheriff is the provider agency, it is common for such contracts to require the signature of both the sheriff and the county council/commission.
- Merged law enforcement service is initiated as called for in the contract.

D. The Use of Permanent Law Enforcement Review Bodies

1. **The establishment of such bodies.** Law enforcement boards, commissions and committees function as part of many merged systems. In some cases these bodies are a perpetuation of planning committees established during the feasibility study stage of the merger. In other cases they are called for in state enabling legislation or are voluntarily established and sanctioned in interagency contracts.

These bodies are generally comprised of appointed representatives from each participating jurisdiction. The representatives are usually members of county or municipal councils. Frequently, a county and/or city attorney is also appointed as a member.

2. **Purpose and role of review boards.** The specific responsibilities of local law enforcement boards vary, but general duties primarily involve policy making, oversight of activities, and apprising the

provider agency of specific problem areas. More specifically, such boards assist in:

- Coordinating grant requests.
- Setting standards of service regarding quality and quantity.
- Providing a forum for representation of the population centers being served.
- Providing a nucleus through which a quality of cohesiveness can prevail.
- Providing a "check and balance" between government and the needs of the people.
- Approving the provider agency's budget, as well as methods of allocating service costs.
- Reviewing and approving department or operating policies, rules and regulations.
- Determining priorities for the expenditure of law enforcement funds.
- Reviewing existing levels of service and recommending changes in those levels.
- Providing a forum for identifying, discussing and resolving problems and disputes (these may be purely local or areawide in nature).

As can be observed, the role of these bodies is to assist in policy making by reviewing alternatives and offering recommendations. Other than the formal approval of budgets, however, their recommendations are advisory.

The opinions of the heads of merged agencies differ regarding the establishment and use of these bodies. Several sheriffs believe they are responsible only to the electorate and the quality of their performance is judged every four years. Based on telephone and field interviews, law enforcement commissions are sometimes viewed as interfering with the sheriff's public mandate.

Most sheriffs interviewed, as well as chiefs of interlocal and regional agencies, however, felt otherwise. The boards were seen as contributing significantly toward resolving local problems and

maintaining open communications between provider agencies and the communities they serve.

Public officials and citizens contacted felt the same way. In fact, one of the principal fears expressed concerning police consolidation was that pre-merger committees would lose control over the quantity and quality of law enforcement services. The use of boards or commissions has greatly alleviated this fear.

3. **An important precaution.** Whether mandatory or voluntary, the functions of law enforcement boards should never interfere with the authority of the administrator of a provider agency regarding the delivery of police services. As was noted earlier, one agency made this mistake, which nearly destroyed an otherwise well functioning consolidated operation.

E. Other Means Used to Maintain Communication Between Provider Agencies and Recipient Jurisdictions.

Aside from permanent law enforcement boards and commissions, a variety of other techniques are used to maintain communications between provider agencies and recipient jurisdictions.

In most rural areas jurisdictional as well as citizen complaints about the quality or nature of service are reported directly to the sheriff or chief. As the population of areas served increases, two other techniques are used.

- A specified deputy or officer is assigned to attend the council meetings of participating jurisdictions.
- One person in each locality, usually an elected councilman, is designated the "law enforcement liaison officer". All local complaints about service are reported to this person who, in turn, deals directly with the head of the provider agency to resolve the matter.

CHAPTER VIII. EVALUATION: A MEANS OF ASSESSING AND STRENGTHENING A MERGED LAW ENFORCEMENT SYSTEM

A. The Use and Limitations of Evaluation

Until fairly recently, evaluation was likened by many to a program "audit", where an "outsider" studied an agency to identify its mistakes and flaws. Fortunately, both evaluators and program managers have begun to understand that such assessments can and should be a positive tool so long as suggested methods of improvement accompany the identification of program shortcomings. One proponent of this approach is the Chief of the Northern York County Regional Police Department, who suggests that "an evaluation should be performed every three or four years as a means of identifying weaknesses in the system as well as methods of improvement."¹

Of the consolidated agencies studied, approximately one-third have been evaluated on at least one occasion. Two of these studies were carried out internally by the director of the agency; several were completed by staff of a state or regional planning agency; and, the remainder were conducted by private consulting or research organizations.

Of the studies examined by ITREC staff, both the substance and comprehensiveness varied widely. Many were essentially subjective assessments of the general acceptance and "success" of a merged agency. Others were more objective, but dealt in only a limited fashion with indicators of agency impact and efficiency. The general absence of these indicators, however, cannot be reasonably blamed on the evaluators. ITREC's examination of the literature found only sparse reference to the evaluation of consolidated police agencies. Following a similar literature review, another paper noted "that only limited thought and study has been given to the notion of technical efficiencies and economies of scale relative to law enforcement services."²

¹ Field interview: York County, Pennsylvania, September 23, 1976.

² Robert Terpstra and Lanny Streeter, *An Examination of the Conceptual Approaches to Economies of Scale and the Allocation*

Moreover, although the need for and use of evaluation among merged agencies has grown, the conceptual base underlying such evaluations has remained relatively static.

B. Suggested Indicators for Assessing Merged Law Enforcement Agencies

Although the science of evaluating consolidated law enforcement systems may be limited, certain indicators exist which may be used to obtain at least a partial profile of agency activities and accomplishments. Based on the review of existing evaluations, the literature search described in Chapter I, and the field experience of project staff, potential indicators in three major areas will be outlined. These areas relate to:

- An agency's effect on crime-related activity, or its "impact".
- An agency's service capability and operations, or its "efficiency".
- An agency's reception within the area it serves, or its "acceptance".

Before delineating indicators in these areas, however, it is important to discuss the ways they may be used in the evaluation process. In particular, conditions associated with a consolidated agency can be assessed in three common ways, as follows:

- *Before and after comparison.* This is the most common approach used. For example, the data or condition which existed among pre-merger agencies is compared with similar data or conditions after a merger has taken place. This method of comparison is informative so long

of Resources in Law Enforcement (Falls Church, Virginia: 1974), p. 1. One report, however—Advisory Commission on Intergovernmental Relations, *State-Local Relations in the Criminal Justice System* (Washington, D.C.: U.S. Government Printing Office, 1971), presented an appendix which revealed a few economies of scale which may be realized when moving from small to medium-sized police departments.

as changes in variables which may influence these conditions are taken into account (i.e. population increases or decreases, area serviced, etc.).

- *Comparative rates of change.* In some cases, the rate of increase or decrease of a factor (i.e. per capita costs for law enforcement, crime rates, etc.) for a period of time before and after a merger is compared. In some cases, this method can provide a more realistic and accurate means of comparing the results of a consolidation.
- *Comparison of projected conditions.* When comparing such factors as law enforcement expenditures, criminal and non-criminal activity, etc., trend-line projections can be developed for pre-merger agencies (i.e. expenditures or activity is projected to reflect what would probably have occurred if the local agencies had continued operations, rather than merged). The years for which projections are made are then examined against the years for which a merged agency has actual operating experience. This method also attempts to take account of such variables as inflation, salary increases, population growth, demands for expanded service, etc.

In the actual assessment of a consolidated law enforcement agency, an evaluator must determine which of these methods will be most useful in accurately depicting levels of accomplishment. In any one instance, a single method or all three could be used to more accurately portray the changes that have taken place.

1. **Agency effect or impact.** Accurately assessing a merged agency's effect or impact is the most difficult type of evaluation. Part of the reason stems from the problems encountered in differentiating the effect that consolidation has had on a particular condition from the effect of other factors (i.e. economic recession, population and demographic changes, etc.). These difficulties are most problematic when such factors as reported crimes, crime rate and clearances are examined.³ An increase in crime rate (a generally negative indicator of an agency's effectiveness) may be indicative of improved crime reporting, not a flaw in a merged agency's performance. Similarly, an increase in clearances (a generally positive indicator) could just as likely be the result of

an arrest in which a suspect admits committing several other similar crimes in an area, rather than improved performance of a consolidated department. Even with these difficulties, however, these factors should not be dismissed altogether, since their use can produce certain useful information.

Following is an outline of some of the types of information that can be gathered and reviewed for purposes of evaluating a merged agency's effect or impact.

- *Crimes reported to the police, or crime rate.* This may focus on the overall incidence or rate of Part I and Part II offenses, or specific offenses (i.e. burglary, aggravated assault, theft, etc.). Because of the difficulties in verifying cause and effect in an entire service area, this indicator may be more meaningful if data for a specific target area are analyzed (e.g. a rural area that prior to consolidation received little or no patrol coverage and was victimized by high livestock or equipment losses, but which was reduced after the agency began more intensive coverage).
- *Clearance data.* A steady increase in clearances by arrest for all or specific Part I or Part II offenses may be an indicator of merged agency effectiveness—not just a “fortunate” arrest (i.e. it may be indicative of improved investigative capabilities, improved techniques of securing crime scenes to protect evidence, etc.).
- *Traffic accident records.* This could involve a before and after, or rate of change comparison of trends in vehicular accidents involving property damage only, personal injury or fatalities. A reduction in all such accidents, but especially in those involving personal injury or death might be a positive indicator of agency impact. A comparison of the issuance of citations for non-parking violations with trends in accidents could help to verify cause and effect.

2. **Level of service or agency efficiency.** Since little evidence exists which supports the contention that consolidated agencies are more economical than separate local departments, much debate has centered around the level or quality of service merged units offer. This debate continues at a high pitch, because a general consensus does not appear to exist regarding the definition of an “acceptable level of service” (e.g. this is generally a local consideration). Nonetheless, a number of indicators are available which may provide a basis for comparing the level of service provided by a merged agency with that which was

³ It is generally accepted that variations in reporting, as well as reporting procedures, have opened the accuracy of these data to serious question.

available under pre-merger arrangements. They include the following:

- *Personnel strength.* This might involve a comparison of total personnel (or just sworn officers) per capita or per 1,000 population before and after consolidation.
- *Activity assessment.* This indicator might involve a comparison of the activity of a merged agency with agencies that existed before the merger. Specifically, this might involve the following:
 - a. Average arrests per sworn officer.
 - b. Average parking and non-parking citations issued per sworn officer.
 - c. Average overall activity per patrol officer (i.e. citizen contacts, responses to other calls for service, etc.). Such activity might include:
 - 1. Motorists aided
 - 2. Warnings issued
 - 3. Accidents covered
 - 4. Suspicious vehicles checked
 - 5. Suspicious pedestrians checked
 - 6. Open doors/windows reported
 - 7. Fires or other emergencies covered
 - 8. Citizen complaints covered (i.e. noise, animals, domestic, etc.)
 - 9. Miscellaneous activity
- *Effective patrol strength.* Persons assigned to patrol or traffic duty are the individuals in any law enforcement agency that make most citizen contacts, cover complaints and, essentially, provide the services which most directly effect a community and its citizens. Indicators associated with this service might include the following:
 - a. Total manpower assigned to or engaged in patrol activities (i.e. the number of people that pre-merger agencies and the merged agency have "on the street". This might include field sergeants and other ranking personnel if they regularly perform these duties).
 - b. Average patrol strength. This might involve a comparison of total patrol complements before and after a merger. This indicator may be further broken down to reflect patrol strength by:
 - a. Shift
 - b. Day of week
 - c. Per capita in service area
 - d. Per square mile of coverage area
 - e. Per mile of roadway in service area
 - f. Population served per patrol officer
 - c. Size of patrol beats. This might involve a comparison of the average square miles of patrol beats of all pre-merger agencies, with the average beat size after consolidation.
 - d. Hours (12, 18, 24, etc.) or man-hours of patrol service provided during each day or week.
 - e. Vehicle miles driven in average day or week in providing patrol or related services, or total miles driven per week, month or year by entire agency fleet.
- *Nature of personnel.* Although the "quality" of an individual law enforcement officer depends, to a great extent, on such personal characteristics as attitude, aptitude, drive, judgement, etc., the following general indicators might be used in developing a profile of a merged agency's overall personnel complement (data should be gathered and compared for both full-time and part-time sworn personnel):
 - a. Average hours of basic training completed. (This may be influenced by state law enforcement training requirements, but increases in this area may be an indication of fewer "grandfathered" personnel, or marginally-trained part-time officers/deputies.)
 - b. Average hours of additional in-service training completed.
 - c. Average amount of formal education completed.
 - d. Average years of law enforcement experience prior to joining subject agency.
 - e. Average years with subject agency.
- *Cases filed.* This indicator may not only be valuable in assessing productivity, but also the quality of police work. Specific areas for which data might be gathered and compared include:
 - a. Total adult and juvenile cases filed. (Increases in cases filed could result from any of three factors—more aggressive police work; more aggressive prosecution; or, an increase in criminal activity. It is reasonable to assume, however, that at least part of a registered increase in cases filed could be the result of more effective detection and apprehension efforts.)
 - b. Percent of cases filed which are actually prosecuted (e.g. or dismissed because of

insufficient or improperly gathered evidence).

- c. Percent of prosecuted cases resulting in convictions.

Another potential measure of a merged agency's "level of service" concerns cost-efficiency. Although the use of certain cost measures have been subject to difficulties (i.e. the absence of effective yardsticks for measuring police performance)⁴, certain indicators might be useful. These include:

- *Comparative increase or decrease in expenditures.* This might include the calculation of total law enforcement expenditures per capita or per law enforcement agency employee (i.e. non-sworn and/or sworn). For each year of a consolidated agency's existence for which such changes are measured, comparable figures should be developed for independent county or local departments of a similar size or nature, or for local agencies that existed before consolidation. In the latter case, data should be examined for a similar number of years before the merger, or projected for the same years for which data on the merged agency was calculated.⁵
- *Comparative costs for specific law enforcement activity.* This measure can be accomplished by dividing total arrests, clearances, traffic citations, or citizen contacts for a designated fiscal year(s) into the total law enforcement budget of a consolidated agency for that year(s). This "per unit" cost figure can then be compared with similar costs incurred by pre-merger local agencies, or selected, existing local agencies. If per unit costs for the merger agency are to be compared with pre-merger agencies, care should be taken to recognize the effect of inflation.⁶

⁴ Terpstra and Streeter, p. 4, and the University City Science Center, *A Judgemental Assessment of Contract Law Enforcement* (Washington, D.C.: The University City Science Center, 1976), p. 77.

⁵ It should be remembered that data resulting from such a comparison can provide useful information with regard to actual expenditures. This should not be construed to describe the quality or quantity of police services. Increases or decreases in expenditures should be compared with level of service information described above (i.e. total personnel, etc.).

⁶ For example, assume that pre-merger agency figures for 1975 are compared with 1977 figures for a merged agency. Also assume that the overall inflation rate for the two year period was 14 percent. That means that the purchasing power of \$1.00 in 1975 is worth only about \$.86 in 1977. Thus, the per unit cost of an

Analysis of a variety of other organizational characteristics of a merged agency might also be helpful in assessing available levels of service. Unfortunately, evaluation of many of these factors may be subjective (i.e. it may not be possible to scientifically support the contention that the approach used by a consolidated agency is better than the approach used prior to consolidation). Nonetheless, the following characteristics of a merged system might be compared with pre-merger arrangements.

- *Organizational balance:*
 - a. Generalist vs. specialist positions
 - b. Span of control
 - c. Internal reporting channels
- *Management control practices:*
 - a. The availability and use of an operations and procedures manual
 - b. Activity reporting logs and procedures
 - c. Availability of planning and research or crime analysis capabilities
 - d. Availability of specialty units, such as CID, crime prevention, tactical, juvenile, etc.
- *Field services:*
 - a. Methods used in the scheduling and deployment of manpower
 - b. The amount and general quality of supervision
 - c. Work load by patrol district and shift
 - d. Quality and availability of field and investigative equipment
- *Support services:*
 - a. Nature of in-service training opportunities
 - b. Availability of 24-hour communications
 - c. Nature of records system
 - d. Nature of evidence and property control system
- *Personnel management.*
 - a. Recruitment and selection procedures
 - b. Performance evaluation procedures
 - c. Availability of educational incentives
 - d. Career development opportunities

3. **Public opinion or agency acceptance.** The final area in which usable evaluation indicators are available concerns public opinion and the general acceptance of a merged agency by the communities it serves. In making this assessment, four types of people or groups might be contacted. They include:

- Members of law enforcement boards or commissions.

arrest, clearance, etc. in 1977 should be multiplied by .86 to arrive at an accurate basis for comparison.

- Local elected officials and/or designated law enforcement liaison persons from recipient jurisdictions.
- Citizens who have had contact with the agency (i.e. persons who have filed a complaint, reported a crime or requested a service).⁷
- Members of the media, especially editors of local newspapers.

When dealing with these groups, different types of information should be sought. Among the questions that might be raised include the following:

Members of law enforcement boards or commissions, locally elected officials and designated liaison persons:

- Are you generally satisfied with the level and quality of service provided by the merged agency?
- Are there specific areas where you feel improvement is needed? Specify.
- Do you believe the system provides a different level or quality of service than was available prior to the merger? Specify.
- What specific areas of service do you feel are better or worse?
- What types of complaints regarding law enforcement services have you received from your constituents?
- Have the complaints been valid? If so, did the provider agency deal with them to your satisfaction and to that of the complainant?
- Do you feel you are adequately apprised of the nature and extent of services your community is provided under the merged system? If not, in what areas have briefings fallen short?
- Do you think your community is receiving all the services for which it pays? If not, where has service fallen short?
- What additional services do you think should be provided?
- Do you believe your role as a law enforcement advisor is useful? How might your role be improved?

⁷ Local citizens who have been apprehended and convicted or fined for the violation of the law are not likely to be unbiased in their view of a law enforcement agency (Springsted Incorporated, *Analysis of Law Enforcement Resources: Wright County, Minnesota* (St. Paul, Minnesota: July, 1973), p. 57). Further, it is probably fair to say that those individuals who have little or no knowledge of a merged system tend to be critical of it (Cresap, McCormick and Paget, et. al., *Evaluation of the McCook County Combined Law Enforcement System* (Pierre, South Dakota: August, 1975), p. 8.

- With a law enforcement agency of this type, what would you expect the average response time to be for emergency calls for service? (e.g. check responses to this question with the agency's recorded average response time for such calls).

Citizens who have requested and/or received service or assistance:

- Ask questions 1, 2, 3, 4 and 11 above.
- When you needed assistance, did you have difficulty getting through to the agency? If yes, what was the difficulty?
- If you had a complaint regarding law enforcement services, where would you go to have action taken?
- Do you feel more or less comfortable and willing to report a crime to the merged agency as compared with the pre-merger agency that served your area? Explain.

The media (especially local newspapers):

- From your coverage of law enforcement and related events in your community, have you noticed a difference in the quality or level of service since consolidation? Specify.
- Are there specific areas where you feel improvement is needed? Specify.
- What types of citizen complaints have been received by your newspaper (i.e. letters to the editor) or station regarding law enforcement service?

C. The Relationship of Formal Feasibility Studies to Agency Evaluations

It is important to remember the relationship between agency evaluations and formal feasibility studies. As was detailed in Chapter III, C: An Inventory of Common Components in Consolidation Feasibility Studies, a great deal of base line data is generated as a result of feasibility studies. It includes historic profiles on criminal activity as well as information on organization and manpower, equipment and facilities and local police budgets. The availability of this information will not only save time and money in the performance of an evaluation study, but will provide an accurate basis from which to assess actual or needed improvements in the impact, service capability and operations of a consolidated law enforcement agency.

D. General Conclusion

It is not pretended that consolidation, by defini-

tion, is a cure-all for the problems of small law enforcement agencies. It appears, however, to represent a viable alternative which warrants consideration by communities wishing to explore other methods of

providing law enforcement services. As with anything, consolidation must be planned and executed carefully if it is to work with any degree of effectiveness.

APPENDIX A. A SELECTED ANNOTATED BIBLIOGRAPHY

General: Books and Reports

Advisory Commission on Intergovernmental Relations. *State-Local Relations in the Criminal Justice System*. Washington, D.C.: U.S. Government Printing Office, 1971.

Develops findings and recommendations drawn from a comprehensive investigation of deficiencies in the structures, capabilities, and operations of contemporary state and local law enforcement systems.

"Agreement for Police Services", between the Cities of Concord and Clayton, California, 1964.

Clayton contracts for services from Concord.

Anechiarico, Frank M. *Legal Determinants of Municipal Policing Arrangements, Police Services Study Technical Report No. 8*. Bloomington, Indiana: Department of Political Science, Indiana University, 1975.

This report discusses the problems of decentralized policing, the problems faced by local police agencies in dealing with law enforcement, etc.

Angell, John E., Steven A. Egger, Fontaine Hagedorn. *Police Consolidation Project: Staff Report*. Portland, Oregon: Police Consolidation Project, June, 1974.

Written after rejection of a proposed city-county charter. Recommends that complete consolidation of police will maximize improvement and cost savings. Even without consolidation, calls for sharing of various support and service functions.

Bartell Associates, Inc. *Northern York County Regional Police Department, Phase I Evaluation*. State College, Pennsylvania: Local Government Research Corporation, 1972.

A report on the first truly regional police department in Pennsylvania. The department has met or exceeded all its original goals.

Booz, Allen and Hamilton, Inc. *Determination of Law Enforcement Contractual Costs*. San Francisco, California: California Contract Cities Association, February, 1971.

Determination of an equitable method of charging for the services of the Los Angeles County Sheriff.

Booz, Allen and Hamilton, Inc. *Police Services Study: Contra Costa County, Final Report*. Martinez, California: Public Administration Service, 1973.

Overview. Due to political realities which are against consolidation, recommends increased cooperation and consolidation of selected services.

Booz, Allen and Hamilton, Inc. *Consolidation (Police) San Luis Obispo County, California*. San Francisco, California: 1974.

Overview, recommends creation of a single police system for whole area.

California Commission on Peace Officer Standards and Training. *Feasibility Study: Alternate Law Enforcement Systems, Modesto Urban Area*. Sacramento, California: 1973.

Examines alternative law enforcement systems, including: districting, contracting, annexation, and total consolidation for Modesto/Stanslaus County, California.

California Commission on Peace Officer Standards and Training. *Police Service and Jurisdictional Consolidation*. Sacramento, California: 1970.

The report discusses methods for achieving consolidation.

City of Simi Valley, California. *Feasibility Study and Recommendations on Assumption of Police Services for the City of Simi Valley*, Simi Valley, California: 1971.

The staff felt that the approach of independent police services for the city would be in the best interest of the community.

Colorado Division of Criminal Justice. *Douglas County Police Services*. Denver, Colorado: 1972.

The financing, types and levels of county police activities and proposals for improving police service through cooperation with other counties.

Decatur County Sheriff's Department. *Decatur County Countywide Unified Law Enforcement Concept*. Decatur City, Iowa: 1974.

Reports on the activities of the Sheriff's Department of Decatur County from July, 1973 through June, 1974.

Delahunt, Robert R., Richard D. Engler, William G. Gay. *Contact Law Enforcement: A Practical Guide to Program Development (Draft)*. Washington, D.C.: National Sheriff's Association, July, 1976.

Indepth discussion of contract law enforcement.

District II Planning and Advisory Commission on Criminal Justice. *A Survey of Existing Law Enforcement Services in McCook County, South Dakota*, Sioux Falls, South Dakota: 1973.

Study of McCook County law enforcement system, including feasibility of single countywide agency.

District II Planning and Advisory Commission on Criminal Justice. *Case Study: McCook County Combined Law Enforcement Program*. Sioux Falls, South Dakota: January, 1976.

Study of the McCook County Law Enforcement Agency, including a review of costs, efficiency and impact of the consolidated system.

District V Planning and Advisory Commission on Criminal Justice. *Handbook for Countywide Law Enforcement*. Pierre, South Dakota: 1974.

Details "what to do" and "how to do" a consolidation of law enforcement services in counties in South Dakota.

Eastman Middleton Associates. *Consolidation of Police Services: The Snohomish County Experience, Plans for Improvement*. Kent, Ohio: Washington Law and Justice Planning Office, 1971.

Objectives, implementation plans and scheduling and cost considerations for consolidating police services, as proposed after a study of existing services.

Eastman Middleton Associates. *Consolidation of Police Services: The Snohomish County Experience, A Status Report and Key Recommendations*. Kent, Ohio: Washington Law and Justice Planning Office, 1971.

Evaluation of existing police services within the county, analysis of need for services, and recommendations for improving services by consolidation and coordination.

Governor's Commission on the Administration of Justice. *Delivery of Police Services in Vermont, Study of the Past, Analysis of the Present, Proposals for the Future*. Montpelier, Vermont: 1974.

Reports on the variety of present-day law enforcement agencies, fiscal policies and level of service available in Vermont and recommends change under a ten-year plan, including the establishment of a regionalized state-local system on a two-tiered state-local level.

Iowa Crime Commission. South Iowa Area Crime Commission. *A Unified Approach to a Criminal Justice Problem*. Fairfield, Iowa, Mid-American Planning Service, 1974.

Unified law enforcement within counties as an alternative to existing systems of overlapping jurisdiction was examined in this study. Iowa, like most states in the country, is faced with a major law enforcement problem stemming from two or more law enforcement agencies having responsibilities for law enforcement within each county. As a result of this overlapping jurisdiction, problems of coordination, duplicate administrative efforts, and financial inefficiency have arisen. This paper sets out possible alternative approaches and discusses the legal implications of each. The study recommends that unified law enforcement have a minimum of countywide jurisdiction or a service area of 7,000 population. In addition, salaries for law enforcement personnel should be competitive with their industrial counterparts. Sheriffs should be removed from politics or subject to certain qualifications. Iowa should allow for broader retirement benefits and consider a standard law enforcement civil service system. Appended are a sample unification problem and solutions, National Advisory Commission Standard 5.2 on police unification, and the Ft. Madison police department operating procedures.

Illinois Law Enforcement Commission. *A Feasibility Study of Regionalized Police Services for the Barrington Area*. Chicago, 1974.

Research was performed on a policing design that would utilize some method of pooled resources to increase the quantity and quality of law enforcement services. The research methodology included the development and distribution of a questionnaire as well as numerous interviews with police officials,

public administrators, and concerned citizens. The researchers conclude that it is practical and economically feasible to establish a program of contractual policing for the Barrington area. Furthermore, they recommend that the Barrington police department should provide the services.

Ishak, S. T. *Metropolitan Police Department: The Citizens' Input*. Grand Valley, Minnesota: 1973.

Citizen evaluation of police performance and cost-effectiveness of small, locally controlled police forces as compared to large, centralized police departments.

Kapsch, Stefan J. *Minnesota Police Organization and Community Resource Allocation*. St. Paul, Minnesota: Minnesota State Planning Agency, 1970.

A survey of the system of police organization in Minnesota, with the exception of the three largest systems. The report suggests a minimum population for having an independent police department. The report also discusses the advantages of consolidation.

Kernaghan, Harvey and Company. *Law Enforcement Consolidation Study for Dimmit County*. Austin, Texas: November, 1972.

Analysis of conditions. Recommends consolidation of two departments into one responsible for both areas, Dimmit County and Carrizo Springs, more efficient service with same personnel.

Koepsell-Girard and Associates. *Consolidation of Police Services Case Study*. Falls Church, Virginia: 1973.

Detailed examination of the multiplicity of factors surrounding pre- and post-consolidated Jacksonville-Duval County, Florida.

Koepsell-Girard and Associates. *Inventory and Design for the Consolidation of Police Operations in Upton County, Texas*. Falls Church, Virginia: 1974.

Inventories law enforcement resources in Upton County and the local agencies and presents design and scheduling for the consolidation of police services under the sheriff.

Kramer, Thomas W. "County Agencies: Legal Determinations of Their Law Enforcement Functions", Workshop in Political Theory and Policy Analysis, Indiana University (Draft).

Discusses various statutory arrangements for county law enforcement agencies and their provision of services. Contains chart of services provided by various counties and legal basis for doing so.

Law Enforcement Consolidation Study Committee. *Law Enforcement Consolidation Study Committee's Preliminary Recommendations to the Las Vegas City Commission and Clark County Commission*. Las Vegas, Nevada, October 5, 1972.

Recommendations and suggestions for consolidation of Las Vegas Police Department and Clark County Sheriff's Office.

Local Government Research Corporation. *First Year of Northern York County Regional Police Department*. State College, Pennsylvania: 1973.

Indepth study of the existing law enforcement services and a determination of what services will be needed in the future for this Pennsylvania area.

Mankin, Nancy. *Defying Tradition: A Case Study of the Moody County, South Dakota Combined Law Enforcement System*. Watertown, South Dakota: First Planning and Development District, February 16, 1976.

An initial study conducted in Moody County in 1973, in response to the increasing costs of police protection and the four smaller communities in the county calling for a more efficient system. Found an inadequate number of full-time law enforcement personnel and a lack of professionally trained officers. The establishment of a consolidated sheriff's department was recommended. This was adopted in February, 1975.

Martens, Sharon Wilson. *Reorganization of County Government in North Dakota*. Fargo, North Dakota: University of North Dakota, Bureau of Governmental Affairs, February, 1976.

Easing legal requirements for consolidation.

Maryland State Police. *Resident State Trooper Program*. Pikesville, Maryland: Planning, Research and Inspection Division, 1971.

Presents a study regarding the implementation of the resident state trooper contracting system in the State of Maryland.

McCann, S. Anthony. *Countywide Law Enforcement: A Report on A Survey of Central Police Services in 97 Urban Counties*. Washington, D.C.: National Association of Counties, February, 1975.

Survey of police services in selected counties.

Mid-American Planning Service. *Iowa: A Unified Approach to A Criminal Justice Problem*. Des Moines, Iowa: Iowa Crime Commission, 1974.

Examination of unified law enforcement within counties as an alternative to existing systems of overlapping jurisdiction.

National Advisory Commission on Criminal Justice Standards and Goals. *Police: Report of the National Advisory Commission*. Washington, D.C.: U.S. Government Printing Office, 1973.

Suggestions for overall improvements in delivery of police services for greater protection against crime.

National Institute of Law Enforcement and Criminal Justice. *An Exemplary National Survey, Recent Criminal Justice Unification, Consolidation and Coordination Efforts*. Washington, D.C.: U.S. Government Printing Office, 1976.

A survey of police consolidation and coordination efforts since 1973.

National Institute of Law Enforcement and Criminal Justice. *Police Consolidation*. National Criminal Justice Reference Service, April, 1976.

A selected bibliography and information for obtaining.

New England Bureau for Criminal Justice Services. *A Study of Police Services in the State of Maine, Executive Summary*. Bangor, Maine; April, 1974.

The report states that police services in Maine are too fragmented and recommends merger into about 20 consolidated departments. It further recommends the creation of a board of police commissioners for the whole state, to oversee the new forces. It recommends uniform duty requirements in all departments, a state crime analysis capability, and central recruitment and job development. The sheriffs in Maine would only be in charge of jail and court functions.

Norrgard, David L. *Regional Law Enforcement: A Study of Intergovernmental Cooperation and Coordination*. Chicago, Illinois: Public Administration Service, 1969.

Discusses interjurisdictional arrangements and their value in obtaining a better management of law enforcement resources.

Norrgard, David L. and Lloyd, G. Stephen. *Coordination and Consolidation of Police Service, Problems and Potentials*. Public Administration Service, Washington, 1966.

This is an analysis of the problems of local police administration and the potential of coordination or consolidation of services as an aid to repression of crime. Topics covered include coordination and consolidation of: legal, political, social, and economic obstacles; staff services, recruitment, training, planning, criminal interaction, and purchasing; auxiliary services, records, communications, detention facilities, and laboratory services; and selected field services, criminal investigation, control of delinquency, vice control, and special task force operations. Also considered are police service and jurisdictional consolidation, under metropolitan government, through county subordinate service, district, annexation, contract law enforcement, and special districts; and role of the state in improving local police service.

Olila, James, Al Mushkatel and Khalil Nakhleh. *Concept Paper on Consolidation of Police*. Collegeville, Minnesota: Rural Crime and Justice Institute, 1974.

Proposes research and briefly critiques Ostrom and Walzer studies assessing the value of consolidating law enforcement services.

Ostrom, Elinor. "On Righteousness, Evidence and Reform: The Police Story", Workshop in Political Theory and Policy Analysis, Indiana University, 1974.

Discussion of research methods used in analyzing police performance.

Ostrom Elinor and William H. Baugh, et.al. *Community Organization and the Provision of Police Services*. Beverly Hills, California: Sage Publishers, 1973.

An attempt to determine whether small or large police departments in the Indianapolis metropolitan area provide the best services.

Ostrom, Elinor, Roger B. Parks and Gordon P. Whitaker. *Policing Metropolitan America*. Washington, D.C.: U.S. Government Printing Office, 1977.

This report describes arrangements for providing patrol, traffic control, and criminal investigation services in 80 small to medium sized metropolitan areas. Three broad issues are addressed: who produces police services; cooperation between the various agencies; and an agency's size relative to the services it can deliver. The conclusion is drawn that there are many ways to organize and to deliver police services.

Ostrom, Elinor and Dennis C. Smith. "Are the Lilliputs in Metropolitan Policing Failures?", Workshop in Political Theory and Policy Analysis, Indiana University, 1975.

Refutes the contention that small police departments are not viable agencies of law enforcement in metropolitan areas.

Ostrom, Elinor and Roger B. Parks. "Suburban Police Departments: Too Many and Too Small?", In Louis H. Masotti and Jeffrey K. Hadden, *The Suburbanization of the Cities*. Beverly Hills, California: Sage Publishers, 1973.

Examines the common view of scholars and presidential commissions that suburban law enforcement efforts are too fragmented and small to provide efficient and effective opposition to criminal activities. Finds, contrary to the conventional wisdom, that the evidence favoring small-sized departments is favorable and for fragmentation mixed.

Peat, Marwick and Mitchell and Company. *Consolidation Feasibility Study for the City of Mineral Wells, Texas and Palo Pinto, Texas*. Austin, Texas: May, 1973.

A comprehensive plan and implementation program for the consolidation of various law enforcement functions of the two departments. There is, at the current time, good cooperation between sheriff and municipal police. There are some problems resulting from the unusual situation of the county seat not being located in the major business and population center. The report recommends the consolidation of certain facilities and functions.

President's Commission on Law Enforcement and Administration of Justice. *Task Force Report: The Police*. Washington, D.C.: U.S. Government Printing Office, 1967.

This report embodies the research and analysis of the staff and consultants to the President's Commission on Law Enforcement and Administration of Justice which underlie the findings and recommendations the Commission presented in its general report: *The Challenge of Crime in a Free Society*. Chapter IV of the report, "Coordination and Consolidation of Police Service", presents and discusses the findings and conclusions of a detailed study of the problems and potentials of coordination and consolidation for the achievement of better police services.

Public Administration Service. *An Evaluation of the Northern York County Regional Police Department*. Chicago, Illinois: May, 1974.

Forces consolidated for two years at time of report. A working consolidation. "Operational, professional and regional police agency in less than 2 years . . ." The concept was proposed, planned, designed and implemented.

Rochester Center for Governmental and Community Research, Inc. *Monroe County Police Consolidation Study*. Rochester, New York, 1970.

Shoup, Donald C. and Arthur Rosset. "Fiscal Exploration by Overlapping Governments", in *Fiscal Pressures on the Central City*. New York, New York: Praeger Publishers, 1971.

The book deals with city financial problems, causes and remedies. It deals with the impact on cities of commuters and non-whites. It discusses fiscal exploitation by overlapping governments. The article discusses the uneven tax burden on cities imposed by a system favoring suburbs.

Sinclair, William A. *Intergovernmental Contracting for Police Patrol in Michigan: An Economic Analysis*, Ph.D. dissertation. Michigan State University, 1975.

Analyzes the contracting operations of different Michigan sheriffs, utilizing a structure and conduct performance model.

Skolar, Daniel. *Government Structuring of Criminal Justice Services: Organizing the Non-System*. Washington, D.C.: U.S. Government Printing Office, 1977.

A summary of mergers and consolidation activity in the criminal justice system, including a review of recent activity in law enforcement.

Sofen, Edward. *The Miami Metropolitan Experiment*. Bloomington, Indiana: Indiana University Press, 1963.

History and political analysis of background, formation and early years of the Miami Metro government.

South Iowa Area Crime Commission. *Consolidated Law Enforcement in Iowa*. Fairfield, Iowa: 1974.

Reviews the alternatives for unified law enforcement within a county.

Thompson, Larry H. *The Dewey County Countywide Law Enforcement System Plan*. Oklahoma City, Oklahoma: Oklahoma Economic Development Association, 1973.

Proposed a plan to jointly allow the sheriff and police departments in Dewey County to provide rural municipalities efficient, 24-hour, well-equipped and well-trained law enforcement services.

University of Oregon and League of Oregon Cities. *Contracting for Police Services in Oregon, Alternative Approaches: Survey and Case Studies*. Eugene, Oregon: Bureau of Governmental Research and Service, 1975.

Discussion of cooperative police agreements and the state of consolidation in Oregon. Includes sections on legal considerations, contract requirements and several case studies.

Urban Institute. *The Challenge of Productivity: Improving Local Government Productivity Measures and Evaluation, Part III: Measuring Police-Crime Control Productivity*. Washington, D.C.: 1972.

Identifies improved procedures for estimating local government productivity in police crime control.

Van Meter, Clifford W. and John J. Conrad. *Pilot Study for Feasibility of Regionalization of Components of the Criminal Justice System in Gallatin, Hamilton, Hardin, Pope and Salina Counties*. Macomb, Illinois: Law Enforcement Administration Program and College of Business, Western Illinois University, 1972.

Discusses alternative policing methods, practices and procedures available in five Illinois counties.

Walzer, N. C. *Economies of Scale and Municipal Police Services*. Ann Arbor, Michigan: University Microfilms, 1970.

Study of the theory that as police agencies grow larger and unify jurisdictionally, the per-unit cost of police activities decreases.

Periodicals

Berkley, George E. "Centralization, Democracy, and the Police", *The Journal of Criminal Law, Criminology and Police Science*, Vol. 61, June, 1970.

An examination of the growing trend toward police centralization and its effect on democratic values and institutions. The report concludes that a centralized police, far from posing a threat to democracy, may actually serve as its bulwark.

Callahan, J. J. "Viability of the Small Police Force", *Police Chief*, Vol. 49, No. 3, March, 1973.

Remedies are suggested in this article for upgrading the capability of small police forces to provide minimum essential services. Suggestions are made to link the delivery of essential services to the viability of local governments. These include state grants to local governments, consolidated and overlapping police services, stricter state standards in authorizing governmental incorporation, and closer county level supervision of local operations.

Carson, Dale G. "Consolidation: The Jacksonville Experience", *The Police Chief*, March, 1969.

Jacksonville combined all of its law enforcement powers under the County Sheriff's Office, thus con-

centrating manpower and resources more effectively. In this article the Sheriff describes the many advantages of such a system: elimination of jurisdictional problems; possibility of a more realistic budget; more effective complaint and dispatching function; improved records and identification; larger and more effective data processing; release of more men for patrol duty; improved methods for purchasing vehicles, uniforms and supplies; greatly improved employee benefits; and improved chances for promotion.

Doig, Jameson W. "Police Problems, Proposals and Strategies for Change", *Public Administration Review*, Vol. 28, September-October, 1968.

Ketzenberger, L. L. "The Consolidation Resulting in the Metropolitan Police Department Speech", *Metropolitan Police Department, Las Vegas, Nevada*, June 17, 1974.

Marando, Vincent. "The Politics of City-County Consolidation", *National Civic Review*, Vol. 64, No. 2, February, 1975.

Political factors involved in consolidation.

Ostrom, Elinor. "Institutional Arrangements and the Measurement of Policy Consequences", *Urban Affairs Quarterly*, Vol. 6, June, 1971.

Statistics gathered by bureaucracies may be inaccurate or irrelevant for a variety of reasons; this is the case with crime statistics gathered by police. Some suggestions for improving the accuracy and relevancy of crime statistics and through the responsiveness of the police to the citizens.

Ostrom, Elinor and Gordon Whitaker. "Does Local Community Control of Police Make a Difference?: Some Preliminary Findings", *Midwest Journal of Political Science*, Vol. 17, February, 1973.

Compares levels of police performance in three small independent communities adjacent to Indianapolis with three matched neighborhoods within the city. Finds police performance better in the independent communities than in the Indianapolis neighborhoods, suggesting the small police forces under local community control are more effective than a large city-wide controlled police department in meeting citizen demands for neighborhood police protection.

Savord, George H. "PAR Policing: A Regional Concept", *Chief of Police*, Cypress, California.

Acronym for pooling all resources. Team policing, total responsibility for entire police mission during a given tour of duty. PAR Policing: "A method which readily lends itself to consolidated regional police services without loss of local autonomy."

Schultz, A. A. "Regional Training for Professional Proficiency", *Police Chief*, Vol. 38, No. 4, March, 1971.

Operation and objectives of the regional training center for criminal justice personnel in Independence, Missouri, which uses various innovative training techniques.

Skoler, Daniel L. and June M. Helter. "The Challenge of Consolidation", *The Prosecutor*, Vol. 5, No. 4, 1969, reprint.

Answer to cost problems of government. Recommends highest degree of consolidation necessary to achieve quality service. Political difficulties, not legal problems, are primary difficulties toward achieving consolidation. Increased cost effectiveness rather than increased savings.

Walzer, Norman. "A Price Index for Police Inputs", *The Journal of Criminal Law, Criminology and Police Science*, Vol. 62, No. 2.

"The index presented in this paper is an attempt to provide police officials with a reasonable description of price changes in the past and some anticipation of what can be expected in the future."

Young, Ed. "Nashville, Jacksonville and Indianapolis Examined for Possible Lessons for Future", *Nation's Cities*, November, 1969.

Presents an overview of the circumstances surrounding the consolidation efforts in Nashville, Jacksonville and Indianapolis.

**APPENDIX B. MAIL QUESTIONNAIRE AND ASSOCIATED
MATERIALS**

August 9, 1976

The International Training, Research and Evaluation Council (ITREC) is presently undertaking a federally-funded project to assist local law enforcement agencies that may be considering consolidation as a means of providing improved service. The project will result in a nationally-distributed report that will offer, in easily understandable terms, operating level assistance to aid local agencies in determining if the merger of police services is an appropriate alternative and, if so, which approaches agencies in the field have found most successful in implementing such a system.

As a means of identifying successful approaches used by existing consolidated agencies, we have developed a brief questionnaire. With it we hope to:

- Confirm where consolidations have actually occurred.
- Identify the agencies/jurisdictions participating in the consolidated unit.
- Define the different types of consolidated systems that exist (i.e. regional, countywide, interlocal, etc.).

Please assist your fellow law enforcement agencies to learn from your experience in consolidation by completing and returning the questionnaire by August 27. A self-addressed, stamped envelope has been enclosed for your convenience.

Sincerely,

Terry W. Koepsell
Project Director

A Brief Questionnaire Concerning Small Law Enforcement Agency Consolidation

The following questionnaire seeks information concerning the consolidation experience of smaller law enforcement agencies. The resulting information will aid in the development of a "how to" manual for use by localities which may consider consolidation as an alternative means of delivering law enforcement services.

For purposes of this inquiry, the consolidation of law enforcement services involves:

the abolishment of an existing full- or part-time law enforcement agency and the assumption of the responsibilities of that agency by another organization (i.e. sheriff's department, police department, etc.) OR, the *formal* assumption or performance of *some* of the responsibilities of a law enforcement agency (i.e. dispatching, major investigations, traffic control) by another organization which may not necessarily involve the abolishment of the former agency.

Agency Responding to Questionnaire

Person Completing Questionnaire

Phone Number of Responding Agency

1. Has your agency been involved in such a consolidation?
 - No (If you check "No", do not answer any further questions. Simply return the questionnaire in the enclosed self-addressed, stamped envelope.)
 - Yes
 - Don't Know (If you do not know the answer to this or any subsequent question, because of the national significance of this project, please consult with someone who is knowledgeable on the subject.)

2. If "Yes", does your agency:
 - Provide law enforcement service to other jurisdictions
 - Receive law enforcement service from another law enforcement agency

3. Can your system be defined as a total law enforcement consolidation (i.e. all law enforcement services are provided to participating communities)or a partial consolidation (i.e. only some law enforcement services are provided to participating communities, with such communities continuing to provide some of their own services, such as preventive patrol, enforcement of local codes and ordinances, etc.)?
 - Total consolidation
 - Partial consolidation

4. If your agency was involved in a partial consolidation, which of the following law enforcement functions previously performed by individual agencies are now performed on a consolidated basis?

<input type="checkbox"/> Investigative services	<input type="checkbox"/> Traffic control
<input type="checkbox"/> Crime laboratory	<input type="checkbox"/> Records/identification
<input type="checkbox"/> Communications/dispatch	<input type="checkbox"/> Purchasing
<input type="checkbox"/> Patrol	<input type="checkbox"/> Vehicle maintenance
<input type="checkbox"/> Parking enforcement	<input type="checkbox"/> Other (specify) _____
<input type="checkbox"/> Custodial services	_____

5. When was the consolidated law enforcement system established?
 - Year

6. What factor or condition led *most* to the consideration of consolidation as a possible means of providing law enforcement services?
 - Inadequacies of existing law enforcement services
 - A proliferation of overlapping or duplicative law enforcement agencies
 - Local government financial problems
 - Other (specify) _____

7. Was the decision to provide consolidated enforcement services preceded by a formal feasibility study?
 - Yes
 - No

8. If a feasibility study was conducted, who prepared the written report?
 - Staff of the consolidated unit
 - Staff of local regional planning agency
 - Outside contractor
 - Other (specify) _____

9. Where can a copy of the feasibility report be obtained?

Name of contact person: _____
Name of organization: _____
Address: _____
Plan No.: _____

10. Did the establishment of the consolidated law enforcement system require one or more of the following:

- Special state enabling legislation
- Local referenda passed by each participating jurisdiction
- Formal approval of county or city council/commission
- Formal administrative action on the part of city and county chief executive offices
- Other (specify) _____

11. Did your agency utilize federal financial assistance (i.e. LEAA funds provided by your state or regional criminal justice planning agency) to assist in any of the following aspects of the consolidation?

- To conduct a feasibility study
- To develop an implementation plan
- To purchase new or additional equipment or materials
- To expand, remodel or construct needed facilities
- To finance additional manpower
- To conduct evaluation studies
- To support outside technical assistance
- Other (specify) _____
- No federal financial assistance was utilized

12. Are formal contracts used to specify the types, level or cost of law enforcement services received by each participating jurisdiction?

- Yes
- No

13. What type of arrangements have been established to involve participating jurisdictions in decision making processes?

- Establishment of a formal "law enforcement commission" whose membership represents all participating jurisdictions
- Informal lines of communication between the sheriff/chief of provider agency and representatives of recipient agencies
- Other (specify) _____

14. What are the names of the jurisdictions which are presently involved in the consolidated system?

_____	_____
_____	_____
_____	_____
_____	_____

15. What type of area is covered by the consolidation law enforcement system?

- An area covering jurisdictions in more than one county
- All incorporated and unincorporated areas in one county
- Only some incorporated areas in one county, in addition to unincorporated areas
- An area comprised of two or more adjoining local governments
- Other (specify) _____

16. Did all the jurisdictions participating in the consolidated system once have their own full-time or part-time law enforcement agency?

- Yes
- No

17. Name the jurisdictions that did not have a full-time or part-time law enforcement agency prior to the establishment of the consolidated system:

_____	_____
_____	_____
_____	_____

18. Does the consolidated system permit a participating jurisdiction to pull out of the joint services arrangement?

- Yes
- No

19. Have any jurisdictions exercised such a termination option?

- Yes
- No

20. If "Yes", please *name* the jurisdictions that have exercised this option since the consolidated system has been operational:

Name of Jurisdiction	Date of Termination
_____	_____
_____	_____
_____	_____

21. What is the total full-time and part-time manpower complement of your agency?

- Full-time
- Part-time

22. Approximately how many personnel of the consolidated agency are sworn and non-sworn?

- Sworn
- Non-sworn

23. Are reserve units or posses commonly used to supplement the resources of the consolidated unit?

- Yes
- No

24. Are the same individuals, units or teams regularly assigned to serve or patrol in participating jurisdictions (i.e. resident deputy or officer, permanent patrol personnel, etc.)?

- Yes
- No

25. Generally, how are the costs of law enforcement service been provided to participating jurisdictions determined?

- A per unit cost was established for various levels or types of services provided
- Each participating jurisdiction pays a proportionate share of the total law enforcement budget
- Other (specify) _____

26. Is the per capita cost of consolidated law enforcement service higher or lower than it was prior to consolidation?

- Higher
- Lower
- About the same

27. Has the per capita cost of law enforcement service changed *since* consolidation?

- Costs have increased
- Costs have decreased
- Costs have remained about the same

28. Since the establishment of the consolidated unit, has a formal evaluation report been prepared?

- Yes
- No

29. If an evaluation was undertaken, who prepared the report?

- Staff of the consolidated unit
- Staff of local regional planning agency
- Outside contractor
- Other (specify) _____

30. Where can a copy of the evaluation report be obtained?

Name of contact person: _____
Name of firm or organization: _____
Address: _____
Plan No.: _____

31. In your opinion, what are the major advantages of providing law enforcement services on a consolidated basis? (specify)

32. In your opinion, what are the major disadvantages of providing law enforcement service on a consolidation basis?

33. Other comments:

Thank you for your help.

**APPENDIX C. ANALYSIS OF MERGED LAW ENFORCEMENT
AGENCIES THAT RESPONDED TO THE MAIL QUESTIONNAIRE**

Analysis of Merged Law Enforcement Agencies¹

State and Agency	Administering Agency			Total Man-power Com- ple- ment	Financing			Feasi- bility Study Com- pleted	Evalu- ation Com- pleted
	County Sheriff	Local Police Dept.	Special Police Dist.		Popula- tion Served	Propor- tionate Share	Unit Cost Method		
California									
*Brea Police Department ²		X		44,000	52		X	X	
Kansas									
*Riley County Police Department			X	56,800	101	X		X	X
Kentucky									
Lexington-Fayette Division of Police		X		174,300	492	County taxes			X
Minnesota									
*South Lake Minnetonka Public Safety Department			X	10,000	15	X		X	
*Wright County Sheriff's Office	X			39,000	50		X	X	X
Montana									
Liberty County Sheriff's Office	X			2,300	9	X		X	
Rosebud County Police Department	X			6,000	25	X		X	
Seward County Sheriff's Office	X			14,500	12	X		X	
*Stillwater County Sheriff's Office	X			4,600	11	X		X	X
Treasure County Sheriff's Office	X			1,000	2	X		X	
Nebraska									
Brown County Sheriff's Office	X			4,000	11	X		X	
Gosper County Sheriff's Department	X			2,000	4	X			
*Johnson County Sheriff's Department	X			5,700	2	X		X	
Platte County Sheriff's Office	X			26,500	12	X		X	X
*Saline County Sheriff's Office	X			12,700	5	X		X	X
Sheridan County Sheriff's Department	X			7,300	13	X		X	X
Thomas County Sheriff's Department	X			900	4	X		X	X
Nevada									
*Las Vegas Metropolitan Police Dept.		X		454,200	986	County taxes			
*Carson City Sheriff's Office	X			15,500	53	County taxes			
Oklahoma									
Dewey County Sheriff's Office	X			1,600	11	X		X	X
Oregon									
*Yamhill-Carlton Police Department		X		20,000	4	X		X	
Pennsylvania									
*Northern York Regional Police Department			X	20,900	20		X	X	X
South Dakota									
Beadle County Sheriff's Office	X			20,900	5	X		X	
Custer County Sheriff's Office	X			4,700	8	X		X	X
Davison County Sheriff's Office	X			17,300	9	X		X	
Faulk County Sheriff's Office	X			3,900	7	X		X	
Marshall County Sheriff's Office	X			6,000	11	X		X	X
*McCook County Sheriff's Office	X			7,300	9	X		X	X
*Moody County Sheriff's Office	X			7,600	14	X		X	X
Texas									
Hardeman County Sheriff's Department ³	X			7,800	12	X		X	X
Upton County Sheriff's Office	X			4,700	12	X		X	X
Virginia									
*Lancaster County Sheriff's Department	X			9,100	14	X		X	
Wisconsin									
Florence County Sheriff's Department	X			3,300	10	X			

* Indicates agencies which were visited by project staff.

¹ Information derived from mail questionnaire distributed and tabulated by the International Training, Research and Evaluation Council, Fairfax, Virginia.

² The Brea Police Department's relationship with the City of Yorba Linda is defined as a "contract". The recipient community has never had its own police department.

³ No questionnaires were returned from Texas jurisdictions. The information in the chart is based on secondary sources and prior field experience.

**APPENDIX D. STATE CRIMINAL JUSTICE PLANNING
AGENCIES**

ALABAMA

Alabama Law Enforcement Planning Agency
2863 Fairlane Drive
Building F, Suite 49
Executive Park
Montgomery, AL 36111
205/277-5440

ALASKA

Alaska Criminal Justice Planning Agency
Pouch AJ
Juneau, AK 99801
907/465-3535

ARIZONA

Arizona State Justice Planning Agency
Continental Plaza Building
Suite M
5119 North 19th Avenue
Phoenix, AZ 85015
602/271-5466

ARKANSAS

Governor's Commission on Crime and Law
Enforcement
1000 University Tower
12th at University
Little Rock, AR 72204
501/371-1305

CALIFORNIA

Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, CA 95823
916/445-9156

COLORADO

Department of Local Affairs
328 State Services Building
1525 Sherman Street
Denver, CO 80203
303/892-3331

CONNECTICUT

Connecticut Justice Commission
75 Elm Street
Hartford, CT 06115
203/566-3020

DELAWARE

Delaware Agency to Reduce Crime
Central YMCA, Room 405
11th and Washington Streets
Wilmington, DE 19801
302/571-3431

DISTRICT OF COLUMBIA

Office of Criminal Justice Plans and Analysis
Munsey Building, Room 200
1329 E Street, N.W.
Washington, DC 20004
202/629-5063

FLORIDA

Bureau of Criminal Justice Planning and
Assistance
620 S. Meridian
Tallahassee, FL 32304
904/488-6001

GEORGIA

Office of the State Crime Commission
1430 W. Peachtree Street
Suite 306
Atlanta, GA 30309
404/656-3825

HAWAII

State Law Enforcement and Juvenile Delinquency
Planning Agency
1010 Richard Street
Kamamalu Building, Room 412
Honolulu, HI 96800
808/548-3800

IDAHO

Law Enforcement Planning Commission
State House, Capitol Annex No. 3
Boise, ID 83707
208/964-2364

ILLINOIS

Illinois Law Enforcement Commission
120 South Riverside Plaza, 10th Floor
Chicago, IL 60606
312/454-1560

INDIANA

Indiana Criminal Justice Planning Agency
215 North Senate
Indianapolis, IN 46202
317/633-4773

IOWA

Iowa Crime Commission
3125 Douglas Avenue
Des Moines, IA 50310
515/281-3241

KANSAS

Governor's Committee on Criminal
Administration
503 Kansas Avenue, 2nd Floor
Topeka, KS 66603
913/296-3066

KENTUCKY

Executive Office of Staff Services
Kentucky Department of Justice
209 St. Clair Street, 3rd Floor
Frankfort, KY 40601
502/564-3253

LOUISIANA

Louisiana Commission on Law Enforcement and
Administration of Criminal Justice
1885 Woodale Boulevard, Room 615
Baton Rouge, LA 70806
504/389-7515

MAINE

Maine Criminal Justice Planning and Assistance
Agency
295 Water Street
Augusta, ME 04330
207/289-3361

MARYLAND

Governor's Commission on Law Enforcement and
Administration of Justice
Executive Plaza One, Suite 302
Cockeysville, MD 21030
301/666-9610

MASSACHUSETTS

Committee on Criminal Justice
110 Tremont St.
Fourth Floor
Boston, MA 02108
617/727-6300

MICHIGAN

Office of Criminal Justice Programs
Lewis Cass Building, 2nd Floor
Lansing, MI 48913
517/373-3992

MINNESOTA

Governor's Commission on Crime Prevention and
Control
444 Lafayette Road, 6th Floor
St. Paul, MN 55101
612/296-3133

MISSISSIPPI

Mississippi Criminal Justice Planning Division
Watkins Building, Suite 200
510 George Street
Jackson, MS 39201
601/354-6591

MISSOURI

Missouri Council on Criminal Justice
P.O. Box 1041
Jefferson City, MO 65101
314/751-3432

MONTANA

Board of Crime Control
1336 Helena Avenue
Helena, MT 59601
406/449-3604

NEBRASKA

Nebraska Commission on Law Enforcement and
Criminal Justice
State Capitol Building
Lincoln, NE 68509
402/471-2194

NEVADA

Commission on Crime, Delinquency and
Corrections
430 Jeanell-Capitol Complex
Carson City, NV 89710
702/885-4404

NEW HAMPSHIRE

Governor's Commission on Crime and
Delinquency
169 Manchester Street
Concord, NH 03301
603/271-3601

NEW JERSEY

State Law Enforcement Planning Agency
3535 Quaker Bridge Road
Trenton, NJ 08625
609/292-3741

NEW MEXICO

Governor's Council on Criminal Justice Planning
P.O. Box 1770
Santa Fe, NM 87501
505/827-5222

NEW YORK

Office of Planning and Program Assistant
State of New York Division of Criminal Justice
Services
270 Broadway, 10th Floor
New York, NY 10007
212/488-4868

NORTH CAROLINA

North Carolina Department of Natural and
Economic Resources
Law and Order Section
P.O. Box 27611
Raleigh, NC 27611
919/829-7974

NORTH DAKOTA

North Dakota Combined Law Enforcement
Council
Box B
Bismarck, ND 58501
701/224-2594

OHIO

Ohio Department of Economic and Community
Development
Administration of Justice
30 East Broad Street, 26th Floor
Columbus, Ohio 43215
614/466-7610

OKLAHOMA

Oklahoma Crime Commission
3033 North Walnut
Oklahoma City, OK 73105
405/521-2821

OREGON

Law Enforcement Council
2001 Front Street, N.E.
Salem, OR 97303
503/378-4347

PENNSYLVANIA

Governor's Justice Commission
Department of Justice
P.O. Box 1167
Federal Square Station
Harrisburg, PA 17120
717/787-2042

RHODE ISLAND

Governor's Justice Commission
197 Taunton Avenue
East Providence, RI 02914
401/277-2620

SOUTH CAROLINA

Office of Criminal Justice Programs
Edgar A. Brown State Office Building
1205 Pendleton Street
Columbia, SC 29201
803/758-3573

SOUTH DAKOTA

Division of Law Enforcement Assistance
2000 West Pleasant Drive
Pierre, SD 57501
605/224-3665

TENNESSEE

Tennessee Law Enforcement Planning Agency
Capitol Hill Building, Suite 205
301 Seventh Avenue, North
Nashville, TN 37219
615/741-3521

TEXAS

Criminal Justice Division
Office of the Governor
411 West 13th Street
Austin, TX 78701
512/475-4444

UTAH

Utah Council on Criminal Justice Administration
State Office Building, Room 304
Salt Lake City, UT 84114
801/533-5731

VERMONT

Governor's Commission on the Administration of
Justice
149 State Street
Montpelier, VT 05602
802/828-2351

VIRGINIA

Division of Justice and Crime Prevention
8501 Mayland Drive
Richmond, VA 23229
804/786-7421

WASHINGTON

Law and Justice Planning Office
Office of Community Development
Insurance Building, Room 107
Olympia, WA 98504
206/753-2235

WEST VIRGINIA

Governor's Committee on Crime, Delinquency
and Corrections
Morris Square, Suite 321
1212 Lewis Street
Charleston, WV 25301

WISCONSIN

Wisconsin Council on Criminal Justice
122 West Washington
Madison, WI 53702
608/266-3323

WYOMING

Governor's Planning Committee On Criminal
Justice Administration
State Office Building East
Cheyenne, WY 82002
307/777-7716

APPENDIX E. MODEL FEASIBILITY STUDY OUTLINE

**Model Feasibility Study Outline
for the
Reorganization of Existing Law Enforcement Agencies**

- I. For each jurisdiction to be considered in the study compile the following information.
 - A. Demographic Profile
 1. Size of jurisdiction in square miles and miles of roadway.
 2. Population breakdown by age, income and educational attainment.
 3. Housing breakdown by type (i.e. single family, multi-family and vacation homes, trailer parks, and number).
 4. Name and location of educational complexes (i.e. primary and secondary schools, colleges and universities).
 5. Name, location and size of major employers.
 - B. Profile of Criminal Activity
 1. A three year history of reported Part I and II crimes.
 2. A three year history of all calls for service to which local officers responded, by type of call.
 3. A three-year history of traffic accidents (separating accidents involving property damage, personal injury and fatality) and citations issued.
 4. A three-year history of arrests, by type of offense.
 - C. Organization and Operation of Existing Law Enforcement Agencies
 1. A current organization chart.
 2. A brief description of all line or field operations.
 3. A brief description of all staff services.
 4. A brief description of all auxiliary services.
 5. Copies of written general orders and field manuals.
 6. Documentation on agency's legal basis for existence, as well as its powers of enforcement and arrest.
 - D. Law Enforcement Manpower

For each law enforcement agency employee (sworn and non-sworn, full-time), record the following:

 1. Name.
 2. Rank or job title, including a job description.
 3. Age.
 4. Years of service in law enforcement, including names of agencies employed with in the past.
 5. Length of service with current agency.
 6. Current salary and fringe benefits.
 7. State law enforcement certification status.
 8. Actual training completed or underway, including the title/purpose of such training.
 9. Other related information, such as citations, special interests or experience, formal education.

For part-time sworn personnel, in addition to the above information, also include:

 10. Average hours worked per week.
 11. Time during day and week generally available for active duty.
 12. Nature of full-time job.
 - E. Management and Administration
 1. Methods used to recruit and test personnel.
 2. Methods used to select personnel.

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3. Promotional procedures, including description of examinations and final selection procedures used.
4. Wage scales by rank, including methods used for step increases.
5. The nature and basis of special incentive programs.
6. A description of all agency fringe benefits and insurance coverage.
7. Training practices relating to basic, in-service and special training.

F. Equipment and Facilities

1. Relative to existing facilities, specify:
 - a. size, age, condition and location.
 - b. current level of utilization (i.e. under or over capacity).
 - c. terms of occupancy (i.e. owned by jurisdiction, lease conditions, potential for sub-lease, etc.).
2. Relative to equipment, inventory the following:
 - a. operations equipment, including radar units, emergency medical equipment, crime scene kits, etc.
 - b. vehicles and related support equipment.
 - c. animals, including K-9 corps and horses.
 - d. communications equipment, including base, mobile and portable units, by type, range, and condition.
 - e. personal equipment, including uniforms, leathers, batons, etc.
 - f. weapons and ammunition by type and condition.
 - g. office equipment by type and condition.

G. The Cost of Law Enforcement Operations

From budget of current fiscal year and the two immediately preceding years, identify expenditures for the following:

1. Salaries and wages.
2. Employee benefits and insurance.
3. General operating expenses, including vehicle and equipment operating expenses; maintenance; communication; care of prisoners; general and administrative expenses; out-of-town travel; and, other expenses.
4. Capital costs, including the purchase of and improvements to facilities, vehicles, etc.
5. Miscellaneous expenses.

Where possible, obtain budget projections for two succeeding years for operating agencies and estimate the cost of establishing and maintaining police agencies at desired levels of service for at least two years for communities without functioning law enforcement agencies.

H. Public Opinion Inventory

When deemed desirable, prepare and administer a brief questionnaire which queries a representative cross-section of the community on such points as:

1. Opinions concerning existing law enforcement service.
2. Specific problems associated with the current delivery system.
3. Methods foreseen to correct existing problems.
4. Attitudes toward law enforcement agency consolidation.
5. Perceived problems and benefits of consolidation.

I. An Assessment of the Current Law Enforcement System

An assessment should be made of the above information. Specifically, persons in a policy-making capacity (i.e., elected officials, members of local law enforcement review committee, etc.) should seek answers to the following questions:

1. Can needed law enforcement service be provided at a desired level without consolidation?
2. Can the desired quality of service be provided through existing arrangements?
3. Can the desired level and quality of service be provided economically under existing arrangements?

II. Drawing from a review of the foregoing information, the following should be presented.

A. Alternative Approaches

1. Describe realistic organizational alternatives.
2. Document legal requirements to implement such alternatives.
3. Specify services to be provided under such arrangements.
4. Specify methods of service delivery, including nature of provider agency, manpower required and internal organization.
5. Detail anticipated cost of alternative structures including cost distribution options.
6. Describe personnel absorption and deployment options.
7. Describe alternatives regarding the use and/or disposal of current facilities.
8. Describe methods for maintaining the involvement of participating jurisdictions.
9. Describe methods and conditions under which jurisdictions may terminate involvement.

B. Conclusions and Recommendations

A recommended course of action should be presented, including details on the most appropriate organizational arrangement, manpower needs and distribution, equipment and facility requirements, operating needs, and methods of financing the recommended system.

**APPENDIX F. STATES WITH LEGISLATION ENABLING
INTERLOCAL COOPERATION AGREEMENTS**

States with Legislation Enabling Interlocal Cooperation Agreements¹

California	Nevada
Colorado	New Hampshire
Connecticut	New Jersey
Florida	New Mexico
Georgia	New York
Illinois	North Carolina
Indiana	North Dakota
Iowa	Ohio
Kansas	Oklahoma
Kentucky	Oregon
Louisiana	Pennsylvania
Maine	South Dakota
Maryland	Texas
Massachusetts	Utah
Michigan	Vermont
Minnesota	Virginia
Missouri	Washington
Montana	West Virginia
Nebraska	Wisconsin

¹ Advisory Commission on Intergovernmental Relations, *A Handbook for Interlocal Agreements and Contracts* (Washington, D.C.: U.S. Government Printing Office) 1967, p. 23, and, the International Training, Research and Evaluation Council, Fairfax, Virginia.

**APPENDIX G. MODEL INTERLOCAL CONTRACTING AND
JOINT ENTERPRISES ACT**

Model Interlocal Contracting and Joint Enterprises Act¹

(Be it enacted, etc.)

Section 1. Purpose. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Section 2. Short Title. This act may be cited as the Interlocal Cooperation Act.

Section 3. Definitions. For the purposes of this act:

(1) The term "public agency" shall mean any political subdivision (insert enumeration, if desired) of this state; any agency of the state government or of the United States; and any political subdivision of another state.

(2) The term "state" shall mean a state of the United States and the District of Columbia.

Section 4. Interlocal Agreements. (a) Any power or powers privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state (having the power or powers, privilege or authority), and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

(1) Its duration.

(2) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.

(3) Its purpose or purposes.

(4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.

(5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

(6) Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items 1, 3, 4, 5, and 6 enumerated in subdivision (c) hereof, contain the following:

(1) Provision for an administrator or a joint board responsible for administering the joint or co-

¹ Advisory Commission on Intergovernmental Relations, *1967 State Legislative Program of the Advisory Commission on Intergovernmental Relations*, Washington, D.C.: October 1966, pp. 477-483. This model act was adopted, with certain revisions, from Council of State Governments, *Suggested State Legislation - Program for 1957*, Chicago, Illinois: Council of State Governments, October 1956, pp. 93-97.

operative undertaking. In the case of a joint board public agencies party to the agreement shall be represented.

(2) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

(e) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performances may be offered in satisfaction of the obligation or responsibility.

(f) Every agreement made hereunder shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted to him hereunder unless he shall find it does not meet the conditions set forth herein and shall detail in writing addressed to the government bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within () days of its submission shall constitute approval thereof.

(g) Financing of joint projects by agreement shall be as provided by law.

Section 5. Filing, Status, and Actions. Prior to its entry into force, an agreement made pursuant to this act shall be filed with (the keeper of local public records) and with the (secretary of state). In the event that an agreement entered into pursuant to this act is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States said agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

Section 6. Additional Approval in Certain Cases. In the event that an agreement made pursuant to this act shall deal in whole or in part with the provision of services of facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorney general pursuant to section 4(f) of this act. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorney general.

Section 7. Appropriations, Furnishing of Property, Personnel and Service. Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

Section 8. Interlocal Contracts. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which ((each public agency) or (any of the public agencies)) entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.²

Section 9. Separability. (Insert separability clause.)

Section 10. Effective Date. (Insert effective date.)

² Interlocal contracts for services raise some problems different than those raised by interlocal agreements for joint enterprises. Existing general law governing contracts by local governments should be examined to relate this authorization to them, if necessary. Additional provisions may be needed or desirable in this section. Provisions similar to those in subsection 4(f), the filing provisions of section 5, and the additional approval in section 6 could be considered in this connection.

**APPENDIX H. MODEL CONTRACT OUTLINE FOR THE
PROVISION OF MERGED LAW ENFORCEMENT SERVICES**

A Model Contract Outline for the Provision of Merged Law Enforcement Services

Section 1: General Terms and Legal Base

- A. Identification of jurisdictions involved
- B. The general purpose of the contract
- C. The legal basis for the contract

Section 2: Services to be Provided

- A. General law enforcement services defined
- B. Quantity or extent of specific services to be provided (especially patrol coverage)
- C. Enforcement responsibility of provider agency concerning local codes and ordinances
- D. Other details concerning the services to be provided (i.e. number of personnel to be assigned; back-up services to be available; maximum anticipated response time; etc.)

Section 3: Liability

- A. Responsibility for defending provider agency in suits
- B. Indemnification clause should one party be found liable
- C. Provider agency holds recipient jurisdiction harmless for actions of provider agency personnel or for liability arising from the normal provision of services

Section 4: Amount and Manner of Payment

- A. The amount recipient must pay for specified services, including the means used to arrive at the figure
- B. The time and manner in which payments are to be made
- C. Procedures regarding the distribution of local fine and other revenues generated through the provision of the specified service, including the use of credits to the recipient agency
- D. The possible use of federal or other outside funding sources, the use of local money as "match", and the voiding of the contract if such outside moneys are not received (optional)

Section 5: Other Fiscal Procedures

- A. The maintenance of records and issuance of financial and activity reports
- B. Recipient jurisdiction access to provider agency records
- C. Terms and conditions governing the periodic re-assessment of rates

Section 6: Administration

- A. Persons/officials authorized on behalf of each party to administer the contract
- B. Head of provider agency retains control over all personnel matters

Section 7: Law Enforcement Board

- A. The establishment of a law enforcement board
- B. The composition of the board
- C. The role and responsibility of the board vis-a-vis the provider agency

Section 8: Real Property and Equipment

- A. Real property and equipment to be transferred from recipient jurisdiction to provider agency
- B. The method by which property and equipment is to be transferred (i.e. sale, loan, etc.)
- C. Provision for the return of the specified real property and equipment should the contract be cancelled or terminated.

Section 9: Duration, Termination and Amendments

- A. The duration of the contract
- B. Circumstances under which the contract may be terminated
- C. Procedures for amending the contract

Section 10: Other Provisions (Optional)

- A. Supplemental or emergency coverage
- B. The citing of certain offenses in specified courts, and the jurisdiction that is to assume associated costs
- C. The provision of other special services, and the costs of same

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