

RICHLAND COUNTY STUDY COMMISSION
FINAL REPORT

TO THE CITIZENS OF RICHLAND COUNTY:

The Richland County Study Commission elected by the voters on November 6, 1984, or thereafter appointed present this final report to the citizens of this county.

The purpose of the study commission, as defined in state law, is "to study the existing form and powers of our county government and procedures for delivery of local government services and compare them with other forms available under the laws of the State of Montana (MCA 7-3-172)". If some change is deemed necessary, the study commission may submit such proposed changes to the electors under one of the following formats:

- A. Amend the existing plan of government;
- B. Recommend the adoption of a commission-executive, commission-manager, commission, commission-chairman, or a charter form of government;
- C. Recommend a county merger or city-county consolidation or,
- D. Submit no recommendations. (MCA 7-3-185)

In the conduct of their review the study commission has sought advice and information from a number of people in the county. Opinions and attitudes were solicited from local government officials and citizens from and around Fairview, Lambert, Savage, and Sidney. All meetings and records were open to the public.

As a result of discussions held with the people mentioned, the Richland County Study Commission has concluded that there is a general consensus that the present form of government is favorable with the people, and the changes endorsed by the public can be realized under the current government. We therefore recommend no change in this form of government; however, we reserve the right to issue a supplementary report to exercise the public input to this commission.

On this, the 26th day of August, 1986, a meeting was held, after no objections, this finding was accepted.

A copy of this report may be obtained at the Clerk and Recorder's Office, Richland County Courthouse, Sidney, Montana.

Respectfully submitted,

SUPPLEMENTARY REPORT
OF THE
RICHLAND COUNTY STUDY COMMISSION

Whereas, the Richland County Study Commission elected by the voters on November 6, 1984, or thereafter appointed have met to review the local government for the political subdivision known as Richland County. Based on discussions held with the citizenry and local leaders of Richland County, this Commission has concluded that there is a general consensus for the current traditional form of structure. Public comment in favor of change in the procedures to deliver County services received more attention by those attending this Commission's public meetings.

This Commission believes that it has an obligation to present these comments of the people to the local government of Richland County in the manner prescribed by the laws of the State of Montana (MCA 7-3-190). The following contains those ideas that this Commission requests the local government to address within the next year:

- I. That the local government develops and employs a systematic procedure to each county office and department to better inform the people of business and services pertaining to that office or agency. In addition, we encourage the County Commission to inform the public that the best way of approaching them is en masse. It would be helpful, too, if the Commission would run a notice that they are in their office from 9-12 a.m. and 1-5 p.m. during the first full week of the month, except Friday and holidays, every Monday, and the last working day of each month.
- II. To explore better usage of the fairgrounds, e.g., allowing individual, civic, and commercial activities.
- III. Locate additional dump sites in rural areas.
- IV. This Commission studied the idea of law enforcement consolidation. Enclosed is a copy of Mr. Raymond Galvin's report on this issue for your perusal. The idea of consolidation met with poor reception in the public meetings held by this Commission. However, many agreed, for one reason or another that further consolidation of record-keeping and equipment usage was acceptable. This commission does not have the information to determine the feasibility of this type of partial consolidation. Because of this, we can only tell the Commission what has been expressed to us and that should the County wish to pursue this idea any further it should establish a taskforce.

- V. That the County studies the feasibility of holding non-partisan elections.

A REPORT
ON
POLICE SERVICES IN RICHLAND COUNTY:
THE QUESTION OF CONSOLIDATION

Raymond T. Galvin
Consultant
August, 1985

ACKNOWLEDGEMENTS

I would like to thank the people and public officials of Richland County for their cooperation in the execution of this study. Particularly, I wish to acknowledge those who took time from their busy schedules to meet with me and those who extended themselves in collecting much of the data that was utilized in the preparation of this report. A special thanks is due Sheriff Grinolds and Chief Di Fonzo whose efforts were well beyond the call of duty.

Finally, Mr. Shaw, Mr. Mercer, and Mrs. Gable and the individual members of their study commissions deserve a special vote of confidence for the manner in which they are fulfilling their responsibilities to the citizens of Richland County, Sidney, and Fairview. Their courage in tackling this very controversial topic merits everyone's respect.

Raymond T. Galvin
Oshkosh, Wisconsin
August, 1985

Introduction

Late in June, 1985 Mr. Gary SHaw, Chairman of the Richland County Study Commission, contacted the consultant to discuss police services in Richland County. He was particularly interested in reviewing structural options and the impact that they would have on the effectiveness and efficiency of Richland County law enforcement.

This meeting led to a request that the consultant prepare a proposal for the analysis of the County's police services with particular reference to the appropriateness of certain structural arrangements, specifically, consolidation, partial consolidation, contracting, and the improvement of police operations under the present structure.

The proposal entitled, "A Study of Police Services in Richland County: The Question of Consolidation," was accepted by the Richland County, Montana, Governmental Study Commission on July 15, 1985. The Sidney, Montana Study Commission also decided to sponsor the analysis.

The consultant visited Sidney during the week of July 21, and during that period, conducted approximately forty interviews and gathered data on police activity, crime, and police finances from Richland County, Sidney, and Fairview.

The Study reviews each structural option insofar as Richland County's police services are concerned giving the advantages and disadvantages of each. The consultant also presents his recommendations as to which structure best meets Richland County's needs.

Finally, because many citizens' interest in this matter relates directly to their desire to reduce the cost of government, the Report dwells extensively on those factors that should be evaluated in determining police manpower requirements. Manpower is, of course, the greatest contributor to the cost of local government.

Consolidation

According to a recent study of law enforcement consolidation:

"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."*

Supporters of consolidation claim that it mitigates conditions which limit or reduce the effectiveness of law enforcement, permits a broader range and level of service than is financially possible for small independent agencies, results in higher quality personnel through better training, supervision, organization, and working conditions, and tends to reduce per unit costs, or results in the providing of more service for the same law enforcement dollars expended.

*Terry W. Koepsell and Charles M. Girard, Small Agency Consolidation: Suggested Approaches. (Washington, D.C.: Superintendent of Documents, U.S. Government Printing Office, 1979), p. ix.

Opponents suggest that these claims are not substantiated in practice. They assert that there is a loss of local control and that the lack of control results in a loss of services. Security checks, local traffic control services, and the enforcement of local codes and ordinances are often given less attention. Some also suggest that consolidation provides no better service, and finally, that gross costs may actually go up, especially in situations where the merger requires major equipment and facilities expenditures.

There is, then, no general agreement as to either the viability or value of consolidation, but most experts hold that consolidation has the bulk of the evidence on its side.

The consultant believes that Richland County is an appropriate setting for consolidation. The limited number of jurisdictions and the overall service requirements offer a manageable set of problems and provide a realistic hope for financial savings. The partial consolidation already on line lessens considerably the usual capital expenditures necessary in a merger. Finally, there does seem to be a willingness to explore such an action. While some interviewees expressed reservations concerning consolidation on the basis of a loss of local control and/or suggested that it would never get by the voters, all admitted that consolidation would probably result in cost savings and they saw this as an important issue particularly for Sidney and Fairview residents.

There are, of course, significant questions to be answered if consolidation is to become a reality. First, while opposi-

tion seems lukewarm, unfortunately, so does support. If the inertia generated by the status quo is to be overcome, local political and community leaders must be willing to speak out favorably on the proposal. Public debate is absolutely necessary. Without public discussion, and hopefully, support there will be no consolidation.

Second, the organizational structure and leadership of the proposed consolidated agency must be determined. Most, indeed the vast majority of the consolidations have utilized the Sheriff's Office as the focal point for the merger. An elected Sheriff assumes the responsibility for all local policing. While the consultant feels an integration of police services under an elected Sheriff would be far better than no consolidation, Richland County would be best served by the formation of a County Police Department headed by a police executive who is appointed by and serves at the pleasure of the County Commission. This recommendation should in no way be seen as a slighting of the present Sheriff or his personnel. Indeed, it would only be reasonable to assume that the Sheriff would be an appropriate candidate for the new position, but it would be best if the consolidated agency is removed as far as possible from the problems associated with partisan politics and elections. Further, a symbolic move away from the present system may encourage Sidney and Fairview to participate. Such a move would also remove the present anomaly under which the Sheriff, or in this case the Police Executive Officer, makes less than some of his subordinates.

Third, and probably the most difficult problem, will be to clearly design the service requirements for the new force. Presently, the Sheriff's Department and the Fairview Police Department are basically reactive police agencies. While each performs general patrol and offers services upon request, they are not constantly exploring new ways to provide service. This approach seems to meet their client's, the public, desires. They are available for calls for service and as emergency unit. Sidney's Police Department on the other hand, is much more pro-active. They aggressively seek new service activities. When traffic and other activities decreased as a result of the end of the oil boom, they increased their crime prevention activities, security checks, etc. They reorganized their patrol force in an effort to decrease their response times. Neither the pro-active or reactive approach is the "right" one. Both styles have strengths and weaknesses and both receive positive and negative comments from the public. Indeed, interviewees in both Sidney and Fairview expressed pleasure and displeasure with what they perceived as their department's aggressive stances in specific cases.

Before any consolidation takes place there must be a thorough public discussion of the operational style or philosophy which will govern the new department. While the public cannot direct the police not to enforce the law, it can set a general policy or more generally a tone for the new agency. Obviously, elected officials must reflect the public's will and lead the way in determining the appropriate amount and level of

activity, but a County-wide Commission or Advisory Board should be appointed in the planning stages of the consolidation. It should include both officials and citizens with significant representation coming from all parts of the county. It could well serve to monitor the Department's performance after implementation.

Fourth is the important question of finances. It is obvious that there will be some start up costs such as appropriate salary equalization and limited remodeling of the present police facilities, but whether such expenditures will result in an overall increase in costs depends on the public's demand for services. Some personnel services savings will automatically occur from the consolidation. There will be a need for only one executive officer and some specialties such as criminal investigation may be consolidated, but the major manpower reductions will result only with the public's willingness to cut programs and/or coverage. It should also be noted that personnel reductions may be justified through program reduction and result in immediate savings, but resolutions through attrition may place savings in the future.

A further comment is appropriate here. In the future the County Jail may be the subject of litigation. It may be challenged on the basis of overcrowding or because of a lack of exercise space. These issues have nothing to do with the costs of consolidation. They are just as likely to come under either system.

Experience has provided a variety of methods for financing consolidated police systems. They range from the development of unit costs for individual activities to financing through general county taxes. Probably the most appropriate method for Richland County would be a system of determining proportionate costs reinforced by a contract between the jurisdictions. Reaching such cost figures requires a careful delineation of service requirements and costs associated with each service. Then, and only then, can fair shares be assessed.

Partial Consolidation

Police Services are presently partially consolidated in Richland county. The joint utilization of the administrative and operational headquarters in Sidney by the Sheriff's Department and the Sidney Police Department, the centralized communications, the jail, and the maintenance of some shared records reflect a degree of consolidation. These cooperative efforts are praiseworthy, and the present system does seem to generally work well, but if complete consolidation is found to be unacceptable, the further combining and greater coordination of some additional functions should be explored.

First, although state law gives Sidney officers specified authority, up to five miles beyond the City limits, they normally perform only within the city's boundaries. Population and industrial growth patterns, however, have resulted in a unique geographic configuration for the City of Sidney. In the course of their regular duties Sidney officers are continuously

required to pass through County territory. Further, the considerable residential and industrial development on the fringe of the City can often be more quickly serviced by Sidney officers in emergency situations than it can by Sheriff's officers, since the Sidney officers are more often in the immediate area. It would be helpful if the Sheriff would consider deputizing more or all Sidney officers thus clarifying their authority when they are required to leave the City limits. There should, of course, be some discussion and agreement as to the appropriate exercise of deputy's powers by Sidney officers, but the advantages associated with such action far outweigh the disadvantages.

Second, greater effort should be expended in combining and coordinating criminal investigation activities.

None of the three jurisdictions has a heavy caseload insofar as major crime is concerned. In 1984, both Richland County and the City of Sidney each averaged one aggravated assault and two burglaries a month. Larceny was the most commonly reported major crime in each agency with Sidney reporting two and one half times the number of offenses reported by the Sheriff's Office. All three jurisdictions must deal with a wide variety of other offenses ranging from domestic violence to fraud to driving under the influence of alcohol. Sidney generally has the most activity.

None of the agencies employ an investigator full time. Sidney has one sergeant who spends about sixty percent of his time on investigations and the Chief Deputy Sheriff commits

about thirty percent of his time to investigative matters. In each department, other officers engage in investigative activities as needed. As a matter of policy and style the Sidney Police Department seems to more aggressively pursue its investigative program.

While each agency is, and may remain, an independent entity, it would be useful if formal discussions were held between the Sheriff, Sidney's Chief of Police, and Fairview's Chief to develop a uniform policy on law enforcement and criminal investigation. A consistent policy would go a long way toward reducing developing public confusion concerning certain law enforcement practices. Further, officers working in the investigative field might consider extending already existing communications links so they might better share information and skills. Finally, a concerted effort should be made to design and adopt uniform investigative and case reporting procedures.

Third, much should be done to make the present jointly held records system a truly consolidated one. All forms and practices should be reviewed and whenever possible both agencies should adopt the same report forms and report procedures.

Finally, joint purchasing should be explored for all police agencies in the County. While the police equipment requirements of the three departments involved will never be that massive, some savings may result if coordinated purchasing is practiced.

Contracting

Contracting for law enforcement services is a commonly employed technique in Montana. It is used either as a part of a consolidation package or independently to deal with the specific problems of an individual jurisdiction. Simply stated it involved one jurisdiction making a formal agreement with another jurisdiction to provide the services that it requires. The services, costs of the services, and the responsibilities of each governmental entity are negotiated, a detailed contract is prepared and executed, and the services are provided. (See the Appendix for a description of the major items which should be covered in an inter-local government contract).

A contract should be executed between Richland County and Fairview with the Sheriff providing the City with appropriate services even if consolidation is unacceptable. From the effectiveness, efficiency, and administrative points of view such action makes good sense.

Each jurisdiction has similar service requirements with a limited number of calls for service and a strong desire for emergency and special activity coverage. The styles of the agencies are similar also, and it is the consultant's opinion that Sheriff's personnel or personnel employed by the Sheriff would have little difficulty fitting into Fairview's social and economic fabric.

It is true that Fairview would lose a degree of local control although a well written and implemented contract should allow for a significant local input. A resident deputy program

might go a considerable way toward meeting the needs of those who desire to have their "own" police department. Cost savings could be significant.

Contracting between the Sheriff's Office and the City of Sidney for policing would be a great deal more complicated. Consolidation provides a more appropriate answer to the problems posed by Richland County's and Sidney's needs.

Maintaining Present Structure

No doubt many citizens of Richland County believe in the axiom, "If it ain't broke, don't fix it!" They are generally satisfied with the type and level of police service that they are presently receiving. They may occasionally yearn for lower taxes, but they do not wish to tamper with what in their opinion is a working system. In short, they wish to maintain the status quo.

The consultant does not wish to create a problem where none exists, but there are those who believe that policing costs are too high, particularly in light of the termination of the oil boom and the activity that it generated. There can be no doubt that numerous individuals are exploring all possibilities in an attempt to reduce police costs. The consultant has recommended consolidation, additional consolidation, or contracting. These suggestions are too drastic for some, but they are still seeking potential soft spots, places to cut without having too negative an impact upon services. Unfortunately, few citizens have the necessary background or

experience to make educated decisions in such matters. Around ninety percent of all police expenditures are for personnel, so if you are going to make meaningful savings you must look closely at personnel costs, but generally cutting personnel means cutting programs and careful analysis and direction are required if the public is to receive the services to which it is entitled. Even in those cases where there seems to be fat that should be eliminated, caution is imperative because what may be excess personnel from one point of view may in reality be the department's only available ready reserve. Because an understanding of this topic is vital, the consultant will discuss it at length in the next section of the Report.

Whether or not this report's recommendations are adopted, the respective public officials have a clear responsibility to publicly review the styles, programs, and workloads of the three departments and offer their various publics the program alternatives and the costs associated with each option.

Determining Manpower Requirements

As was noted earlier, one major theme ran through the vast majority of the study interviews, particularly those conducted of Sidney residents. There was a belief that Richland County policing agencies may be over staffed. The logic presented was something like this, "I feel we have a pretty good police department, but I think that we may have too many men. After all, we hired more personnel to meet the problems created by the oil boom, the boom and its problems are gone, and yet,

we have about the same number of men. We can't afford that!" In the consultant's opinion the disquiet is sufficient that governmental officials in the County, Sidney, and Fairview must respond. They should undertake manpower studies to ascertain precisely what each department is doing, develop discussion in light of current service needs and the availability of fiscal resources, and take steps to make sure staffing levels meet the public's service needs. Public, as well as professional, input is vital in this process.

Manpower studies in the police field usually consider three factors:

1. Workload - How many calls for service does the agency receive and how much time is consumed in dealing with these calls? Calls are generally initiated by the public, but police officers do discover conditions that require attention by observation during patrol. Most traffic law enforcement and code and ordinance enforcement fall into this category.
2. Coverage - The minimum manpower requirement to have a police officer available for emergency services twenty-four hours a day, seven days a week is four and one half to five men. While individuals can be on call, there is no full coverage unless the officer is always on duty.
3. Crime Prevention - Generally, we are discussing visible patrol variations when compiling this figure. Many departments compute time into their workload so

preventive patrol time is available. For example,

how many times a day to you want an officer to drive
past and check a certain establishment? Do you want
officers to perform vacation checks? How many and in
what time period? Another example of crime prevention
activity is crime prevention education. How much time
should an officer give to meeting with the public and
special groups to help them protect themselves.

Most analysts believe actual workload is the best way to
determine police manpower requirements, and the consultant is
certain that the general public is most comfortable with this
approach. There can be considerable slack in this area of
activity. The police can attempt to answer every call for
service or they can manage them. For example, should the
police investigate every accident or just the more serious?
The department can obviously discover more incidents if they
have more manpower. How far should they go in justifying
manpower on this factor? There is, of course, no one answer,
but the public should be very much involved in making the
decision as to how much protection it wishes to buy.

Professional advise is necessary and should be considered, but
it is a "public choice" question.

The coverage question is simply, how much coverage do you
want? Minimum coverage can be easily worked out as suggested
above. The upper level is, however, limitless. National

figures show that Sidney is either on or close to the national
average for police officers per thousand population. Fairview

is a little above average. Sheriff's figures are not appropriate for consideration here. Besides how much coverage, it is necessary to determine, how rapid a response you want? When a citizen wants a police officer, they usually want one right now? How quickly is right now? Two minutes? Thirty minutes? Obviously, there should be priorities, but what should they be and who shall make them? Emergency calls should be first priority, but what is an emergency?

Crime prevention activities are the most controversial insofar as determining manpower needs are concerned. The consultant sees them as an important adjunct to the police officer's job, but there is no way that one can be certain of the direct impact that they have on crime. How much activity is then too much activity and how much is too little? One of the benefits of crime prevention activity is that it usually produces feelings of security among the members of the general public. Such feelings are very much a part of the quality of life in any community and such efforts should therefore be encouraged, but what price tag do you place on such activity?

Fixing specific manpower requirements for the police agencies of Richland County was not an element of this study. The intricacies of such a procedure would necessitate the collection and analysis of considerably more information than was garnered, but the consultant would like to offer some observations which might be helpful in conducting the recommended manpower surveys.

Any analysis of the Sheriff's Office and the Fairview Police Department should recognize that they are staffed primarily as emergency organizations. While both perform a variety of useful services, neither's workload is such that they fully justify their existing staff. Fairview's complement of three cannot even provide twenty-four hours a day seven days a week coverage. They fill the void by recalling off duty officers for the most part with some assistance being supplied by the Sheriff's Office. The Department's monthly reports verify their reactive stance with few calls for service being recorded. Fairview officers perform the complete range of police activity from patrol to public assistance, but they simply cannot be classified as a heavy workload department.

The Sheriff's Office follows the same pattern. Its ten sworn personnel provide coverage over an extensive geographic area for almost twenty-four hours a day, seven days a week. They also provide the complete range of police services, and in addition, process legal papers and perform selected jail responsibilities. The workload cannot, however, be classified as heavy.

In both these departments personnel decisions should probably be made on how much coverage is wanted? The public will have to determine whether they are satisfied with the current level of coverage and the present response time. Changes should be made on the basis of increased or decreased coverage.

The analysis of the Sidney Police Department produces a different picture. Both coverage and workload have to be considered. The Sidney Police Department is more pro-active in the workload categories. Even though traffic activities have generally decreased and other activities have at least leveled off, the Department has increased its commitment to crime prevention activities. Any lessening of authorized manpower will probably have an impact upon Departmental programs. Courtesy services and security checks will probably be decreased. Response time will very probably increase. Indeed, the Departments pro-active style will very likely become less evident, a consequence that will be heartily applauded by some and meet with the strong disapproval of others.

Summary of Recommendations:

- I. It is strongly recommended that the citizens and public officials of Richland County including those of the cities of Sidney and Fairview take the formal steps necessary to consolidate their police services under the auspices of the Richland County government.
- II. It is further recommended that the consolidated police agency be placed under the direction of a police executive who is appointed by and serves at the pleasure of the Richland County Commission.
- III. To implement such a consolidation, governmental officials should begin negotiations to determine the appropriate levels of service necessary for each section

of the County and the costs of those services so those desirous of higher levels of service may be required to pay their equitable share.

- IV. Should consolidation not coincide with the public will, it is recommended that the governments of Richland County and Fairview consider some form of contract police service to meet Fairview's policing requirements.
- V. Should no formal changes be adopted, the Sheriff and the Sidney Police Department should explore further methods of cooperation between their agencies. Particularly, they should seek ways to give Sidney officers more authority on the fringes of the city, work to improve cooperation in the field of criminal investigation, further integrate their records systems, and develop joint purchasing arrangements where practicable.
- VI. Finally, whether or not structural change or contract arrangements are adopted, each of the three police agencies (Sheriff's Office, Sidney Police Department, Fairview Police Department) should be subjected to a careful review insofar as present manpower requirements are concerned. The analysis should consider workload requirements and desired levels of coverage in case of emergency.

APPENDIX

Model Contract Provisions*

There are certain basic provisions that are covered in contracts for the provision of inter-local law enforcement services. These include:

1. A clear description of services to be provided.
2. The amount the recipient jurisdiction will be required to pay for services, and the time and manner in which payments are to be made.
3. A description of which party will assume the liability of defending the provider agency in a suit.
4. Procedures relating to the maintenance of records and the issuance of financial reports.
5. Specifications as to the persons or officials who formally represent the parties to the contract.
6. A detailing of real property and/or equipment and a description of the manner in which it will be transferred to the provider agency.
7. A description of the duration of the contract, together with procedures for contract amendments and termination.
8. If a board is to be established to supervise the execution of the contract, a description of its specific role, responsibility, and its relationships with the administrator of the provider agency should be included.

*Terry W. Koepsell and Charles M. Girard, Small Agency Consolidation: Suggested Approaches (Washington, D.C.: Superintendent of Documents, U.S. Government Printing Office, 1979), p. xi.