



Cassia County Board of Commissioners

*Cassia County Courthouse
Commission Chambers
1459 Overland Ave. – Room 206
Burley, ID 83318
www.CassiaCounty.org*

Board Members:

*Chairman Dennis Crane (District #3) ~ dcrane@cassiacounty.org
Paul Christensen (District #1) ~ pchristensen@cassiacounty.org
Bob Kunau (District #2) ~ bob.kunau@cassiacounty.org*

Phone: (208) 878-7302

Fax: (208) 878-9109

Thursday, February 19, 2015

7:00 PM

The Board of Cassia County Commissioners, Burley City Mayor, and Burley City Council met this day in a special session in the Commission Chambers of the Cassia County Courthouse.

THOSE PRESENT:

County Commissioners:

Dennis Crane, Chairman

Paul Christensen

Bob Kunau

Prosecuting Attorney:

Administrator:

Clerk of the Board:

Doug Abenroth

Kerry D. McMurray

Joseph W. Larsen

Others:

(Attached – Exhibit 1)

- 1) 7:00 PM CALL TO ORDER, WELCOME, PLEDGE OF ALLEGIANCE LED BY CHAIRMAN CRANE
 - a) Chairman Crane thanked those in attendance for being present.
 - b) The purpose of the meeting was to receive the report from the Committee with the City of Burley contract with Cassia County for law enforcement.
 - c) The Committee was thanked for the time they put into compiling this report. Following the report by the Committee Chairman Bill Parsons, Chairman Crane indicated there would likely be no discussion of that report. It will then be up to the City and the County to individually go over the report and discuss it. Negotiations would take place after that.
 - d) Presentation by Committee Chairman Bill Parsons
 - i) Parsons introduced the committee:
 - (1) Bill Parsons, Chairman
 - (2) Rob Squires (not present as he is on vacation)
 - (3) Clay Handy
 - (4) Harold Blasius
 - (5) Dennis Dexter
 - (6) Carol Anderson (City of Burley – Statistics, minutes, and report compiler)
 - ii) Parsons suggested posting the report on the City of Burley and Cassia County's websites
 - iii) The report has not been provided previous to this meeting.
 - iv) Parsons said it would make sense for both parties to review the report and decide how they would like to go from there.
 - v) The committee has agreed to not talk to the public about the report.

CASSIA COUNTY COMMISSION

SPECIAL SESSION

Thursday, February 19, 2015

1 | Page

- vi) If the Committee is asked to participate further, they want both parties to be present so there is complete unification.
 - vii) The Committee is willing to continue to help get through things that remain to be done if both parties desire as there is apparent vacancies in the report.
 - viii) Parsons indicated the Committee spent 70 to 80 hours interviewing, reviewing documents, deliberating, and talking about the whole project. There was no dissention with the Committee.
 - ix) A copy of the report will be given to Laurie Welch from the Times News as she was present and did not abuse the open meeting requirements which could have impaired the Committee's ability to discuss matters. A copy will also be provided to Evans, Poulsen, and Catmull, CPA's.
 - x) The only disappointment they had was when they had a public meeting that there weren't more people in attendance to provide viewpoints. When it was put on the website, there also wasn't much beneficial response.
 - xi) Parsons said the issue we face is highly technical, economic, and it is for the benefit of the citizens. He further stated that it needs to remove the politics and needs to talk about law enforcement for the citizens of Cassia County. Parsons opined there could be comments that may be offensive to the County and to the City and so be it.
 - xii) The Committee was asked to make a report to the City and the County what they thought should happen for the future and they tried to do that.
 - xiii) Parsons stated they did want to have a discussion about the report at the meeting so all parties could read the report and discuss it later.
- e) The Committee distributed the report to City and County officials and the media. (Exhibit 1)
 - f) Handy expressed he was impressed from the get-go there were no preconceived ideas of who should be doing what or paying what. The variety of people that came and visited with the Committee made it very interesting. A lot of good information was gained. Handy also expressed appreciation to Parsons for keeping things moving with his methodical and thorough approach.
 - g) Those present spent several minutes reviewing the report.
 - h) Chairman Crane indicated it would take time to go through the report. He referred to page 14 that included the findings and recommendations.
 - i) Chairman Crane offered other officials or Committee members a chance to comment. With no further comments, he challenged the other Commissioners to look through the report and stated it would be put on the Board agenda to talk about further in the future. He asked the City of Burley to do the same. Thanks was expressed again to everyone for their participation and attendance.
 - j) Commissioner Christensen's duties on the Board include being a direct representative with law enforcement. When asked, Councilman Hawkins stated that it is to be determined who the City of Burley's direct representative would be.
- 2) 7:28 PM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board

EXHIBIT 1

Report of the Law
Enforcement
Committee
February 2015

Report of the Law Enforcement Committee February 2015

Appointed by the City of Burley and Cassia County

William Parsons – Chair

Harold Blasius

Dennis Dexter

Clay Handy

Robert Squire

Assisted by Carol Anderson

Law Enforcement Committee Report and Recommendations February 2015

Introduction

Clay Handy, Dennis Dexter, Harold Blasius, Robert Squire and William Parsons were appointed by the County Commissioners and the City Council earlier in 2014 to review the unified law enforcement between Cassia County and the City of Burley. This group will be referred to as the Committee in this report. The Committee was professionally assisted by Carol Anderson. The Committee met regularly at noon on Fridays, with a couple of exceptions. Agendas were posted as required by the open meeting law. Meetings were held in the conference room at the City Hall. Lunch was provided by both entities on an alternating basis.

During the meetings the Committee met with law enforcement personnel, City and County fiscal officers, CPAs for both entities, out of town law personnel, dispatch personnel, judges of Magistrate and District Court for Cassia County. The Committee reviewed many documents having to do with the cost of law enforcement and effective law enforcement. All persons interviewed were cooperative and informative. The Committee was mindful of the issue of the two governmental entities each having separate departments or having a continued unified law enforcement department. No member of the Committee lobbied for either but instead looked at both sides of the question. All Committee Members participated fully in the questions propounded to the persons being interviewed and in the deliberations as well in the drafting of this report and recommendations.

An effort was undertaken to have a citizen meeting on the issues, however it was not well attended so the Committee sent out a questionnaire electronically and had news articles inviting written citizen comments addressed to the Committee. However the responses were few and were not very informative to the Committee in preparing this report and recommendation.

The Committee Members each spent numerous hours in meetings and reviewing data. The Committee will discuss any of this report with the Commissioners and City Council but will not discuss in public generally how it reached its findings and recommendations.

The report will have separate categories on various issues investigated by the Committee from documents and interviews with the recommendation at the conclusion of the report. Also the City of Burley will be referred as City in the report and Cassia County will be referred as County.

It was noted that the first contract between the entities was executed on July 21, 1986 and appears to have worked well with limited amendments until the last few years when budgets and politics caused some difficulty.

The Committee strongly recommends that the County and City maintain unified law enforcement with the implementation of recommendations that follow and for reasons stated.

Law Enforcement Obligation

The Idaho Code 31-22 states that the policy of the State of Idaho is that the primary duty of enforcing all penal provisions and statutes of the state is vested with the Sheriff of each county as provided in section 31-2227.

The Idaho Code 31-2227 states that irrespective of police powers vested by statute in state, county and municipal officers, the primary duty of enforcing all the penal provisions of any and all statutes of this state, in any court, is vested in the Sheriff and Prosecuting Attorney.

If the sworn officer, whenever in the opinion of the governor refuses to offer assistance when requested to do so, or refuses to perform any duty enjoined upon him by the penal statutes of this state, shall direct the attorney general to commence action under Chapter 41, Title 19, Idaho Code, to remove such officer from office. The County has no obligation to enforce city code or provide enhanced law enforcement services for the City.

The City has an obligation to enforce its ordinances by code for protection of the City. The Burley City Code 10-1-1 states: "There is hereby created a Police Department in the City. Said Department shall consist of Chief of Police, such number of policemen as shall be authorized by the Mayor and Council and such special police as may be authorized from time to time, or as exigencies arise, by the Mayor and Council." In recent years the contract with the County for law enforcement satisfied this code.

Financial Analysis

Cost Comparison of Separate Entities

Early in the Committee's review, it determined that a primary task of the committee would be to identify the costs to each entity of operating as separate departments. It found for several reasons that we would be unlikely to predict the ultimate cost with a reasonable degree of precision. The Committee concluded that beyond the financial cost of dividing departments these estimates do not take into account the intangible benefits of unified law enforcement services.

The City Separation Cost

A separate police department for the City could be achieved with the same number of officers at a range between \$1,525,480 and \$2,380,200. Comparable cities provided the best estimate of the potential price range. The Committee used the following comparable information about departments that were gathered by the Committee during deliberations:

#	Subject		Comparable #1	Comparable #2	Comparable #3	Comparable #4	Comparable #5	Average
City Name	Burley		Jerome	Hailey	Chubbuck	Blackfoot	Rupert	
Population	10345		10890	8500	13922	11854	5554	
Patrol Officers	14	contract	14	12	12	15	9	
Sworn Officers	20	estimated	20	18	19	27	12	
Budget	\$1,450,000.00	current	\$1,700,000.00	\$1,400,000.00	\$2,261,208.00	\$3,153,777.00	\$915,298.00	
Pop./Patrol	738.9285714		777.86	708.33	1160.17	790.27	617.11	859.16
\$/Pop.	\$140.16		\$156.11	\$164.71	\$162.42	\$266.05	\$164.80	\$187.32
\$/Patrol	\$103,571.43		\$121,428.57	\$116,666.67	\$188,434.00	\$210,251.80	\$101,699.78	\$159,195.26
\$/Sworn	\$72,500.00		\$85,000.00	\$77,777.78	\$119,010.95	\$116,806.56	\$76,274.83	\$99,648.82

Based upon comparable departments, the City likely saves at least \$75,480¹ and as much as \$930,200² from maintaining unified law enforcement.

City Separation Transition Costs

These budgets only predict the annual cost of operations. The City is not entitled to any of the County equipment in a division. The City would have the upfront costs of obtaining equipment and of obtaining a building.

County Separate Cost

A division of law enforcement would likely be very expensive for the County because the County currently supplements its law enforcement needs with the City's patrol division. Comparable costs for the County total were more difficult to obtain because of differences in additional Sheriff obligations such as court security and civil services and variations between counties with contracts with some but not all cities.

The County benefits substantially from unified services. Under a split, the County would lose revenue of \$1,450,000. Assuming the dispatch portion of labor³ becomes the contract amount for dispatch, a loss of \$1,234,900 in revenue to the County would still occur.⁴ The County would not experience cost savings comparable to revenue reduction from separation. Sherriff Heward estimates that the County would require at least 12 patrol officers as a bare bones force and a total of 18 sworn officers. Minidoka County currently has 18 sworn officers, so the estimate of 18 sworn officers is probably relatively close to the actual required level. The cost reduction of eliminating 10 of the current 28 sworn officers can be estimated using the County's own estimates. Assuming the City still negotiates separately for access to the dispatch service, the County's estimated cost of \$1,627,477 from the 2014 contract proposal minus the

¹ Rupert (the lowest comparable cost) Sworn Officers cost of \$76,274 multiplied by 20 sworn officers minus the contract amount of \$1,450,000

² Chubbuck (the highest comparable cost) Sworn Officer cost of \$119,010 multiplied by 20 sworn officers minus the contract amount of \$1,450,000

³ Cassia County Law Enforcement Contract Personnel Expenditures for the City of Burley total of \$215,099 (dispatch).

⁴ Cassia County Law Enforcement Contract Personnel Expenditures for the City of Burley Revenue total of \$1,450,000 minus the dispatch staff expenditures of \$215,099.

dispatch portion of the cost estimate of \$215,099⁵ leaves costs of \$1,412,378. Since the County could only reduce the force by 10 officers, the County would experience cost savings of only \$706,189⁶. The savings of reducing 10 officers based on comparables above from city departments for sworn officers range from \$76,274 to \$119,010 with an average of \$99,648 per officer. This translates to savings of \$762,740 to \$1,190,100 with an average of \$996,480. The actual budget proposal is the better measure in this instance because the County can't save money it is not already expending. The County likely saves about \$528,711 from maintaining the unified contract at its current payment level. In reaching this estimate the Committee used information from the County from the document called "The Cassia County Law Enforcement Contract Personnel for the City of Burley." This information was provided by the County to the City in the most recent negotiations and may change with the suggested model for the cost of law enforcement. The Committee's use of these numbers is not an endorsement of the accuracy of this financial information.

Cost Analysis of Separation

Because of the lack of recent experience with separate law enforcement, it is difficult to predict the level of service at which each entity could comfortably operate. If each entity were to maintain the same level of service with the same experience and quality of officers, the cost to each would likely fall higher on the comparable range. Assuming current levels of service are maintained, both entities experience substantial savings from maintaining a unified force.

Allocation Formulas

The Committee rejects the concept that the law enforcement contract should be tied to a simplified formula using population, taxation levels, or crime statistics. Use of a formula assumes that there is a fair allocation between the parties. Our review has determined that an appropriate allocation of costs cannot be reduced to a formula without some agreement of the parties about how to share ambiguous cost obligations.

Population was not an appropriate measure by itself to create a formula. First it tells nothing about the allocation between the County and the City's obligations. The ambiguous standard set by state law does not give a clear allocation between the County's general obligation to provide law enforcement and the City's need for enhanced patrol and enforcement of city ordinances. Even if it were assumed that the contract should be set at a specific dollar amount and adjusted by population changes, dollar amount becomes an inflexible standard that fails to address the needs of the City. The City's population has not changed substantially from the inception of the contract, so a population standard would essentially turn into a simple formula of inflation adjusting the current contract and would not

⁵ This assumes that a contract for dispatch will be negotiated separately and that the contract amount will equal the dispatch staff allocation of \$215,099

⁶ Cassia County Law Enforcement Contract Personnel Expenditures for the City of Burley Revenue total of \$1,450,000 less Dispatch Staff Allocation \$215,099

take into account changes in specific costs for law enforcement and the need for adjustment to the level of service.

Taxation levels do not provide a sound basis for a formula. City residents pay County taxes and are entitled to basic County law enforcement services. City residents are paying extra to have enhanced patrol and related services. Tying law enforcement to tax revenues is immaterial to law enforcement needs. Revenues or allocations of revenues between the County and the City are likewise immaterial because revenues could fluctuate independently of law enforcement needs.

Crime statistics, the allocation of crime between the City and the County would not be an effective measure for the budget allocation. There are far too many variables affecting the statistics to make this a reliable measure. Some presenters to the Committee have discussed variables affecting crime statistics such as the impact area, residences of offenders, seasonal labor force, cell phone use and enforcement priorities. Crime statistics are an unreliable measure for contract cost allocation because of these variables. Crime is essentially mobile within the County making an artificial allocation of offenses inappropriate. The vague definitions under Idaho law of which services the County is required to provide may make some portion of these crimes the responsibility of the County with or without City assistance. Unification has proven to solve these issues.

Relative Cost of Law Enforcement

Under the original unified law enforcement services agreement, a proportion of the Sheriff's budget determined the ultimate contract cost. The initial cost of \$636,570 (roughly \$1,371,593.45 in today's dollars⁷) represented 65% of the patrol costs, 50% of investigative costs, 65% of dispatch costs, and 50% of administrative costs. The contract amount has remained relatively consistent from its inception in 1986 adjusting for inflation. The contract amount relative to the total revenue of the County and the total expenses of the City has decreased in the last few years. The following table shows the relative impact of changes to the contract.

⁷ Bureau of Labor and Statistics Consumer Price Index Calculator <http://data.bls.gov/cgi-bin/cpicalc.pl?cost1=636570&year1=1986&year2=2014>

Contract Year Ending	Law Enforcement Contract Amount	County Governmental Funds Expenditures	%Contract/County Governmental Fund	Justice Fund Expenditures	%Contract/Justice Fund	City General Fund Expenditures	%Contract/City General Fund
2014	\$ 1,450,000.00	*		*		\$ 5,816,862.00	24.93%
2013	1,404,000.00	18,504,650.00	7.59%	8,321,073.00	16.87%	5,538,270.00	25.35%
2012	1,350,000.00	16,052,241.00	8.41%	7,859,641.00	17.18%	5,477,429.00	24.65%
2011	1,529,383.00	16,438,826.00	9.30%	7,964,479.00	19.20%	5,266,643.00	29.04%
2010	1,529,383.00	15,344,639.00	9.97%	7,388,810.00	20.70%	5,463,021.00	28.00%
2009	1,470,560.00	15,564,804.00	9.45%	7,687,337.00	19.13%	5,203,726.00	28.26%
2008	1,414,000.00	14,258,343.00	9.92%	7,113,218.00	19.88%	4,749,202.00	29.77%
2007	1,398,682.00	14,052,017.00	9.95%	7,076,273.00	19.77%	4,633,587.00	30.19%
2006	1,314,768.00	13,343,677.00	9.85%	6,834,776.00	19.24%	4,697,651.00	27.99%
2005	1,314,766.00	12,812,496.00	10.26%	6,435,561.00	20.43%	4,708,167.00	27.93%
2004	1,325,792.00	12,406,326.00	10.69%	5,995,571.00	22.11%	4,569,950.00	29.01%

8

* Not yet available from the County

Unified Detective Division

Prior to unification, County investigators and the City detectives worked independently. The City officers stayed within the City limits leaving investigations elsewhere in the county and the other cities within the Cassia County to County officers.

As early as 1984, the City and County began closer working relations between investigators. At that time the City had three detectives and the County had two investigators. The five investigators started sharing information concerning criminal activities and the cases that they were working on. The officers soon realized that the same criminals were committing crimes in both the City and County. The 1986 unification utilized the same number of investigators. The investigative team was able to diversify and follow personal specialties or interests. One was able to work death investigations that may or may not be homicide. One worked primarily child abuse and child sexual abuse cases. One worked primarily drug trafficking. One worked primarily burglaries/Robbery cases. Going back to individual departments would eliminate the success of that teamwork.

Dispatch

Dispatch is at the heart of any police activity. This is central to law enforcement cooperation. The costs of separation of dispatch would be substantial. The dispatch office has three desks which are \$30,000 each. The desk chairs are \$1,000 each, both of which have a usage life of 10 to 25 years. Radio equipment costs \$350,000. There are computer screens that are needed to locate all 911 calls within 6 to 10 meters in approximately 60 seconds. The radios are analog, but the need is for digital radios which will handle better and more sophisticated equipment as cell phone usage, with video and text messages. Total calls for October 2013 through September 2014 were 27,768.

⁸ Data provided by Ed Evans and Jeff Poulsen (formulas added by the committee)

The dispatch operators are vital to law enforcement, they need to be able to determine in a very short time if the call is real, if lives or property are at risk. It is important that they receive the proper training so that they are confident in the decisions that they make. Dispatch covers not only law enforcement, but fire and medical as well. It is important to train and keep operators for the success of the community. A separation of dispatch would complicate the staffing of qualified personnel.

Under separate dispatch the City and County would each need to pay ILETS (Idaho Law Enforcement Telecommunications System, State required system for dispatch). The combined cost for 2014 for ILETS was \$27,500. The City would also need to rent space for radio usage the current combined rental fee is \$12,985.

Due to the substantial costs and the intangible benefits of combined operations for law enforcement dispatch, it is unlikely that dispatch could be separated. For analysis purposes, the Committee determined that a separate contract for dispatch would still be necessary even under separate departments.

Result of Dividing Departments

Negotiations and threats of dividing the departments have an impact on the officers. A common concern heard from the officers is morale. The deputies said morale bottoms out during the contract negotiations. The uncertainty of the contract spawns uncertainty of continued employment. Morale by definition is the confidence, enthusiasm, and discipline of a person or group at a particular time. How can staff feel proud of their department, feel that they are being heard and treated fairly when they don't know if they will have a job or when negative comments are stated?

Mirroring that sentiment, residents of Cassia County and North Burley deserve better representation from the elected officials that negotiate the law enforcement contract. Residents deserve to know what type of law enforcement they can expect. Residents deserve the quality of law enforcement that we have experienced since the unification began. Residents deserve the best quality of law enforcement that devoted funds can provide.

Employee turnover is a common issue with any employment. However, in the Cassia County Sheriff's office it seems to be exacerbated during the contract negotiations, because of the uncertainty of whether there will be continued unified law enforcement. Current turnover is much less than when the City had their own department. Prior to unification, the City experienced huge turnover. That turnover was from the top down, starting in 1971 with Ken Berry, to Kirby Harkness (acting Chief), Gary Booth, Larry Broadbent, Richard May and Leman Messley. The City averaged a new Chief of Police every 2 ½ years, during that time the City experienced a major "walk out" by the majority of the officers, simultaneously quitting during a City Council Meeting. It was not uncommon to have an officer a month terminate employment. The City was a training ground for new officers that, once certified, would explore different

agencies that offered higher and more competitive wages, benefits package, and perceived advancement opportunities.

The County did not have such a turnover issue; it had a handful of deputies that seemed to be replaced only upon death. However, law enforcement coverage was re-active rather than pro-active. The Sheriff's Office would shut down at 5:00 P.M. and on weekends. The City had the 24 hour dispatch center prior to unification. The City would have to call out the on call Deputy if there was a call for service outside the City.

Turn-over since 2010, lists four retirees (all having 25 years or more of service), four that resigned (some currently serving other agencies) and two that were terminated.

Without an increase in personnel, the County officers would be required to take call out time. Officers would most likely be "on call" after 5 p.m. and response time to calls for service would be delayed significantly, even for the buffer zone immediately around the City.

Specialty services such as the Dive Team and the Tactical Team would not have sufficient trained personnel to man those services. Neither the City nor County (if separated) would be able to continue the training necessary to have a safe and professional dive team. It is understood that a portion of the money that funds the dive team is from Docks and Waterways. It can only be assumed that the County would be responsible for the continued dive team.

The tactical team is well equipped and those assigned to the tactical team are well trained. The training and deployment of the team is a safety tool for law enforcement activities and for the residents of Cassia County. Without the current staffing levels, that team would not be able to continue the training necessary for safe deployment. The City and County individually would not be able to staff the team properly. Overall, staffing becomes more efficient with larger numbers of personnel.

Interagency cooperation would most likely be minimized upon separation. There is a natural border in between agencies which excludes a more common team work approach. The area experiences the River as being the divider between Minidoka and Cassia. If separate, the City and County would experience similar divisions. They would not be able to work together as a team. Priorities would change and efforts rechanneled in order to provide services for their respective residents. Unification provides our community with continuity, stability, peace of mind of residents, and professional law enforcement.

The level of training can only compliment an officer's accountability, demeanor, presentation, and ability to perform their job on a more professional basis. Pre-Unification the level of training for the City was minimal. The majority of the officers had either a basic or intermediate level of certification. Few officers had much more than a high school education. At the time of unification the Sheriff's Office had employees with much higher levels of education. The majority held college certificates. That standard has continued. The level of education

seems to correspond with tenure. Staffs that have higher levels of education are normally in higher levels of command or supervisory positions. Staff with higher levels of education is more professional.

The estimated average of experience before unification for the City is less than (2) two years. It is estimated that the average officer now has ten years or more of experience.

A City police department would be headed by a Chief of Police who would be hired by the City Council. This structure would give the City greater control. City officials have stated their concerns about recent revenue reduction. The City Police could abuse this control for revenue enhancement to the detriment of the citizens. The direct election of the Sheriff reduces this revenue seeking impulse. The cooperative relationship between the Undersheriff and the City gives the City appropriate access to law enforcement without sacrificing accountability to the people.

The City sold its portion of equipment inventory. The City would be required to purchase all equipment (new or used) necessary to operate a police force. It has been discussed that fully equipped squad cars could be purchased from the City of Seattle with less than 100,000 miles on them. Used police cars with 100,000 miles do not include the hours of run time. Engine idle time could easily equate to excessive mileage and poor choice of equipment. Shared cars can also often result in less accountability by the officers using the cars leading to additional wear and damage.

The County would most likely have excess used equipment.

The Board of County Commissioners is required by statute to address the needs of County-provided components of the justice system by funding them at levels which do not compromise the performance of the justice system as a whole and which advance the interests of the public, while protecting the rights of individuals involved with the justice system. The City, as are all Cassia County residents, are recipient of the basic level of law enforcement provided by the County. All residents of Cassia County have grown accustomed to a higher level of law enforcement that has only been provided due to the unification. The City and the County should refuse to have politics dictate levels of law enforcement. It is the "duty" of the elected officials to provide the best services available to the community. Separation would not be in the best interest of the citizens.

Building For Law Enforcement and Operations

The Law Enforcement Building was built in 1973/1974 and housed both County and City law enforcement services. The building is owned one-half by the County and one half by the City. The land is owned by the County. The building would have to be extensively remodeled to accommodate two separate agencies for law enforcement or one new building would have to be built. At about the time of the building being built law enforcement was shaped like this:

1970

County

2 Patrol
1 Undersheriff
1 Sheriff
Population 17,017

City

12 Patrol
2 Detectives
1 Chief of Police
Population 8,279

At about the time of the unified law enforcement in 1986 the shape was like this:

County

5 Patrol
1 Undersheriff
1 Sheriff
Population 19,427

City

14 Patrol
3 Detectives
1 Chief of Police
Population 8,700

The year 2014 the shape was this:

County

5 Resident/County Deputies
2 School – Dare
3 Detectives
1 Staff Sergeant
1 Patrol Lieutenant
1 Undersheriff
1 Sheriff
Population 22,952

City

14 Patrol
Population 10,345

An increase in County of 5935 and City 2066 since 1970.

*Best figures available to the Law Enforcement Committee.

No estimates were obtained to remodel the existing building to house separate departments or to build new building to house separate departments because of the recommendation of the Committee to retain a unified law enforcement department for Cassia County and City of Burley. The Committee recognizes that building costs today are much higher with ADA, Fire Code and that the costs are changing all the time. It appears from the information the Committee received that the unified department for law enforcement is functioning well in the current building.

The above does not include dispatch (which dispatch was operated for the whole County by the City prior to the unification of departments.) Nor does it include secretarial staff.

Dispatch is changing all the time and to have two qualified dispatch centers is very expensive. As stated elsewhere in this report dispatch is a very costly service that needs

qualified people to operate it effectively. To separate the City and County would still necessitate a unified contract between City and County.

Perceptions of Participants

The Committee found in its investigations that there is a diverse perception of the issues.

County:

The County believes that it is spending more to provide the City law enforcement under the contract than they are receiving in payments under the contract. The County feels that the contract has been flat for a long time and it is being dictated to by the City. The County feels that it is beneficial for the County as a whole to continue in the contract and so they have continued to pay a larger portion of the total expense for the Sheriff's department. The confusion over the actual cost of the contract makes each side somewhat wary. The nature of an elected sheriff seems to muddy the waters somewhat but in the long run the commissioners have maintained almost complete control over the process. The Commissioners feel that it is their responsibility. The County is irritated when other issues come up and they are accused of not paying their share. The County's opinion is that they will provide the services and programs that they deem necessary or desirable. Any program or service that the City starts and includes non-city residents does not obligate the County to participate. These issues being raised do nothing to help the contract and they are not relevant to the contract.

City:

The City is most concerned that all its tax revenues are consumed by the law enforcement contract. It feels that it should not be that much. It likes the professionalism of the service. The City does not like the fact that when the county sheriff department comes in under budget that it does not share in the funds not expended. The City feels that it can provide the same service for less money. It realizes that it gives up some control under the contract. However with Undersheriff George Warrell, communication and responsiveness is better and the City has seen improvements. The City has expressed concern about the reduced revenue under the current Sheriff. The City is irritated that so many services are provided to non-city residents and there is no participation by the County or other cities in recreation, animal control, library and garbage pickup just to name a few. The City leans more toward including all things in the discussion. The City is not satisfied with some of the ordinance enforcement provided by the Sheriff Department.

Unified Law Enforcement Contract

It is the consensus of the Law Enforcement Committee that the City and the County should use the model, as applicable to the City and the County, which was developed and

utilized by Ada County. Ada County adapted the model used in the State of Washington specifically for consolidated law enforcement budgets. This model should be modified for the needs of the City and County. This model was developed in order to identify accurate costs associated with law enforcement services provided to the community. The model has been successfully accepted by the cities and county served by the Ada County Sheriff. It includes traffic enforcement, patrol services, detectives, certain administrative positions specific to law enforcement, but excludes positions such as civil service, driver's license, court security, records, search and rescue, detention services, and probation services. This model should be modified to fit the needs of the City and the County.

The model establishes the actual cost per officer for law enforcement. It should be created using the Sheriff's actual law enforcement expenses. The County and the City should have full access to the information used in creating the model. Once the per officer cost is established to the satisfaction of the County and City, the level of service can be adjusted based upon the City's needs. This is where the population and crime statistics can be effectively utilized to determine law enforcement needs. The contract amount would be based upon this established amount. The County and City may agree on splitting some of the other services like administration and dispatch.

The Committee understands that this model may not provide the exact numbers needed for the first year. It may take most of a year in order to specifically map services to costs. It is thereby recommended that the current budget be accepted for one more year with no more than a 2% increase for each entity mirroring the current inflationary trends.

It is recommended that the Sheriff of Cassia County and the City Administrator negotiate a unified law enforcement budget. The budget amount should be determined no later than March 30th of each year. The proposed budget should then be presented to the City Council by the Sheriff for approval. The Sheriff should present the proposed budget to the Board of County Commissioners for their approval. The government entities should provide an answer no later than April 30th.

Basis for Suggested Accounting Costs Model

The County and the City need to come to a consistent standard to account for law enforcement costs as suggested on the proposed model. Clear accounting presented by the Sheriff will allow an understanding of the allocation of law enforcement costs between the parties.

A common cause of contention the Committee heard from presenters was the inconsistent accounting for law enforcement costs. At one point during recent negotiations, the budget numbers changed creating the impression that the numbers presented to City could be manipulated during negotiations. There is also concern that law enforcement funds are not being fully allocated towards law enforcement purposes. The Committee believes that a separate account would be necessary so that unexpended funds for the next year would not be

diverted for other uses. If there are instances when unexpected costs occur for law enforcement, both parties need to understand the allocation of risk. The City needs confidence that funds are not being diverted from contractual law enforcement expenses.

There was a period during the most recent contract when some deputies left the city division of the Sheriff's Office. This instance likely did not result in reduced service for the City because officers responded with overtime to fill the gap from the officer shortage. During the presentation an instance was mentioned when last year funds budgeted for law enforcement were diverted to cover other County budget shortfalls. If the contract was not fully performed because the staff was reduced or funds were diverted, any costs savings should be accounted for so that the County does not unfairly benefit from the cost reduction resulting from a breach of performance. Consistent accounting would enable the City and the County to clearly respond to unexpected events like these and allocate the effects on performance.

A major difficulty the Committee experienced was obtaining consistent accounting for law enforcement costs. The County was able to produce its estimate for costs, but only for the most recent year. It was not a uniform accounting of costs because personnel costs are handled separately from other expenses. This made it impossible to compare budgets for previous years. At the conclusion of the investigation, the Committee does not have clear answers about the history of law enforcement costs relative to the contract amount which would show changes to the relative burdens of the County and the City.

The objective of the law enforcement contract is to serve the common purpose of protecting the citizens of Cassia County and the City of Burley. The interviews showed that the statutory burden of law enforcement is not clearly allocated beyond minimal levels of service. The County and the City must cooperate in achieving this common goal. The City and the County must negotiate an allocation of permanent responsibilities that does not unfairly benefit one entity or the other. Achieving this allocation requires good information.

The Ada County model discussed earlier shows that the County pays for full cost of law enforcement overhead, including dispatch, facilities, administration and evidence handling. The cities in Ada County pay for the cost of officers designated for each city based upon a model of officers cost built in conjunction between the cities and the County over several years. The model estimates the cost of each officer based upon historical cost data. By having a clear understanding of the costs of officers they can adjust the level of law enforcement to meet the needs of each city in Ada County. The data made it possible to see the allocation of costs between the parties. Ada County keeps good records of the law enforcement needs so they can determine the appropriate level of service, but since the actual cost of officers is clearly established, the only variable to respond to increased need is the number of officers. Both parties benefit under this system. The cities saved the potential costs to duplicate administrative costs. Ada County received some compensation for having officers available to serve its mandatory law enforcement functions. This specific allocation may not be appropriate for Cassia County because Cassia County has only one larger city, but some allocation must be

reached that benefits both parties, sharing the burden of law enforcement. Central to Ada County's ability to negotiate this allocation was consistent accounting.

The law enforcement negotiations would benefit greatly from having a consistent accounting of law enforcement costs. The proper allocation of costs cannot be achieved without clarifying the actual costs of law enforcement. The City and the County should cooperate to create a standard for accounting for law enforcement costs. If there is disagreement on the accounting it should be prepared by a neutral third party so that each party can have confidence that the numbers have not changed. Once standards have been agreed upon, the report should remain consistent over time.

The City and the County should also cooperate to generate their own model for law enforcement costs. This should be based upon records for actual law enforcement costs. Information from other cities may also be available for comparison. To some extent it is necessary to defer to the elected Sheriff for management of law enforcement and establishing minimal acceptable budget levels for certain costs. A less expensive force can be achieved by lowering standards for equipment and the quality of officers. Poorly equipped and untrained or inexperienced deputies are a danger to themselves, others and the community.

Conclusion and Recommendations

The Committee recommends and concludes the following:

- 1) The City and County continue to maintain a unified law enforcement organization.
- 2) The city's control concerns are adequately addressed by having a responsive undersheriff work closely with the City.
- 3) The County and City develop a model for calculating law enforcement costs during the year 2015 for use in budget year 2016 and beyond and while that is being developed to maintain the current contract for with a 2% inflation cost.
- 4) The City and County take the politics out of the negotiation on the contract and focus on law enforcement for the County and City and to use a Mediator if necessary.
- 5) A developed model for law enforcement costs will allow the Sheriff to develop the budget for next year to present to the City and County for their consideration of the level of qualified and equipped unified law enforcement each entity desires. The recommended model is a more reasonable solution than a formula based upon population, crime statistics, and/or tax revenue.
- 6) This Committee would be willing to work further on the issue with accurate numbers or a different Committee could be appointed.
- 7) The Sherriff's budget should not be a source for budget shortfalls in other departments and should independently accounted for.

The Committee believes that in following these recommendations the budget issue will be resolved which will lead to positive negotiations in the future.

The Committee appreciates working for the County and City on this important issue in a time of increasing crime and tight budgets and would deliberate on other issues that may be on concern to the entities.

s/ conformed
William Parsons

s/ conformed
Clay Handy

s/ conformed
Robert Squire

s/ conformed
Dennis Dexter

s/ conformed
Harold Blasius

s/ conformed
Carol Anderson, Administrative Assistant