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The Future of Law Enforcement in Orleans County: Options for Service Delivery

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Orleans County

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Table of Contents

Introduction.....	1
Options for Law Enforcement Services.....	1
Projection Methodology.....	2
Status Quo.....	3
Fiscal Modeling.....	5
Option Impacts.....	6
Expanded Collaboration.....	6
Evidence Storage.....	7
Central Booking and Holding.....	7
Common Training Offerings and Tools.....	8
Option Impacts.....	8
Villages Scale Back Services.....	9
Option Impacts.....	11
Contracting for Services.....	11
Option Impacts.....	13
Single Law Enforcement Agency.....	13
Transition.....	14
Option Impact - Fiscal.....	16
Option Impact - Services.....	17
Next Steps.....	17

Introduction

If, in 2017, the citizens of Orleans County were to develop a brand new system for providing law enforcement to its residents, it is unlikely that they would create the same system that developed over the last century. There have been dramatic improvements in transportation and technology that allow agencies to patrol over larger areas. The activity of criminals shows little regard for municipal boundaries and multiple agencies can be, unknowingly, pursuing the same perpetrators as they commit crime in neighboring jurisdictions. Moreover, citizens' service expectations have increased while they are simultaneously concerned about cost.

However, based on the survey and public meetings conducted as a part of this project, Orleans County residents are generally happy with the services that they receive and see little need for change. Similarly, while the law enforcement professionals recognize the benefits of a consolidated system, they express strong support for the services that they can provide with the existing system and believe that efficiencies from consolidation would be modest.

Options for Law Enforcement Services

There are several options for law enforcement service in Orleans County ranging from a continuation of the status quo to moving to a single service provider. In the development of these options, the steering committee asked that several key characteristics be included in each option. The common characteristics are:

- Any changes to staff sizes would be accomplished through attrition;
- Local governments would have influence over the operation of law enforcement in their community;
- A law enforcement office would be maintained in every village;
- Any adjustment to service levels would focus on ensuring that residents would either have equal or improved response times;
- The level of services from the New York State Police will likely remain constant and outside the control of local governments regardless of any changes;
- Services such as property checks and school resource officers would be continued, as requested by the community; and
- As much as possible, costs for services will be divided by community based on service use.

Using those characteristics and the existing system as a starting point, the following options for law enforcement were developed for consideration:

- *Status Quo*
- Non-Structural Changes
- Villages scale back services
- Contracting for services by villages to another village or the county
- Single law enforcement agency

Any substantial changes to law enforcement will be implemented only after public discussion, action from the appropriate elected officials and subject to a permissive referendum in some cases such as eliminating a village police force. Additionally, collective bargaining units will also be involved in establishing the new operating structures of the agencies.

The options are presented as brief outlines that focus on key characteristics, potential changes (positive and negative), and projected fiscal impacts. In general, the options presume that existing conditions will be carried forward (such as union contracts or tax rates) unless otherwise specified. In some situations (especially longer term projections), a range is presented because of the variability that may occur over the course of time.

Projection Methodology

To develop the projections, CGR used data from the NYS Office of State Comptroller (OSC). These figures vary slightly from the ones provided by the agencies and used earlier in the Baseline Section report because of the method used by the OSC to group the account lines. The police services lines that are used as the basis for the following analysis generally exclude the costs of benefits, pensions and capital purchases. While they provide a consistent point of comparison between the communities, other key costs such as pension and benefits are excluded and can be a substantial driver of costs. To account for their absence, we reviewed recent municipal budgets to arrive at an estimated benefit ratio and included the estimated costs of benefits in our analysis. For Albion and Medina, it is 55 percent of salary. For Orleans County, the ratio is 50 percent and for Holley it is 35 percent.

Status Quo

The *Status Quo* plan is to allow the current level and type of law enforcement services to continue as they currently are provided. The key characteristics of this are:

- No change in staffing levels from 2017 authorized strength;
- Village departments are primary patrol in their village;
- Lyndonville remains part time;
- OCSO and NYSP use closest unit concept for response in areas outside the villages;
- Staffing models remain the same as 2017 (mostly full time except for Holley);and
- Collaboration on investigations and training remains on informal as needed model.

Using the five most recent years of Office of State Comptroller (OCS) spending data, CGR extrapolated the total police spending forward according to the average annual change.

The following table summarizes the average annual changes in total police spending over the last five years. These annual rates reflect changes to operations and contracts that may not be repeated, however they do influence the average that is used for projections. The relatively large increase in costs for Albion are due to a negotiated change in base compensation as part of a shift in work schedules for the officers in 2016. Going forward, the collective bargaining agreement in Albion calls for 2.0% increases if the new work schedules are maintained. There is a possibility that after February 2018, the compensation will revert to the old framework with some cost savings under the former regime. Similarly, the savings in Holley is also from a change staffing in 2016.

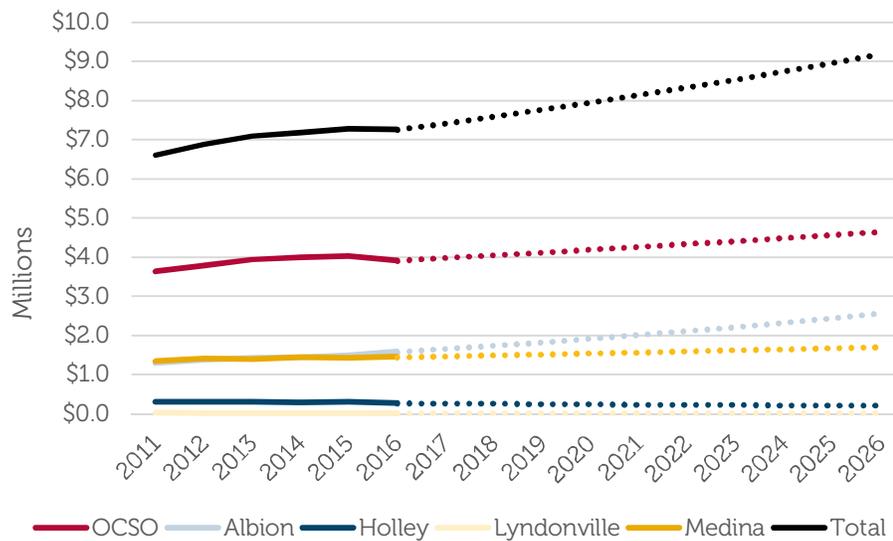
Table 1 – Average Annual Change in Police Spending

<i>Cost in Thousands</i>	2011	2012	2013	2014	2015	2016	Avg. Chg.
OCSO	\$ 2,673	\$ 2,828	\$ 2,942	\$ 2,942	\$ 3,025	\$ 2,906	1.7%
Albion	\$ 867	\$ 926	\$ 961	\$ 977	\$ 991	\$ 1,102	5.0%
Holley	\$ 249	\$ 243	\$ 247	\$ 233	\$ 241	\$ 220	-2.4%
Lyndonville	\$ 23	\$ 15	\$ 21	\$ 18	\$ 22	\$ 22	1.7%
Medina	\$ 916	\$ 958	\$ 944	\$ 976	\$ 958	\$ 992	1.7%
Total	\$ 4,729	\$ 4,970	\$ 5,114	\$ 5,147	\$ 5,237	\$ 5,242	2.1%

Source: NYS Office of State Comptroller – Police Spending Line excludes benefits and retirement costs

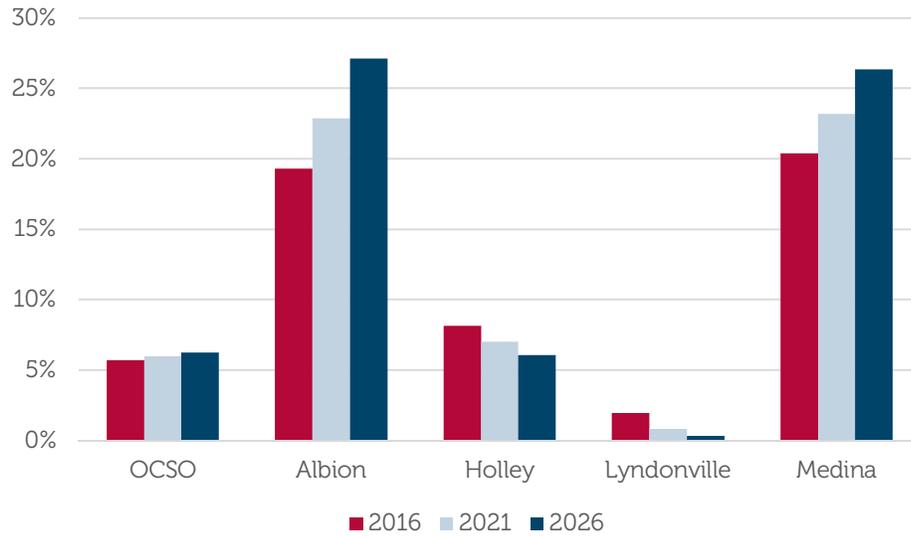
The following graph illustrates the OSC data for police costs plus the estimated benefits and the projections out 10 years based on the changes in spending over the last five years. This projection assumes that staffing remains level and there are no substantial changes to compensation, just a continuation of the existing trend. The intent is to provide context regarding potential future costs of law enforcement. The actual costs will be impacted by events such as new contracts, hiring practices, and healthcare and retirement contributions.

Figure 1 – Police Spending: Status Quo Maintained



Using the same method we used to project total spending out 10 years, the share of the total budget dedicated to police spending, under the *status quo* assumptions, is projected to increase for three of the five law enforcement agencies in Orleans County. This increase in share of the municipal budgets could serve to increase pressure on the local municipalities to either trim other programs in the municipality or increase the property tax burden. The projections are based on the five most recent years and the trajectory could change based on a variety of factors.

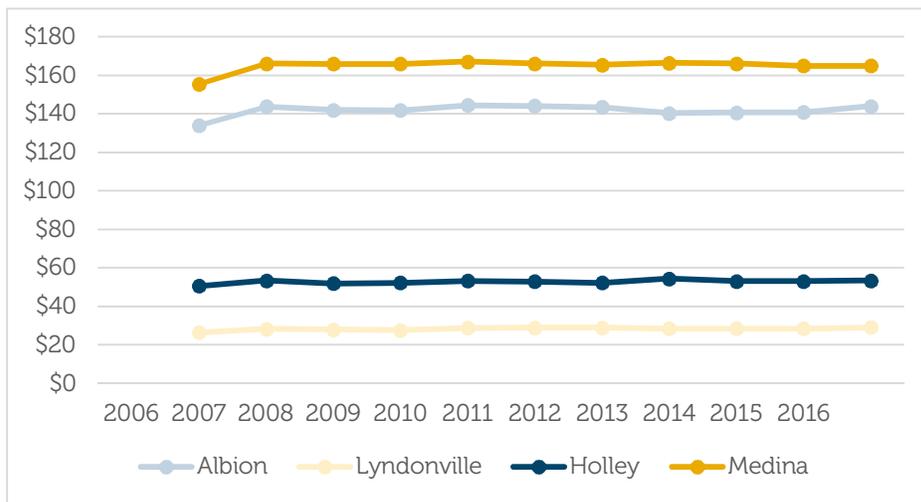
Figure 2 – Police Spending as a Share of Total Municipal Spending



Fiscal Modeling

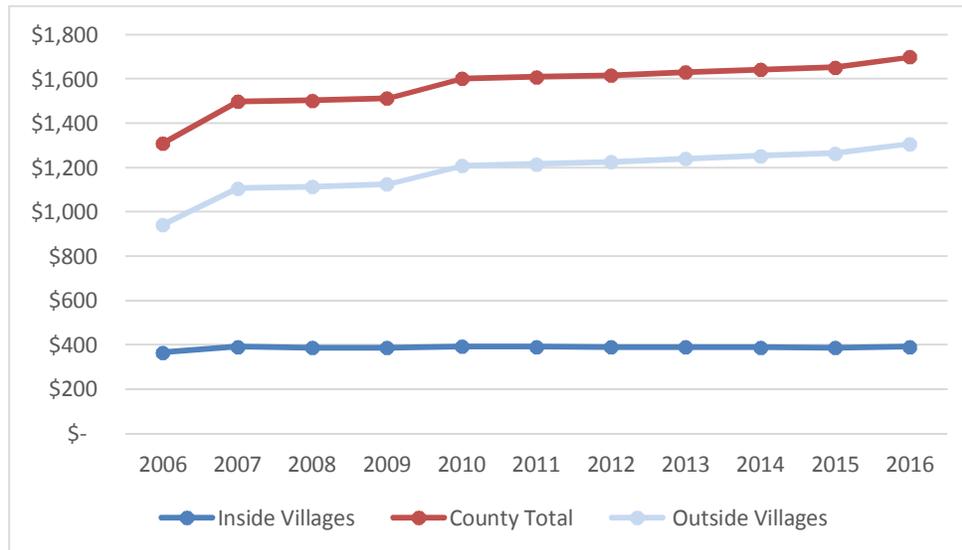
Using the characteristics above as a basis and the budgeted costs for the departments in 2017, CGR projects that the costs for providing law enforcement will grow for the county at 2.1% per year. In the villages the cost will not only escalate in real terms, it will require an ever growing share of the tax levy if taxable assessed values (TAV) remain unchanged, as has been true for the last ten years. The result is an increasing tax rate and levy to maintain the revenue necessary to support the police costs, even if they grow at the low projected rate.

Figure 3 Village Trend of TAV - 2006 to 2016 (in millions)



However, the TAV for the county outside of the four villages has grown steadily over the last decade. The result is that the county has been able to grow its tax levy while holding the tax rate steady. Villages have had to increase their tax rates to maintain the same revenue because the taxable value of the villages has been flat.

Figure 4 – Taxable Value Trend for County vs. Villages (in millions)



Option Impacts

The cost of maintaining the status quo is projected to grow over the next decade. If the trend of a flat TAV continues for the villages, then the tax rate will grow at least at the same rate as the projected cost increases, unless the villages cut back on other municipal services. Because the TAV in the county overall is growing, the county budget is more likely to absorb the increases in the cost of the service without increasing the property tax rates. Under this model, there is no change to the police operations.

Expanded Collaboration

As noted in the baseline report, the law enforcement agencies in the county collaborate in numerous areas. These activities already lead to a more efficient operation of the agencies than there would be without collaboration. The collaboration areas include:

- Joint SWAT team
- Regular leadership meetings

-
- Closest car concept for serious events
 - Open invitation for local training
 - Central dispatch center
 - Common record keeping

During the project several additional areas for collaboration were identified as leading to additional efficiencies and should be more fully evaluated by local law enforcement leaders regardless of other initiatives pursued in the area of law enforcement.

Evidence Storage

The rules in criminal procedure law related to evidence custody and storage are complex and stringent. One of the consequences of these laws is the accumulation of material as evidence for criminal cases that must be properly inventoried and protected until such a time as it might be needed. All of the agencies in the county are challenged by properly storing these materials, especially for cases that have limited activity or have large physical items such as vehicles. Additionally, requirements for refrigeration, freezing and ventilation require specially adapted spaces to store the evidence properly and securely. Only a relatively small portion of evidence needs to have easy accessibility by officers, the rest can be stored in an offsite facility.

One solution to this issue could be the creation of a centralized secure repository for older evidence items and large items. The evidence storage space would have a secure outer envelope with separate secure spaces inside for each agency. The space would be designed with appropriate safeguards to enable each agency to protect their chain of custody, but it would allow them to reduce the amount of space at their stations that they need to dedicate to evidence storage. It would also be designed to properly store evidence so it doesn't degrade over time.

Central Booking and Holding

When a person is arrested, they are processed held by the arresting officer and agency. Each agency (except Lyndonville) pays to maintain the required fingerprint scanner and associated computers. This is an annual expense to maintain the systems, plus occasional and expensive upgrades.

When the charges warrant, the officer often needs to maintain custody of the person until they are arraigned. This can tie up the officer for several hours until a judge can

be found for the proceedings. This is particularly burdensome when the agencies have limited resource availability to begin with in some of the smaller villages.

One potential solution is to have a single location, perhaps located at the county jail, that could process the subjects and keep them in custody until they are either remanded to custody or released on bail or with an appearance ticket. There is a current legal barrier that makes it difficult for the county jail to hold un-arraigned prisoners and there is not always space at the current jail. Both issues would need to be worked out, but in the long term a central facility would reduce the amount of time officers need to spend maintaining custody of their prisoners and also could reduce the potential for liability for agencies from holding prisoners at their stations.

Common Training Offerings and Tools

While each agency is subject to the same New York State and federal standards for minimal training, each agency maintains separate training programs and documents. This leads to duplication of effort and potentially to gaps in the type of trainings offered. Each department has a person responsible for developing a training curriculum and maintaining records.

Under this option, the agencies would collaboratively develop a curriculum for the workforce to complete over the year for in-service training and also have common objectives for field training of officers. Key components would be central record keeping, standardized instruction so officers could attend offerings by any agency, and a centralized listing of offerings both in the county and in nearby areas. The sharing of services could be accomplished through the dividing of tasks in an equitable manner, or a central agency, such as OCSO, would take a leadership role in the coordination and record keeping.

Option Impacts

There would be upfront costs to implement both the evidence room and central booking and holding. However, both of those projects would likely lead to future savings to each of the agencies through improved operational efficiency and also additional space for their operations.

Common training offerings could be implemented without additional costs through existing personnel expanding their cooperation. However, an investment for central record keeping would be needed either to create or purchase a training database. Also, providing dedicated time for a training coordinator would improve the performance of the shared training.

Villages Scale Back Services

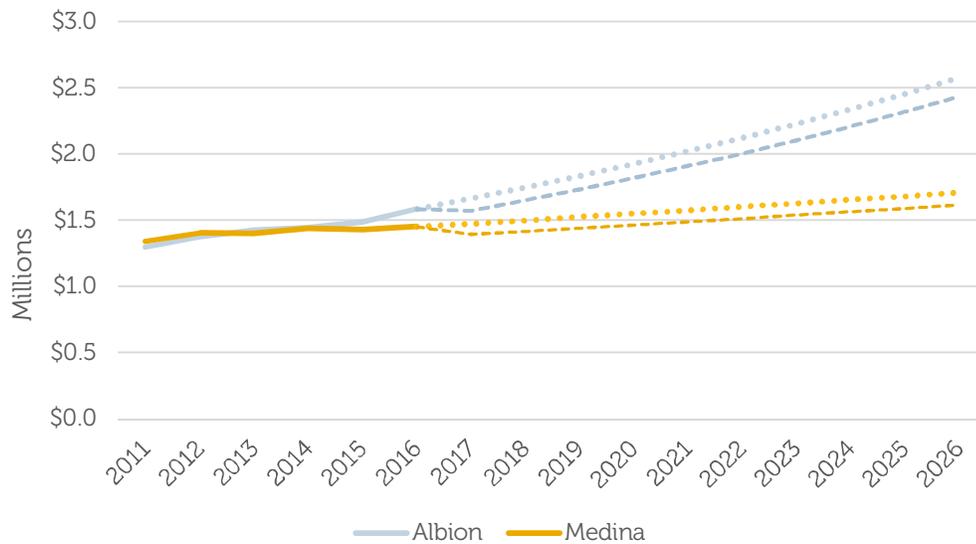
The level of staffing across the county is essentially equal at all times for the agencies, however the demand for services fluctuates greatly depending on the time of day and day of the week. There is very little demand for services or law enforcement activity during early morning hours. The villages of Albion and Medina keep two officers on duty at all times and Holley keeps one on duty. Based on distribution of calls, there is the opportunity for the villages to scale back during overnight hours and still have a sufficient response to handle the vast majority of events. There is a risk that officer or public safety could be reduced if an officer position were eliminated. However, there are resources available from both the OCSO and NYSB that would be available to respond if the villages were not able to provide enough resources. This already occurs on a regular basis for large scale events and if the villages scaled back, it might occur more frequently.

If a village were able to eliminate a full time officer, it could save an estimated six percent of salary costs each year. This would give both one time and recurring savings. If both Albion and Medina eliminated a full time officer position during low demand periods, the remaining officers would be able to handle nearly all situations. Holley and Lyndonville are not included in this analysis because Holley has only one officer on duty at a time and Lyndonville is a part time force.

Five years out, law enforcement spending for the three largest departments is projected to total \$7.9 million. If either Albion or Medina were to eliminate one position, that total would be about \$7.8 million and if both did it would be \$7.7 million. Ten years out the totals under the status quo and the both villages scale back assumptions would be \$9.0M and \$8.7M respectively. If the two largest villages both scale back, the scenario would generate an estimated 3% reduction in police spending among the three largest police departments.

The following figure illustrates the difference in the spending total under the status quo assumptions (dotted line) vs the villages scale back (dashed line):

Figure 5 – Status Quo & Villages Scale Back Police Spending



The two tables below illustrate that the projected annual police department operating costs for Albion and Medina¹ would be about 5 percent lower in 5 years and 10 years if they reduced their force by a single full time officer by reducing their coverage during low demand times, generally in the early morning hours. A change below two officers on the road would necessitate a renegotiation of the current collective bargaining agreements.

Table 2 – Comparison of Police Spending Costs 5 Years Out

	Status Quo	If Villages Scale Back	Difference
OCSO	\$4,270,000	\$4,270,000	0%
Albion	\$2,020,000	\$1,910,000	-5%
Medina	\$1,580,000	\$1,490,000	-5%
Total	\$7,870,000	\$7,670,000	-3%

¹ Holley Police department was excluded because it currently relies primarily on part-time staff for the hours that would be trimmed and the effect would not be substantial. Lyndonville was excluded because it only has a single part time officer.

Table 3 – Comparison of Police Spending Cost 10 Years Out

	Status Quo	Villages Scale Back	Difference
OCSO	\$4,660,000	\$4,660,000	0%
Albion	\$2,580,000	\$2,440,000	-5%
Medina	\$1,710,000	\$1,620,000	-5%
Total	\$8,950,000	\$8,720,000	-3%

This change could be accomplished by the existing village boards and would not be subject to any type of referendum. This change has the potential to help slow the growth of expenditures with limited impact to response or patrol.

Option Impacts

Changing police operations by reducing the number of officers on duty at certain times of the day would bring savings to the community, but it also would reduce the presence of personnel on patrol. This could lead to slower response times or the need to wait for a backup unit from another agency. This might lead to a less safe operating condition for the police officers. Community leaders would need to balance the community demand to manage costs with the potential risk of an adverse incident involving the public or the police.

Contracting for Services

Currently, the village of Holley contracts with Albion for the services of a police chief. The leaders of both communities report satisfaction with the current arrangement. In New York, it is possible for municipalities, such as villages, to contract for police services from another municipality such as a village or county. Previously, the village of Lyndonville contracted with the OCSO for dedicated patrol services in the village. However, about five years ago, Lyndonville chose to hire their own police officer on a part time basis, and they no longer contract for specific patrol services.

The contracting for services in a village could be more cost effective than operating its own police department and still provide the same essential level of services to its community. For example, a village could contract for two officers on duty at all times (requiring nine patrol officers), a dedicated lieutenant to serve as the supervisor for the village, and two sergeant positions for field supervision. Using 2017 costs of the sheriff's office, the personnel costs for this complement is outlined below.

Table 4- Illustrative Contract Costs – Albion or Medina

Category	Summary Costs (salary and benefits for personnel)
1 Lieutenant	\$ 100,000
2 Sergeants	\$ 190,000
9 Road Patrol	\$ 765,000
Total Personnel Costs	\$ 1,055,000
Other Operations	\$ 105,500
Estimated Contract Cost	\$ 1,160,500

The illustrative costs here are lower than the existing police costs for both Medina and Albion. They could be lowered further by eliminating the field supervision positions since there would already be a sergeant on duty for the sheriff's office and expanding the span of control by 2 officers is still reasonable. The village's contract might also be lower if they reduced their coverage to only a single officer at certain times of the day and relied on the existing structure for response and patrol from the sheriff.

However, if Holley were to pursue a contracted arrangement with the county or another village, the costs would likely increase for the village if the contracting agency used full time officers and paid them at the higher salary that exists in the other communities. The current cost for Holley is about \$250,000 per year excluding benefits and \$330,000 if benefits were included. As seen in the table below, contracting for full time officers to provide the equivalent service of a part time supervising officer and a full time road patrol would lead to costs that are nearly double the existing model of entry level pay for two full time officers, contractual supervisory services and part time officers to fill out the schedule.

Table 5- Illustrative Contract Costs - Holley

Category	Summary Costs (salary and benefits for personnel)
1 Lieutenant	\$ 100,000
4 Road Patrol	\$ 340,000
Total Personnel Costs	\$ 440,000
Other Operations	\$ 44,000
Estimated Contract Cost	\$ 484,000

Option Impacts

Under a contractual arrangement, the villages would negotiate for the level of services, costs and other key features of law enforcement. The terms could include conditions such as the service provider using vehicles marked for the community they serve, have the officers in uniform representing the village, or seek approval of the officers regularly providing service in the village. It would be possible for one village to contract with another for this service or for the county to provide this service. One of the factors that would help reduce the costs in a contract would be the economy of scale in department leadership, training, investigations, and administrative tasks.

Single Law Enforcement Agency

The most substantial option for changing law enforcement in the county would be to move to a single law enforcement agency. If properly designed and implemented, a single law enforcement agency in Orleans County could provide a more effective and cost efficient service than is done with the five different agencies that are currently operating. The option that is presented here presumes that there would be many key features continued from the current separate operations. While it would be possible to create a new county police department, for simplicity, this report presumes that the single law enforcement agency would be the Orleans County Sheriff's Office. Some of the important features of the new operation would include:

- Similar levels of on duty officers, although the numbers may be adjusted to provide more staff on higher demand periods (late afternoon and evening) and less staff during low demand periods (early morning hours) as appropriate for public and officer safety;
- Officers that are regularly assigned to a community to help foster a connection with the community and bolster familiarity;
- Officers would generally start their shifts in dispersed zones;
- A police substation in or immediately adjacent to each village;
- Closest car would be used for all calls and officers would respond outside village limits on a regular basis;
- Officer deployment and patrol would be focused based on countywide analysis, not on current divided jurisdictions;
- Continuation of current services such as business/ property checks and school resource officer program; and

- Close communication with community leadership

Transition

Once approved through an appropriate political process, the transition of the existing workforce to the OCSO could be accomplished under a variety of methods and would be the subject of collective bargaining with existing officers. It is likely that nearly all of the existing law enforcement officers would be moved to the OCSO. Key issues such as seniority and pay scale would need to be addressed. The current pay structure for the villages of Albion and Medina is higher than the county, however the most recent agreement with the OCSO deputies reduced the gap. Still, this lower pay structure plus lower contribution rates for the retirement plans would allow the OCSO to provide the services at a lower per officer cost.

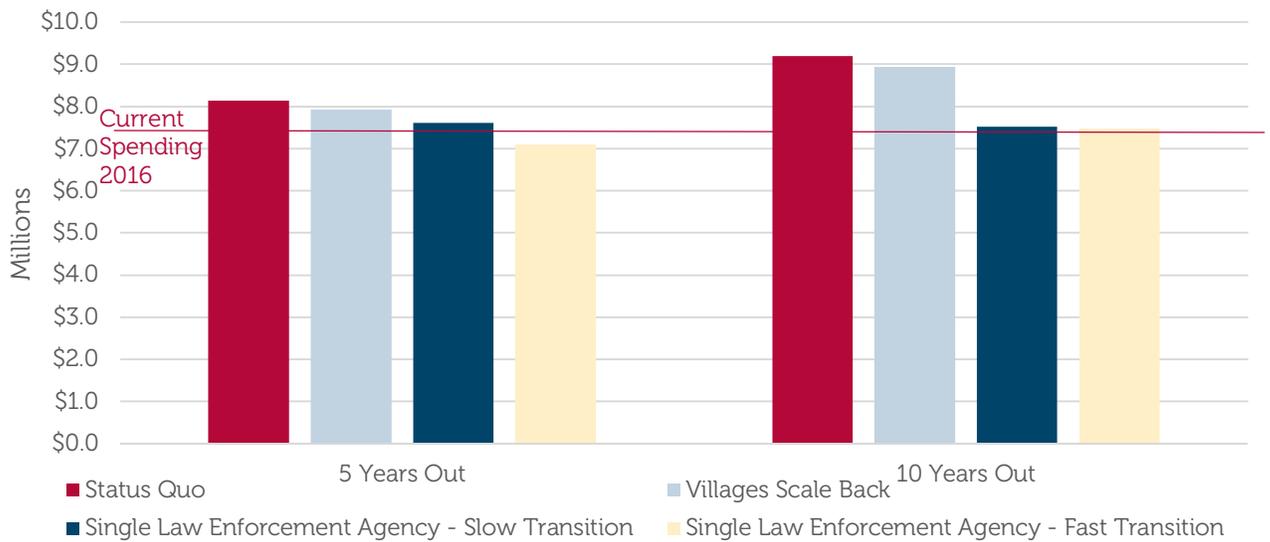
The transition to a new department would likely take several years and involve the work of existing law enforcement and elected leaders. We have outlined two potential transition model. All officers of the Albion, Holley and Medina police departments would transition to the OCSO. Under Model 1 – Slow Transition, that transition could be staggered based on the attrition of the workforces over a period of years. We have modeled a transition over to the OCSO over ten years. We assume about 2 officers a year would leave the village departments and be replaced by an OCSO deputy.² Non-personnel costs are assumed to increase at the same rate as the status quo. As the law enforcement agency is merging into a single entity we present the county-wide projections 5 years out and 10 years out.

Using Model 1, the community would save an estimated \$6.8 million compared to the status quo over those ten years.

Because these cost savings are a function of the transition time, we developed Model 2- Fast Transition that shows a transition in a single year. The quicker villages transition over the more cost savings. Under Model 2, all villages dissolved their police departments and replaced them with OCSO deputies in a single year. For Model 2, over the ten years there would be \$11.4 million in cost savings relative to the status quo, and \$2.1 million compared to Model 1.

² An officer could leave a village department and become OCSO deputy at any time and doesn't need to wait for retirement. Villages could provide incentives for officers to transition to accelerate the process.

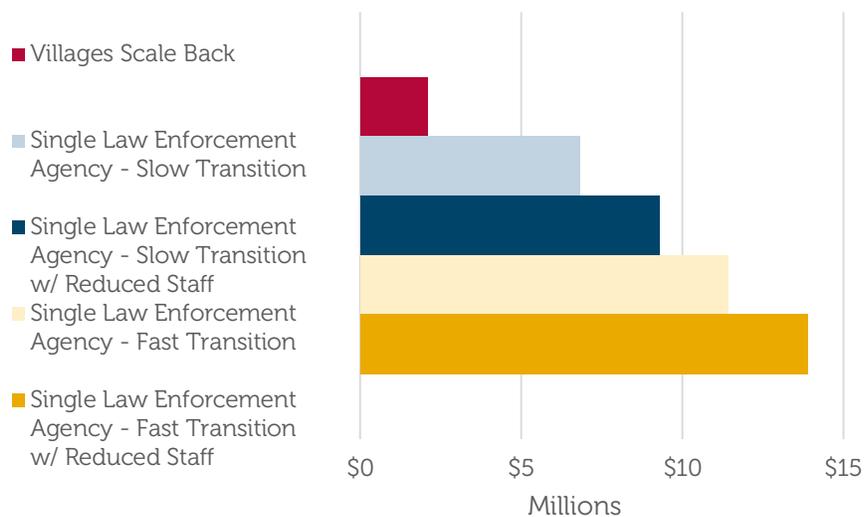
Figure 6 – Countywide Total Police Spending Comparison (Annual)



Potential Further Savings

There could also be additional savings for a single department if operational efficiencies could be found. It is reasonable to suggest that three positions in the department might be able to be eliminated through attrition several years into the new model. Under both models, there could be additional savings through the elimination of duplicate positions through attrition in years 3, 4 and 5, this represents about another \$320,000 in savings annually.

Figure 7 – Cost Savings Over the Status Quo Over 10 Years

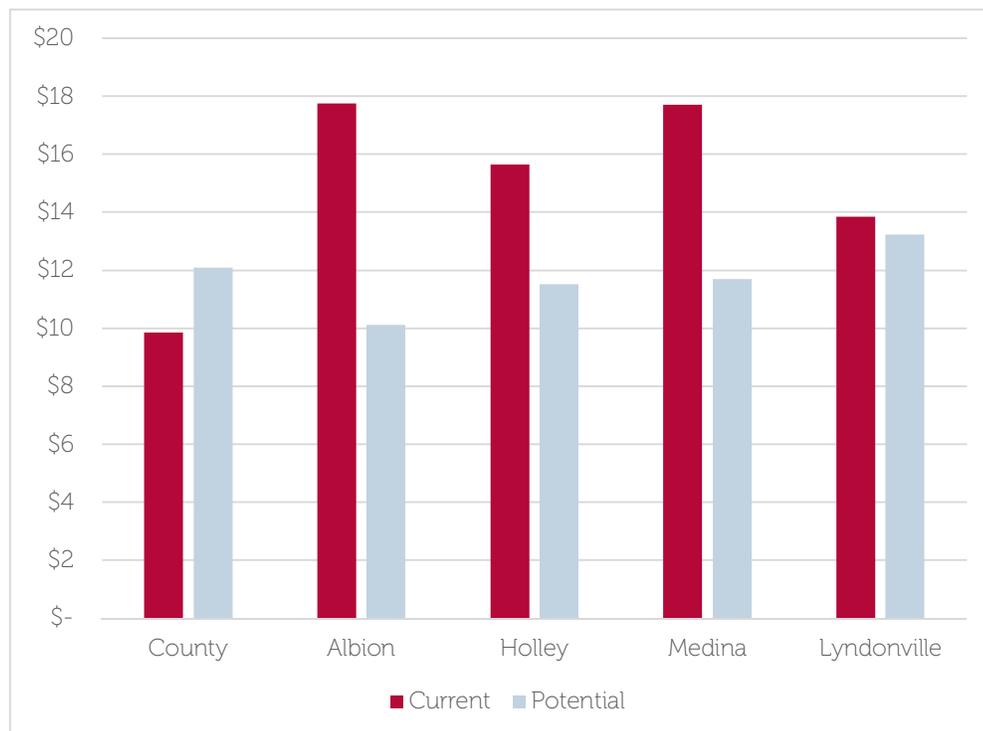


Option Impact - Fiscal

Moving all the expense for law enforcement to the OCSO would shift the costs from villages to the county as a whole. Currently, the county tax rate has been steady at a little below \$10 per thousand for the last decade. The villages have all had their tax rates increasing over the last decade with Albion and Medina just below \$18 per thousand, Holley at \$15.65, and Lyndonville at \$13.86.

The model is based on full implementation with all law enforcement costs being with the county and funded fully through property tax. First, we project that there would be an 8% reduction of the cost of providing services if it were done on a county level. If the entire \$3.8 million in costs were added to the county property tax levy, the tax rate for all county property owners would increase by over 20 percent while the villages would all see tax rate reductions – 5 percent in Lyndonville, 27 percent in Holley, 33 percent in Medina and 43 percent in Albion. The impact on property tax rates could be buffered if other revenue sources, such as sales tax, were used to help fund these costs.

Figure 8 – Movement of Tax Rates (expressed in \$ per 1000 value)



Option Impact - Services

The goal under these models are to improve the level of service in the community through a streamlined organization, increased retention of officers, and maintaining the valued services to the community. The premise is that residents would receive equal or better service than they do today in both the villages and county outside the villages. The key characteristics outlined above related to deployment, staffing and responsibilities can all be carried through with a single agency. With proper management and leadership by the sheriff and other community leadership, a single agency will be able meet these goals for its employees and residents of the county. Several key portions of the operations are already functioning in an equivalent manner including records management, dispatching and interaction with the district attorney's office.

Next Steps

Any changes to the law enforcement operations will only occur after public discussion and decisions from the local elected officials. The information provided in this report is intended to provide context for the scale of changes and needs additional information to improve their accuracy. The information about the precise scope of changes and the characteristics of the final model need to be described before a refined cost structure can be developed.

The Options Report is intended to be shared with the project steering committee, the County Legislature, the village boards of trustees and the public for discussion and feedback. CGR will facilitate several community meetings to discuss the options for the future of law enforcement. The findings of the meetings will be included in a final document for the community to consider.