

# Broome County Police Consolidation Case Study

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**1. Municipal Characteristics**

<b>Indicators</b>	<b>Broome County</b>	<b>City of Binghamton</b>	<b>Village of Johnson City</b>	<b>Town of Vestal</b>	<b>Town of Endicott</b>	<b>Village of Port Dickinson</b>
2000 Population	196,947	45,492	14,955	27,423	12,639	1,626
Land Area (sq. mi.)	706.82	10.44	4.44	52.18	3.14	0.63
Assessed Value Fully Taxable	\$3,556,575,696	\$1,213,449,528	\$30,849,500	\$64,504,094	\$27,886,549	\$43,761,728
Full Valuation Taxable Real Property	\$6,504,518,641	\$1,213,449,528	\$482,023,437	\$1,091,439,830	\$435,727,328	\$43,761,728
Total Tax Levy	\$55,620,155	\$20,676,714	\$6,840,117	\$7,293,877	\$6,961,027	\$280,270
Total Debt Outstanding	\$104,765,851	\$102,124,193	\$13,508,000	\$10,961,920	\$12,440,000	\$27,200
Total State Aid Revenue	\$45,383,920	\$12,474,983	\$486,592	\$991,772	\$921,683	\$67,145
Total Revenue w/ State Aid	\$301,201,515	\$66,567,807	\$16,485,133	\$16,726,285	\$21,242,864	\$949,544
Debt Service	\$9,287,895	\$6,824,437	\$1,334,818	\$1,401,475	\$936,880	\$28,101
Total Expenditures w/ Debt Service	\$310,102,957	\$89,221,407	\$18,017,956	\$18,314,024	\$20,831,516	\$896,329
Expenditures:						
Police	\$26,249,483	\$12,260,919	\$4,106,534	\$3,376,066	\$3,771,324	\$277,196

## **2. Project Description & Impetus**

Twenty-four separate governmental jurisdictions, including sixteen towns, seven villages, and one city, comprise Broome County, New York. In an effort to reduce the size and cost of local government, there have been intermittent efforts of service consolidation within Broome County. A common observation in Broome County is that many levels of government provide similar or identical services. Since each receives financial support through taxation and user fees, many believe their taxes are higher than necessary. For instance, each city, town, and village has its own police department which residents support through taxation. If a village is encompassed by a town, its residents also pay a tax to support the town's police. Yet, all residents also support the Broome County Sheriff. Therefore, in addition to the state tax for New York State Police services, a resident could pay taxes for police departments in a village, a town, and the county.

To lower costs while maintaining or improving services, Broome County governments are discussing consolidation. These consolidation efforts include structural political consolidation – such as attempts to dissolve the Village of Johnson City into the Town of Union – and service consolidation – such as merging City and County departments. By consolidating or sharing services between jurisdictions, citizens may receive more efficient and improved services by achieving economies of scale.

Consolidation of services, including police services, has been an issue in Broome County since the 1970s. In 1974, the Economic Growth Institute recommended the consolidation of a number of public services, including police (Sinclair 2003). Former Broome County Executive Jeffrey Kraham reintroduced consolidation to the public debate during his tenure. In 2003, the County Executive Charter Commission drafted a referendum for the November ballot for consolidated local government in Broome County but it never reached voters (Sinclair 2003). Such a large-scale government consolidation is currently seen as politically infeasible. Thus, in Broome County the focus has been on consolidating services rather than on consolidating governments.

Kraham's successor, current Broome County Executive Barbara J. Fiala, has made service consolidation a focus of her administration. Shortly after her election in April 2005, Fiala hosted the Shared Services Summit with Binghamton Mayor Richard Bucci. The Summit brought 22 of the 24 municipal leaders together to identify services that municipalities could work together on and lower costs. Based on the survey of participating government officials, they "were generally quite satisfied with their shared service agreements,"<sup>1</sup> Dr. Sinclair, who moderated the Summit, said that it was a first step towards enhancing efficiency and service effectiveness (Dueul, May 7, 2005).

Collaboration on service delivery can and does occur without formal consolidation agreements. Many municipalities in the County cooperate when possible, particularly in the provision of capital intensive services such as highway departments (Sinclair 2003). There is currently collaboration along a number of services as shown in Attachment 2 (based on a report by Catherine Schaeewe), and more are likely in the future. As should be apparent, the practical expertise and institutional memory in Broome County exists to have a successful consolidation proposal. This case study focuses on a recent proposal from the County Executive Office to formally consolidate the police forces in the urban core of Broome County. The proposal has made little progress towards implementation. We will contrast the police consolidation proposal with a successful recent consolidation of police services in Broome County: the consolidation of the Special Investigations Unit (SIU) between Broome County and the City of Binghamton in 2004. The SIU consolidation, which originated from Broome County Sheriff David Harder and then-Binghamton Chief of Police John Butler, occurred behind the scenes, under the political radar of local officials and the public. It appears by all accounts to be a great success.

## **3. Proposal(s) and Proposed Funding**

Deputy County Executive Patrick Brennan drafted the plan for Police Consolidation of Broome County's Urban Core. The goal of the plan was to "maintain public safety while trying to reduce the costs of operation for all taxpayers in the urban center" (Facui, 2006). The police consolidation plan identifies five jurisdictions in the

<sup>1</sup> Police patrol was the only service that received a negative score, based on the rating of one official.

urban core of Broome County – the City of Binghamton, the Village of Johnson City, the Town of Vestal, the Village of Endicott, and the Village of Port Dickinson. The plan is to merge each of these police forces into a new Broome County Metropolitan Police Force. Brennan, with County Executive Barbara J. Fiala, presented the plan publicly on August 8, 2006 (see Attachments 3 and 4). Despite the plan originating from the County Executive Office, Fiala and Brennan both saw their role as more of moderator for the consolidation discussion than as a proponent.

According to the original plan, the chiefs of five police departments comprising the Metropolitan Police Force would report to the UnderSheriff - a new Civil Service position that would “have a parity with municipal police chiefs’ salaries and benefits” and with the Sheriff’s compensation.

The legal structure of the proposal is for Binghamton, Johnson City, Endicott, Vestal, and Port Dickinson to each enter into a five-year inter-municipal agreement with Broome County. Each agreement would require approval by the town and village boards, the County Legislature, and the voters in a referendum. Under the agreement, the Metropolitan Police Force provides police services to governments that enter into the agreement for the cost of each jurisdiction’s estimated 2007 budgets for police services. After the five-year period, each jurisdiction retains the option to leave the consolidated force and reestablish their pre-existing operations. This option, which can be exercised at the end of the five-year period, is the extent of the exit plan envisioned by the County Executive should any jurisdiction choose not to continue in the Metropolitan Police Force.

The affected jurisdictions currently have a combined budget of \$23 million and a total of 266 officers. The proposal addresses the compensation of this force by continuing to honor all current bargaining unit agreements for police personnel. New employees of the Metropolitan Police Force will be represented by a new Police Benevolent Association. As allowed under regulations governed by the Taylor Law, bargaining units may consolidate.

The proposed plan aims to reduce police service costs by \$7.7 million throughout the County while maintaining the same number of police officers in the urban core over a five-year period. The cost savings in the Brennan plan are achieved over a five-year period by attrition of current supervisory positions (at and above the sergeant level). There has been no formal study of the effect of the incentives pension plans on retirement decisions, or the probability of achieving these attrition estimates. Also, there has been no study of the impact on police services for municipalities affected by the consolidation proposal.

Patrick Brennan has presented his proposal to all affected municipalities already. The municipalities have not made any formal decision yet.

There have been two major changes in the proposal. The first revision has been made in January of 2007. It specified that the new Metro Police would report to a Superintendent of police, a civil service position appointed by the County Executive. This modification arose because the current chiefs “did not want to report to an elected law enforcement person” (personal interview). Instead, the current chiefs preferred to report to an elected official who was not a law enforcement person.

Second, after Brennan met with all the chiefs, he modified his retirement estimate to a more conservative 10 percent estimate. Police chiefs viewed the 15 percent reduction in work force as having a potentially negative effect on the police capacity, while they reached the consensus that 10 percent was “doable” (based on 7:1 patrolmen per sergeant ratio).

Deputy County Executive Patrick Brennan, the principal author of the proposal, has been responsible for the implementation.

#### **4. Legal Foundation and Legal Checklist**

There were no lawsuits involved to bring about the police consolidation proposal. The legal foundation for the proposal is inherent in the New York State constitution and Article 5-G of the General Municipal Law which authorizes local governments to enter into joint agreements when the participants carry out the activity or service on their own. There is ample legal precedence for a large consolidation of police services, as evidenced by the efforts discussed earlier to consolidate police services in other counties of New York State. The creation of the Metropolitan Police Force would require inter-municipal agreements between Broome County and each participating municipality. These agreements would need to be approved by the town and village boards, the County Legislature, and approved by the voters in a referendum.

The SIU consolidation required only a contract to initiate the Task Force. The difference between the police consolidation and the SIU consolidation is that the police consolidation would close the police departments of affected jurisdictions in favor of the Metropolitan Police Force while the SIU consolidation is really a formal agreement to share resources. Thus, the SIU consolidation did not require a successful voter referendum.

#### **5. Views on the Issue**

##### Arguments pro:

Op-eds, editorials, and letters to the editor either about consolidation in general or a specific service consolidation appear in the local *Press & Sun Bulletin* with some frequency. Usually published opinions are in favor of consolidation, but it is not clear if more citizens support consolidation or more positive opinions are published. Positive opinions often cite the benefits of consolidation as a method to achieve “smaller government” and save taxpayer money by eliminating redundant departments (see Wales, 28 May 2005; Wales, 4 June 2006; Kingsley, 26 October 2005; Panko, 31 January 2006; Gormley, 2 April 2006).

Consolidation is clearly a political issue in Broome County because service consolidation may enhance or diminish the power of officials (see Drazen, 30 November 2006). Candidates for local office in the recent election took positions on government consolidation, including police consolidation. For instance, a story in the *Binghamton Press & Sun Bulletin* on October 22, 2006 reported the stance of each candidate for the Broome County Legislature on police consolidation so that voters could learn where each candidate stood on what the *Press & Sun Bulletin* viewed as an important community issue.

Local candidates didn't shy away from taking positions on consolidation. Many made consolidation prominent in their campaigns and on their agendas once in office. Sheriff Harder, in his 2006 reelection campaign, pointed to the success of the SIU consolidation as an accomplishment of his tenure. County Executive Fiala focused on service consolidation and takes pride in the consolidations her office has orchestrated. Like Fiala, Broome County Legislature Chairman Daniel A. Schofield's reelection campaign was specifically focused on the issue of consolidation of police and law services. Schofield, who plans to run for the County Executive position in 2009, has proposed creating an Office of Centralization and Consolidation of Local Governments. In keeping with his history of suggesting large-scale consolidations, he hopes that in 5 to 10 years all the villages in New York State be dissolved (McAdam, 2003, December 1 and personal interview). The politics of consolidation are also caught up in the politics of taxation. The disparity in property tax rates across jurisdictions generates feelings that the system is unfair. These perceived inequities in taxation are cited as further evidence that high tax rates in New York prevent employees and businesses from locating in central New York, choking off economic development.

##### Arguments Con:

Opinions against consolidation cite more intangible reasons for their opinions. For instance, Michael Marinaccio, Town of Dickinson Supervisor and Vice-President of the Greater Binghamton Council of Governments, noted that citizens tend to enjoy the status quo (Dueul, May 7, 2005). Other residents worry about the loss of control over their local governments (see Drazen, 30 November 2006). The concern with the “status quo” and “local control” reflect residential preferences for the local jurisdiction in which they chose to locate. Residents often feel a connection to their local city, town, or village. They may desire the provision of services by their local city,

town, or village, particularly for public safety services, such as police. Citizens may value a local department with greater expertise in their locality, the familiarity of local provision of services, and greater local control.

#### Local News Media Positions

The *Binghamton Press & Sun Bulletin*, the area's largest newspaper, has consistently taken positions in favor of consolidation. The paper's editorial board believes that the region's future depends on "cooperation and consolidation of effort and resources" so that the region will stop "marching backwards" (2002, January 2; 2002, March 3). The editorial board believes that new economic realities require consolidation (2002, January 2). Moreover, it has rallied against those elected officials and citizens who possess "an ingrained resistance to change" or who wish to maintain the status quo (2002, January 2; 2002, March 3). It has also cautioned that a serious consideration of consolidation requires a long-term perspective since "modest savings" stretched into the future can lead to "monumental benefits" (2002, March 3).

#### **6 – 7 Implementation & Results**

Since the proposal was unveiled, Deputy County Executive Brennan has presented the plan to municipal and police officials throughout Broome County, as well as to the public.

Many of these presentations were made to working committees of the various town and city councils. With the feedback received from these presentations, public comments, and further review, the metropolitan plan has been slightly modified. For instance, after Brennan met with all the chiefs, he modified his retirement estimate to a more conservative 10 percent estimate. Police chiefs viewed the 15 percent reduction in work force as having a potentially negative effect on the police capacity, while they reached the consensus that 10 percent was "doable" (based on 7:1 patrolmen per sergeant ratio).

The proposal has undergone other modifications. One revision has been with the organizational structure of the Metropolitan Police Force. Rather than the Police Force moving to a branch of the Broome County Sheriff's Office and reporting to the County Sheriff, the Police Force will be headed by a Superintendent of Police who reports to the County Executive (Staff, 2006, October 22). As mentioned earlier, this change was made in response to concerns that the Police Force would be under a law enforcement official rather than a civilian.

The proposal retains most of the features of the original plan.

Actions so far have been limited to discussions. No municipality has voted on or even begun drafting a resolution on the police service proposal. Instead, each presentation allowed for elected officials and the public to learn about the plan. Brennan is continuing his presentations to municipalities and interest groups in Broome County. Meanwhile, Broome County Legislature Chairman Daniel Schofield formed a committee of residents, police chiefs and legislators to address concerns raised about the proposed merger (Marsi, 2006 August 24).

In parallel developments, the County Executive Office seems to be sending mixed messages as to its commitment to a broad police consolidation. In the 2007 County budget, Executive Fiala vetoed a \$6.4 million expansion of the Broome County Jail that would have included an arrangement for central booking (Hill, 2006, November 18). Many believe the creation of Central Booking is vital to the future of any police consolidation effort. Fiala publicly said the expansion was "absolutely ludicrous" and the costs, particularly the staffing costs, were not well thought out (Hill, 2006, November 18). While the Legislature overrode her veto of this provision, the approval of Executive Fiala is needed for a bond to pay for the jail, a step that Fiala says she won't take until she knows the County can afford it (Hill, 2006 November 22).

The expansion of the jail and the creation of Central Booking are high on the agenda for Sheriff Harder. Indeed, many department officials believe that Central Booking is one of the next logical steps to consolidate services.

Currently, city, town, and village departments lock up individuals they arrest until a judge can hear the charges and transfer these individuals to the County Jail or release them. Central Booking would increase the efficiency of these services. This could be an opportunity to increase inter-municipal services.

## **8. Expectations vs. Results**

## **9. Factors contributing to success/failure**

## **10. The 10 Step Program**

The biggest problem appears to be that the County Executive Office never worked with the affected police agencies until after the proposal was made public. This generated ill-will and made for a proposal that is easy to criticize as ill-advised.

## **11. Technical Assistance**

## **12. List of Documents**

1. Crime Statistics (2005)
2. Financial Information for Broome County (in Millions of Dollars)
3. Broome County Map
4. Shared service in Broome County
5. Police Consolidation Press Release
6. Special Investigations Task Force Memorandum of Understanding
7. Table of Interviews
8. Revised Plan for Police Consolidation of Broome County's Urban Core

## **13. Additional comments/suggestions/helpful hints**

### **Recommendation 1. Start at the bottom and build trust**

The SIU consolidation was successful because it originated within the police services at the operational level in response to a documented need. The current plan is being imposed from above. Rather than working with the departments to find out what their functional needs are and then to incorporate those needs into a plan, the County Executive's office has acted alone. As a result of not working in concert with the police departments, the County Executive and the Police are working at cross-purposes.

### **Recommendation 2. Focus on functional consolidation.**

Consolidation, especially with a service as personal as police services, should be organic. Consolidation of police services is already occurring, both formally and informally when it makes sense. Police consolidation needs to focus on this aspect of consolidation – functional consolidation.

### **Recommendation 3. Keep the scope realistic**

The experience of SIU also follows the New York State Comptroller's report which cautions that consolidation needs to start small (2003). A successful experience should be analyzed and articulated before any larger scale consolidation is proposed. Instead of one overall consolidation proposal there could be a number of more incremental consolidation steps that allow for incorporating any prior successful experience.

Recommendation 4. Develop a long-term perspective

Any consolidation proposal should not only be incremental, but allow for a period of time to phase-in operations. This longer time frame allows the affected departments to sort through the operational details that will inevitably arise whenever two or more distinct organizations seek to consolidate. An extended process assists in the difficult transitioning of the workforce.

Recommendation 5. Create value

A successful consolidation proposal should not focus on achieving cost savings or efficiency alone. As Fiala pointed out in our interview, the consolidation of 911 dispatch services in Broome County – this “shining example of shared services” – has not necessarily resulted in cost savings. Also, because safety services, such as fire and police protection, are very emotional for citizens, consolidation should present a real value for the community. Therefore, a comprehensive analysis of the consolidation impact on service quality must be included for any proposal to be viable.

Recommendation 6. Build the capacity to evaluate the benefits of consolidation

Insufficient planning may seriously jeopardize consolidation efforts - including any future efforts. As Darcy Fauci and Chairman Schofield point out, the County is currently lacking the capacity to evaluate the potential benefits of consolidation and then communicate this information to the people. Evaluation is an important tool. Most stakeholders either do not have or cannot devote resources necessary to evaluate consolidation. As a result of that, they develop resistance. Knowing what the projected goals are may help overcome that resistance. Being able to measure the outcomes of a consolidation also helps build public support.

Recommendation 7. Utilize the resources of the NYS Comptroller Office

This study found that the County Executive Office has been unaware of the resources and technical assistance of the State Comptroller. The lack of involvement of Patrick Carbone, the New York State Comptroller Regional Representative in Broome County, is striking. Deputy County Executive Brennan views the role of the Comptroller’s office as providing oversight (auditing) but not help. While the County Executive could have reached out to the Comptroller’s office, the office could also have been more proactive. In our opinion, the Comptroller’s office would provide valuable assistance in dealing with the local power struggles that are inherent in a consolidation proposal of this scope.

Recommendation 8. Plan for a professional public information campaign

There has been no real attempt to educate the public. Patrick Brennan assumed that after he presented the plan, citizens could see how much they were going to save in property taxes and would put the pressure on their elected officials. The County Executive’s office ignored the highly emotional character of police services. A good education effort may be difficult to carry on without involving professional advice due to the inherent nature of police services.

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