

Regionalizing Police Services

By: Richard D. Miller, Esquire

As budget constraints and deficits continue to force many municipalities across the state to rethink the manner in which they provide public services, many local officials are evaluating the pros and cons of regionalizing police services. With over 1100 police departments statewide, more than any other state in the country, and with the continuously increasing costs for those services competing with stagnating revenues, the concept of regionalizing police services is an appropriate and obvious topic for discussion. That is not to say, however, that it is a simple decision. Despite numerous incentives for certain police departments to merge, most still maintain the historical patchwork of policing which has resulted in local government spending, on average, in excess of one-third of its general funds for such services.

Many advantages have been identified in support of consolidation or regionalization of police services. The Governor's Center for Local Government Services advances that regionalization results in improvements in the uniformity and consistency of police enforcement, improvements in the coordination of law enforcement services, better distribution and deployment of police personnel, as well as reduced costs.¹ Clearly, the elimination of servicing restrictions based simply on the location of municipal borders should result in the better use of police personnel. In addition, economies of scale may be achieved by reducing the total number of officers needed, the number of police vehicles and other equipment needed, as well as consolidation of departmental headquarters. Financial savings, if it can occur, however, is not the only positive consideration in the debate over regionalization. According to Police Chief Robert Amann, who supervises the Northern Regional Police Department in Allegheny County, advantages to police personnel and the community may also be achieved.

“A major benefit of regionalizing police services is having a better ability to train the officers generally, but also to train them in the specialized areas of police services. For example, accident reconstruction.”

According to Chief Amann, many local municipalities (may be too many) request the counties to provide assistance in the area of specialized services. Those requests, according to Amann, “stretch the counties pretty thin.” Due to the typical size of regional police departments, (Northern Regional includes the municipalities of Pine Township, Marshall Township, Bradford Woods Borough, and most recently, Richland Township) such departments can provide specialized training to their officers, which means the community is better served. Moreover, at least according to one University of Pennsylvania Criminology Professor, this patchwork of police services is giving a leg up to the criminals, who – unlike the police – have no problem crossing municipal boundaries. “We are making it easy for criminals to take advantage of our fractured police structure,” according to Lawrence Sherman, Director of the Criminology Center at the University of Pennsylvania.²

¹ REGIONAL POLICE SERVICES IN PENNSYLVANIA, A Manual for Local Governmental Officials, Pennsylvania Department of Community and Economic Development (7th Ed. 2006)

² Alletta Emmeno, et al., *Costly, unequal policing, a suburban quandary*, Phi. Inquir., September 21, 2003.

This is not to say that there is no downside to regionalization of police services. The Governor's Center for Local Government Services also identifies several arguments against consolidation. First is the loss of local non-enforcement services. Many departments have officers who perform duties that are not appropriately classified as police functions. Regionalization, commonly results in the discontinuation of such services by the officers. This phenomenon, however, while constituting a short-term inconvenience, may prove to be a long-term benefit. Not only does it free up police officers to provide more police services, but the non-uniformed employees who typically provide the administrative (i.e. non-police) functions are more cost effective. The Center also cites a loss of local control as an argument against regionalization. Experience tells us, however, that this is a concern which places form over substance. In fact, regional police departments, which typically consist of boards of elected officials from each of the member municipalities, seemingly have less "purely political" issues with which to contend. Finally, the Center lists loss of citizen contact as an argument against regionalization, but finally and appropriately concludes that such obstacles are quickly overcome once new regional officers adjust to their patrol areas.³

So why aren't more regional police departments forming? The single biggest obstacle towards advancing the concept of regionalizing police services may be the coordination of wages, benefits and working conditions of the police officers in the merging departments, which is the focus of this article.

Certainly the scope of the regionalization process as well as its intricacies are important considerations in deciding whether to regionalize police services.⁴ The establishment of an inter-municipal agreement that sets forth the working relationship between the member municipalities and confirming that operational and cost efficiencies will be achieved will all be part of the evaluation process. It is critical to recognize, however, that municipalities do not have the inherent right to replace existing police services provided by a Union represented police force with a new force funded, in whole or in part, by the municipality. While it is generally true that a municipality may make a good-faith decision to totally disband its police department and go without police services funded by the municipality, it may not unilaterally replace its unionized force with another, even if the same officers continue to provide such services. The Pennsylvania Labor Relations Board has viewed such a replacement as subcontracting or transferring of bargaining unit work. As such, decisions to subcontract or transfer such police services must be bargained with the existing union.

These principles have had important historical ramifications. The Union representing the police officers in one of the potential member municipalities may refuse to voluntarily permit regionalization. Accordingly, all of the potential member municipalities of a proposed regional department must secure agreement of their separate unions. In addition, the regional department itself will typically be unionized because none of the unions will agree to replace the individual department unless there are guarantees that the regional department taking its place will provide the same or better terms and conditions of employment than had been secured by the individual unions. Because the unions involved must be convinced that the regionalization of police

³ REGIONAL POLICE SERVICES IN PENNSYLVANIA, *supra* note 1.

⁴ Readers may review the Manual for Regionalizing police services published by the Department of Community and Economic Development for a thorough analysis of the regionalization process.

services is in the best interests of their employees, each union would require that their members not sacrifice any wages or benefits when the regional department was formed. This meant that a regional police department must be prepared to offer a contract which, as a whole, represents the best terms and conditions of employment from each of the individual municipal contracts. This concept, also referred to as “the best of the best” was a very difficult one for regional departments to avoid.⁵ In theory, binding Act 111 interest arbitration could be invoked to break an impasse of whether services should be transferred to a regional department. In practice, however, it had been extremely difficult to convince neutral arbitrators to endorse an involuntary transfer.

As with most things, however, time brings change. We have achieved recent success in obtaining subcontracting/regionalization language in a number of Act 111 interest arbitrations. A sample copy of the provision is set forth below.

The municipality may, during the term of this Agreement, choose to deliver police services by joining a police department formed pursuant to the Intergovernmental Cooperation Act or by contracting with another community or communities for such services. In either case, the Employer cannot do this unless it provides the Union with at least three (3) months notice of an intent to do so and meets with the Union at reasonable times and places to bargain over the impact of this decision. In the event that this impact bargaining does not resolve the disputes between the Parties relating to the Employer’s decision, the dispute shall be resolved in binding interest arbitration conducted pursuant to Act 111 except that the calendar requirements of Act 111 shall not apply and the list of arbitrators provided by the AAA shall number seven (7) instead of three (3).

While a residual, “impact” bargaining obligation does exist under the above-cited provision, incorporation of this type of language enables the municipality to unilaterally make the decision to contract out or regionalize its police services, without bargaining. If each of the potential member municipalities in a proposed regional police force are able to obtain this language, it will help curb the union’s historical ability to demand the “best of the best” from the various municipal collective bargaining agreements. In effect, the Act 111 interest arbitration process would establish the terms and conditions of a new contract.

The impact of this type of provision was evidenced in a recent negotiation to add an additional member to a regional police department. The regional police department had a substantial sick leave benefit in the form of a short term disability policy that provided coverage twenty-six (26) weeks out of the year. The police officers from the municipality considering joining the regional department received annual sick days, which could be accumulated and carried up to a high, maximum number of days. The officers were demanding one hundred percent (100%) reimbursement for their accumulated sick leave days prior to their transfer to the regional police department. The municipality, however, offered reimbursement on a substantially lower percentage, citing the regional department’s short term disability policy for

⁵ Even the Governor’s Center acknowledged that negotiations for a uniform police contract should confirm that “[n]o person should be subject to lesser benefits (like salary, vacation or sick leave) under the initial regionalization plan than they received in predecessor police department.

sick leave coverage, a slightly higher base wage for the regional patrol officers, among other things, as support for its proposal. Because the municipality had the authority to unilaterally decide to regionalize and was only obligated to bargain over the impact of that decision, it advised the officers that failure to accept its proposal would result in binding interest arbitration over the impact of the decision to regionalize, where the officers stood a chance to lose the proposal offered by the municipality. Settlement according to the municipality's original offer quickly ensued.

That is one example of a positive result from a municipality's efforts to regionalize police services. As identified by the Governor's Center for Local Government Services, much of the success or failure of regionalized police services is dependent upon the participating municipalities having similar demographic and financial make ups among a host of other considerations. Nevertheless, Act 111 interest arbitrators are becoming more sensitive to the financial plight of our local governments, thus enabling municipalities to achieve these types of positive concessions through the Act 111 interest arbitration process.

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