

# **A Survey of Contract Law Enforcement and Criminal Justice Services Provided by Florida's Sheriffs**

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## **Abstract**

This paper will analyze the delivery of contract law enforcement and criminal justice services by Florida's Sheriff's. A basic tenant of government is that governments provide services that citizens cannot produce themselves. When government entities seek to procure law enforcement and criminal justice service delivery from Florida Sheriffs, what factors beyond political and economic factors influence service delivery? Surveys sent to Florida's 67 Sheriff's Office found county population and the number of existing municipalities in a county appear to have a substantial influence on contract service delivery by Florida Sheriffs. As county population increases and as the number of municipalities in a county increase, so does the demand for service delivery, approaching a point of certainty when certain demographic factors are reached and/or exceeded.

## **Introduction**

The purpose of this research is to determine the involvement of Florida's 67 Sheriffs in providing contract law enforcement services to municipalities, special taxing districts, airports, ports, federal agencies and state agencies as well as to other Florida Sheriff's Offices. This paper seeks to review the literature, demographics and the service delivery of Florida Sheriff's Offices providing contract law enforcement and criminal justice services to other governmental entities, to identify the scope of contract law

enforcement and criminal justice services provided by Florida's Sheriffs to other government entities and to identify key factors controlling or influencing the delivery of contract services by Florida Sheriffs. Since 1845 Florida's Sheriff's have been the default providers of Florida's law enforcement and criminal justices services throughout Florida. Contracting law enforcement and criminal justice services is both a political and economic decision based on public perception, economic reality and political realities. As such, Florida's Sheriff's appear best equipped to operate in environments of political and financial accountability. 66 of Florida's 67 Sheriff's are constitutional officers, elected by popular vote to 4-year terms, allowing them a high degree of autonomy and independence. Florida's Sheriffs operate on local funding, providing infra structure, support services, specialized functions and additional manpower that smaller municipalities and distant government entities cannot fiscally compete with, based on economies of scale optimized by the efficiency of local service delivery by an established and proven government provider.

## Literature Review

Law Enforcement is one of the most essential services provided by government. From the national level to the small municipalities, governments have both the authority and obligation to enforce laws and protect the public. Police services at the local level are the most visible example of citizens' tax dollars at work. Public officials in smaller municipalities face a variety of constraints limiting their ability to develop effective police strategies (Johnson, R., 2000). Local Governments often attempt to provide law enforcement services regardless of their adequacy; often resulting in inadequate services, duplication and inefficiency among neighboring agencies and the depletion of already scarce financial resources (Woods, T. 2009). Financial limitations, structural constraints and crime trends force small municipalities to explore alternate methods for providing law enforcement services. The police departments of small municipalities are limited in their ability to respond to increases in their respective crime rates. Approximately 90 percent of U.S. law enforcement agencies serve populations of less than 25,000. 77% of municipal police departments in the U.S. serve populations of less than 10,000. Additionally, most law enforcement agencies in the U.S. consist of 10 or fewer officers (Johnson, 2000).

Law Enforcement continues to be one of the most costly services funded by local governments. Local patrol is a major component of law enforcement and is labor intensive. Costs associated with personnel, inclusive of salaries and benefits, comprise most of law enforcement budgets. Capital needs such as patrol vehicles, firearms, and telecommunications needs add to the expense. While law enforcement budgets have historically grown annually at a rate of approximately 3%, the demand for law enforcement services are increasing faster (Eggers, 1997). The National Bureau of Economic Research (NBER) has explored what services local governments can provide with their own employees compared to their choice of contracting with private or other government entities to provide like or similar services. Analysis of contracting government services suggests the important roles of cost as well as politics. Some key practical matters to be considered before contracting out government services were

identified as contracting experience, political economy and city finances. The NBER study found that while some government services could be contracted out without much difficulty, the opposite was true regarding public safety services; namely police, fire, emergency medical services and code enforcement services. Contracting to other public agencies appears to be the most viable substitute for in house service production of public safety services rather than privatization of services (Levin & Tadelis, 2007).

Research by the University of Central Florida has identified three perspectives regarding the formation of a new police department or the decision to contract out police services. An open systems approach was used to guide decision makers through the many issues affecting the level and choices of police services available to them. The first perspective is what economic resources are available to the forming government entity. If the bottom line is cost of service provisions between contracting out service, or creating their own police department, the start-up cost are likely to far exceed the costs associated with contracted law enforcement services. The second identified perspective is that of ownership. Simply put, why do citizens want their own police department? The most frequently identified factor, other than the financial cost, was the difference between direct provision, internal control, and accountability of law enforcement services. The final perspective involved the uncertainty surrounding the creation of a new police department, was that there are no guarantees or recipes for success. The decision to start a new police department should be carefully analyzed. Thought should be given to the changing face of the location, the needs of the citizens, the stability of the political climate, and the economic forecast of the community. For a successful implementation a consensus is needed of the appropriate course of action within the community and the municipalities elected leaders (Wolf, Korsec & Goltz, 2008).

An increasing number of governmental entities are turning toward nontraditional approaches to provide quality police services. One such approach is law enforcement service contracting, where one governmental entity contracts with another governmental entity to provide law enforcement services. Budgetary and other pressures have raised the question of whether there is a continuing necessity to maintain stand alone, full service agencies to provide responsive and quality law enforcement services. Change is evident in that many Sheriff's Offices are providing services to municipalities, many cities are providing services to neighboring cities; cities and counties are providing services to special districts and transit authorities (Baranzini, Kalin & King, 2001).

Contracting out law enforcement services can be beneficial to both new and established municipalities. New municipalities can save money most notably in personnel and start up costs. Existing cities with their own police departments may recognize significant monetary savings by dissolving their police departments and contracting out their law enforcement service requirements. Liabilities can be shifted to another entity with deeper pockets and larger resources to better manage liabilities. Economies of scale benefit larger organizations and can significantly reduce per officer administrative and support costs. Economies of scale also share costs between the provider and customer(s), reducing duplication of support services; personnel, fleet, logistics and

evidence custodians. The impact of administration, operations, specialty units and equipment is accordingly reduced to both the provider and customer (Baranzini, Kalin & King, 2001).

Models for contract law enforcement vary greatly. Examples of different types of law enforcement service contract models are: enhanced service contracts, ad-on contracts, city model / precinct model, shared supervision model and the flex model. Each model strives to provide the desired level of service for an agreed upon price. Clearly one size or type of contract does not fit all. Each model has many options for the contracting entity to choose from in modeling the quality and quantity of law enforcement services to the community served. Successful contract services require realistic price structures and costing models, the contract language must be carefully drafted and all employees of the contracting agency must internalize the concept and mission. Contracting services should not be considered when the contractor's total focus is monetary, when the contractor's total focus is its own growth and when the contractor's employees will not "adopt" the customer. Successful law enforcement contract service is dependent on: the level of trust between the contractor and the customer, the size of the contract, the variety of law enforcement services offered, and the ability to quantify the amount of services contracted (Baranzini, Kalin & King, 2001).

The National Sheriffs' Association (NSA) is in the process of creating an electronic resource center on contract law enforcement with a grant from the Bureau of Justice Assistance. The stated goal of the NSA is to establish a resource center available to municipal officials and law enforcement executives with information they can use to set up a dialog to negotiate contractual law enforcement services in a practical and informed manner. The resource center will include model forms and check lists, as well as a directory of consultants and experienced professionals available to provide guidance and direction to the process. Ideally the resource center would be a starting point for officials from smaller cities and law enforcement agencies can go to find comprehensive sources of contract and information needed to research, critique and implement contractual law enforcement services without having to reinvent and reengineer the process each time (Woods, T., 2009).

## Method

. The data was collected through surveys initially e-mailed to each of Florida's 67 Sheriffs in a PDF fillable form. Additional survey follow up was done in two-week intervals by FAX and then followed up telephone calls to individual Sheriff's Offices that had not responded. The survey examined what contract services were available, which services were actually provided, the cost of the service(s) provided, what government entity contracts with the Sheriff for the identified contracted service(s) and the length of time the Sheriff has been providing contract services to each entity. Additional information was gathered from the surveys to include the counties demographics, the unincorporated population of the county, the incorporated population of the county, and the number of municipalities in the surveyed county. The survey consisted of 12 questions with 32 answers fields. See Appendix B for a copy of the survey.

The survey responses from respondent Sheriffs Offices were entered in an excel spreadsheet consisting of 32 fields, recording demographic, agency profile and service delivery information. The excel spreadsheet was then used to examine the survey responses for recognizable patterns and trends. Various pie charts and bar graphs were created to demonstrate the survey's findings.

## Results

The response rate for the survey was 58.20 percent with responses from 39 of Florida's 67 Sheriff's Offices. While not every Florida Sheriff's Office responded to the survey, the 58.20 percent that did respond provided valuable data on the scope of contracted law enforcement and criminal justice services provided by 39 of Florida's 67 Sheriffs. Although not all the questions on each survey were answered, the numbers tabulated reflected responses for each individual question. The following results were reported. Of the 39 respondents, 13 respondents or 19.40 percent of Florida Sheriff's Offices reported their Sheriff's Office did not provide any contractual law enforcement or criminal justice services to other government entities. 25 respondents or 37.31 percent of Florida's Sheriff's Offices reported they provided contractual law enforcement and/or criminal justice services to another government entity(s).

Insert Graphic #1

The amount of entities identified by 25 respondent Sheriff's Offices that formally contracted with them for law enforcement and/or criminal justice services was 105. The overwhelming majority of contract services provided by the respondent Sheriff's Offices were provided to municipalities 71, Federal Agencies 11, State Agencies 8, Special Taxing Districts 7, Ports 3, Other Counties 3, and airports 2. Several governmental entity duplications were identified in the holding of Federal Prisoners, DCF Child Protective Investigations and services provided to Federal Reservations.

Insert Graphic #2

Examination of survey results found the number of municipalities within respondent counties and county population were a key determinate in whether or not a respondent Sheriff's Office provided contractual law enforcement and/or criminal justice services. As the metropolitan nature of a respondent Sheriff's Office County increased, measured by an increasing number of municipalities and increasing population, so did the probability of contract services delivery by respondent Sheriff's Offices. Once the number of municipalities within a respondent Sheriff's Office County reached or exceeded 14 municipalities (Miami-Dade County 35 municipalities, Pinellas County 24 municipalities, Brevard County 16 municipalities, Volusia County 16 municipalities, Lake County 14 municipalities), the delivery of contract law enforcement or criminal justice service(s) was certain. With the sole exception of Alachua County, which had 9 reported municipalities and no reported contract service delivery, the certainty of some form of contract service delivery being present extended downward to the level of 5 municipalities present in a respondent Sheriff's Office County (Orange County 9

municipalities, Seminole County 7 municipalities, Manatee County municipalities 6, Okaloosa County 6 municipalities, Pasco County 6 municipalities, Indian River County 5 municipalities and Levy County 5 municipalities).

Once a respondent Sheriff's Office County Population exceeded 274,000 (Miami-Dade County, Hillsborough County, Orange County, Pinellas County, Lee County, Brevard County, Volusia County, Pasco County, Seminole County, Collier County, Manatee County, Lake County, Leon County) all provided some form of contract law enforcement and/or criminal justice service(s).

The survey respondents identified 201 separate contracts for law enforcement and criminal justice services were identified. These contracted services were identified as: Patrol 50, Communications 47, Investigative Services 36, Computer Information Services Contracts 16, Corrections 11, Fleet 10, Records 10, DCF / Child Welfare Investigations 7, Background Investigations 5, Other 5, and Human Resources 4.

32 of 39 respondent Sheriff's Offices or 47.6 percent of Florida Sheriff's Offices reported operating a county jail or detention facility.

7 of 39 respondent Florida Sheriff's Offices or 17.94 percent of Florida Sheriff's Offices surveyed reported that they did not operate a county jail or detention center.

19 of the 39 respondent Sheriff's Offices or 28.35 percent of Florida's Sheriff's Offices reported that they contractually held prisoners for other government entities.

Total contract price of all contracted services provided by surveyed Florida Sheriff's Offices was reported as: totals \$1,000,000 or less 11, totals \$5,000,000 or less 9, totals \$10,000,000 or less 2, \$25,000,000 or less 1, \$50,000,000 or less 1, \$50,000,000 or more 0.

Average Years of Contract experience per respondent Sheriffs Offices was 8.61 years.

## Discussion

There are no one size fits all models of contract law enforcement or criminal justice service delivery that meet the needs of all government entities seeking them. Examination of survey data has found there appears to be certain constants related to the delivery of contract law enforcement and criminal justice services by Florida Sheriffs. County population and the number of municipalities within a county are influential factors affecting contract service delivery by Florida Sheriffs. The survey has demonstrated the presence of some form of contract services in all respondent Sheriff's Offices when the county population exceeded 274,000 and when the number of

municipalities equaled or exceeded 14 municipalities in a respondent Sheriff's Offices County. With one exception as noted in the results section, there was some form of contract service present by Florida Sheriff's in all respondent Sheriff's Offices when there where 5 or more municipalities in a respondent Sheriff's Offices county.

Municipalities are organized to provide more services for their citizens and a viable cost effective way to provide these services is by contracting with Florida Sheriffs. The demand for services is not likely to decrease and it is no revelation the survey found municipalities (N=71) were the largest single customers of contracted services by Florida Sheriff's. The contract services most obtained from respondent Sheriff's Offices were Patrol Services (N=50), Communications Services (N=47) and Investigative Services (N=36).

Economies of scale and existing Sheriffs Office infrastructure appear to benefit Florida Sheriffs in providing contract services to municipalities who choose contract service delivery rather than the direct production of law enforcement and criminal justice services. Sheriff's Offices offer support service and levels of direct service delivery that most small and medium municipalities could realistically consider or fund.

One factor that was not considered in this research was that of legal liability. Contracting with a Sheriff's Office for delivery of law enforcement and criminal justice services is a way to substantial reduce or eliminate a municipalities civil liability for the delivery of said services. The reduction and/or potential elimination of legal liability for service delivery could be a substantial factor affecting the decision to seek or obtain contract services from Florida Sheriffs.

The survey design and individual responses demonstrated several weaknesses in the design of the survey. While the survey was designed to be completed by the respondent Sheriff's Offices Chief Administrative Officer or there designee, in reality, few where. While a few Sheriffs from smaller agencies replied directly, and a few Chief Administrative Officers or their designees responded, many surveys were completed by Corporals, Sergeants and Lieutenants to accommodate the requested completion of the surveys. Many surveys were not filled out completely.

Another design error was that there was no clear option for the respondent to choose a full service option for municipalities, consisting of patrol, communications and investigative services.

Several technological challenges were also evident. The PDF Fillable form was designed so the returned e-mail surveys could be imported into a spreadsheet to automate and speed data entry. This proved problematic as a number of surveys were returned blank because the sender did not save the changes prior to transmission. This required considerable follow up. The FAX follow up two weeks after the initial e-mail survey distribution was much more successful and much less problematic. The telephone follow up two weeks after the FAX follow up although time consuming was very productive. Communicating with 67 different politically, independent Sheriff's Offices was truly a challenging and educational experience.

## Recommendations

If anyone chooses to repeat this or a similar survey, it is strongly recommended that you allow at least 10-12 weeks for the surveys to be returned. Delivery of the survey via FAX is strongly recommended, followed up by telephone calls as required.

If your agency or government entity is considering providing or utilizing contract law enforcement or criminal justice services check the National Sheriff's Associations website listed in the references section and utilize the online articles, resources and contacts to be better informed on the topic of contract law enforcement and criminal justice services.

Appendix A lists the Florida Sheriffs and Sheriff's Offices which participated in this survey. Sheriff's Offices that provided contract services are identified and are valuable source of information and experience.

Lieutenant Donald (Don) Barker has been in law enforcement since 1982 and has served with the Brevard County Sheriff's Office for 22 years. Don's assignments have ranged from patrol, investigations, precinct operations, administration, training facilitator, field training coordinator, and contract service liaison. Don is currently assigned as the contract service liaison for the Canaveral Port Authority with additional oversight responsibilities with the City of Cape Canaveral law enforcement contract. Don has 17 years of experience with contract law enforcement services. Don has earned a Bachelors Degree in Criminal Justice and a Masters Degree in Applied Sociology from the University of Central Florida.

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