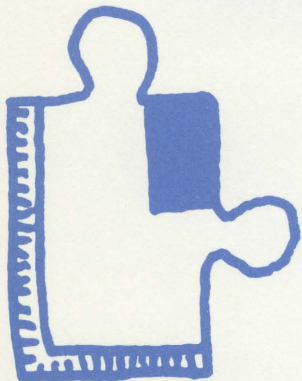


for a more perfect union -



**Advisory commission on
intergovernmental relations.**

washington, D.C. 20575

for a more perfect union-

**POLICE
REFORM**

**ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS
WASHINGTON, D.C. 20575**

M-65 August 1971

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Foreword

To combat rising crime rates and to build more justice into their criminal justice systems, States and localities should make far-reaching improvements in courts and corrections, police and prosecution – and should carefully tie together these component elements of criminal justice into a coherent system.

That is the basic conclusion of the Advisory Commission on Intergovernmental Relations in its report, *State-Local Relations in the Criminal Justice System*. Based on 18 months of intensive study, the Commission formulated 44 specific recommendations for State-local action to improve all segments of criminal justice.

The Commission is a 26-member bipartisan, permanent, national body, founded by Federal law to monitor the operations of the federal system and to make recommendations for improvements at all levels of government. Its membership represents the legislative and executive branches of Federal, State and local governments and the public.

The Commission does not speak for the Federal Government and it should not be inferred that the Federal Government necessarily concurs in all recommendations of the Commission or draft legislation to implement Commission proposals.

Commission *recommendations for improving the police* have been incorporated into seven draft State acts, reprinted in this volume. These draft proposals were developed by the ACIR staff with the advice and assistance of State and local officials and others with special knowledge of the subject matter. They also were reviewed in detail by the Commission's Advisory Board on State Legislation. In addition, as a service to State legislatures, the Committee on Suggested State Legislation of the Council of State Governments accepted the draft proposals for publication in CSG's annual volume of *Suggested State Legislation*.

Police Reform is one of a series of ACIR action packets designed to present in brief form selected Commission findings and recommendations together with draft legislation intended to serve as a point of departure for States wishing to incorporate the Commission's recommendations into their statutes.

The complete 300-page Commission report, *State-Local Relations in the Criminal Justice System (A-38)*, may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Multiple copies of individual slip bills contained in this action packet are available without charge from the Commission.

Wm. R. MacDougall
Executive Director

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Modernizing the Police—the Men in the Middle

Today's police are caught in the middle.

They are the most visible representatives of the criminal justice system — a system that is severely out of balance. They deal most directly with the people at a time when society is under intense pressure; they are in the closest contact with the individual when he is most vulnerable.

The modern police department is called upon to demonstrate the skills of lawyer, psychologist, sociologist, medic and athlete. But the average police department is undermanned and overworked. Its personnel are recruited by outdated methods and inadequately trained.

Where a highly professional service is needed, a politically-oriented system rooted in the Middle Ages frequently is offered.

In a society where people and crime are highly mobile, the police too often are tied to small, inefficient jurisdictions.

The Advisory Commission on Intergovernmental Relations studied the police as one aspect of the Nation's State-local criminal justice system. In one segment of a comprehensive report, it makes 15 recommendations for improving the police function. The full report, which includes 44 proposals for achieving more "justice" and more "system" in the criminal justice system, stresses the interdependence within the whole of each segment — the courts, prosecution and counsel for the indigent, and corrections.

The Commission's recommendations call for intergovernmental efforts to professionalize the police function, make it more responsive to modern needs, assure adequate service to all citizens, and improve police-community relations programs.

Professionalizing the Police

The public image of the police is tarnished. Studies of occupational prestige over the past decade showed low rankings for the police — 47th and 54th out of 90 listed occupations. Policemen ranked beneath machinists or undertakers in one survey; they tied with railroad conductors in another.

Police work demands intelligence, good judgment

and special training. But police selection standards generally are low, recruitment efforts inadequate and training programs minimal. Potentially good officers too often seek other fields of employment. High turnover and low public esteem hampers potential police leadership.

The Police Task Force of the President's Commission on Law Enforcement and the Administration of Justice, in 1967, summed up the problem of selection: "Existing selection requirements and procedures in the majority of departments . . . do not screen out the unfit. Hence, it is not surprising that far too many of those charged with protecting life and property and rationally enforcing our laws are not respected by their fellow officers and are incompetent, corrupt or abusive."

Educational requirements for the police are minimal — many departments do not require even a high school education. Departments often do not require applicants to take a written examination. A 1968 study by the International Association of Chiefs of Police showed that of 162 major law enforcement agencies across the country, only 41 administer psychological tests to applicants. Six of these agencies did not even conduct personal interviews.

Even when police departments set selection standards, they sometimes hinder rather than facilitate efficient recruitment. Inflexible physical standards such as minimum height, maximum weight or perfect vision, do not necessarily measure the overall physical ability or agility of the applicant, yet they do sometimes keep otherwise qualified men from becoming police officers. The requirement that a police recruit be 21 years old but not have a college education sends high school graduates well into other careers before they would be eligible to join the force, and stops many college graduates from applying. Only 11 percent of police departments had cadet programs for youth interested in a police career. Residence requirements limit the geographical range of recruitment. In addition, some States have rigid veterans preference requirements for local police for both recruitment and promotion.

Closely related to the problem of selection is that of training. Here again, many police departments are deficient. Nearly one-fifth of all municipal police agencies provide no training at all and about half of the

departments that have training programs, conduct them with one or two members of regular staff. The President's Commission recommended that a minimum of 400 hours of training be required. The best police departments provide about half of that, and then generally not at the outset of the recruit's career.

The importance of early training was pointed up with a touch of irony in the report of the President's Commission on Crime in the District of Columbia in 1966. It noted that recruits that had not gone through training before their assignments to a stationhouse were not issued ticket books immediately because it was felt they lacked sufficient judgment to write citations. However, they were immediately issued guns and ammunition.

Efforts are underway to remedy the situation. About two-thirds of the States have established Councils on Police Standards to develop and administer minimum standards for local police selection and training. The ACIR recommends that all States set up councils composed of State, local and public members to implement such mandatory local standards. The Commission also urges States to pay the full cost of local training programs that meet the mandatory State standards. It calls on States and localities to encourage higher education programs for the police and provide incentive pay plans to encourage further education among police.

ACIR proposes that States modify restrictive civil service regulations such as veterans preference that hamper local personnel practices. In order to centralize local authority and responsibility, the Commission believes that every local chief executive should have the power to appoint his police chief and the police chief, the power to appoint department heads and assistants that report directly to him.

The police exercise wide discretion in the performance of their duties. That is one reason highly qualified policemen are so vital. However, even the most experienced policemen have difficulty determining the extent of legitimate authority because State criminal codes often only vaguely define the bounds of police powers. The Commission recommends that State legislatures clarify their criminal codes to define better the scope of police power, especially for arrest, search and interrogation procedures. This would provide the police with a legal guide to their powers, and citizens with a knowledge of the extent of their rights.

The Commission urges States to provide comprehensive government tort liability insurance for police em-

ployees. This would protect the police, and at the same time enable the public to collect for damages to person and property that arise from the misuse of police discretionary powers. Further, if the government is paying for insurance, it will see to it that police discretion is kept within legitimate bounds.

Meeting Modern Needs

The roots of American police organization go back to colonial times, and even beyond that to Medieval England. The emphasis on local control of the police stems from seventeenth century Britain, when the lords noted oppression by the national police on the continent, and decided to keep English police local. The response carried over to the American colonies.

Fear and distrust of a "national police" remains ingrained in most democratic societies. That is one reason why most local jurisdictions in this country have their own police, whether or not a department is big enough to provide adequate service. There are at least 30,000 police forces in the country — 90 percent of them with fewer than ten full-time personnel. Yet, a ten-man force has difficulty providing full-time patrol and investigative services, not to mention the essential back-up services of communications, laboratory and records.

The proliferation of local police forces is most notable in the Nation's metropolitan areas. St. Louis County, for example, has 100 police forces. A burglar fleeing in his getaway car might go through a dozen jurisdictions before anyone was aware of the theft.

Similarly, in a metropolitan area where there are 25 police jurisdictions with 25 different sets of standards and priorities for enforcing the law, organized crime can pick the least zealous jurisdiction as a haven and then operate throughout the entire area.

To close some of these gaps, the Commission makes several recommendations to improve police organization at State, county and municipal levels.

Of prime importance, according to the Commission, is the need for minimum police services in all segments of the metropolitan areas. The Commission suggests that if local government cannot provide such services either directly or through interlocal cooperation, the county or the State should step in. It makes similar recommendations in rural areas, urging a thorough restructuring of their police organization through such measures as State

resident policemen programs and incentive grants for consolidation of rural police forces.

Other recommendations focus on developing better back-up police services. They urge metropolitan counties to provide records, communications and crime laboratory services to constituent localities in order to prevent duplication. They also call on State police departments to play a similar role in rural areas as well as to institute mandatory crime reporting systems in which all local police forces in the State participate.

The report also calls for removing certain jurisdictional curbs on state and local police forces. It suggests that States give local forces wider discretion in exercising extraterritorial close pursuit and arrest powers and urges that State police forces not be hindered by laws that restrict their operations in incorporated areas. Finally, to help combat extralocal and organized crime, the Commission calls on States to authorize the creation of police task forces that operate throughout metropolitan areas.

Taking the Police Out of Politics

Politics is another remnant of the ancient past of the American police. Since the turn of this century, efforts have been made to professionalize urban police,

but – especially in rural and suburban areas and at the county level – vestiges of the seventeenth century too often remain.

The American colonies adopted the offices of sheriff, constable and coroner from Mother England, where they hearken back to the tenth century. At that time they were important political figures at the shire and local levels. Some of the powers and duties of these officials have changed, but many of the historic functions remain – at least on paper.

The Commission recommends the abolition of two offices – the constable and coroner – and the modernization or abolition of the sheriff's office.

Most counties in 47 States still elect their sheriffs. The office is so sacrosanct that it is preserved in the constitution of 33 States. The sheriff retains his traditional authority as countywide coordinator of law enforcement, but in practice, he rarely provides police services in urban areas and frequently operates only in unincorporated areas. In addition, the sheriff usually divides his time among other responsibilities, most often court and corrections functions but sometimes tax collection. In some States he is compensated by fines and fees for these services. Elective sheriffs often are important local party figures, which partly accounts for the survival of the office.

Politically oriented, with little inclination and

**POLICE FORCE ORGANIZATION IN SELECTED METROPOLITAN AREAS
BY SIZE OF METROPOLITAN AREA, 1967**

Size Class of Metropolitan Area (Population)	Number of SMSA's	Number of Local Govts	Number of Organized Police Forces	Size of Police Force				
				1-10	11-20	21-50	51-150	Over 150
1,000,000 and over	30	3,415	1,403 (100.0%)	352 (25.1)	351 (25.0)	391 (27.9)	216 (15.4)	93 (6.6)
500-999,999	18	849	229 (100.0%)	66 (28.8)	56 (24.5)	50 (21.8)	26 (11.4)	31 (13.5)
250-499,999	19	511	134 (100.0%)	46 (34.3)	24 (17.9)	25 (18.7)	18 (13.4)	21 (15.7)
50-249,999	24	428	92 (100.0%)	21 (22.8)	20 (21.8)	23 (25.0)	22 (23.9)	6 (6.5)
Total	91	5,203	1,858 (100.0%)	485 (26.1)	451 (24.3)	489 (26.3)	282 (15.2)	151 (8.1)

Source: Advisory Commission on Intergovernmental Relations Compilation from the following sources: U.S. Bureau of the Census, *Employment of Major Local Governments, 1967 Census of Governments, Vol. 3, No. 1*; F.B.I. *Uniform Crime Reports—1967, Tables 55-56*; International City Management Association, *Municipal Year Book—1968, Table IV*.

meager resources to provide modern services, with inadequate means of recruiting and no merit system, it is little wonder that most sheriff's offices lack professionalism.

The Commission recommends that, as a minimum, the office of sheriff be made statutory rather than constitutional. That would give the State or local legislative bodies the option of abolishing the office. The next step the Commission proposes is permitting metropolitan counties the option of creating a modern, independent county police force, responsible to the central county executive. Where this is neither feasible nor desirable, the Commission calls for assigning county-wide police authority to the sheriff, compensating him solely on a salary basis, providing for civil service tenure and adequate benefits for his department's personnel, and removing outside responsibilities such as court and jail functions in order to permit him to devote full time to police matters.

The Commission concludes that the office of constable is a total anachronism. Once a local law enforcement officer, the constable now generally is a minor court official. He functions — usually part time — as an enforcement officer for the justice-of-the-peace, another office the Commission recommends be substantially overhauled or abolished. Yet 38 States still provide for constables, 13 of them in the constitution. And constables are elected in 29 States.

Once upon a time, the English coroner was responsible for such arcane tasks as “establishing a dead man's Englishry,” “for deodand,” “the eyre” and “abjuration.” Since the middle of the nineteenth century, he has been restricted to investigating suspicious deaths. In that epoch, given that duty, the coroner's independence was paramount, his professional skills in medicine and

law, less significant. Times have changed, but not the office in many instances. In the United States, 29 States still have county coroners. They are elected in 26 States and the office is constitutionally preserved in 19. In 15 States, there are virtually no professional requirements for holding this office.

The Commission recommends that the office of coroner be abolished; that his medical responsibilities be exercised by an appointed local medical examiner and his judicial functions by the local prosecuting attorney.

Improving Police-Community Relations

Of the multitude of problems confronting modern law enforcement, probably none is more urgent than police-community relations. Without the active support of the community, no police department can function effectively. But mistrust of the police — even contempt for them — is rampant. Some citizens view the police as tyrants; others as lackeys to be paid off.

The Commission sees the opening of lines of communication between the police and all segments of society as a high priority item for all localities, regardless of size. Police-community relations programs are no luxury item. Yet, only 5 percent of Federal Omnibus Crime Control and Safe Streets Act money was used for community relations programs last year. Such programs, however, should not be merely public relations campaigns for the police. The Commission urges every community to find the most appropriate way to get the police and the people on the same wave length, talking the same language, seeing the same needs. Otherwise, all the manpower and all the hardware, even all the reforms, will fail to assure justice under law in our society.

Upgrading Police Personnel Practices

High quality police selection and training is central to the effective performance of the police function. Programs to develop minimum police standards, education, and training requirements, and provisions for adequate financing of such programs can result in more consistent and uniform law enforcement operations. In addition, such programs have the advantage of promoting greater coordination within the administration of the law enforcement system.

Presently, police standards councils are in operation in 33 States. Mandatory police selection and training standards are in effect in 25 States. The proposed legislation is mainly directed at the remaining States that now do not have such programs.

Sections 1 and 2 of the act set forth the purpose and definitions. Section 3 establishes a State police standards council. Section 4 outlines the powers and duties of the council. Section 5 specifies minimum conditions of police selection and training and certain exceptions thereto. Sections 6 and 7 make available grants for reimbursement to law enforcement officers as an incentive for participation in advanced training and educational programs. Section 8 provides for the acceptance and administration of grants.

This act is patterned after the Model Police Standards Act drafted by the International Association of Chiefs of Police. Reference was also made to the Michigan Law Enforcement Officers Training Council Statute (Chapter 28.600) and the Georgia Peace Officers Standards and Training Act of 1970.

Suggested Legislation

[Title should conform to State requirements. The following is a suggestion: "An Act establishing a council on police standards; prescribing certain education and training requirements for members of police forces; providing for state financial participation in local training programs meeting state standards; and encouraging local government units to offer fiscal compensation incentives to local policemen participating in advanced training and educational programs."]

1 (Be it enacted, etc.)

2 *Section 1. Findings and Policy.* The legislature finds that the administration of criminal justice
3 is of statewide concern and that law enforcement is important to the health, safety and welfare of the
4 people of this state. Furthermore, the state has a responsibility to ensure effective law enforcement
5 by establishing minimum selection, training, and educational requirements for local police forces, and
6 also by encouraging advanced in-service training programs.

7 It is in the public interest that minimum levels of education and training be developed and made
8 available to persons seeking to become police officers and to persons presently serving as police
9 officers.

1 *Section 2. Definitions. As used in this act:* (1) “law enforcement officer” means any
2 [appointed] police employee who is responsible for the prevention, and detection of crime and the
3 enforcement of the criminal, traffic or highway laws of this state.

4 (2) “council” means the police standards council established by Section 3 of this act.

5 (3) “political subdivision” means [specify local units of general government.]

6 *Section 3. Police Standards Council.* (a) There is established a police standards council, herein-
7 after called “the council,” in the [appropriate department]. The council shall be composed of [15]
8 members, including [] elected officials of political subdivisions, [] chief administrative officers
9 of local police forces; [] representatives of institutions of higher education; [] public members;
10 the director of the [appropriate state law enforcement agency], the director of the state law enforce-
11 ment planning agency, and the attorney general.

12 (b) Except for the attorney general, the director of the [appropriate state law enforcement
13 agency] and the director of the state law enforcement planning agency, who shall serve during their
14 continuance in those offices, members of the council shall be appointed by the governor for terms of
15 [4] years: provided that no member shall serve beyond the time when he holds the office or em-
16 ployment by reason of which he was initially eligible for appointment. Any vacancy on the council
17 shall be filled in the same manner as the original appointment, but for the unexpired term.

18 (c) The governor shall designate the chairman of the council from among the members of the
19 council.

20 (d) Notwithstanding any other provision of state law, local ordinance, or charter to the con-
21 trary, membership on the council shall not disqualify a member from holding any other public office
22 or employment, or cause the forfeiture thereof.

23 (e) Members of the council shall serve without compensation, but shall be entitled to receive
24 reimbursement for any actual expenses incurred as a necessary incident to such service.*

25 (f) The council shall hold no less than [four] regular meetings a year. Subject to the require-
26 ments of this subsection, the chairman shall fix the times and places of meetings, either on his own
27 motion or upon written request of any [five] members of the council.

28 (g) The council shall report annually to the governor and legislature on the nature and scope of
29 its activities, accomplishments, and goals; the council may make such other reports as it deems
30 desirable.

*Members of the council who are not full-time public employees should be reimbursed on a per diem basis in accordance with regular state practice for compensation.

1 *Section 4. Powers and Duties.* In addition to powers conferred upon the council elsewhere in
2 this act, the council shall have power to:

3 1. Promulgate rules and regulations for the administration of this act.

4 2. Require the submission of reports and information by police departments within this state.

5 3. Establish minimum selection and training standards for admission to employment as a law
6 enforcement officer. The standards may take into account different requirements for urban and
7 rural areas, full-time and part-time employment, and specialized police personnel.

8 4. Establish minimum curriculum requirements for preparatory, inservice and advanced courses
9 and programs for schools operated by or for the state or any political subdivision for the specific
10 purpose of training recruits or law enforcement officers.

11 5. Consult and cooperate with counties, municipalities, agencies of this state, other govern-
12 mental agencies, and with universities, colleges, junior colleges, community colleges and other insti-
13 tutions or organizations concerning the development of police training schools and programs or
14 courses of instruction.

15 6. Approve institutions and facilities to be used by or for the state or any political subdivision
16 thereof for the specific purpose of training law enforcement officers and recruits.

17 7. Make and encourage studies of any aspect of police administration.

18 8. Conduct and stimulate research by public and private agencies designed to improve police
19 administration and law enforcement.

20 9. Make recommendations concerning any matter within its purview pursuant to this act.

21 10. Employ a director and such other personnel as may be necessary in the performance of its
22 functions.

23 11. Make such evaluations as may be necessary to determine if governmental units are comply-
24 ing with the provisions of this act.

25 12. Adopt and amend bylaws, consistent with law, for its internal management and control.

26 13. Enter into contracts or do such things as may be necessary and incidental to the administra-
27 tion of this act.

28 *Section 5. Selection and Training Requirements.* (a) At the earliest practicable time, the council
29 shall provide, by regulation, that no person shall be appointed as a law enforcement officer, except
30 on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory
31 program of police training at a school approved by the council, [and is the holder of a bachelor's
32 degree from an accredited institution.] A law enforcement officer who lacks the education and train-
33 ing qualifications required by the council shall not have his temporary or probationary employment

1 extended beyond one year by renewal of appointment or otherwise.

2 (b) In addition to the requirements of subsections (a), of this section, the council by rules and
3 regulations, shall fix other qualifications as it deems necessary.

4 (c) The council shall issue a certificate evidencing satisfaction of the requirements of subsections
5 (a) and (b) of this section to any applicant who presents such evidence as may be required by its rules
6 and regulations of satisfactory completion of a program or course of instruction in this or another
7 state conforming to the content and quality required by the council for approved police education
8 and training.

9 (d) Nothing herein shall be construed to preclude any employing agency from establishing
10 qualifications and standards for hiring, training, compensating, or promoting law enforcement
11 officers that exceed those set by the council.

12 (e) Law enforcement officers already serving under full-time permanent appointment on the
13 effective date of this act shall not be required to meet any requirement of subsections (b) and (c) of
14 this section as a condition of tenure or continued employment; nor shall failure of any law enforce-
15 ment officer to fulfill such requirements make him ineligible for any promotional examination for
16 which he is otherwise eligible. Law enforcement officers employed prior to the enactment of this act
17 may continue their employment and participate in training programs on a voluntary or assigned basis,
18 but failure to meet the standards shall not be grounds for their dismissal or termination of employment.

19 *Section 6. Police Training Programs: Grants Under the Supervision of Council and the State.*

20 (a) For the purposes of this act, the council may cooperate with federal, state, and local law enforce-
21 ment agencies in establishing and conducting instruction and training programs for law enforcement
22 officers of this state, its counties and municipalities.

23 (b) The council shall establish and maintain police training programs through such agencies
24 and institutions as the council may deem appropriate to carry out the intent of this act.

25 (c) The council shall reimburse each state agency and political subdivision that adheres to the
26 selection and training standards established by the council for the [salary and the] allowable tuition,
27 living, and travel expenses incurred by the officers in attendance at approved training programs.

28 *Section 7. Police Career Incentive Program.* (a) The council shall develop guidelines for use by
29 local governments to establish a career incentive pay program offering base salary increases to regular
30 full-time members of the county and municipal police departments in the state as a reward for fur-
31 thering their education in the field of police work. The council shall determine the manner in which
32 police career incentive salary increases shall be predicated and granted, including the option of
33 whether any county and municipality participating in the program authorized by this section shall

1 be entitled to be reimbursed by the state for [100] percent of the costs of such payments upon certi-
2 fication to the council that all credits and degrees have been earned in an educational institution duly
3 accredited in the state.

4 *Section 8. Acceptance and Administration of Grants.* (a) In addition to funds appropriated by
5 the legislature the council may accept for any of its purposes and functions any grants of money and
6 real and personal property from any governmental unit or public agency, or from any institution,
7 person, firm or corporation and may receive, utilize and dispose of the same. Any monies received by
8 the council pursuant to this subsection shall be deposited in the state treasury to the account of the
9 council.

10 (b) The council, by rules and regulations, shall provide for the administration of the grant pro-
11 grams authorized by the act. In promulgating such rules, the council shall promote the most efficient
12 and economical program for police training, including the maximum utilization of existing facilities
13 and programs for the purpose of avoiding duplication.

14 (c) The council may provide grants as a reimbursement for actual expenses incurred by the
15 state or political subdivisions thereof for the provision of training programs to officers from other
16 jurisdictions within the state as herein authorized.

17 *Section 9. Separability.* [Insert separability clause.]

18 *Section 19. Effective Date.* [Insert effective date clause.]

Expanded State Services to Local Law Enforcement Agencies

Inadequate supportive services for local police agencies has long been recognized as a major organizational problem in many metropolitan areas. Additionally, the problem of providing a full-range of specialized "back-up" police services and securing coordination among police departments with respect to crime analysis, criminal identification, records and statistics has weakened the effectiveness of overall crime control efforts in many States.

In order to improve the efficiency and economy of the entire law enforcement system with a State, it is essential that formal assistance and cooperation between State and local law enforcement agencies be provided and that technical resources and pertinent information relating to criminal matters be shared.

Section 1 sets forth the purpose of the legislation. Section 2 includes the definitions of terms commonly used in this act. Section 3 authorizes the appropriate State law enforcement agency to assist local departments upon request. Section 4 establishes procedures for carrying out uniform crime reporting systems in the State. Section 5 creates State crime laboratory facilities to provide specialized technical assistance to strengthen local law enforcement capabilities.

This draft legislation is modeled after the Wisconsin Police Regulation Act (Chapter 165.55) and the Pennsylvania Administrative Code (Chapter 71.S.250).

Suggested Legislation

[Title should conform to State requirements. The following is a suggestion: "An Act authorizing the [appropriate state law enforcement agency] to assist and cooperate with local police officers in the performance of their duties in any criminal matter throughout the state; to provide services of a special nature to local law enforcement agencies within the state; and to establish a statewide uniform system of criminal identification, records and statistics."]

(Be it enacted, etc.)

1 *Section 1. Findings and Purpose.* The legislature hereby finds it to be in the best interests of
2 the citizens of this state that the [appropriate state law enforcement agency], whenever possible,
3 should cooperate with counties and municipalities in the detection of crime, the apprehension of
4 criminals, and the preservation of law and order throughout the state. The purposes of this act are to
5 authorize the [appropriate state law enforcement agency] to exercise all the powers and prerogatives
6 conferred upon members of local law enforcement agencies, when performing identical duties in any
7 political jurisdiction of the state; and to establish, maintain, and operate within the [appropriate
8 state law enforcement agency] the necessary divisions to perform specialized police related functions
9 to aid law enforcement agencies throughout the state.

1 *Section 2. Definitions.* As used in this act: (1) “offense” means an act which is a felony, a
2 misdemeanor, [or a violation of a county, city, or town criminal code].

3 (2) “local police agency” means a police agency of one or more persons employed full-time by
4 a political subdivision of the state for the purpose of preventing and detecting crime and enforcing
5 laws [or ordinances] and whose employees are authorized to make arrests to enforce the laws [or
6 ordinances].

7 (3) “division” means the division of criminal records and statistics created by section 4 of this
8 act.

9 (4) “director” means the head of the [appropriate state law enforcement agency];

10 (5) “laboratory” means the state crime laboratory created by section 5 of this act.

11 *Section 3. Powers and Duties.* (a) The [director], when requested by the governor, shall, and
12 upon his own initiative or when requested by a local law enforcement agency, may: (1) assist in or
13 assume the investigation or detection of any offense, (2) make lawful arrests, without warrant, for all
14 violations of the criminal law or any laws regulating the use of motor vehicles on the highways, which
15 they may witness; and (3) serve and execute lawful warrants issued by the proper local authorities.

16 (b) All law enforcement personnel of the [appropriate state law enforcement agency] shall
17 have, in any part of the state, the same powers and prerogatives conferred by law, with respect to
18 criminal offenses and the enforcement of the law relating thereto as sheriffs, policemen, or other
19 local law enforcement officers have in their respective jurisdictions.

20 *Section 4. Uniform Crime Reporting Systems.* (a) Within the [appropriate state law enforce-
21 ment agency] there is hereby established a division of criminal records and statistics for centralization
22 of information with regard to crime in the state. The division shall:

23 (1) obtain and file fingerprints, descriptions, photographs, and any other available identifying
24 data on persons who have been arrested or taken into custody in this state for any offense for which
25 the maximum lawful penalty is [two] years.

26 (2) Develop and operate an information system which, in the judgement of the administrator
27 of the division, may be useful in the reduction of crime and the administration of justice.

28 (3) Cooperate with all enforcement agencies in the state to establish a system of criminal
29 identification, and furnish all reporting officials with forms and instructions which specify the nature
30 of information required and the time it is to be forwarded.

31 (4) Make available upon request, to all local and state law enforcement agencies in this state, to
32 all federal law enforcement and criminal identification agencies, and to state law enforcement agen-
33 cies in other states, any information in the files of the division which will aid these agencies in the

1 performance of their official duties; and

2 (5) cooperate with other law enforcement agencies in this state and the crime information
3 agencies in other States, in developing and operating an intra-state, inter-state, and national system
4 of criminal identification, records and statistics.

5 (b) All local law enforcement agencies in the state shall obtain and file fingerprints, descrip-
6 tions, photographs, and other available identifying data on persons who have been lawfully arrested
7 or taken into custody in this state for any offense for which the maximum penalty is [two] years or
8 more. It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, courts, judges, parole
9 and probation officers, wardens, or other persons in charge of correctional institutions in this state to
10 furnish the division with data deemed necessary by the [director] to carry out the purposes of para-
11 graph (2) of this section.

12 *Section 5. Establishment of a State Crime Laboratory.* (a) There is hereby established within
13 the [appropriate state law enforcement agency] one or more laboratories to provide as may be nec-
14 essary technical assistance to state and local law enforcement officers in the various fields of scientific
15 investigation in the aid of law enforcement.

16 (b) Persons employed in the laboratory shall not be empowered by reason of their employment
17 in the laboratory to make arrest or to serve or execute criminal process.

18 (c) The laboratory shall maintain and conduct criminal analysis services for the investigation
19 and prosecution of crime in such fields as ballistics, chemistry, handwriting comparison, metallurgy,
20 comparative micrography, lie-detector and deception test operations, fingerprinting, toxicology and
21 pathology.

22 (d) The laboratory shall not undertake investigation of criminal conduct except as ordered by
23 the [director]. A sheriff, municipal police chief, district attorney, warden, or the attorney general
24 may request, and the governor may order, the [director] to authorize an investigation.

25 Upon request of the head of any state department that has law enforcement responsibilities,
26 the [director] may authorize the laboratory to provide scientific and technological services to the
27 requesting department, provided that these services relate directly to, and are necessary for, the
28 effective performance of law enforcement responsibilities which by statute have been vested in the
29 requesting department.

30 (e) Upon request of the attorney general, the services of the laboratory may be provided in
31 civil cases in which the state or any department, bureau, agency or officer of the state is a party in an
32 official capacity.

1 (f) The [director] may decline to provide laboratory service as he deems appropriate except on
2 order of the governor.

3 (g) Reasonable fees may be charged for the services performed at the laboratory to each appli-
4 cable case referred for investigations to the laboratory.

5 (h) Whenever the [director] is informed by the submitting officer or agency that physical
6 evidence in the possession of the laboratory is no longer needed, he may, unless otherwise provided
7 by law, either destroy the evidence or retain it in the laboratory. Whenever the [director] receives
8 information from which it appears probable that such evidence is no longer needed, he may give
9 written notice to the submitting agency and the appropriate district attorney, by registered mail, of
10 his intention to dispose of the evidence, and if no objection is received within [20] days after the
11 notice was received, he may order disposal of the evidence.

12 *Section 6. Separability.* [Insert separability clause.]

13 *Section 7. Effective Date.* [Insert effective date clause.]

Rural Police Protection Act

Most nonmetropolitan areas of the county face serious deficiencies in their police protection organization. Basically, these difficulties involve: (1) the average size of nonmetropolitan police departments, (2) the heavy use of part-time personnel and, (3) the lack of adequate areawide protection.

Most nonmetropolitan police departments are too small to provide more than basic patrol services, and, to a certain extent, must depend on the police agencies of other levels to provide protection. This pattern of infrequent patrol activities does not offer sufficient police services for most of these areas, even though rural crime is not of the magnitude of that in urban areas.

This act provides two basic means of strengthening the police capabilities of nonmetropolitan communities. The first involves authorization for establishing a State resident trooper program whereby members of the appropriate state law enforcement agency would be assigned to individual small jurisdictions on a contractual basis, as is done in Connecticut. The second is a State financial incentive program to encourage the consolidation of the small rural police forces.

Sections 1 and 2 of this act state its purpose and definitions. Section 3 provides for contractual arrangement to assign personnel from the appropriate state law enforcement agency to serve on a full-time basis in rural areas. Section 4 describes the powers of officers assigned in such a capacity. Section 5 offers state grants of financial support to encourage the consolidation of nonmetropolitan police forces.

This draft proposal is drawn from a Massachusetts' "regional police district law" (Chapter 878, 1969 Laws), a proposed Michigan statute supplementing expenditures for police personnel in small jurisdictions, and Connecticut's "Resident State Police Program."

Suggested Legislation

[Title should conform to State requirements. The following is a suggestion: "An Act to authorize cooperative arrangements to supplement law enforcement systems in counties, cities and towns in non-metropolitan areas of the state and to provide financial incentives for consolidating multiple police forces into a single county police district to serve a common area of primarily rural jurisdiction."]

(Be it enacted, etc.)

1 *Section 1. Findings and Purpose.* The legislature finds that there is an acute problem of organ-
2 izing local rural police forces to provide basic services and protection due to insufficient regular police
3 personnel; and that jurisdictional fragmentation tends to reduce the efforts of existing law enforce-
4 ment agencies to provide full-time efficient police services.

5 The purpose of this act is to authorize rural jurisdictions to strengthen their law enforcement
6 systems by empowering assignment of personnel from the [appropriate state law enforcement agency]

1 to provide police services, or through agreements to consolidate local police forces into a single
2 countywide police department.

3 *Section 2. Definitions.* As used in this act: (1) “rural jurisdiction” means any county that is
4 not all or part of a Standard Metropolitan Area as designated by the U.S. Office of Management and
5 Budget, or any local unit of general government within such a county, or any combination thereof.

6 (2) “director” means the head of the [appropriate state law enforcement agency].

7 (3) “assigned state policeman” means a police officer detailed from the [appropriate state law
8 enforcement agency] to a rural jurisdiction to assist or assume police functions, as agreed upon by a
9 rural jurisdiction and the [director].

10 *Section 3. Assigned State Law Enforcement Services Provided on a Contractual Basis.*

11 (a) Any rural jurisdiction may contract with the [director] for the purpose of receiving fulltime
12 assigned state policemen and various other police services where they are otherwise not available.
13 The contract shall be for a period of not more than [] years and may be renewed.

14 *Section 4. Powers of Assigned State Policemen.* The [director] shall supervise and direct as-
15 signed state policemen. In addition to his state law enforcement duties, each assigned state policeman
16 providing services in a rural jurisdiction shall have the same powers as officers of the rural jurisdiction
17 unless specifically limited by the contract.

18 *Section 5. State Financial Incentives to Encourage Consolidation of Local Police Departments*
19 *Into Single County Police Force.* (a) In addition to its other powers, the governing body of any rural
20 jurisdiction [under [25,000] population] other than a county, by [ordinance] [resolution], may
21 abolish its police department and vest its law enforcement powers and duties in the government of the
22 county in which it is located.

23 (b) On the effective date of the dissolution of the police department, any pending criminal
24 prosecutions of the police department of the local government shall be assumed by the police force of
25 the county, and all employees of the local government police department shall be eligible for transfer
26 to the county police department.

27 (c) The county sheriff, his deputies, and other police officers of the county police force shall
28 have all the powers, duties, immunities, and privileges conferred by law upon law enforcement per-
29 sonnel of a rural jurisdiction which transfers its police powers and duties to a county.

30 (d) The [county governing body] shall determine as nearly as possible the actual cost of
31 providing police services to the non-county rural jurisdiction that abolishes its police department
32 and vests its law enforcement powers and duties in a county pursuant to this section. This cost
33 shall be paid to the county by the rural jurisdiction.

1 (e) A rural jurisdiction that vests its law enforcement powers and duties in a county shall receive
2 reimbursement from the state [for a period of five years] for [25] percent of the amount it pays a
3 county for police services pursuant to this section. The reimbursement shall be made [quarterly] by
4 the [state treasurer] from funds appropriated for that purpose upon receipt by the [state treasurer]
5 of a certification by the county and by the affected rural jurisdiction of the cost of police services
6 provided for it by the county.

7 (f) Whenever a rural jurisdiction repeals the [ordinance] [resolution] abolishing its police
8 department and vesting its law enforcement powers and duties in a county, it shall cease to be eligible
9 for the reimbursement provided for in section 5 (e) of this act.

10 *Section 6. Separability.* [Insert separability clause].

11 *Section 7. Effective date.* [Insert effective date clause].

Intrastate Extraterritorial Police Powers

The nation's metropolitan areas are the site of the bulk of the country's criminal activity. Yet, the typical metropolitan area is characterized by a fragmented system of police protection which seriously hinders local police work.

One major jurisdictional issue which affects metropolitan police protection is the extent to which extra-territorial police powers are authorized. Such powers are essential if a policeman is to discharge his duties and discourage criminal offenders from using jurisdictional lines to hinder their apprehension. Moreover, the grant of extra-territorial power must be accompanied by clear State or local responsibility for tort liability protection and employee insurance benefits if it is to be effective. The proposed legislation sets forth both the broad grant of extra-territorial police power and the necessary guarantee of tort liability and insurance protection for local police officers.

Sections 1 and 2 set forth the basic purpose and definitions of the legislation. Section 3 authorizes police officers to pursue and arrest a person anywhere in the State and prescribes certain conditions to be followed in instances of "close pursuit" and in making an extraterritorial arrest. Section 4 assures basic tort liability protection and insurance benefits in the performance of police duties beyond territorial limits and sets forth certain restrictions on such benefits.

The draft statute reflects the principles of a model uniform statute on intrastate pursuit contained in the 1966 edition of the *Handbook on Interstate Crime Control*, prepared by the Council of State Governments. Additional reference was made to Chapter 996, Laws of 1970 of the State of New York, which authorizes statewide arrest powers.

Suggested Legislation

[Title should conform to state requirements. The following is a suggestion: "An act granting extraterritorial police powers to police officers of political subdivisions."]

[Be it enacted]

1 *Section 1. Purpose.* The purpose of this act is to grant extraterritorial police powers to
2 police officers to perform the lawful exercise of their police duties anywhere in the state and to
3 set forth provisions for immunity from tort liability and for insurance benefits of the police
4 officers of county and municipal corporations engaged in the lawful exercise of extra-territorial
5 police activity.

6 *Section 2. Definitions.* As used in this act:

7 (1) "Close pursuit" means pursuit of a person who has committed a felony or whose pur-
8 suer reasonably believes he has committed a felony in this State, or who has committed a misde-
9 meanor in the presence of the arresting officer, or for whom such officer holds a warrant of
10 arrest for a criminal offense.

1 (2) "Police officer" means an employee of a police department of any political subdivision
2 of the state who is responsible for crime prevention, and crime detection, or the enforcement of
3 the criminal, traffic, or highway law of this State.

4 *Section 3. Pursuit Across County and Municipal Lines.* (a) Any police officer in "close
5 pursuit" may arrest the person pursued.

6 (b) If an arrest is made in obedience to a warrant, the disposition of the prisoner shall be
7 as in other cases of arrest under a warrant. If the arrest is without warrant, the prisoner shall with-
8 out unnecessary delay be taken before the appropriate authority in the jurisdiction wherein the
9 arrest was made for a hearing to determine the lawfulness of the arrest. The court shall admit such
10 person to bail, if the offense is bailable by taking security by way of recognizance for the appear-
11 ance of such prisoner before the court having jurisdiction for such criminal offense.

12 (c) Any officer engaged in close pursuit shall be in uniform, and whenever feasible he
13 shall notify the law enforcement authorities of other appropriate jurisdictions of such pursuit. If
14 close pursuit takes place at speeds in excess of the legal speed limit, pursuit shall be in a marked
15 police vehicle with emergency lights and siren in operation.*

16 *Section 4. Immunity from Tort Liability and Insurance Benefits Connected With the*
17 *Exercise of Police Duties Beyond Territorial Limits.*

18 (a) Any police officer, when acting under lawful authority beyond the territorial limits of
19 the employing county or municipal corporation, shall have all the immunities from tort liabilities
20 and have all the pensions, relief, disability, workmen's compensation and other benefits enjoyed by
21 him while performing his duties within the territorial limits of the employing county or municipal
22 corporation.

23 (b) Nothing in this act shall be deemed to: (1) entitle the extension of any benefits to an
24 officer who at the time of death, injury, disability, or illness is acting for compensation on behalf
25 of anyone other than the employing county or municipal corporation; or (2) require the extension
26 of any benefits to a police officer whose action gives rise to death, injury, disability or illness, if

*As of January 1, 1970, the information in *Uniform Vehicle Code: Rules of the Road with Statutory Annotation*
11-106 (1967, Supp. 1970) indicates that nineteen States require special flashing lights and sirens on authorized emer-
gency vehicles, but that police vehicles need not have special flashing lights, in order to exceed speed limits. In eleven
States (California, Colorado, Illinois, Kentucky, Missouri, Nevada, Oregon, South Dakota, Utah, Virginia and Wisconsin),
police vehicles apparently must have both the lights and the siren. The remaining 20 States do not have laws requiring
lights on any police vehicles (usually they require only sirens).

Among laws describing when drivers must pull over and yield the right of way to authorized emergency
vehicles, 19 require lights and sirens except on police vehicles, as is also true in the UVC. On the other hand, 10 would
require special flashing lights on police vehicles: Alabama, California, Georgia, Michigan, Maine, Minnesota, Nevada,
Ohio, Vermont and Utah. The remaining States are more comparable to the UVC: Five require a light or a siren; two
require neither a light or a siren; and 13 require only a siren (as did editions of the UVC before 1944).

1 such action, at the time it occurs, is expressly prohibited by charter, ordinance, rule, or regulation
2 of the employing county or municipal corporation.

3 *Section 5. Separability.* [Insert separability clause.]

4 *Section 6. Effective Date.* [Insert effective date clause.]

Special Police Task Forces

There are at least 114 metropolitan areas in the nation that are composed of more than one county or that are situated in more than one State. In such areas, there is no single local police force that has police jurisdiction over the entire area. In at least half the States, State law enforcement agencies are primarily concerned with highway patrol and, therefore, do not supply areawide police coverage to such areas.

Multicounty and interstate metropolitan areas are among the most populous portions of the country. Organized crime, unfortunately, flourishes in some of these locations. All these areas experience problems with apprehending mobile criminals. The creation of special purpose police forces, under either interlocal or State direction, to combat extralocal and organized crime would close a troublesome gap in police protection for these locations. Being special purpose units, an overcentralization of basic police services within these jurisdictions would be prevented.

Sections 1 and 2 set forth the purpose and definitions of the legislation. Sections 3 and 4 provide for either interlocal or State creation of special purpose police forces. Sections 5 and 6 indicate the powers, duties and limitations of these task forces. Section 7 specifies some of the conditions of interstate task force agreements.

The Kansas City and St. Louis metropolitan areas have created special purpose multicounty police details to operate on an ad hoc basis to solve crimes of an areawide dimension. Atlanta's METROPOL operates an areawide Fugitive Squad to keep a continuing surveillance on known criminals in that area. All of these operations could be considered as prototypes of a multicounty or interstate special police task force.

Suggested Legislation

[Be it enacted, etc.]

1 *Section 1. Purpose.* It is the intent of this act to authorize state and local law enforcement
2 agencies to operate special police task forces throughout multicounty and interstate metropolitan
3 areas for the more effective detection, apprehension, and control of persons engaged in organized
4 and extralocal crime and to prevent other unlawful actions which may be beyond the control of a
5 single jurisdiction.

6 *Section 2. Definitions.* As used in this act: (1) "Task force" means a special purpose
7 multicounty or interstate police force under the direction of either the director of the [appropriate
8 state law enforcement agency] or the local governments party to the multicounty or interstate
9 agreement setting up such a special purpose police force.

10 (2) "Multicounty or interstate metropolitan area" means any Standard Metropolitan
11 Statistical Area as designated by the United States Office of Management and Budget, being com-
12 posed of more than one county or situated in more than one state.

13 (3) "Director" means the head of the [appropriate state law enforcement agency].

1 (4) "Organized crime" means any felonious act committed by a person who is a member of
2 a criminal syndicate.

3 (5) "Extralocal crime" means any felonious act which involves the crossing of a municipal
4 or county boundary.

5 (6) "Agency" means any duly organized interlocal areawide instrumentality having juris-
6 diction over a multicounty or interstate metropolitan area and which is authorized to perform
7 police and other governmental functions.

8 *Section 3. Interlocal Creation of Special Police Task Forces.* (a) Local jurisdictions in multi-
9 county and interstate metropolitan areas may enter into interlocal agreements with other local
10 governments in this and adjacent states to create special police task forces, composed of police
11 officers from party jurisdictions in any number that may be designated by the parties to the agree-
12 ment as may be necessary to perform task force services throughout the jurisdictions of the
13 affected parties.

14 (b) The governing bodies of the participating local governments may designate an appropri-
15 ate existing agency to perform task force operations or create a new agency to perform task
16 force operations where there is no suitable existing agency in existence willing or able to assume
17 this assignment.

18 *Section 4. State Creation of Special Police Task Forces.* Where the authority granted under
19 section 3 of this act is not utilized by local jurisdictions and where in the opinion of the governor
20 there is a clear and urgent need for such task forces, he may create or enter into interstate agree-
21 ments to create a special police task force that will serve on a continuing basis in multi-
22 county or interstate metropolitan areas. In the case of multi-county, intra-state metropolitan areas,
23 the director shall appoint a commander for this task force to serve at his pleasure. In the case of
24 interstate agreements, the respective state directors shall appoint a single commander to head the
25 task force for a [two] year term.

26 *Section 5. Police Task Forces: Powers and Duties.* (a) Police task forces shall be limited to
27 the following powers:

- 28 (i) to conduct intelligence and undercover operations for the detection and appre-
29 hension of persons engaged in or otherwise associated with organized crime,
30 (ii) to detail police patrol and investigative teams throughout the jurisdiction of the
31 task force to control, detect and apprehend persons engaged in extralocal and
32 organized crime, and

1 (iv) to assist, upon request or at the direction of the governor, local police departments
2 in emergency situations.

3 (b) An officer of the task force shall have legal authority to detain, search, and arrest any
4 person on probable cause that he has been involved in organized crime or has committed a crime that
5 involved the crossing of municipal or county boundaries. A task force officer shall also have the
6 power to arrest any person committing a felony in his presence.

7 *Section 6. Police Task Forces: Limitations.* (a) An officer when serving on the task force shall
8 not engage in any police activities other than those enumerated in section 5 of this act.

9 (b) When possible, local police departments shall honor requests for assistance in task force
10 operations under section 5 of this act. Any local assistance so rendered shall be compensated for by
11 task force fiscal reimbursement.

12 *Section 7. Interstate Task Force Agreements.* Any interstate agreement agreed to under sections
13 3 and 4 of this act shall at least specify (i) provisions for apportionment of personnel and fiscal re-
14 sponsibilities in the maintenance of an interstate task force, and (ii) provisions for withdrawal from
15 the interstate agreement.

16 *Section 8. Separability.* [Insert separability clause.]

17 *Section 9. Effective Date.* [Insert effective date clause.]

Independent County Police Forces and Modernized Sheriff's Department

Effective metropolitan police protection depends, in large measure, on a capable countywide law enforcement agency. To that end, many metropolitan counties have either vested full-time county police responsibilities in an independent county police force or a revitalized sheriff's department. Over 50 counties, most of them in large metropolitan areas, have independent county police forces responsible to the county executive or county board of commissioners. Many other metropolitan counties have bolstered the police responsibilities of the sheriff's department and downgraded its more traditional court and jail duties. By both sorts of actions, metropolitan counties have modernized their law enforcement agencies.

The following two alternative bills offer the option of providing metropolitan counties with an independent county police force or a restructured sheriff's department. The legislation creating an independent county police force authorizes their creation in metropolitan counties while, at the same time, placing the sheriff in a subordinate police role to the new force. It sets forth the powers and duties of the independent police agency and the responsibilities of metropolitan police chief. Finally, it provides that department personnel shall be compensated solely by salary and be covered by the county civil service personnel regulations.

The bill restructuring the sheriff's department is similar to that authorizing the independent police force. Yet, it contains some distinguishing features. It provides for election of the sheriff for a four-year term with no limits on succession. It sets forth the powers of his department, his own management and appointment powers, and provides for a transfer of the agency's nonpolice duties to appropriate State or local court and correctional agencies. Like the first alternative, it also provides that county law enforcement personnel shall be compensated solely by salary and covered under county civil service regulations.

The model for this legislation was the Nashville-Davidson County Charter.

Suggested Legislation

INDEPENDENT COUNTY POLICE FORCES

[Be it enacted, etc.]

1 *Section 1. Purpose.* The purpose of this act is to authorize metropolitan counties to vest
2 primary law enforcement responsibilities in an independent county police force under the control
3 of the [county board of commissioners] [county chief executive] and to insure that all county
4 law enforcement personnel are covered under a county civil service system, compensated solely by
5 salary, and provided with adequate retirement benefits.

6 *Section 2. Definitions.* As used in this act: (1) "board" means county board of commis-
7 sioners.

8 (2) "executive" means county chief executive.

9 (3) "metropolitan police department" means independent county police department created
10 pursuant to section 3 of this act.

11 (4) "chief" means the administrative head of the metropolitan police department.

1 (5) "metropolitan county" means any county located in a metropolitan area as designated
2 by the U. S. Office of Management and Budget.

3 *Section 3. Authorization for Independent County Police Forces.* (a) The legislative body of
4 every metropolitan county in this state may by ordinance establish and maintain a metropolitan
5 police department under the direction of the [board] [executive] and may provide for the appoint-
6 ment of county police, prescribe their duties, and fix their compensation. The metropolitan police
7 department shall consist of a chief, and such other officers and employees of such ranks and grades
8 as may be established by ordinance and which shall include such bureaus, divisions, and units as
9 may be provided by ordinance or by regulations of the chief consistent therewith.

10 (b) Where an independent county police force is created pursuant to this section, the
11 sheriff shall not be the principal peace officer within the jurisdiction of the metropolitan police
12 department. However, he may retain any law enforcement powers that are necessary for him to
13 serve as the chief enforcement officer of the appropriate general trial court in the county in which
14 he is located. He may also give law enforcement assistance to the metropolitan police department
15 when so requested by the chief.

16 *Section 4. Police Powers of Metropolitan Police Department.* The metropolitan police de-
17 partment shall be responsible for the preservation of the public peace, prevention and detection of
18 crime, apprehension of criminals, protection of personal and property rights and enforcement of
19 state laws and local ordinances throughout its jurisdiction. The department shall be vested with
20 all the power and authority belonging to the office of constable and sheriff by common law and
21 other powers and duties conferred on them by law.

22 *Section 5. Chief of Metropolitan Police Department: Powers and Duties.* The metropolitan
23 police department shall be under the general management and control of a chief. He shall have,
24 but not be limited to the following powers: (i) establishment of zones and precincts for police
25 work, (ii) assignments of department members to respective posts, shifts, and details, consistent
26 with their rank, (iii) promulgation of regulations [with the approval of the [executive] [board]]
27 concerning the operation of the department, the conduct of the officers and employees thereof,
28 their uniforms, arms, and their training, and (iv) other powers [as may be delegated by the [board]
29 [executive]] that may be necessary for the efficient operation of the department. Disobedience to
30 the lawful commands of the chief or violations of the rules and regulations governing the operation
31 of the metropolitan police department shall be grounds for removal or other disciplinary action as
32 provided for by county civil service regulations.

1 *Section 6. Chief of Metropolitan Police Department: Selection and Personnel Powers.* The
2 chief shall be appointed by the [board] [executive with approval of the board], and he shall serve
3 at the pleasure of the [board] [executive]. The chief shall appoint all police personnel who report
4 directly to him from the ranks of any qualified applicants in accordance with the county civil
5 service procedures. All other county law enforcement personnel shall be selected pursuant to county
6 civil service laws.

7 *Section 7. County Law Enforcement Personnel: Civil Service Tenure and Retirement Provi-*
8 *sions.* All county law enforcement personnel, excepting the chief, in metropolitan counties shall be
9 covered by the applicable rules and regulations of county civil service laws. They shall be compen-
10 sated solely by salary and be under a county retirement plan.

11 *Section 8. Separability Clause.* [Insert separability clause.]

12 *Section 9. Effective Date.* [Insert effective date clause.]

MODERNIZED SHERIFF'S DEPARTMENTS

[Be it enacted, etc.]

1 *Section 1. Purpose.* The purpose of this act is to authorize metropolitan counties to vest
2 primary law enforcement responsibilities in a modernized sheriff's department, and to insure that
3 county law enforcement personnel are covered under a county civil service system, compensated
4 solely by salary, and provided with adequate retirement benefits.

5 *Section 2. Definitions.* As used in this act:

6 (1) "board" means county board of commissioners.

7 (2) "executive" means county chief executive.

8 (3) "metropolitan county" means any county located in a metropolitan area as designated
9 by the U. S. Office of Management and Budget.

10 (4) "sheriff's department" means the county law enforcement agency.

11 (5) "sheriff" means chief of county law enforcement agency where there is no metropolitan
12 police department.

13 *Section 3. The Office of Sheriff.* The sheriff shall be the principal conservator of the peace
14 within all [metropolitan] counties of the state. He shall be elected for a term of [four] years, and
15 may be re-elected.

1 *Section 4. Police Powers of the Sheriff's Department.* The sheriff's department shall be
2 responsible for the preservation of the public peace, prevention and detection of crime, apprehen-
3 sion of criminals, protection of personal and property rights and enforcement of state laws and
4 local ordinances throughout its jurisdictions. The sheriff's department shall be vested with all the
5 power and authority belonging to the office of constable and sheriff by common law and other
6 powers and duties prescribed by law.

7 *Section 5. The Sheriff: Powers and Duties.* The sheriff's department shall be under the
8 general management and control of the sheriff. He shall have, but not be limited to the following
9 powers: (i) establishment of zones and precincts for police work, (ii) assignment of department
10 members to respective posts, shifts, and details, consistent with their rank, (iii) promulgation of
11 regulations [with the approval of the [executive] [board]] concerning the operation of the depart-
12 ment, the conduct of the officers and employees thereof, their uniforms, arms, and for their train-
13 ing, and (iv) other powers [as may be delegated by the [board] [executive]] that may be necessary
14 for the efficient operation of the department. Disobedience to the lawful commands of the sheriff
15 or violations of the rules and regulations governing the operation of the sheriff's department shall
16 be grounds for removal or other disciplinary action as provided for by county civil service regu-
17 lations.

18 *Section 6. The Sheriff: Personnel Powers.* The sheriff shall appoint all police personnel who
19 report directly to him from the ranks of any qualified applicants in accordance with the county
20 civil service procedures. All other sheriff's department personnel shall be selected pursuant to
21 county civil service laws.

22 *Section 7. Transfer of Court and Correctional Duties.* (a) After [insert appropriate date],
23 the sheriff and his deputies shall relinquish their responsibilities as principal law enforcement
24 officers of any trial court of general or limited jurisdiction to court personnel designated by the
25 chief justice.* Such transferred duties shall include but not be limited to service of court orders
26 and service as bailiff of the court.

27 (b) After [insert appropriate date] the sheriff's responsibilities for the county jail shall be
28 assumed by [insert name of appropriate local correctional agency].

29 *Section 8. County Law Enforcement Personnel.* All sheriff's department personnel, except-
30 ing the sheriff, shall be covered by the applicable rules and regulations of county civil service
31 laws. They shall be compensated solely by salary and be under a county retirement plan.

*Title VIII of the ACIR Omnibus Judicial Act provides for State assumption of the judicial function. Some States may wish to have sheriff's department personnel transferred to the State judicial department for the performance of the court's law enforcement duties.

- 1 *Section 9. Separability Clause.* [Insert separability clause.]
- 2 *Section 10. Effective Date.* [Insert effective date clause.]

Minimum Police Services in Metropolitan Areas

Many metropolitan areas are faced with an almost hopeless proliferation of small and inefficient local police departments. A survey of local police forces in 91 metropolitan areas in 1967 indicated that one-fourth of all such departments employed ten or less men. More than half of all such forces in these areas contained 20 or less men. Studies of local police organization in several States have revealed that some metropolitan jurisdictions completely forego the provision of any police service.

The lack of adequate basic police services in an urban jurisdiction creates a harmful gap in the capability of metropolitan police systems. The residents of the affected community are deprived of easy access to front line police services and quite often neighboring local or State law enforcement agencies are forced to supply basic services on an ad hoc basis.

The inability or unwillingness of a local metropolitan government to provide basic police services suggests that it may not be a viable unit of local government—if it incorporates it should be willing and able to provide basic police services to its residents either directly or through intergovernmental agreement. The following draft legislation places a floor on the level of police services a metropolitan jurisdiction must provide. As such it builds on earlier Commission recommendations geared to insuring the viability of local governments.

Sections 1 and 2 set forth the purpose and definitions of the act. Section 3 provides that the director of the appropriate State law enforcement agency or State Police Standards Council shall set minimum standards for the provision of basic police services in metropolitan areas. Section 4 prescribes alternate ways in which local governments may meet minimum standards. Section 5 mandates counties to provide basic police protection in localities failing to provide basic services and makes these counties eligible for additional State aid when they do so. Section 6 specifies the conditions under which local governments may resume the provision of basic police services. Section 7 provides for judicial review of orders issued pursuant to the act.

Suggested Legislation

[Be it enacted, etc.]

1 *Section 1. Purpose.* The purpose of this act is to assure that minimum basic police services
2 are provided in all metropolitan local jurisdictions and to require that such services be provided by
3 either (i) the local police department itself, or (ii) the local police force through an appropriate
4 intergovernmental agreement with other local or State law enforcement agencies, or (iii) county
5 assumption of such services.

6 *Section 2. Definitions.* As used in this act:

7 (1) “Basic police services” means, at a minimum, continuous 24 hour police patrol and
8 preliminary investigative service [by a [two man] police patrol with appropriate supporting police
9 personnel].

10 (2) “Director” means the head of the [appropriate state law enforcement agency].

11 (3) “Council” means state council on police standards.

1 (4) "Minimum standards" means standards prescribed by the [director] [council] concerning
2 the adequacy of basic police services.

3 (5) "Metropolitan local jurisdiction" means any unit of general local government located in
4 an area designated by the U. S. Office of Management and Budget as a Standard Metropolitan
5 Statistical Area.

6 *Section 3. Minimum Standards for Basic Police Services.* (a) The [director] [council] shall
7 promulgate, and may from time to time amend, reasonable minimum standards for the provision
8 of basic police services by metropolitan local jurisdictions.

9 (b) In drafting such standards, the [director] [council] shall give due consideration to the
10 views of representatives of local governments in metropolitan counties.

11 (c) No later than [six] months after the effective date of this act, the [director] [council]
12 shall give public notice and within [90] days shall hold a public hearing on the issuance of such
13 standards.

14 (d) Minimum standards shall take effect on a date prescribed by the [director] [council]
15 which shall be not less than [three] nor more than [twelve] months after the standards are
16 promulgated.

17 *Section 4. Local Provision of Minimum Basic Police Services.* Commencing on the effective
18 date of the minimum standards, all metropolitan local jurisdictions shall meet or exceed the mini-
19 mum standards for basic police services either (i) directly by maintaining a local police force, or
20 (ii) by supplementing or transferring its police services through agreements with other municipal,
21 county, or state law enforcement agencies, or by a combination of alternatives (i) and (ii).

22 *Section 5. County Assumption of Basic Police Services.* [One year] after the effective date
23 of the minimum standards, and annually thereafter, the [director] [council] shall determine
24 whether each metropolitan local jurisdiction in the state is in compliance with the minimum
25 standards and shall notify the governing body of each metropolitan local jurisdiction of his finding
26 with respect to that jurisdiction.

27 Upon receipt of the [director's] [council's] finding that it is not in compliance with the
28 minimum standards, the metropolitan local jurisdiction shall have [90 days] to bring itself into
29 compliance as provided in section 4 of this act. If, after the [90 day] period, the [director] [coun-
30 cil] finds that the metropolitan local jurisdiction still is not in compliance with the minimum
31 standards, [he] [it] shall notify the governing body of the county in which the metropolitan local
32 jurisdiction is located.

1 Within [90 days] after receipt of the [director's] [council's] finding that a metropolitan local
2 jurisdiction is not providing minimum police services, the county shall provide such basic police
3 services for the jurisdiction as may be needed to bring it into compliance.¹

4 The county shall charge the cost of providing the basic police services to the affected juris-
5 diction [and shall be eligible for [additional] annual state aid equal to [five] percent of its police
6 expenditures made on such mandated services for the fiscal year preceding the assumption of such
7 services, during each of the ensuing [five] fiscal years].²

8 *Section 6. Local Resumption of Services.* No sooner than [one] year after a county has
9 commenced, pursuant to section 5 of this act, providing basic police services as may be needed to
10 bring the metropolitan local jurisdiction into compliance with the minimum standards, the local
11 jurisdiction may resume the provision of basic police services, if the [director] [council] finds that
12 the jurisdiction has made adequate provision for furnishing such services.

13 *Section 7. Judicial Review.* Any order issued by the [director] [council] pursuant to
14 this act shall be reviewable pursuant to [cite state administrative procedure act] by a proceeding
15 in the [court of appropriate jurisdiction].

16 *Section 8. Separability Clause.* [Insert separability clause.]

17 *Section 9. Effective Date.* [Insert effective date clause.]

¹As an alternative to requiring county assumption of local police services, some states may wish to authorize a state commission on local boundary adjustments to consider the failure of a metropolitan local jurisdiction to provide basic minimum police services as evidence that the jurisdiction should no longer exist as a separate government entity, and order its consolidation with an adjacent municipality where appropriate.

²The state aid provision should be included by states which provide grants-in-aid to local governments.

PUBLISHED REPORTS OF THE ADVISORY COMMISSION
ON INTERGOVERNMENTAL RELATIONS¹

- Coordination of State and Federal Inheritance, Estate and Gift Taxes. Report A-1, January 1961. 134 pages.
- Investment of Idle Cash Balances by State and Local Governments. Report A-3, January 1961. 61 pages (out of print; summary available)
- State and Local Taxation of Privately Owned Property Located on Federal Areas. Report A-6, June 1961. 34 pages, offset (out of print; summary available).
- Local Nonproperty Taxes and the Coordinating Role of the State. Report A-9, September 1961. 68 pages.
- Intergovernmental Responsibilities for Water Supply and Sewage Disposal in Metropolitan Areas. Report A-13, October 1962. 135 pages.
- *The Role of the States in Strengthening the Property Tax. Report A-17, June 1963. Vol. I (187 pages) and Vol. II (182 pages). \$1.25 each.
- Statutory and Administrative Controls Associated with Federal Grants for Public Assistance. Report A-21, May 1964. 108 pages.
- The Intergovernmental Aspects of Documentary Taxes. Report A-23, September 1964. 29 pages.
- State-Federal Overlapping in Cigarette Taxes. Report A-24, September 1964. 62 pages.
- Federal-State Coordination of Personal Income Taxes. Report A-27, October 1965. 203 pages.
- Building Codes: A Program for Intergovernmental Reform. Report A-28, January 1966, 103 pages.
- *State-Local Taxation and Industrial Location. Report A-30, April 1967. 114 pages. 60¢.
- *Fiscal Balance in the American Federal Systems. Report A-31, October 1967. Vol. I, 385 pages. \$2.50; Vol. 2 Metropolitan Fiscal Disparities, 410 pages. \$2.25.
- *Urban and Rural America: Policies for Future Growth. Report A-32, April 1968. 186 pages. \$1.25.
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- *Labor-Management Policies for State and Local Government. Report A-35, September 1969. 263 pages. \$2.00
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- *Federal Approaches to Aid State and Local Capital Financing. Report A-37, September 1970. 71 pages. \$.75.
- Factors Affecting the Voter Reactions to Government Reorganization in Metropolitan Areas. Report M-15. May 1962. 80 pages.
- *Performance of Urban Functions: Local and Areawide. Report M-21, September 1963. 281 pages. \$1.50.
- State Technical Assistance to Local Debt Management. Report M-26, January 1965, 80 pages.
- *A Handbook for Interlocal Agreements and Contracts. Report M-29, March 1967. 197 pages. \$1.00.
- *Federalism and the Academic Community: A Brief Survey. Report M-44, March 1969. 55 pages. 60¢.
- *Urban America and the Federal System. Report M-47, September 1969. 140 pages. \$1.25.
- 1970 Cumulative ACIR State Legislative Program. Report M-48, August 1969.
- *The Commuter and the Municipal Income Tax. A Background Paper. Report M-51, April 1970. 30 pages. \$.25.
- *Revenue Sharing – An Idea Whose Time Has Come. Report M-54, December 1970. 29 pages. \$.30.
- *State Involvement in Federal-Local Grant Programs. A Case Study of the “Buying In” Approach. Report M-55, December 1970. 71 pages. \$.70.
- *A State Response to Urban Problems: Recent Experience Under the “Buying In” Approach. A Staff Analysis. Report M-56, December 1970.
- *State-Local Finances and Suggested Legislation, 1971 Edition. Report M-57, December 1970.
- *Measuring the Fiscal Capacity and Effort of State and Local Areas. Report M-58, March 1971. 209 pages. \$1.75. Annual Report, Twelfth. Report M-59, January 1971. 25 pages.
- *State Action on Local Problems in 1970. Report M-60, April 1971. 14 pages. \$0.35.
- *County Reform. Report M-61, April 1971. 31 pages. \$0.40.
- *The Quest for Environmental Quality: Federal and State Action, 1969-70 (includes annotated bibliography). Report M-62, April 1971. 63 pages. \$0.35.

¹Publications marked with an asterisk may be purchased directly from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Single copies of other publications may be obtained without charge from the Advisory Commission on Intergovernmental Relations, Washington, D.C. 20575.

