

University of New Mexico

**UNM Digital Repository**

---

Public Administration ETDs

Electronic Theses and Dissertations

---

5-2-1972

## **Consolidation Of Metropolitan Area Law Enforcement Agencies:A Case Study Of Albuquerque-Bernalillo County.**

Richard Boone Leonard

Follow this and additional works at: [https://digitalrepository.unm.edu/padm\\_etds](https://digitalrepository.unm.edu/padm_etds)

---

THE UNIVERSITY OF NEW MEXICO  
ALBUQUERQUE, NEW MEXICO 87106

POLICY ON USE OF THESES AND DISSERTATIONS

Unpublished theses and dissertations accepted for master's and doctor's degrees and deposited in the University of New Mexico Library are open to the public for inspection and reference work. *They are to be used only with due regard to the rights of the authors.* The work of other authors should always be given full credit. Avoid quoting in amounts, over and beyond scholarly needs, such as might impair or destroy the property rights and financial benefits of another author.

To afford reasonable safeguards to authors, and consistent with the above principles, anyone quoting from theses and dissertations must observe the following conditions:

1. Direct quotations during the first two years after completion may be made only with the written permission of the author.
2. After a lapse of two years, theses and dissertations may be quoted without specific prior permission in works of original scholarship provided appropriate credit is given in the case of each quotation.
3. Quotations that are complete units in themselves (e.g., complete chapters or sections) in whatever form they may be reproduced and quotations of whatever length presented as primary material for their own sake (as in anthologies or books of readings) ALWAYS require consent of the authors.
4. The quoting author is responsible for determining "fair use" of material he uses.

This thesis/dissertation by Richard Boone Leonard has been used by the following persons whose signatures attest their acceptance of the above conditions. (A library which borrows this thesis/dissertation for use by its patrons is expected to secure the signature of each user.)

NAME AND ADDRESS

DATE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



This thesis, directed and approved by the candidate's committee, has been accepted by the Graduate Committee of The University of New Mexico in partial fulfillment of the requirements for the degree of

MASTER OF ARTS IN PUBLIC ADMINISTRATION

CONSOLIDATION OF METROPOLITAN AREA LAW ENFORCEMENT AGENCIES:  
A CASE STUDY OF ALBUQUERQUE-BERNALILLO COUNTY

*Title*

RICHARD BOONE LEONARD

*Candidate*

PUBLIC ADMINISTRATION

*Department*

David T. Benedictis

*Dean*

May 2, 1972

*Date*

*Committee*

W. R. J.

*Chairman*

John M. Hunger

Frank X. Stagg



CONSOLIDATION OF METROPOLITAN AREA LAW ENFORCEMENT AGENCIES:  
A CASE STUDY OF ALBUQUERQUE-BERNALILLO COUNTY

By

RICHARD BOONE LEONARD  
B.F.A., University of New Mexico, 1964

THESIS

Submitted in Partial Fulfillment of the  
Requirements for the Degree of  
Master of Arts in Public Administration  
in the Graduate School of  
The University of New Mexico  
Albuquerque, New Mexico  
May, 1972



LD  
3781  
10563 L5532  
cop. 2

### ACKNOWLEDGEMENTS

The author wishes to thank officials of the City of Albuquerque and of Bernalillo County for their time, interest, and generous support in helping to make this thesis possible.

Especially helpful were the following: Chief Donald A. Byrd, of the Albuquerque Police Department, who submitted to a lengthy interview during a busy schedule; Fred Koehne and Bill Partridge, of the Albuquerque Pilot Cities Criminal Justice Program, who provided the author with material and good advice; Thomas McCorkill, Assistant to the Bernalillo County Manager, whose statistics and economic calculations were invaluable to this thesis; Lieutenant Lucius Powell of the APD, for making available the research he had already accomplished; and Assistant to the City Manager John Todd, for the large amount of research material on the question of law enforcement consolidation which he provided the author.

The support, patience, and advice of the Thesis Committee, Dr. John Hunger, Dr. Frank Steggert, and Colonel David Jones are also acknowledged. Their support was invaluable after the author suffered through a series of disappointments in regard to finding a thesis topic.

The author expresses appreciation to all others, not herein named, who provided suggestions and information necessary to the completion of this thesis.



CONSOLIDATION OF METROPOLITAN AREA LAW ENFORCEMENT AGENCIES:  
A CASE STUDY OF ALBUQUERQUE-BERNALILLO COUNTY

By

Richard Boone Leonard

ABSTRACT OF THESIS

Submitted in Partial Fulfillment of the  
Requirements for the Degree of  
Master of Arts in Public Administration  
in the Graduate School of  
The University of New Mexico  
Albuquerque, New Mexico

May, 1972



## ABSTRACT

This is a study of the possibilities of achieving improved police service for the entire Albuquerque-Bernalillo County metropolitan area through consolidation of local law enforcement agencies.

Material for this study has been gleaned from a variety of sources. It includes research on problems of general governmental consolidation in this country, problems relating specifically to consolidation of law enforcement agencies, and the opinions of local governmental leaders and law enforcement specialists concerning police agency merger.

The hypothesis of this study is that consolidation of law enforcement agencies in Albuquerque-Bernalillo County can be accomplished and can provide improved police service to all areas of the metropolitan community.

The study contains an evaluation of both the Albuquerque Police Department and the Bernalillo County Sheriff's Department, conducted by a nationally-known consulting firm. The recommendations of this firm are presented, and the issue of improving each agency separately is discussed in comparison with the concept of improved police service through consolidation. The potential results of consolidation are seen as being superior to single agency improvement.

This thesis also evaluates the legal, economic, political and other problems associated with consolidation efforts. It is pointed out that a variety of legal problems exist, primarily in relation to the traditional and constitutional purposes of governmental organization at the county level. Economic considerations, relating

to current law enforcement agency funding, and a tax basis for consolidation are discussed. Finally, political considerations are weighed in determining the possibilities of accomplishing consolidation locally.

The various strategies available to bring about consolidation are discussed, and those appropriate to Albuquerque-Bernalillo County are further evaluated. Lastly, the success or failure of law enforcement consolidated locally is considered.

This is basically a case study which attempts to apply general principles to the specific case at hand. Since such consolidation has not yet come about in the Albuquerque metropolitan area, nor have many of the specific issues been researched, a part of this thesis is speculative. Nevertheless, many basic factors are considered.

The conclusions of this study are that a single police service in Bernalillo County has more to offer citizens than do separate agencies, regardless of improvements suggested, and that consolidation can result either through general governmental consolidation or through interlocal contract.

The question of how soon such consolidation might occur is left open, as are questions concerning specific legal problems, the tax basis for consolidation, and future political events connected with this question.



## CONTENTS

I	Problem Statement .....	1
	Functional Consolidation .....	1
	The Case for Law Enforcement Consolidation .....	6
	Study Design .....	10
II	Organizational Structure of Local Law Enforcement Agencies .....	14
	Overview .....	14
	The Albuquerque Police Department .....	17
	The Bernalillo County Sheriff's Department .....	25
III	Potential and Problems .....	37
	Potential .....	37
	Problems .....	48
IV	Strategies for Accomplishing Consolidation .....	58
V	Conclusions: Success or Failure .....	77
	BIBLIOGRAPHY .....	86



## Chapter I: Problem Statement

### 1. Functional Consolidation

There are 81,299 governmental units in the United States.<sup>1</sup>

In an increasingly urban society, many of these are located in metropolitan areas. Bollens and Schmandt report:

In the typical metropolis we find a complicated and bewildering pattern of government: many municipalities, a large number of school districts, a variety of nonschool districts, and one or more counties. These categories of local government differ in many respects--in territorial size, powers, financial authority and resources, structure, and ability to deal with the conditions and perplexities of modern urban life. Taken as a whole, this array of governments determines in large part the quality and capability of the metropolitan political system.<sup>2</sup>

But the Committee for Economic Development contends:

The bewildering multiplicity of small, piecemeal, duplicative, overlapping local jurisdictions cannot cope with the staggering difficulties encountered in managing modern urban affairs. The fiscal effects of duplicative suburban separatism create difficulty in provision of costly central city services benefiting the whole urbanized area. If local governments are to function effectively in metropolitan areas, they must have sufficient size and authority to plan, administer, and provide significant financial support for solutions to area-wide problems.<sup>3</sup>

A major suggested solution to this problem involves consolidation.

"Consolidation occurs when two or more municipal corporations or units of local government are abolished and, in the same process, a new municipal corporation is created."<sup>4</sup>

Bollens and Schmandt state that "The idea of a single government



for an entire metropolitan area has long intrigued many urban scholars and persons influential in civic affairs."<sup>5</sup> The reasons are that:

They see such a structure as a more efficient, economical, and effective way of handling public affairs and functions....as a way of allocating public financial resources on the basis of needs of the various territorial parts of the area, thereby eliminating the great disparities between resources and needs that commonly prevail in a metropolis of many units.<sup>6</sup>

The National Commission on Urban Problems summarized a 1966 statement of the Committee for Economic Development regarding the reasons for local government restructuring:

- (1) Most local government units are too small to provide effective and economical solutions to their problems;
- (2) Extensive overlapping layers of government cause confusion and waste the taxpayers' money;
- (3) Popular control over local government is ineffective because of the excessively long ballots and the confusions caused by the many-layered system of government;
- (4) Policy leadership is typically weak, if not nonexistent;
- (5) Archaic administrative organizations are totally inadequate to the functional demands made upon them; and
- (6) The professional services of highly qualified personnel are typically not attracted to local government.<sup>7</sup>

Besides scholars and civic leaders, governmental consolidation has had some appeal to citizens of certain metropolitan areas. Since 1962, consolidation attempts have been successful in the following city-county metropolitan areas in the United States:



Nashville-Davidson County, Tennessee, Virginia Beach-Princess Anne County, Virginia, South Norfolk-Norfolk County, Virginia, Jacksonville-Duval County, Florida, Indianapolis-Marion County, Indiana.<sup>8</sup>

Noting the above, S. J. Makielski advises that "the proponents of city-county consolidation have won outstanding successes despite the skeptical predictions of observers."<sup>9</sup> He suggests three reasons for these successes: First, as suburbs become more urbanized, their tax base develops stresses similar to those of the central city. Second, crises occur, such as threats of annexation, failure of important public services, or rapid government cost increases, which stimulate merger notions. Finally, it may be that citizens are more deeply interested in receiving adequate services, than in debating about from which governmental level these services originate.<sup>10</sup>

However, attempts at consolidation have also resulted in many failures. Makielski reports that, since 1907, there have been almost three defeats for every victory in attempts at city-county mergers.<sup>11</sup> Somewhat offsetting this, however, is recent history. Between 1962 and 1970, there was a standoff at six successes and six defeats in consolidation attempts.<sup>12</sup>

An attempt to consolidate Albuquerque-Bernalillo County failed in 1959. According to the Albuquerque Journal, "That (defeat) was largely due to a failure to provide adequate information on the benefits of consolidation, and to Albuquerque's previous annexation policies, since halted by legislative mandate."<sup>13</sup>

Recently the question has again risen. On December 7, 1971, city and county commissioners held a joint luncheon meeting. This



resulted in a news story which advised that "A city-county charter--for consolidation of the governments of the City of Albuquerque and Bernalillo County--will be put to voters within six months...."<sup>14</sup> Chairman of the Bernalillo County Commission, Willis Smith, said, "Some things have come up in the last few months that convince me that the consolidation issue should again be considered by residents of both the city and county."<sup>15</sup> He listed obvious duplication in agencies, current cooperative projects being undertaken, and need for a united law enforcement effort.<sup>16</sup>

In an editorial, the Albuquerque Journal summed up the situation as follows:

The Environmental Health Dept., operated by the city, has county-wide jurisdiction.

The two governments also are cooperating in a project to build a joint detention facility, in planning for future airport development, in construction of water systems for north and south valley areas, and in zoning land-use planning.

Meantime both city and county residents are paying to maintain separate departments for road and street maintenance and improvements, law enforcement, clerks and treasurers' offices, plus a plethora of other agencies and administrative personnel whose duplicate services could be combined at substantial tax savings.<sup>17</sup>

Smith indicated that "the first step in consolidation is the appointment of a 14-member committee by the two commissions to draw up a charter. The city would appoint seven members and the county seven members."<sup>18</sup> On March 21 and 22, 1972, the county and city, respectively, appointed those members.<sup>19</sup>

In summation, it seems that students of urban affairs favor consolidation efforts, the public must be persuaded, while politicians



cautiously walk the tightrope between expert opinion and mass sentiment.

Nevertheless, it does seem some agencies in a metropolitan area might clearly benefit from consolidation, whatever legal means are employed to bring it about. In the next section of this chapter, it is suggested this is particularly the case in regard to law enforcement.



## 2. The Case for Law Enforcement Consolidation

The large number of units of government in this nation was noted earlier. A similar situation prevails with law enforcement agencies. The Advisory Commission on Intergovernmental Relations, in a September, 1963, report, noted that:

The United States has a traditional pattern of local autonomy in law enforcement which is followed by no other civilized nation in the world. Regardless of size, location in relation to other units of general local government, or financial resources, practically every unit of local government is thought capable of administering basic law enforcement within the confines of its own jurisdiction.<sup>20</sup>

The results of this "traditional...autonomy" is that "There are in the United States about 30,000 independent law enforcement agencies--the majority of which are one-two-or three-man departments."<sup>21</sup>

The ACIR says that:

results of fragmented police control within a metropolitan area include: (1) expenses of administration and staff services are disproportionately high in such departments; (2) duty rosters in smaller departments may be so limited as to be inflexible and incapable of meeting emergency conditions, often making it necessary to rely excessively upon "reserve" and untrained personnel; (3) limited administrative areas also deny police officials in metropolitan areas adequate planning tools they would have if the area were treated as a socially and economically integrated and interdependent unit.<sup>22</sup>

There has been "some movement lately toward centralization of certain functions such as communications, record-keeping, laboratory facilities, and training."<sup>23</sup> But even such attempts at centralization are considered basically a facade. Bruce Smith comments that:



While they (centralized services) make it possible for the clumsy and ill-articulated police organism to perform its task, that is not their proper function....They perform a role wholly distinct from binding together into an appearance of unity the tens of thousands of unrelated police agencies....As matters stand the central services sometimes actually operate to revive and to stimulate into new activity various police instrumentalities which are so ill-adapted to modern conditions that they might better be allowed to decline and disintegrate.<sup>24</sup>

Are there compelling reasons why law enforcement agencies in metropolitan areas should be consolidated as opposed to "centralization"? Bollens and Schmandt show how this problem parallels that of consolidation in general:

Some authorities maintain that a consolidated department is the only satisfactory answer to the problem of police administration in metropolitan areas. Suggestions of this nature, however, have almost always fallen on deaf ears. Only two American metropolises--Jacksonville and Nashville--have followed this path in recent years and in both instances city-county consolidation of many services was realized simultaneously.<sup>25</sup>

In theory, consolidation of metropolitan law enforcement agencies should meet some of the "common set of problems identified by...112 metropolitan surveys" noted by Daniel Grant. That is, consolidation might: (1) provide more equal and balanced service to various parts of the metropolitan area; (2) more effectively combine authority and resources to more fully handle area-wide law enforcement problems; (3) reduce duplication and increase efficiency in area law enforcement; (4) allow citizens to more easily fix public responsibility for acts committed by law enforcement personnel.<sup>26</sup>

In the Albuquerque-Bernalillo County area, it appears the need



for consolidated law enforcement efforts has been recognized. When the Bernalillo County Goals Committee issued its report in late February of 1972, item number five, under the heading "Government and City-County Relations," suggested citizens "Strive toward the adoption of a charter that would provide for a combined city-county government...."27

Item ten, under the same heading, was more specific in terms of law enforcement: "Combine city and county law enforcement agencies (a) to increase public support through a coordinated educational process and (b) to improve the efficiency and effectiveness of this metropolitan function."28

County Commission Chairman Willis Smith has also directed attention to this need:

Smith believes a consolidated sheriff's department-police department could have provided enough immediate police response to have controlled the recent riot (June, 1971); and he says there are many other potential disasters which could be handled better through a concerted effort.<sup>29</sup>

Thus, the need for much closer coordination of law enforcement efforts in Albuquerque-Bernalillo County seems abundantly clear to local officials in the same way such a need in most metropolitan areas is manifest to students of law enforcement problems.

The question is, how close should the coordination be? Should it merely involve a centralization of certain functions between the two agencies, or is total consolidation desired? What level of centralization or merger is practical in legal, economic, or political terms?



The next section of this chapter discusses the approach that will be taken in attempting to shed some light on the problem of law enforcement consolidation in the Albuquerque-Bernalillo County metropolitan area.



### 3. Study Design

The purposes of this study are to determine the need for consolidation of law enforcement agencies in Albuquerque-Bernalillo County metropolitan area, to clarify some of the problems involved in achieving this goal, and to speculate as to the potential for such consolidation.

The hypothesis of this case study is that consolidation of law enforcement agencies in Albuquerque-Bernalillo County can be accomplished and can provide improved police service to all areas of the metropolitan community.

There are certain assumptions on which this study is based. They are: (1) The Office of Sheriff in Bernalillo County, as in other New Mexico counties, is based more on a political than a professional orientation. (2) The Albuquerque Police Department enjoys more and better qualified, trained, and compensated personnel, and more in the way of physical and fiscal resources than does the Sheriff's Office. (3) The citizen, while deeply desirous of good law enforcement in the face of an already high and steeply increasing crime rate, nevertheless is not aware of the imbalance in police service in the various areas of Albuquerque-Bernalillo County metropolitan area.<sup>30</sup>

The material on which this study is based is a combination of research on local law enforcement agencies, research on the problem of consolidation of law enforcement agencies in general, and the evaluation of local consolidation needs and efforts by local governmental leaders and law enforcement experts.



Interviews for this study were conducted with the following individuals, although material from all of these interviews is not quoted directly: Santos Baca, Chief of Detectives, Bernalillo County Sheriff's Department; Donald A. Byrd, Chief of the Albuquerque Police Department; Harry E. Kinney, Chairman, Albuquerque City Commission; Fred W. Koehne, Albuquerque Pilot Cities Criminal Justice Program; Thomas H. McCorkill, Assistant Bernalillo County Manager; William R. Partridge, Director, Albuquerque Pilot Cities Criminal Justice Program; John S. Todd, Assistant to the Albuquerque City Manager.

Organizationally, this thesis is divided into five chapters. Chapter I, this chapter, is an introduction to the general problems of consolidation of municipal areas, and, more specifically, consolidation of municipal law enforcement agencies. Chapter II presents a recent organizational analysis of Bernalillo County law enforcement agencies, with suggestions for improvement and reorganization which, hopefully, will provide better police service in the jurisdictions of the respective agencies. Chapter III deals with the potential results of consolidation in terms of the agencies themselves, as opposed to implementing the recommended improvements for each agency separately. The second part of that chapter considers problems inherent in attempting to achieve consolidation. Chapter IV discusses various strategies for achieving consolidation and selects those most appropriate to the Albuquerque-Bernalillo County metropolitan area. Chapter V considers the success or failure of consolidation of law enforcement agencies locally in legal, economic and political terms.



## Footnotes: Chapter I

1. George Church, "Empty Pockets on a Trillion Dollars a Year," Time, March 13, 1972, p. 67.
2. John C. Bollens and Henry J. Schmandt, The Metropolis: Its People, Politics, and Economic Life, (second edition) (New York, 1970), p. 101.
3. Committee for Economic Development, Modernizing Local Government to Secure a Balanced Federalism (New York, 1966), p. 44.
4. Department of Urban Studies, National League of Cities, Adjusting Municipal Boundaries: Law and Practice (Washington, December, 1966), p. 57.
5. Bollens and Schmandt, op. cit., p. 279.
6. Ibid., p. 279.
7. Committee for Economic Development, op. cit., as paraphrased in National Commission on Urban Problems, Building the American City (Washington, Government Printing Office, 1969), p. 326.
8. S. J. Makielski, Jr., "City-County Consolidation in the United States," The University of Virginia News Letter, Volume 46, No. 2, (October 15, 1969), p. 4.
9. Ibid., p. 1.
10. Ibid., p. 4.
11. Ibid., p. 4.
12. Interview with Larry O'Dell, staff member at the University of New Mexico Urban Observatory, in Albuquerque Journal, April 16, 1972, p. E-12.
13. Albuquerque Journal, December 19, 1971, p. A-4.
14. Albuquerque Journal, December 8, 1971, p. A-1.
15. Albuquerque Journal, December 15, 1971, p. A-4.
16. Ibid., p. A-4.
17. Albuquerque Journal, December 19, 1971, p. A-4.
18. Albuquerque Journal, December 10, 1971, p. A-6.



19. Albuquerque Journal, March 21 and 22, 1972 editions, pp. A-1 of both issues.

20. Advisory Commission on Intergovernmental Relations, Performance of Urban Functions: Local and Areawide (Washington, September, 1963), p. 120.

21. Committee on Economic Development, op. cit., p. 34 (quoting a memorandum from Milton G. Rector, Executive Director of the National Council on Crime and Delinquency).

22. Advisory Commission on Intergovernmental Relations, op.cit., p. 124.

23. Bollens and Schmandt, op. cit., p. 190.

24. Bruce Smith, Police Systems in the United States (second revision) (New York, Harper and Brothers, 1960), quoted in Advisory Commission on Intergovernmental Relations, op. cit., p. 123.

25. Bollens and Schmandt, op cit., p. 190.

26. Daniel R. Grant, "Urban Needs and State Response: Local Government Reorganization," in The States and the Urban Crisis, Alan K. Campbell, ed., (Englewood Cliffs, 1970), p. 61.

27. Albuquerque Journal, February 27, 1972, p. E-14.

28. Ibid., p. E-14.

29. Albuquerque Journal, December 15, 1971, p. A-4.

30. Leonard Manuel Contreras, Regional Planning and Intergovernmental Coordination and Cooperation Within Local Law Enforcement Agencies: New Mexico Region III Office of the Sheriff (Unpublished Master's Degree Thesis, University of New Mexico Graduate School, July, 1971), p. 15.



## Chapter II

### Organizational Structure of Local Law Enforcement Agencies

#### 1. Overview

On March 8, 1971, Newsweek magazine issued a "special report" on the American system of justice. It was entitled "Justice on Trial." As part of their study, the editors commissioned the Gallup organization to poll American attitudes toward this general subject. The result showed that:

a large and growing majority of Americans (are) doubtful that justice is working very well. There is widespread support for reform--for upgraded police forces and speedier trials and more humane prisons--and a widespread suspicion that the poor and probably the blacks do not get an even break from the system. But Americans are much more gravely concerned that the pendulum has swung too far in favor of the criminal--that the police don't have the power to cope with crime....<sup>1</sup>

At the federal level, there had been, as far back as 1968, a response to this growing attitude:

In June 1968, Congress created the Law Enforcement Assistance Administration under Title I of the Omnibus Crime Control and Safe Streets Act. "Congress finds," Title I began, "that the high incidence of crime in the United States threatens the peace, security, and general welfare of the nation and its citizens." The purpose of LEAA was to give large-scale financial and technical aid to strengthen criminal justice at every level throughout the nation.<sup>2</sup>

The Law Enforcement Assistance Administration (LEAA), a division of the Department of Justice, distributes its monies in two major ways. First, financing is given to the states to establish state planning



agencies to study criminal justice problems in the state and to draw up a comprehensive plan. Then "block action grants" of money are allocated to states on the basis of population. These are designed to implement the plans which states have made. In order to attain these grants, states must have set up their planning agencies and must submit annually to LEAA comprehensive state-wide improvement plans in the general areas of police, courts, and corrections.<sup>3</sup> New Mexico has established such an agency which reports to the Governor's Criminal Justice Council.

The second way LEAA distributes monies is through the "Pilot Cities" program. A government publication describes it as follows:

The National Institute of Law Enforcement and Criminal Justice (a division of LEAA) has established a research and demonstration program under which a research team will work with the leaders of criminal justice agencies in selected cities to identify major crime problems, develop more effective programs based on the most advanced technology, and implement changes to achieve system-wide improvements in crime prevention and crime control. To facilitate implementation of these special demonstrations, additional allocations of discretionary funds are made available under this program for comprehensive action projects in the pilot cities.<sup>4</sup>

In the spring of 1971, the Albuquerque Pilot Cities Criminal Justice Program was established under the direction of the Institute for Social Research and Development (ISRAD), a research organization of the University of New Mexico.

One of the first grants for LEAA monies developed under the Pilot Cities project was a \$65,126 management analysis study of local criminal justice agencies, including the Albuquerque Police Department and the Bernalillo County Sheriff's Department.<sup>5</sup>



The purpose of the study was to:

determine procedures, structures, and administrative capabilities, to permit evaluation of these (agencies) from the standpoints of dollar efficiency and of effectiveness in dealing with crime prevention and offender processing. The program envisions development of improved techniques of agency management and improved methods of dealing with the public at large and with offenders.<sup>6</sup>

The contract for the study was let to the consulting firm of Booz, Allen and Hamilton (BAH). Early in 1972, drafts of its reports on the various agencies involved in Bernalillo County's criminal justice system began to be available. The remaining sections of this chapter discuss the basic organization of the Albuquerque Police Department and the Bernalillo County Sheriff's Department, respectively. Although the BAH researchers were advised to avoid studying the question of merger, their reports are nonetheless valuable in gaining a basic understanding of the strengths and weaknesses in these agencies. It is only through a clear conception of these aspects that we can clearly evaluate the advantages and disadvantages of consolidation of local law enforcement functions.



## 2. The Albuquerque Police Department

A 1971 publication of the Albuquerque Pilot Cities Criminal Justice Program provides a clear introduction to the APD:

The Albuquerque Police Department is organized into three basic divisions: Operations, Administration, and Services. The Operations Division contains all of the basic field service and investigative line functions. The Administrative and Services divisions exist to support the Operations Division.<sup>7</sup>

Exhibit A is an organization plan of the Albuquerque Police Department as of January, 1972.

As of August, 1971, Pilot Cities reported that APD employed 380 sworn personnel and 179 civilians, about two-to-one sworn to civilian.<sup>8</sup>

The police chief is hired by the city manager, as are other department heads. The City of Albuquerque, in a job description, says the police chief "Plans and directs all activities of the department; (and is) responsible for the maintenance of law and order within the City limits." The job description goes on to state that the chief:

Determines policy and procedures as per prevailing ordinances, the City Commission policies and City Manager Directives.

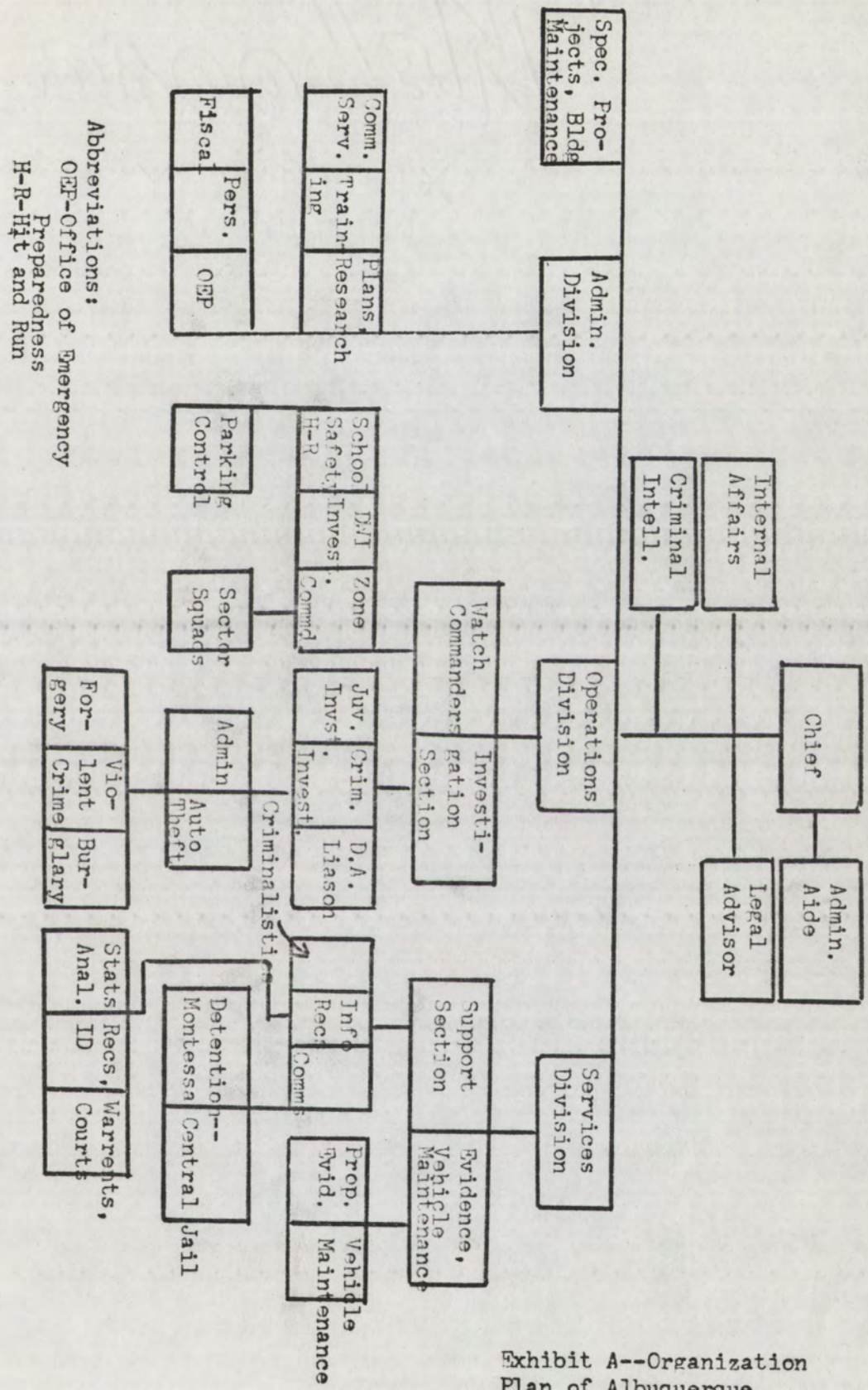
(Is) Responsible for the maintenance of law and order within the City limits.

(Must) Approve and be responsible for all departmental policies and regulations, departmental budget, departmental purchasing and disbursements.

The police chief must have "A thorough knowledge of all types of law enforcement work, police administration and psychology."



17A



Abbreviations:  
 OEP-Office of Emergency Preparedness  
 H-R-Hit and Run

Exhibit A--Organization Plan of Albuquerque Police Department, based on Booz, Allen, Hamilton Report



His qualifications:

Education and Experience: Must have a minimum of a high school education. A degree in law enforcement work would be preferable. Should have a minimum of 10-15 years experience in all types of police work with at least five years of this experience in administration.

The current Albuquerque police chief, Donald A. Byrd, was appointed in April, 1971. He came here from the Dallas force.

Looking at the organization and operations of the APD from the point of view of the Booz, Allen and Hamilton report, we find they, too, began with a comment on the basic structure of the APD: "The recent reorganization of the department (since the arrival of Don Byrd) has combined operational, administrative, and service elements to support field operations."<sup>9</sup> Thus, "All administrative and service elements are functionally grouped under the command of deputy chiefs." (p. 1)

Thus, the first strong point of what BAH refers to as "effective organizational practices currently employed by APD," (p. 1) is this:

All uniformed patrol, traffic enforcement, and investigative activities have been unified under the command of one deputy chief in charge of operations. This organizational method serves to integrate patrol and investigations and enables the chief to hold one command person accountable for field operations. (p. 2)

It should be noted here than an important concept has been implemented: the notion of "team policing." "Patrol operations are structured on a geographically based team policing organization." (p. 2) This means, for instance, that "Organizational distinctions between traffic enforcement and patrol units have been eliminated." (p. 2)



Now, "Sergeants have...responsibility for all police activities in geographic sectors." (p. 2)

This concept has been further extended. "Criminal investigation operations have recently been reorganized on a team basis and shifts have been eliminated." (p. 2)

Because the team concept is a major innovation, it is necessary to include the following further clarification:

In a new approach to patrol and traffic activity, now being implemented, a team will be assigned to a specific area during a specific watch. The teams will consist of a sergeant and patrolmen and traffic officers as workload and available man power dictate. It is planned that duty detectives will be assigned to support the teams in each quadrant of the city as manpower becomes available. Each team sergeant will be held accountable for all activity in his area during his watch. Each team will be supported by problem analysis information by a crime analysis unit. The sergeant's job will be to evaluate the data supplied and implement corrective action as he sees fit, making problem analysis and tactical planning a major part of his job. A crime analysis unit has been established; future plans call for a tactical prevention unit for use in high-crime or special-problem areas.<sup>10</sup>

The second major aspect of the new plan, according to the BAH report, is that "The capabilities of the Albuquerque Police Department have been expanded by the addition of several new organizational units." (p. 3) These are:

(1) An Internal Affairs section designed to (a) "Investigate complaints against members of the APD," (p. 3), (b) "Ensure adherence to departmental policy and procedures" (p. 3), (c) "Conduct organizational planning" (p. 3), (d) "Analyze department operating methods." (p. 3)



(2) A Planning and Research unit which will "unify policy program development activities previously performed by a member of operating and support units throughout the department." (p. 3)

(3) A Criminal Investigations section, established to develop liason with the District Attorney's office and to review the preparation of each case submitted for presecution before it goes to the DA." (p. 3)

(4) A "small analysis group" within the Operations Division, "to provide timely information on recent criminal activities in the patrol zones for watch commanders, zone commanders, and squad sergeants." (p. 3)

In the remainder of the "Organization" section of the Booz, Allan, Hamilton study, some APD organizational problems are discussed, and then a proposed "new" plan of reorganization designed to correct these deficiencies is introduced.

Basically, these APD problem areas have to do with "inappropriate assignment of responsibilities to several units of the organization and some excessive supervisory staffing." (p. 4)

First is a problem with the Internal Affairs section, the first of the "new organizational units" mentioned above. Because this section conducts internal departmental analyses, the feeling is that they may "encounter some hostility or resistance from the other units within the department." (p. 4) Especially, it is the "inspection and audit role" of the section that may create this hostility.

Further, there is concern that:



Operations analysis and methods improvement activities...(may be) further hampered by the lack of experience of Internal Affairs section staff members. The staff was selected based on experience in a performance of police duties, and has little background in organizational planning or methods improvement techniques. (p. 4)

A second problem involves a fragmentation of personnel responsibilities to the possible detriment of continuing professional development programs. In essence, the problem is that related personnel functions, such as in-service training, implementing a management development program, and evaluating personnel, are split among individuals and units, such as the deputy chief of administration, the personnel section, and the training section. These functions need to be united where possible. (p. 5)

A third defect relates to the Planning and Research Unit. Partly, the situation is that this unit "lacks background and experience in analytical techniques." (p. 6) There is a greater flaw, however. This unit is supposed to engage in short and long range planning. But, in fact, they are spending all their time revising departmental policies and procedures and identifying and pursuing federal grants. (pp. 5-6) Finally, organization planning and methods improvement is, improperly, not a P and R function now, but has been given to Internal Affairs. (p. 6)

There is a very important problem: "The existing command structure in the services division includes two captains interposed between the deputy chief and the service units." (p. 6) There is a superfluous link in the chain of command. That this link is unnecessary is shown by the following;



Elimination of the level would not impose an excessive span of control on the deputy chief (of) services. As currently organized, six unit supervisors would report directly to the deputy chief.

Existing workload, in terms of policy decisions and day-to-day management of service units, does not warrant the additional command level. (p. 7)

Last, in terms of organization, Booz, Allen and Hamilton have developed a proposed organizational plan which is presented as Exhibit B.

It is their feeling that this plan, if implemented, would improve the operations of the Albuquerque Police Department. It incorporates remedies to the problems listed above, in respective order.

The first change, under the new plan, would be that the Internal Affairs Unit would concentrate on investigation, preparation, and audit of departmental policies. It would receive this responsibility from Planning and Research Division, and would discontinue organizational planning and analysis. (p. 8)

Second, Planning and Research would then work in organizational planning and methods improvement. A Planning Supervisor would oversee two groups. One would be the Police Program Development Group which would identify and apply for federal grants as well as study new police programs and effective programs designed by other police departments. (p. 8) The other would be the Operations Research Group which would handle organizational planning and methods analysis. This group would study problems of department manpower use and understaffing, and would review work methods and procedures



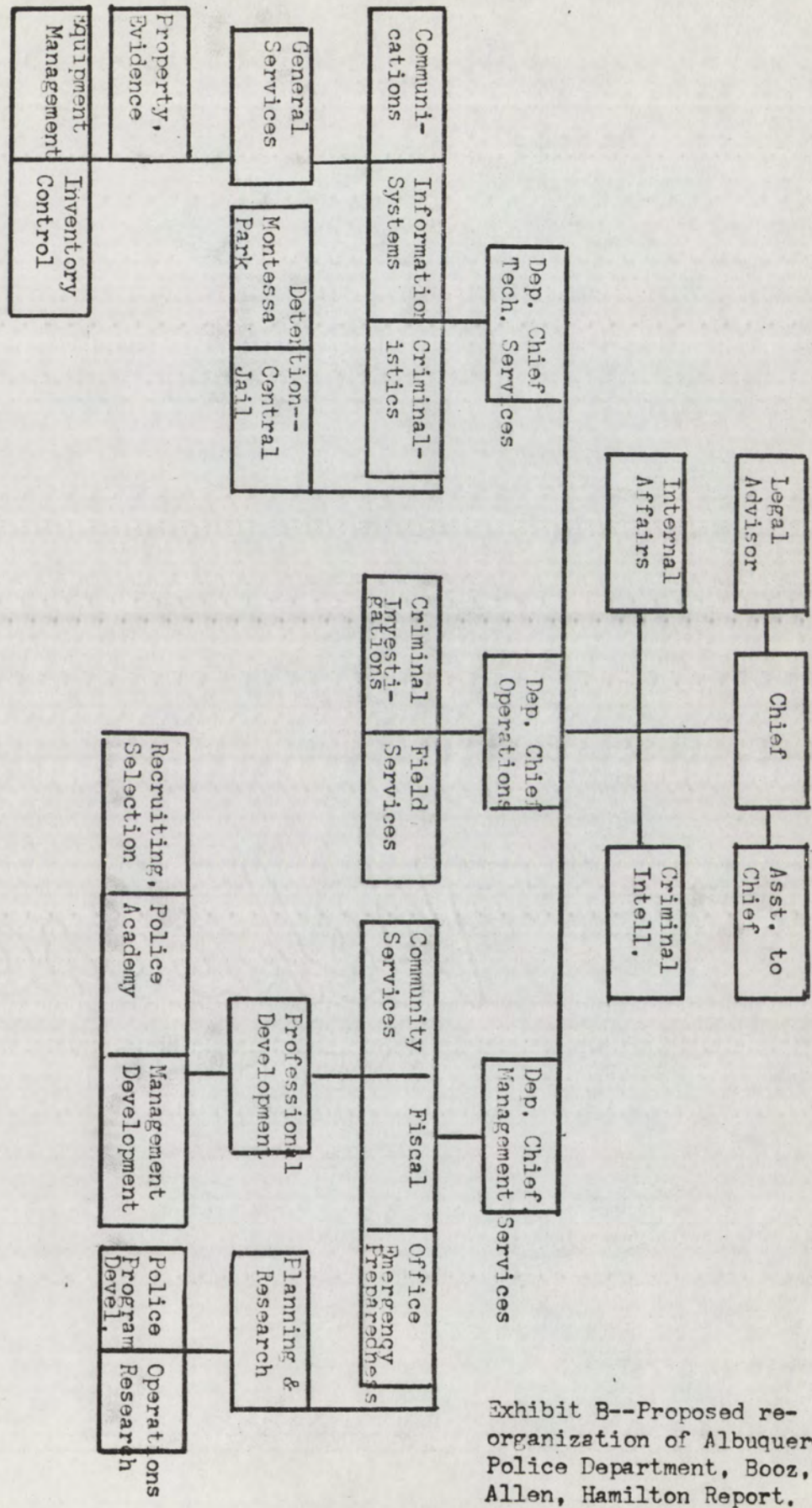


Exhibit B--Proposed re-organization of Albuquerque Police Department, Booz, Allen, Hamilton Report.



in the units, with recommendations for improvement. (p. 9)

Third, a Professional Development Unit should be formed which combines all personnel activities. Divisions of this unit would be: (1) Recruiting and Selection; (2) Police Academy, which also maintains an in-service program for non-supervisory personnel; (3) Management Development Unit, which would handle personnel appraisal and evaluation, supervise rotation of supervisory personnel for exposure to various operating situations, and would develop in-service training for supervisory personnel. (pp. 9-10)

Fourth, a General Services Unit within the Services Division would be formed. Under this unit would be: (1) Equipment Management, in which one person is responsible for maintenance and management of all equipment and vehicles; (2) Inventory Control, where one person issues and inventories all departmental property; (3) Evidence, where continuing control is kept of evidence; (4) Maintenance, which coordinates maintenance, handles janitorial problems, and identifies needs. (pp. 10-11)

Fifth, is a change which would expand Zone Commanders' responsibilities under the team concept, and would modify Criminal Investigations. Basically, Zone Commanders would "be given clear responsibility for planning operations for their areas...." (p. 11) This would involve planning squad operational objectives, weekly data analysis prepared by the analysis group, mentioned above, and critique of squad sergeant performance. (p. 11) For the Criminal Investigations area, the change would be that the current "specialization by type of case concept" (p. 12) would extend to a



possible "merger of separate adult and juvenile investigative units into an integrated investigative group." (p. 12)

Sixth, and finally, the proposed new plan would eliminate certain command positions and would change some organizational designations. For instance, it is obvious from the above that the current position of "Deputy Chief, Special Projects and Building Maintenance" would no longer be necessary. (p. 12) Under the notion of abolishing unnecessary links in the chain of command, the "Support Services and Property and Evidence Captains" would be of no further use under the above reorganization. (p. 13) Lastly, some title changes are suggested, which are of minor importance: for instance, Administrative Aide becomes Assistant to the Chief. (p. 13)

Thus, according to the most authoritative and recent research available, the Albuquerque Police Department is making important strides toward improvement.

It appears, then, that future study should be concerned with improvement in police service to the entire metropolitan area, rather than further extensive changes in the basic organizational structure of the police department.



### 3. The Bernalillo County Sheriff's Department

The Office of Sheriff is elective in New Mexico. The Sheriff is "elected for a two-year term, and is limited to two consecutive terms. He can be re-elected to subsequent terms provided that there is at least a two year break between tenures."<sup>11</sup>

In contrast to the police chief's job description:

The minimum requirements for Sheriff are the standard Constitutional provisions for eligibility to an elective office. Basically, they are: (1) U. S. Citizenship, (2) at least 21 years of age, (3) a resident of the State and County, and (4) a qualified elector in his precinct. There are no requirements for experience or training in law enforcement.<sup>12</sup>

The current sheriff, Red Dow, must, subject to the above regulations, retire from office after the general elections of 1972. He was elected, as a Democrat, in 1968, and again in 1970.

Salaries in the Bernalillo County Sheriff's Office are meager. The Sheriff, for instance, makes \$9,155.00 annually.<sup>13</sup> He employs 82 sworn personnel and 18 civilians.<sup>14</sup>

This is his constituency:

The Bernalillo County Sheriff's Department serves a population of approximately 72,000 people. The majority of this constituency is concentrated in the Rio Grande Valley, north and south of the Albuquerque city limits.<sup>15</sup>

Five organizational divisions report to the Sheriff. They are: (1) Administration, (2) Detective, (3) Patrol, (4) Jail, (5) Civil.<sup>16</sup> Exhibit C presents an organization plan of this office. "The Sheriff is...assisted by an Administrative Officer who is in charge of the office when the Sheriff is absent."<sup>17</sup>

The Albuquerque Police Department operates its own training



25A

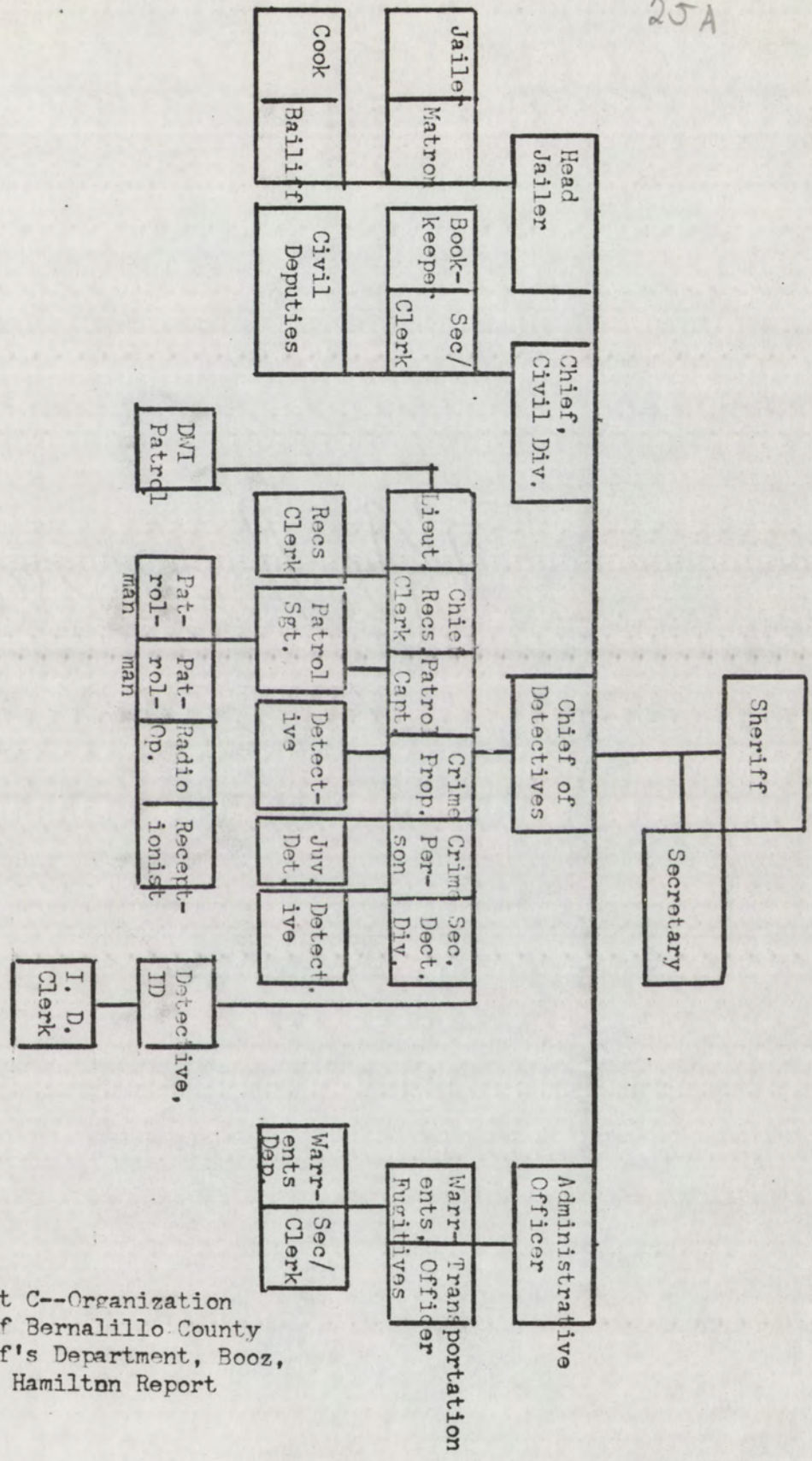


Exhibit C--Organization  
Plan of Bernalillo County  
Sheriff's Department, Booz,  
Allen, Hamilton Report



academy and, since the arrival of Don Byrd, encourages college attendance through a pay-incentive program, assisted by federal funds. In comparison, this is sheriff's deputy training:

Recruits attend a 169-hour training program provided by the New Mexico State Police Academy. In-service training includes riding with an experienced deputy for approximately 1 month, briefings on procedural changes, and attendance at special schools provided by the State Police and the FBI. No program to formally encourage college attendance is present in the department.<sup>18</sup>

Besides a paucity of funds, there is limited manpower in the Sheriff's Office. The following patrol schedule provides an example:

8 A.M. to 4 P.M. Watch

1 Sergeant--All County  
3 Patrol Units--South Valley  
1 Patrol Unit--North Valley  
1 Patrol Unit--East County

4 P.M. to 12 P.M. Watch

1 Sergeant--All County  
3 Patrol Units--South Valley  
2 Patrol Units--North Valley  
1 Patrol Unit--East County

12 P.M. to 8 A.M. Watch

1 Sergeant--All County  
4 Patrol Units--South Valley  
2 Patrol Units--North Valley  
1 Patrol Unit--East County.<sup>19</sup>

Further problems involve funds and personnel: "The department has difficulty in hiring people capable of handling dispatch duties because of the low salary it pays. Patrolmen have to act as dispatchers, depleting the already limited field force."<sup>20</sup> In the area of criminalistics, "The department has no crime scene specialists



or lab facilities."<sup>21</sup>

The Booz, Allen, Hamilton report noted four major operating elements in the current plan of organization of the Sheriff's Department.

First, there is currently no undersheriff or chief deputy provided for to assist the Sheriff in managing day-to-day operations.<sup>22</sup> Whereas Leonard Contreras was advised that the Administrative Officer takes over, BAH found that "Responsibility for day-to-day supervision has been assumed by the chief of detectives who also has responsibility for direct supervision of investigation and patrol activities." (p. 5) Thus:

though formal reporting relationships have not been established, the chief of detectives in reality appears to exercise control of most department operations and functions as undersheriff in addition to his active participation in investigation operations. (p. 6)

Second, according to plan, "overall patrol activities are supervised by a captain with field supervision for each shift provided by a sergeant." (p. 6) As actual fact, however, the captain "works the swing shift," and (1) answers the telephone in the main office, (2) supervises the county jail, (3) assists in preparing video tapes for the DWI unit. (p. 6) Thus:

Because of shift assignments, the patrol captain has little contact with sergeants assigned to other patrol shifts. Except for contacts during shift changeovers, patrol sergeants meet only during infrequent supervisory meetings. (p. 7)

Third, the detective division consists of all the following:

(1) a section supervised by one sergeant and five detectives which deals with crimes against property; (2) a section staffed by a ser-



geant which handles crimes against persons; (3) one detective handling juvenile cases; (4) identification work, which includes photographing and fingerprinting, which is the responsibility of one detective and a clerk; (5) a records section. (p. 7)

Fourth, the hierarchy is, as mentioned previously, that civil division, jail, and administrative personnel report directly to the sheriff. Incidentally, the head jailor, while supposed to report directly to the sheriff, actually reports, in day-to-day affairs, to the chief of detectives. (p. 7)

These, then, are the outstanding elements of the Sheriff's Department organizational structure.

BAH's main criticism centers around two basic problems: (1) a failure to adequately provide for key responsibilities, (2) staffing below minimum levels.

First, under the need to fill key positions, is the previously discussed situation where "with the exception of sheriff, no single individual has overall responsibility for managing day-to-day operations of the department." (p. 8) This creates the condition where "There is no continuity of management at the higher echelons of the department." (p. 8) This is important "in view of the fact that the sheriff can serve no longer than four years." (p. 8) A further result is that "Communication within the department is limited. Field operations (patrol and investigative) have little contact with other elements." (p. 8)

BAH note that "While the chief of detectives tries to fill this void, his investigative responsibilities make it impossible for



him to devote adequate time to overall supervision." (p. 8)

Second, "Some important functions are split between several individuals, or not provided for." (p. 9) For instance, planning is undertaken by (again) the overburdened chief of detectives, with the aid of a sergeant of detectives. Obviously, they cannot do an adequate job. Further, "Internal inspection and investigation of complaints is assigned to detectives as work load permits." (p. 9) Again, "the chief of detectives has assumed inspection and complaint responsibilities....." (p. 9) Third, "No one in the department has responsibility for community relations and the department has no community relations program." (p. 9) Then, while the department is linked to the National Crime Information Center, there is "no one trained to code and enter data into the system." (p. 9)

Finally:

No one is assigned responsibility for short-term analysis of crime statistics, calls for service data, or other relevant operating information. As a result, the department is without the capability to analyze the effectiveness of patrol activities, or to identify problem areas in terms of frequency of crime. (p. 9)

Although there has been an attempt, recently successful, to obtain federal funds for the sheriff's department, "grant planning is not tied to a long-term plan for department improvement." (p. 9) This attempt to gain federal funding is undertaken routinely by the assistant county manager. (p. 9)

Third, there is a problem of lack of opportunity for career development due to the lack of middle management levels. Thus, "Within the operations element, there is one captain and no positions



for lieutenants. Promotion possibilities beyond sergeant are limited." (p. 10) Additionally, "In the civil division, no authorized position between division chief and deputy exists." (p. 10) The result is "The absences of middle management levels make it difficult to develop supervisors internally, and to reward the performance of effective personnel." (p. 10) Basically, if low salaries do not cause a high turnover, lack of career ladder and promotion possibilities will do so.

In terms of the second main criticism of general low levels of staffing, three major problems emerge. First, according to what limited data is available, "patrol staffing is not adequate to provide sufficient preventive patrolling." (p. 10) Even though "33 patrol deputies are funded, substantially less are available for duty each day because of time off, court time, vacation, and sickness." (p. 11) Thus, "Total patrol staffing is about eight officers below minimum levels." (p. 12) Second, "current staffing is insufficient to process current case load." (p. 12) Officers in the detective division indicate (a) superficial attention is given to most cases, with emphasis going to those involving personal injury and "large dollar amounts" (p. 12); (b) each detective has a backlog of about 300 unsolved cases; (c) most of the detectives work 60 to 80 hours a week; (d) clearance of case rate has declined during the last three years. Third, there are additional staffing shortages in the following areas: (a) Clerical: "Current records personnel are unable to maintain records files and maintain statistics to satisfy Federal Bureau of Investigation reporting requirements." (p. 13) Also, the detective



division has only one secretary. As a result of that person's overload, "witnesses are forced to wait to give statements leading to crowding of already cramped detective facilities, and contributing to poor public relations between the department and witnesses." (pp. 13-14)

(b) Identification: this functions only during the day shift. The amazing situation described below prevails:

If offenders are detained at night and are released on bail following arrest, the department has no means to accurately identify these individuals by mugging and fingerprinting. Thus, if offenders are released and have given alias, the department has no means to identify them.  
(p. 14)

(c) Communications: as mentioned above, patrol deputies are used as dispatchers, because "The four dispatchers currently authorized the department are inadequate to provide 24-hour coverage 365 days per year." (p. 14)

Finally, as they did for the police department, Booz, Allen and Hamilton firm has devised "a plan of organizational improvement."

(p. 14) This plan is presented as Exhibit D. They anticipate, in this plan, "a substantial increase in staffing costs," which will most likely result in the plan being "implemented over a period of several years."

(p. 14) There are its main phases:

1. In this phase, a full-time deputy chief position is established, and patrol and clerical staffing increased. "The chief deputy position should be a part of the county personnel system and should not be vulnerable to turnover upon the election of a new sheriff." (p. 15)

His duties should be: (a) "Overall supervision of department operations as directed by the sheriff." (p. 15) (b) Coordination of planning



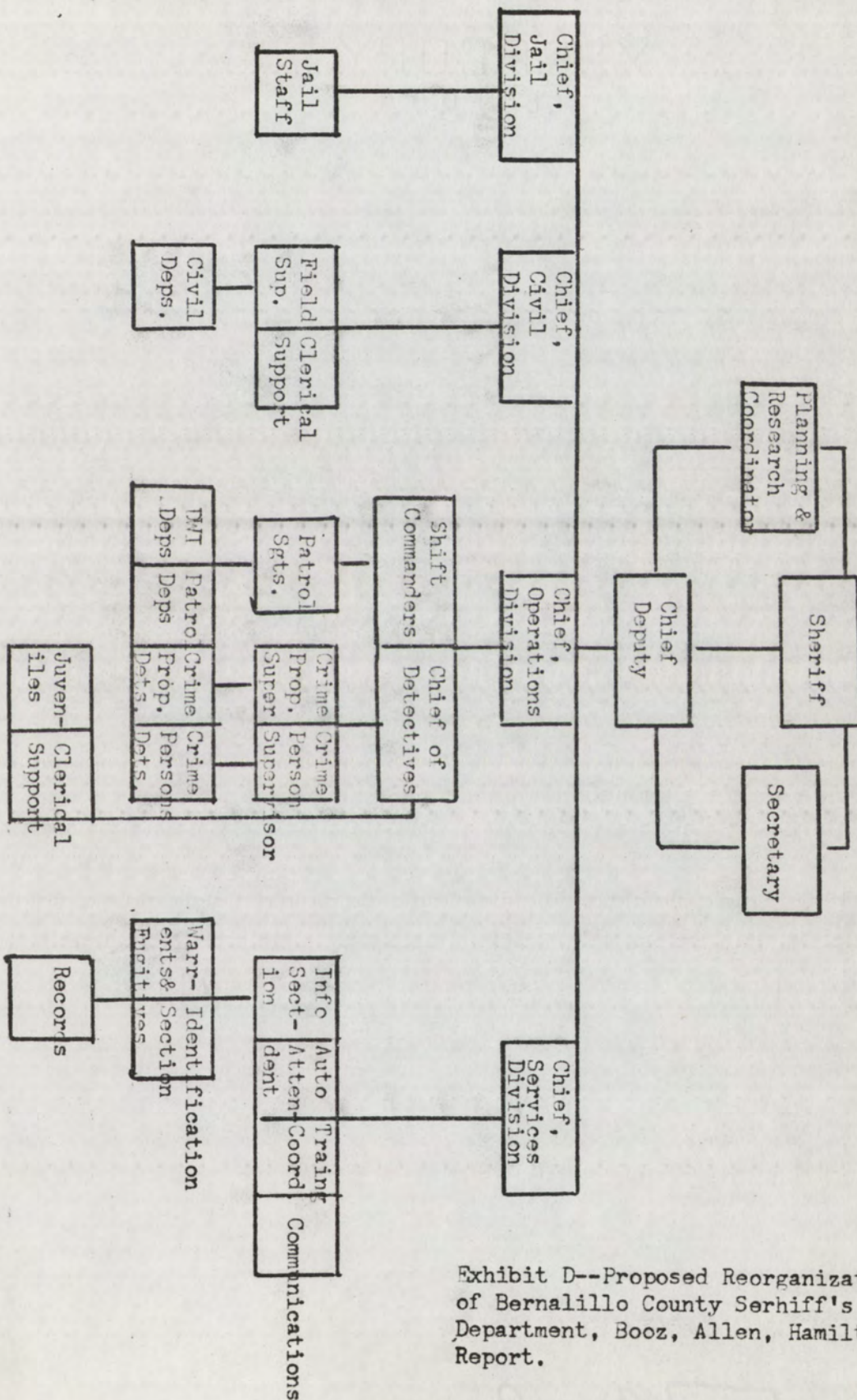


Exhibit D--Proposed Reorganization of Bernalillo County Sheriff's Department, Booz, Allen, Hamilton Report.



and establishment of departmental goals and objectives. (p. 15)

(c) Contact with county manager and county commission.

BAH recommends the addition of ten patrol deputies. Eight of these would be assigned to patrol, two would become "detective trainees." This would be on a rotating basis. (p. 15) The usefulness of this trainee program would be that patrolmen would be exposed to investigative techniques, while somewhat relieving the case load on the detective division.

Finally, an additional secretary would be provided the detective division. This person could also assist, on a short-term basis, in records. BAH recommend that all records activities be combined with warrent and fugitive work under a sergeant's supervision. (p. 16)

2. The next phase is aimed at setting up additional supervisory positions, and establishing a planning and research division. Heading the new supervisors would be the chief of an Operations Division. He would be "responsible for all field operations and would be responsible for promoting closer daily working relationships among investigative and patrol personnel." (p. 16) Additional supervisors would include lieutenants to serve as shift watch commanders. Among other responsibilities, they would have "Overall department supervision during the assigned shift." (p. 17) They would have the duties of "Allocating patrol resources and analyzing the effectiveness of patrol deployment." (p. 17) Finally, patrol sergeants would be in the field for supervision, training and back-up.

The "research and training coordinator" would be a sergeant. His job would be to analyze scheduling, deployment and use of



personnel, to study and prepare grant requests, and to develop internal information and reporting systems. (pp. 17-18)

It is clear that one purpose of creating these new supervisory positions is to "significantly improve career development opportunities within the department." (p. 18)

3. This phase encompasses "less critical staffing needs and organizational modifications...." (p. 18) The first suggestion here calls for the staffing of a sergeant as a "training coordinator." He would be involved in recruiting, would coordinate initial deputy training at the state police academy with in-service training programs, and would set up recruit evaluation as well as an overall performance appraisal system. (p. 18)

Other suggestions under this phase are to replace the identification detective with "two civilian identification technicians," (p. 18), add one dispatcher, add one more full-time clerk for the records division, and authorize "a sergeant position for civil deputy field supervision." (p. 19)

A "Police Staffing Per 1,000 Population" table in the Booz, Allen, Hamilton report shows the Bernalillo County Sheriff's Department with 1.2 sworn personnel per 1,000 citizens.<sup>23</sup> Although this ratio is "slightly above the national average for sheriff's departments" it is nevertheless "still below regional and comparable size area averages...."<sup>24</sup> Thus, a summation of the BAH recommendations is that increased staffing is perhaps more important than changes in organizational structure.

This chapter has attempted to show, in the cases of the Sheriff's



Department and the Albuquerque Police Department, something of the main elements of each agency's basic organization, as well as the most that can be gained from implementing the recommendations of the latest research on these organizations. The question to be discussed in the next chapter is whether a consolidation of these agencies is more beneficial, in a variety of ways, than merely following the proposals of Booz, Allen and Hamilton for individual agency improvement.



## Footnotes: Chapter II

1. Edward Kosner (ed), "Justice on Trial," Newsweek, March 8, 1971, p. 16.
2. LEAA: A Program for a Safer, More Just America (Washington, 1970), p. 3. This is a public information pamphlet.
3. Ibid., p. 4.
4. Guide for Discretionary Grant Programs, Fiscal Year 1971 (Washington, 1971), p. DF-125.
5. Albuquerque Pilot Cities Application for Grant Discretionary Funds, signed 15 June, 1971, by Carl Allen, Bernalillo County Manager.
6. Albuquerque Pilot Cities Criminal Justice Program--ISRAD News Release. A copy can be found in Appendix I (p. I-7) of The Albuquerque Criminal Justice Pilot Program, a term paper for Public Administration 429-01, written by Richard Leonard in July, 1971.
7. Crime and Justice in Metropolitan Albuquerque, 1971, A Report of the Albuquerque Pilot Cities Criminal Justice Program (December, 1971), p. 45.
8. Ibid., p. 45.
9. A Management Audit of the Albuquerque Police Department (A Draft Report), prepared by the consulting firm of Booz, Allen and Hamilton, dated January, 1972. The draft in the author's possession has no page numbers, nor is it completely numbered in its outline form. The author has, therefore, numbered the pages in his copy for reference in this chapter. Page numbers following quotations in Section Two refer to the author's hand numbering. All quoted material in this section comes from Section II of the BAH report, entitled "Organization."
10. Crime and Justice...Albuquerque, 1971, p. 47.
11. Leonard Manuel Contreras, Regional Planning and Inter-governmental Coordination and Cooperation Within Local Law Enforcement Agencies: New Mexico Region III Office of the Sheriff (Unpublished Master's Degree Thesis, University of New Mexico Graduate School, July, 1971), p. 22.
12. Ibid., p. 22.
13. Ibid., p. 25.
14. Ibid., p. 25.



15. Crime and Justice...Albuquerque, 1971, p. 53.

16. Ibid., p. 54.

17. Contreras, op. cit., p. 25.

18. Crime and Justice...Albuquerque, 1971, p. 56.

19. Ibid., pp. 54-55.

20. Ibid., p. 57.

21. Ibid., p. 57.

22. A Management Audit of the Bernalillo County Sheriff's Department, prepared by the consulting firm of Booz, Allen and Hamilton, dated March, 1972. This does not appear to be a draft report (see footnote number 9), and the pages are numbered. Consequently, rather than refer to the same report in footnotes throughout the section, I have merely given the report page number following each quotation from the report. All quotations come from Section II of the BAH report, entitled "Organization and Staffing."

23. Ibid., Section I, p. 3.

24. Ibid., Section I, p. 3.



### Chapter III: Potential and Problems

#### 1. Potential

What are the potential results of a consolidation of law enforcement agencies in the Albuquerque metropolitan area, as opposed to improvements in the separate agencies themselves? That is the subject of the first part of this chapter.

With the single exception of Japan, "the U. S. is...the most lightly taxed of all the industrial nations."<sup>1</sup> Yet, the American taxpayer seems to feel more and more weighed down by taxes. The increasing costs of government and public services frighten the citizen. In one small town, "Taxes are the second-hottest topic of conversation, after professional football and basketball."<sup>2</sup>

Perhaps this is the reason, in interviewing local governmental officials and leaders, the author frequently encountered speculation and concern as to the costs of consolidation of law enforcement agencies.

Local officials seem to believe the taxpayer expects overall law enforcement costs to diminish as consolidation comes into being. In fact, the citizen may well expect the overall costs of government to decrease if complete city-county merger occurs. But, all the officials interviewed were skeptical of this notion. Before going into their specific attitudes toward this concept of "economies of scale," it might be worthwhile to consider a quick summary of some research that has been done on this general question of economy in consolidation:



Several statistical studies have been made of the costs of public services in communities of different sizes. In a study of the communities in the area of St. Louis, Missouri, it was found that there were no measurable economies of scale in police protection, fire protection, education, and refuse collection. Administrative services enjoyed economies of scale at least up to medium-sized communities of 50,000 to 100,000 persons. Water and sewage services exhibited important economies of scale, with no evidence of diseconomies even for the largest systems. Studies of this type cannot be wholly conclusive, because one can argue that the higher (or at least no lower) costs of education and other services of the large unit are due to higher quality (which we cannot measure precisely), so that the taxpayer still receives more per dollar. But these studies do raise very serious doubts about across-the-board metropolitan consolidation justified primarily by economies of scale.<sup>3</sup>

At best, the above indicates the difficulty of attempting to clarify the economies of the consolidation of various functions. Nevertheless, all local officials interviewed expect to see overall law enforcement costs increase as the result of an effort to provide better and higher quality service to all parts of the metropolitan area.

There might well be some savings in overhead. A front-page article in a local paper recently suggested moves of this nature:

On the drawing boards now at the police department and sheriff's office are special anti-crime squads and merging of in-the-office service sections such as records-identification, radio-computer data networks, criminalistics (crime lab, photo lab, fingerprint detection, etc.) and possibly warrants.<sup>4</sup>

But the main costs are in personnel. It is true that whether the Booz, Allen, Hamilton recommendations are followed with regard to upgrading each agency individually, or consolidation occurs,



more personnel will be needed. But the major factor here is a difference in standards in the two agencies, and, above all, a difference in salaries. Salaries in the Sheriff's Department are far below those of the Albuquerque Police Department. Any complete consolidation, where patrol and detective units of each agency are working as one, would require the upgrading of Sheriff's Department salaries.

Stating that the average salary for the APD is \$10,000 as opposed to \$5,630 for the SD, the Assistant to the County Manager, Tom McCorkill has prepared a memo dealing with costs of consolidation of law enforcement activity in Bernalillo County:

For the county to have a sworn force at the same ratio as the city per 1,000 population (current ratio 1.6 for APD, .7 for SD) would require an increase of 64 sworn officers and for the non-sworn ratio to be equalized (currently .7 for APD, .6 for SD) would require an increase of 16 positions.

The average cost per person of all (police) employees for the city is \$10,000, for the county it is \$5,630, a difference of \$4,370 per person.

If the city were to assume all police functions, and increase the personnel such that the overall employees/1000 population ratio remained the same, it would be necessary to add 80 new positions. If the average salary were equalized for the 94 existing positions and the 80 new positions, the cost would be \$1,210,780, exclusive of additional equipment and fringe benefits.

If all budget factors are considered, the cost per man for operation of the APD is \$11,257 as compared to the \$8,581 cost per man of the BSO (Bernalillo County Sheriff's Office). If a cost per officer at the higher personnel/1000 population figure is calculated, the total cost for the city to assume operation at their cost standards would be \$1,958,718. The present budget of BSO is \$806,677, so the alternative represents a cost more than double the existing.<sup>5</sup>



Thus, while a more comprehensive study might reveal different figures, it seems clear the potential cost of consolidation of law enforcement functions in Bernalillo County would rise considerably over improvements in the separate agencies, especially the Sheriff's Department. \*

Currently, however, there are two studies beginning which may clarify this and other points. First, the Metropolitan Crime Commission is obtaining a grant through which the Austin office of the National Council on Crime and Delinquency will study the factors involved in local law enforcement consolidation. Second, in March, 1972, both city and county named seven members each to a committee to study city-county consolidation. Possibly this group will also look into the various aspects of police merger. ? anything in this

In closing this discussion, it should be noted that little study of consolidation costs has been done. The Booz, Allan, Hamilton researchers were instructed not to consider the question, according to Tom McCorkill. Their report says little, in fact, about costs at all. Leonard Contreras, in a thesis published in the summer of 1971, reports that while he was doing his research, "it was apparent that there was a movement afoot for the County Commission to contract with the City Police to take over the Detective and Patrol functions of the Bernalillo County Sheriff's Department, leaving the Sheriff responsible only for the jail and civil functions."<sup>6</sup> Considering the question of increased costs, regardless of whether merger occurred, a Grand Jury studied the issue. Contreras reports:



The Grand Jury asked the Sheriff's Department to present some suggestions for what would be an appropriate wage scale for the Sheriff's officers. Mr. Miller, Chief Administrative Officer, prepared a study and recommendations. The study was presented to the Grand Jury with a recommendation to raise the salaries of the deputies. On page 7 of the Grand Jury Report the Grand Jury recommended a patrolman cadet to start at \$500 per month (current salary \$420) and after five years' service a patrolman would make \$837.50 per month.<sup>7</sup>

The Grand Jury did not ultimately recommend a merger on a contract basis: "By appearing before the Grand Jury and stating their views...the Office of the Sheriff was able to change the Grand Jury's thinking to the extent that the Grand Jury recommended not to take away the Sheriff's enforcement powers at that time."<sup>8</sup> They did, however, recommend a sharing of certain facilities.<sup>9</sup>

The only other group to mention the subject has been the Albuquerque Metropolitan Crime Commission. In a report of November 19, 1970, in which they recommend a "totally consolidated city-county police department," they note that:

Finally, it would be necessary to project the operating costs of the combined department, compared to present operating costs of the separate departments. In this connection, it should be noted that the City of Jacksonville did not reduce its total cost for police services, but succeeded in providing much improved police services relative to the cost. It will also be necessary to determine how the operating cost of the combined department will be shared by the City and County. It may be desirable to consider a new City-County tax basis for police service.<sup>10</sup>

If authorities agree costs will increase under consolidation, they also, for the most part, agree with the Jacksonville experience mentioned above, that the quality of police service will improve in



the Albuquerque metropolitan area. Therefore, we must consider this second main point which is the potential for increased police service to the public through consolidation as opposed to improvement of individual agencies.

Tom McCorkill, in his memo above, noted the great difference in sworn personnel per 1,000 population between the APD and SD. This statistic makes it clear that many more officers are available for protection of city residents than for those of the county. A restudy of the SD patrol schedule printed in the last chapter, plus a review of problems in that agency, provides a clear impression of the need for increased personnel.

Personnel can be hired without consolidation, certainly. But so long as there remains a disparity between the agencies in pay, physical resources available, and qualifications and training, mere increases in numbers will not automatically provide better service to the public.

About pay, there is no question. McCorkill mentioned this great disparity in his memo above. Note, for instance, that an APD cadet with no steps makes better than \$100 per month more than a Patrolman I for the SD.<sup>11</sup> It should be safe to say that, in general, there is a relationship between pay level and quality of personnel hired. As Glen Stahl notes:

Economy of program, the reduction of activities to their bare essentials, is one thing; an attempt to secure a wide variety of public services cheaply is something else. Taxpayers should want the kind of pay policy and levels that will secure and retain an able staff of public employees who can give the brand of service the citizen wants.<sup>12</sup>



Should consolidation occur, there is little doubt Sheriff's Department employees would increase to APD pay levels. Without consolidation, pay increases to bring SD employees on par with those of APD may be very slow in coming.

McCorkill's memo also noted a great discrepancy in cost per man for operation of the two agencies. In planning and research, in community relations, in communications facilities, in the development of a crime laboratory, and in other areas, the APD outshines the SD in physical facilities available to combat criminal activity. Such facilities are another important element in providing effective police service. The Pilot Cities report says that "The Albuquerque Police Department facilities, with the exception of Montessa Park, are excellent."<sup>13</sup> In contrast:

The Sheriff's Department operational headquarters is located in the Bernalillo County Courthouse. The office area is cramped. The squad room is small and no lockers are available. The Detective Division and Records Bureau are located in the basement in cramped quarters.

The department reportedly is not well equipped for emergencies or civil disorders. The \$100-per-year uniform allowance may not be used for weapons or other personal equipment such as belts and holsters which officers must provide for themselves.

Vehicles are leased under an agreement that includes maintenance. The vehicles, relatively new, are in poor overall condition. It is reported that often two or more units are simultaneously out of service because of mechanical failures.<sup>14</sup>

Again, as in the case of pay differential between the two agencies, consolidation would mean SD employees would, to a large degree, enjoy the use of what appears to be superior APD physical



facilities. Consolidation would mean that much of the same equipment and facilities would be used by both departments. Maintenance, money expended on facilities, and training in their use would be the same.

Qualifications and training are important ingredients in providing the community better police service. Applicants for the Sheriff's Department must, besides physical qualifications of age, size, and weight, be a high school graduate or its equivalent.<sup>15</sup> The applicant must "pass three examinations, a basic clerical exam, a social attitude assessment, and a general attainment test, which measures knowledge gained in high school. An applicant background check is made by processing a fingerprint card through the FBI."<sup>16</sup>

But Leonard Contreras reports this procedure:

A system was worked with the County Personnel Director whereby the County would hire anyone that the Sheriff recommended as long as they could pass the minimum requirements of the testing procedures. This works as follows: The Department Head will interview an applicant, and an employment application will be filled out. Then the applicant will be interviewed by the Sheriff and if the Sheriff approves, the applicant will be sent to the personnel director to be tested. If he passes the test, he will be hired if there is an opening. Of course, this chain of responsibility can be abridged if the Sheriff himself wishes to hire an applicant. He merely has to interview the candidate and send him to the Personnel Director to be hired.<sup>17</sup>

For APD application, the equivalent of a high school education is required, plus ability to pass the physical. Selection begins with administering the Public Personnel Administration test. Those scoring 70 or above are interviewed. For those chosen:

The department operates a recruit academy.



Recruits go into practical field training under the guidance of a field training officer after the first 30 days, and alternate between academy work and field work every other month for the remainder of the seven-month academy course.<sup>18</sup>

Additionally, in-service training at the state and federal level are used for the continuing education of sworn personnel. Each year a sergeant attends the Northwestern University Traffic Institute. Finally, under an educational pay incentive plan, many officers are currently attending college.<sup>19</sup>

Again, consolidation would place all sworn personnel under the same plan, which, in this case, would be the far superior one in effect at APD.

In summation, it seems that the pressure on officials, under consolidation, to equalize all elements of the merged agencies in accord with the highest level of either would be a greater pressure than is currently being exerted on county officials to improve the poor conditions currently found in the Sheriff's Department.

There are some further considerations that argue for consolidation. First, crime knows no legal or political boundaries. As David Norrgard argues, "Political boundaries which limit police operations to a particular area do not, however, hinder the movement of criminals who are free to travel from one community to another without regard for these artificial configurations. Far too often political boundaries afford the criminal element sanctuary from effective police action."<sup>20</sup> To commit a narcotics violation in the city and escape to the county where enforcement is lax only



increases crime in the metropolitan area.

Then, there is the matter of efficiency. This is a term that is extremely hard to define in public service, but most officials locally seem to have some notion that greater efficiency would accrue with consolidation. Certainly efficiency would occur in some areas such as communication, records, identification, planning and other areas. In some instances, it would be a matter of creating programs where, in the case of the Sheriff's Department, there presently are none. One source at the county level indicated the SD does very little narcotics investigation, but turns most information over to federal officers, city police, or to the newly formed "Metro Squad" for investigation. The Metro Squad does have an SD representative. Further, the SD currently has no traffic control or accident investigation program in the county area. This would change under consolidation and the state police, which now handle this function, would relinquish it.

Nevertheless, "efficiency" is a vague word, and citizens, seeing the costs of law enforcement increase under consolidation might wonder at the use of this word by officials.

Granted the fine recommendations made by Booz, Allen, and Hamilton in their extensive reports on both local law enforcement agencies, it seems clear that the Albuquerque Police Department, on the basis of current conditions, will for some time remain the superior organization of the two. Consolidation would allow planners to begin with the better organization and implement changes



from there. In an interview, Police Chief Byrd hinted, apparently on the basis of his years with the larger Dallas force, that Albuquerque has some catching up to do with regard to police service in comparison with some other large metropolitan areas. He did not, in the short interview, elaborate. But, for instance, he has for some time awaited a Law Enforcement Assistance Administration grant for a police helicopter capability to help decrease police response time. Implementing such a system is a major task, one that can be accomplished with greater ease by a large, well-organized police force.

Thus, the best opportunity to provide adequate police service to the Albuquerque-Bernalillo County area is through consolidation. The goal would be to rapidly bring the Sheriff's Department up to APD standards, and then continue with overall improvements so that no metropolitan area would be omitted from the benefits. Though the costs will be greater under consolidation, the service to the public will, as in the case of Jacksonville, be much greater relative to the costs. This is the potential of law enforcement consolidation in Bernalillo County.



## 2. Problems

What are the problems inherent in attempting to achieve merger of law enforcement functions in Bernalillo County?

First, there are legal impediments. The Sheriff has responsibilities the City Police may not have. While the police are a subunit of city government, Leonard Contreras says this about the Sheriff:

The various functions of the Sheriff have undergone many changes with English common-law as the legal basis. Today's Sheriff is almost exclusively a part of the executive branch of government having lost his judicial powers to the courts. He has close contact with the court in various roles such as bailiff or as an officer of the court. He is primarily and solely responsible to the state, by statute, for matters relating to enforcement of the law and custody and care of prisoners.<sup>21</sup>

The Sheriff has, basically, four functions: (1) criminal matters and jurisdiction, (2) custodial process and keeper of the county jail, (3) civil matters, (4) court functions.<sup>22</sup>

The Metropolitan Crime Commission, in their report of November 19, 1970, recognized the legal obstacles to consolidation:

First, it should be noted legal obstacles may exist. The Office of Sheriff is created by the New Mexico Constitution, and cannot be eliminated without a constitutional amendment. However, it may be possible to substantially alter the duties of the Sheriff through a joint-powers agreement, without eliminating the Office of Sheriff. It may be necessary to obtain enabling legislation from the State Legislature before desired result can be achieved.<sup>23</sup>

In mid-1969, Larry Buchmiller, of the Bernalillo County Crime Commission wrote to the District Attorney in Bernalillo



County seeking clarification on legal points in this context.<sup>24</sup>

Buchmiller wanted to know:

What, if any, constitutional and statutory obstacles exist which might prevent the County of Bernalillo and the City of Albuquerque from effecting a plan to turn over the criminal law enforcement duties of the Sheriff to the Albuquerque City Police Department?

What, if any, constitutional, and statutory changes would be necessary or desirable to facilitate such a plan?

With regard to constitutional, statutory, and legal government organizational considerations, what are the various means available to the City and County to implement such a plan?

What are the primary advantages and disadvantages of the various legal means available to implement such a plan? (1)

Assistant District Attorney William J. Bingham, responded.

In answer to the first question, he quoted a court case (Torres v. Grant, 63 N. M. 106, 314 p.2d 712 (1957)) to the effect that:

Of course the legislature cannot abolish a constitutional office nor deprive the office of a single prescribed constitutional duty. Nor can this be done by indirection, such as depriving him of all statutory duties, thereby leaving the office in name only, an empty shell...." (p. 2)

Bingham further advised that while the City Charter does not obstruct this plan, "There may be in this, an unlawful delegation of power, where the Sheriff stipulated that the criminal law enforcement function be removed from his office and transferred to the City Police Department." (p. 3) A further problem is that "The city policeman would need a commission as deputy sheriff in order to patrol in the county. The Sheriff could withdraw commissions to



city police at any time." (p. 3)

On the second question, Bingham said:

It is my opinion that legislation must be enacted permitting city police to have general criminal jurisdiction in the rural areas if the change you propose is to be workable. The only criminal law jurisdiction the city police now have in the county is for "hot pursuit" when in the process of apprehending criminals. (p. 4)

He further said that "It is my opinion that in the case of the Sheriff's Department it would be advisable to petition the legislature to make a change in Section 15-40-2 so that all counties could employ municipal police for criminal law enforcement." (pp. 4-5)

On the third point, Bingham answered simply: "The Joint Powers Agreements Act, Sections 4-22-1, et seq., provides the necessary authority for the County and the City to enter into agreement concerning the exercise of criminal law enforcement in the county." (p. 5)

In response to the last question, the Assistant District Attorney mentions the question whether the county can afford the expense of turning over criminal law enforcement in the county to the city, then notes that "Counties are purely auxiliaries of the state," (p. 5) and, short of constitutional amendment, "Fundamental changes cannot be made in the system. This rigidity contrasts markedly with the situation respecting municipalities." (p. 5)

Bingham's final advice:

In answer to your question, it is my opinion that we do not now have the necessary legal authority in the county to implement the changes



in criminal law enforcement from the Sheriff's Department to the City Police. (p. 5)

The legal questions in consolidation are complex. Further reserch is needed, and action by the New Mexico State Legislature may be necessary. Even then lawsuits by disgruntled officials or citizens might result.

The second major problem facing consolidation is one already mentioned. That is, the costs involved. Without going into detail concerning Bernalillo County expenditures and receipts, we can see from the memo penned by Thomas McCorkill something of the costs involved in allowing the APD to assume SD functions. In review, he advised that for the city to assume county police functions would cost approximately two million, as opposed to a current budget for the SD of \$806,677. Thus, the cost would be better than double. Not only is this cost prohibitive, but the county is not even likely to implement hiring of a large number of new employees for the SD under current salary and equipment expenditures which were also noted in the memo. That is perhaps the reason the Metropolitan Crime Commission recommended a "new City-County tax basis for police service."

A third problem involves the current state of relations between the APD and the SD. Although everyone seems to agree that contact and relationships between the two departments is good on the operating level, it is clear that prejudices do exist. Perhaps this is due to the lack of contact at higher levels. In this connection, Fred Kohne, of the Pilot Cities program, suggested that the current sheriff, Red Dow, has only limited contact with other officials. Further, APD



spokesmen indicate that they deal mostly with Chief of Detectives, Santos Baca.

The view prevalent is that the SD operates on a patronage basis. Such a basis is thought to preclude such items of importance as training, qualifications, ability, proper background, and other basics. Chief Byrd says he has seen what happens when a large, metropolitan agency, such as the Dallas Police Department, takes over smaller surrounding ones. He says officers, usually without proper background and training, which are taken into the new system tend not to be able to stand the pace, and drop out slowly over the years.

Tom McCorkill disputes current views of the SD. He says APD people look down on the SD as political hacks, but claims that this is not true any more. He apparently feels qualifications and training are now such as to have upgraded SD personnel.

Regardless, there seems to exist feelings of insecurity and disdain such as to impede, rather than promote, consolidation. Certainly, the feelings of employees in the two agencies should be considered in any consolidation move.

Along the lines of employee attitude, F. D. Aleshire, City Manager of Pico Rivera, remarks on what he terms "local identity":

The Sheriff's deputy is an employee of the county. He does not really identify himself with the city. His future in terms of his job is tied up with the Sheriff's Department. Many of the deputies...do not live in the city and have no other contact with the community except their regular eight hour tour of duty. The detectives and other officers providing services are even more remote.<sup>25</sup>



Although Aleshire's article is concerned with the reverse situation of contracting law enforcement from city to county, it nevertheless points to the fact that consolidation, as a major change, would have an important effect on personnel, and would require a reorientation in their point of view. \*

The last major problem is a political one. In a research paper presented at the Traffic Police Administration Training Program at Northwestern University, APD Lieutenant Lucius Powell dealt with this topic. Concerning the political aspects of police consolidation, Powell says:

The functions of law enforcement and preservation of the peace have traditionally been assigned to local government. Communities jealously guard their right to control and have a voice in the activities of their police departments. Any proposal for a regional, state, or national police organization is immediately regarded with mistrust and denounced as "un-American." No single issue in local government operations creates more tension and division than when a police department is totally unresponsive to the needs of a community. The political question of local control of the police is one that must be answered if a metropolitan department is to become a reality.<sup>26</sup> \*

Powell further refers to the Office of Sheriff as an elective one, and thus "a man who aspires to that office must consider the views of significant voter blocs or pressure groups in any major issue, regardless of whether those blocs or groups represent the true needs of the community."<sup>27</sup>

There is a strong indication that the Sheriff's Department is strongly responsive to many of its constituents. Several officials noted the very personal way sheriff's deputies respond to problems



in the neighborhoods they patrol, neighborhoods to which they have been assigned for long periods. This is in contrast to the more official, distant, businesslike response of APD officers. Many valley area residents are reputed to have good rapport with sheriff's deputies, on a neighborhood basis.

Added to this is the reputation SD has for operating on a patronage basis.

No measurement has been taken on the attitude of county residents toward the subject of consolidation of law enforcement agencies in Bernalillo County. But a proposed merger of city and county governments was defeated by a substantial margin the last time it was voted on in 1959. Considering that on the primary filing date of April 4, 1972, seven Republicans and thirteen Democrats filed for the Office of Bernalillo County Sheriff,<sup>28</sup> it appears many do not wish to see that office lose its current functions, regardless of the quality of police service it produces. Certainly that was the nature of the testimony presented to the Grand Jury as reported above by Leonard Contreras.

In contrast to his representation of an elected sheriff, Lucius Powell presents this picture of:

A metropolitan police department whose chief executive is appointed to the position and serves at the pleasure of a chief administrator, such as a city or county manager. The chief of police position calls for a person with prescribed professional qualifications, forbidding activity in partisan political affairs. Given adequate resources, the metropolitan department is able to provide an optimum level of service to the entire community. Not subject to manipulation by special interests, the chief of police is free to institute programs and policies that are most responsive to the needs of the



the whole community. At the same time, his appointive status makes him subject to removal from office at any time his programs or policies are ineffective or contrary to the public good.<sup>29</sup>

At this time, when a high level of professionalism is so badly needed in law enforcement, it is clear that the above definition of a police agency is the proper one. Any advantage of the Sheriff's Department can easily be worked into the more professional situation described here.

Thus, the potential of a higher quality police service for the Albuquerque metropolitan area exists to a greater degree under a program of consolidation than through any other method. But the problems confronting consolidation are immense.

Not attempting to anticipate or undertake the detailed work which the Council on Crime and Delinquency will do with their \$22,000 grant to study this problem, the next chapter will consider strategies for accomplishing law enforcement consolidation in Bernalillo County.



## Footnotes: Chapter III

1. George Church, "Empty Pockets on a Trillion Dollars a Year," Time, March 13, 1972, p. 71.
2. "Squeeze on a Small Town," Time, March 13, 1972, p. 68.
3. Otto Eckstein, Public Finance (Englewood Cliffs, 1967), p. 50.
4. Albuquerque Journal, March 19, 1972, p. A-1.
5. One page memo, prepared by Assistant Bernalillo County Manager, Thomas McCorkill sometime in late March, 1972.
6. Leonard Manuel Contreras, Regional Planning and Inter-governmental Coordination and Cooperation Within Local Law Enforcement Agencies: New Mexico Region III Office of the Sheriff, (Unpublished Master's Degree Thesis, University of New Mexico Graduate School, July, 1971), p. 32.
7. Ibid., p. 33.
8. Ibid., pp. 32-33.
9. Ibid., p. 33.
10. Albuquerque Metropolitan Crime Commission Report to the City and County Commissioners, Lawrence T. Buchmiller, Chairman, November 19, 1970, p. 2.
11. Crime and Justice in Metropolitan Albuquerque, 1971. Report of the Albuquerque Pilot Cities Criminal Justice Program (December, 1971), comparison of Table 5-3 (p. 52) and Table 5-4. (p. 57).
12. O. Glenn Stahl, Public Personnel Administration (fifth edition) (New York, 1962), p. 168.
13. Pilot Cities Program, op. cit., p. 53.
14. Ibid., p. 58.
15. Ibid., p. 56.
16. Ibid., p. 56.
17. Contreras, op. cit., p. 31.
18. Pilot Cities Program, op. cit., p. 51.



19. Ibid., p. 51.
20. David L. Norrgard, Regional Law Enforcement (Chicago, 1969), p. 1.
21. Contreras, op. cit., p. 19.
22. Ibid., pp. 23-24.
23. Metropolitan Crime Commission, op. cit., p. 1.
24. Letter from the Office of the District Attorney, The Second Judicial District, signed by District Attorney Alexander F. Sceresse, by Assistant District Attorney William J. Bingham, to Lawrence T. Buchmiller, Bernalillo County Crime Commission, dated June 3, 1969. Page numbers are noted following quotations from this letter.
25. F. D. Aleshire, Can the Sheriff Take the Place of the Police Chief?, paper prepared for the California Contract Cities Seminar, April 7, 1961. This paper was loaned to me by Assistant to the Albuquerque City Manager, John Todd. It bears the imprint of the Albuquerque Municipal Reference Library, and I assume it can be found on file there.
26. Lucius A. Powell, Jr., Metropolitan Police for Albuquerque-Bernalillo County, New Mexico (unpublished paper presented in partial fulfillment of a Certificate in Traffic Police Administration, Northwestern University, March 1, 1971), p. 35.
27. Ibid., p. 36.
28. Albuquerque Journal, April 5, 1972, p. A-5.
29. Powell, op. cit., pp. 37-38.



## Chapter IV:

### Strategies for Accomplishing Consolidation

There is no denying the support that exists locally for consolidation of governments in Bernalillo County, including law enforcement agencies: both the City and County Commissions have endorsed the idea, a special committee has been established to study the problem, City and County Goals Committees advocate this move, some local government officials are quoted in the news media as favoring consolidation, the Metropolitan Crime Commission has specifically directed a resolution to law enforcement merger, and a local daily newspaper optimistically headlined an issue stating merger of county law enforcement agencies was actually in process.

With so much support, the question, then, is how best to accomplish consolidation of law enforcement functions in Bernalillo County. Given the obstacles discussed in the last chapter, what is the best route to take? That is the subject of this chapter.

A 1966 Public Administration Service publication dealing with this problem lists five basic ways to consolidate police services. They are: (1) establishment of a metropolitan government, (2) formation of a "subordinate service district under a county police agency," (3) annexation, (4) setting up a separate special district, (5) contract with another jurisdiction for law enforcement.<sup>1</sup>

These alternative methods will be examined in order to determine which are most applicable to Bernalillo County.

David Norrgard, in another Public Administration Service publication, says, "The direct way of achieving full areawide



consolidation of police services is for existing governments to be absorbed into a larger, metropolitan government."<sup>2</sup> There are at least three examples of this method we can study for a clearer picture of how law enforcement is affected.

First is Dade County, Florida. In this instance:

Law enforcement services within the county are provided in a variety of ways. Every municipality except one offers at least a minimum level of basic police service, and a few provide most supportive services for themselves as well. The Dade County Department of Public Safety provides some police services to requesting municipalities as well as complete service to unincorporated areas.<sup>3</sup>

This technique is best in an area composed of many small municipalities where local control is strongly desired. The main factor here is that "If a municipality fails to comply with the established standards, and does not correct deficiencies, the county may take over and perform, regulate, or grant franchises to operate any such service."<sup>4</sup>

Second is Nashville-Davidson County, Tennessee. Before reorganization there existed a Nashville Police Department, an elected county sheriff, local constables, and even private subscription police services to some areas.<sup>5</sup> Now:

Under reorganization, the sheriff's only responsibilities are civil work for the court and operation of detention facilities....Three small municipalities continue to maintain police departments, and some private agencies still operate subscription police service. The Metropolitan Department, however, patrols the entire county as if the other departments did not exist, and any need for major police service anywhere in the county is forwarded immediately to it. It seems likely that the need for these separate forces will disappear.<sup>6</sup>



This example seems best "for those counties which contain few well established local governments, where governmental services are scarce, and where services such as police protection are not financially feasible."<sup>7</sup>

Last is Metropolitan Toronto, Canada. Here:

The Metropolitan Toronto Police Department provides police protection for the entire Toronto metropolitan area which includes nearly 250 square miles, almost two million people, and six municipalities. There are no independent policing agencies in the Toronto area.<sup>8</sup>

Norrgard says the basic concept here is that "certain functions of government are metropolitan in character and must be performed on an area wide basis, whereas others can be reserved to local governments."<sup>9</sup>

A second method of police consolidation involves a county subordinate service district. Norrgard reports:

In Suffolk and Nassau Counties in New York...a county police department serves both incorporated and unincorporated areas with financial support from a special property tax levied for that purpose. This kind of organization is known as a county subordinate service district.<sup>10</sup>

This plan allows "police service...(to) be organized on two levels: (1) general police services for the entire county supported by the county general fund and (2) specific police services for a particular area supported by a specific levy within that area."<sup>11</sup>

There are some particular advantages to this method: (1) the district can include both incorporated and unincorporated areas; (2) no change in existing structure of local government is necessary; (3) a direct correlation exists between services provided an area, and



costs; (4) a consistent level of law enforcement is maintained over a large, contiguous area, regardless of political or jurisdictional boundaries.<sup>12</sup>

A third consolidation procedure involves annexation. This approach is simple: as a city expands its boundaries, it is able to tax those brought into city limits, but must also provide services, including police protection. But the actual process of annexation is not always that simple. Urban geographer Raymond Murphy summarizes the situation:

Preoccupation with problems of annexation is relatively recent. Until about 1900, American cities added land by annexation with no particular difficulty. Beginning at approximately that time, however, people's attitudes toward annexation began to change, and many states adopted provisions that made annexation more difficult. Annexations became less frequent and were mostly limited to small, unincorporated areas just outside the city's borders. But a resurgence followed World War II, chiefly because of the tremendous spurt in suburban development. As a result, each of the states now has constitutional and statutory provisions for annexation, but these vary greatly.<sup>13</sup>

And Lineberry and Sharkansky quote Thomas Dye to the effect that "Where central-city and suburban populations resemble each other, annexation seems more feasible than where the two populations represent distinct social and economic compositions."<sup>14</sup>

A fourth procedure is concerned with establishing a special police district. Norrsgard advises that "Most states in this country have enacted legislation authorizing many types of single-purpose special districts, but authorizations for police districts are quite rare."<sup>15</sup> However, there are special advantages to this system:



First, district boundaries can be drawn to correspond with the most logical areas for providing police service without regard to existing governmental boundaries. Second, police special districts can be free of immediate local political influences in daily activities. Third, police districts are legally feasible without significant legislative or constitutional change.<sup>16</sup>

For clarity, it is necessary to distinguish between a special purpose district and a subordinate service district mentioned earlier. It is simply that "The former is a completely separate unit of government, while the latter is part of an existing unit of general government."<sup>17</sup>

Finally is the approach whereby one jurisdiction contracts with another to provide law enforcement. According to the Advisory Commission on Intergovernmental Relations:

Agreements and contracts are without doubt the most widely used formal method of cooperation among governments in the United States and present a flexible, yet predictable and enforceable method of adaptation among governmental jurisdictions. They make possible economies of scale, the provision of specialized services which would not otherwise be available to small governments, maximum utilization of certain types of facilities such as computers and technical and research equipment, and specialization among governments. They can be used to accommodate program needs to desirable service areas without affecting basic structure or organization. Consequently, needed services can be provided and necessary projects undertaken without waiting for long-range governmental reorganization decisions which ultimately may be necessary. The ideal organizational pattern may well be politically unfeasible. Furthermore, such an ideal will vary from function to function and as population shifts technological discoveries are made. Agreements and contracts present a practical method of getting on with the public business at hand and meeting pressing demands.<sup>18</sup>

Basically, three kinds of arrangements are currently in use:



county to city, city to county and state to municipality.

The best example of county to city is Los Angeles County, the sheriff of which provides total law enforcement service to 29 of 77 incorporated municipalities within the county.<sup>19</sup> It operates as follows:

The cost of contract police service in Los Angeles County is determined by an established formula based upon the total annual cost of providing one patrol unit to a contractee. A patrol unit consists of one deputy during the daytime and two deputies during both the evening and early morning shifts plus a police vehicle and related equipment for each day throughout the year. Also included in the contract costs are necessary police supportive costs and overhead on a prorated basis. In 1968, the annual cost for one such unit was \$113,000 with costs increasing primarily on the basis of personal services costs. A contractee may have as many units as it desires, but must agree to contract for a minimum level of service as determined by the sheriff.<sup>20</sup>

Norrgard concludes that "Service costs are definitely lower than if each jurisdiction maintained an equivalent level of police service itself."<sup>21</sup> In addition, "The principle of home rule is not violated through the use of a contract program because it is initiated by the municipality desiring service, and it may be canceled by it for any reason."<sup>22</sup>

The city to county example is Atlanta and Fulton County, Georgia.<sup>23</sup> Here, the city provides police service to all unincorporated portions of the county.<sup>24</sup> The arrangement is as follows:

Day-to-day decisions on the allocation of specific personnel and equipment are made by the chief of police in Atlanta, consistent with terms of the contract. Supportive police services are included in the cost of providing basic police service and are utilized as needed.



All direct expenses incidental to furnishing police protection and service are reimbursed to the city by the county and 10 per cent is added to cover miscellaneous services and overhead. In 1967 the total cost for the contract service was approximately \$512,920.<sup>25</sup>

In this instance, the sheriff's office continues as an elected one, but he merely acts as county jailer, and "serves as an officer of the court for all appropriate civil matters."<sup>26</sup>

Lastly, under the state to municipality arrangement, the state contracts to furnish a resident trooper for a town or city. This program is in operation in Connecticut, and is actually providing only part-time law enforcement, since a trooper cannot work a 24 hour day. Norrgard points out, however, that other versions of this plan might be feasible.<sup>27</sup> The plan is of little interest to this study, however. As opposed to one or more state policemen being assigned to a town, this thesis is concerned with law enforcement problems on a larger metropolitan scale. Although there is currently an arrangement in Bernalillo County where the New Mexico State Police handle all county traffic problems and accidents because of the inability of the Sheriff's Department to do so, a consolidation arrangement would be expected to eliminate this practice.

These, then, are the basic options available to Bernalillo County. But which of the above plans are most applicable to this metropolitan area?

Annexation should immediately be eliminated as a method to be used locally. It has not been mentioned recently in the city or county, and would be a much slower process than formation of a metro-



politan government, besides the opposition annexation attempts always create. Only in very long-range terms could annexation be a possibility.

Creation of a special police district might be feasible, except: (1) most public officials realize, now, that there is far too great a proliferation of such districts; (2) while they may be somewhat removed from political influence, this fact may also tend to make them unresponsive to citizens, and the tendency is to move in the opposite direction now; (3) this would cause a considerable change in local government structure. Although local officials seem ready to implement a very large change to a metropolitan-type government, they would likely not accept this half-way measure.

The county subordinate service district, which, here, would probably have the city providing the main service to unincorporated areas, is very similar to the "contract" method. Being so close it might best be eliminated as a category in favor of the inter-governmental agreement.

The two plans which seem to me most likely for Bernalillo County are: (1) an energetic move toward metropolitan government, and (2) a county to city contract or agreement.

As noted in Chapter I, and again, at the beginning of this chapter, there is, according to local news media, strong feeling that the citizens of the city and the county should again be presented the opportunity to form a metropolitan government.

As Lucius Powell points out:

In certain respects, Albuquerque is unique among most metropolitan areas. In the entire



county there are only three agencies with general police responsibilities: the Albuquerque Police Department, the Bernalillo County Sheriff Department, and the New Mexico State Police. The City is not encircled with suburban incorporated towns or villages as are many metropolitan areas. Finally, the majority of the work force employed by business, industry, and government agencies reside within the city.<sup>28</sup>

In other words, a metropolitan government can be formed in Bernalillo County with much less difficulty than in other large city areas. In terms of actual governance, already, traffic engineering, environmental protection, and parks and recreation are operating together on the part of both the city and county. This has occurred through interlocal agreement.<sup>29</sup>

The problem is that the move toward metropolitanization is very slow. In an interview, Chief Don Byrd of the APD indicated that he would want a full year of preparation should it become evident consolidation of police agencies locally was going to occur through whatever means. Although consolidation of city-county government was given wide coverage in the local media toward the end of 1971, it was March of 1972 before a committee was appointed to study the problem. There is a feeling that governmental consolidation may be more a media creation than an actuality of the near future.

Due to the defeat of a new Constitution for New Mexico in the late 1960s, the defeat of amendments to the Albuquerque City Charter in mid-1971 which would have greatly changed the governmental structure, and the opinion, as one source put it, that metropolitanization was defeated in the late 1950s because the people did not really understand the issues, it may be this is why the current procedure is progressing



so slowly: the purpose being to gain public exposure and understanding.

Nevertheless, such a move is afoot, and could, if successful, bring about consolidation of local law enforcement agencies.

Another method which could be successful locally is the inter-governmental agreement, or the contract method. Note, for instance, that the city and county agencies which are working together now are doing so through an agreement of this nature. This seems the method, except for formation of a metropolitan government, most favored by local officials. An example is the memo written by Tom McCorkill, quoted in Chapter III. His estimate is that it would cost approximately two million for the city to take over county law enforcement functions. Under a contract or agreement, the agencies would remain autonomous, but certain functions would be combined or transferred, as opposed to complete structural consolidation.

Currently, APD, SD and the New Mexico State Police have formed an agreement to combine men and resources to form a law enforcement group called the "Metro Squad. This group, based on an LEAA grant, is designed to pool investigative talents and information in the area of narcotics violations. Newspaper reports indicate their work has been very successful.

Whether consolidation of police functions occurs structurally through metropolitan government, or functionally on a contract basis, the basic problems involved will continue to be legal, economic, and political.

Earlier, the Metropolitan Crime Commission was quoted to the effect that "The Office of Sheriff...cannot be eliminated without a constitutional amendment....it may be possible to substantially alter the



duties of the Sheriff through a joint-powers agreement, without eliminating the Office of Sheriff." In this connection, New Mexico Statutes, Annotated (Section 15-40-2), state the law enforcement duties of the sheriff:

The Sheriff shall be conservator of the peace within his county; shall suppress assaults and batteries, and apprehend and commit to jail, all felons and traitors, and cause all offenders to keep the peace and to appear at the next term of the court and answer such charges as may be preferred against them.

However, as Powell notes, "The city and county have sufficient authority under New Mexico statutes to enter into joint powers agreements (Section 4-22-1 through 7) such as would be required for consolidation of non-line police functions."<sup>30</sup>

Relating to the costs to the taxpayer of such consolidation, again reference is made to the Metropolitan Crime Commission report which advised that "It will also be necessary to determine how the operating cost of the combined department will be shared by the City and County. It may be desirable to consider a new City-County tax basis for police service." Unless a special district were formed, it would seem such a move could best be made on the basis of an overall consolidation of government. Certainly the county is not in a position, through a contract agreement, to pay the approximately two million increase required to bring county law enforcement on a par with that of the city. The city, and Chief Byrd, would never undertake such a program on any lesser basis, for they are not interested in any program which lowers the overall quality of police service.



Politically, these questions are open. Opposition to the latest attempt toward metropolitanisation has not yet materialized, but there are apparently many strong individualists in the county who would likely oppose consolidation of any kind, on any basis. The strength of that opposition is yet to be measured, but the defeat of governmental reorganization measures of recent years must be considered. And law enforcement consolidation, on a contractual or any other basis, would stand out to the public for more, perhaps even in a symbolic way, than other, less visible city and county agencies which, as noted earlier, are working together under interlocal agreements. As Powell said above, "Communities jealously guard their right to control and have a voice in the activities of their police departments. Any proposal for a regional, state, or national police organization is immediately regarded with mistrust and denounced as 'un-American.'"

While the above questions are being resolved, Lucius Powell has suggested some very practical steps which can be taken by the APD and SD to move toward a merger.<sup>31</sup> First, he suggests a model for the sheriff and the police chief, and the basic hierarchy of each agency. First, the model for the sheriff's office:

The sheriff is responsible for the care and custody of all convicted misdemeanants and felons lawfully committed to the county jail or other detention facilities under his control. He is responsible for the care and custody of all arrested persons confined in detention facilities under his control while they are awaiting arraignment, bond hearings, trial, or lawful release from custody. He shall serve as bailiff to the magistrate and district courts in the county. He is responsible for transporting convicted felons to or from the



state correctional institution, and the return of extradited persons to this county as directed by a competent court. He is responsible for the service and return of writs, subpoenas, attachments, or other civil processes as directed by a competent court.

The sheriff may appoint one undersheriff to be second in command, and one chief corrections officer; both of whom serve at his pleasure. Deputy sheriffs, bailiffs, corrections officers, and other salaried employees and supervisors are covered by a merit personnel ordinance which prohibits termination without just cause. (pp. 8-9)

Next is the police chief:

The chief of police is appointed by the city manager with the consent of a three-fifths majority of the city and county commissions. He serves at the pleasure of the city manager, but also may be removed from office by joint resolution of a four-fifths majority of the combined city and county commissions. The chief of police is responsible for all police services in Bernalillo County. He may, by mutual agreement with the New Mexico State Police, share responsibility for traffic law enforcement and traffic accident investigation on those portions of the interstate highway system within the limits of the county. (pp. 9-10)

This is the new, basic structure Powell would like to see.

Toward this goal, he makes suggestions in the areas of (1) recruitment and selection, (2) training, (3) central records, data analysis, crime lab, (4) investigation services, (5) custodial services, (6) patrol and traffic services. (p. 14) Powell is aiming toward a consolidated operation.

For recruitment and selection, he suggests APD and SD "should immediately take steps to set minimum standards for recruitment and selection in their respective agencies." (p. 15) Thus, "any deputy sheriff hired with a view to his being laterally moved into a metropolitan department should meet the minimum standards that will be



expected at that time." (p. 15) An immediate problem that arises concerns pay. But, with minimum standards now the same, and with an eye toward consolidation, "the commissions of the city and county should provide for starting salaries on a parity with the minimum requirements." (p. 19)

In the area of training, Powell notes that "The interest and active participation of the sheriff's department officers in past training programs indicates a sincere effort on their part to improve their individual competency and quality of service." (p. 21) Powell cites the existence of a number of regional training programs throughout the country as a precedent for the sharing of facilities. Locally, with the police academy capable of handling additional training, and with the University of Albuquerque being "very responsive to the educational needs of law enforcement and corrections personnel in the Southwest," (p. 23) there is no reason why an effort toward the best possible training of policemen cannot be instituted in both agencies. This should begin immediately.

Concerning records, analysis and laboratory work, Powell feels this should logically precede the formation of a metropolitan organization. (p. 24) A uniform offense report will have to be developed. (. 25) He says that "Radio communications is an activity that may be consolidated with only minor changes in existing practices and tentative plans." (p. 25) A new crime lab is being developed through an LEAA grant. By terms of the grant, it must "make its services available to all law enforcement agencies in the state." (p. 26) In this case, "The sheriff's department should take advantage of this



by acting to merge its own criminal identification files with the city police." (p. 26) Another time-consuming activity that could be centralized is "the printing and photography of arrested persons." (p. 27)

Corroborating a statement in the last chapter, Powell says:

Crime is no respecter of political boundaries. Neither should the investigation of crime be restricted by a city limit marker. In the Albuquerque metropolitan area, the detection and solution of a crime or the arrest of an offender by one agency may be critical to an investigation being conducted by the other. Frequently, detectives from the sheriff's department will be involved in a criminal investigation that relates to another case being investigated by the city police detectives; yet neither is aware of the other's activities. (p. 28)

Thus, Powell feels an important step would be: "By mutual agreement the city and county could designate one agency to conduct all criminal investigations, vice and narcotics control, and intelligence operations; and, at the same time, act to insure that both departments are provided full access to all information." (p. 29)

On the next topic:

Probation and correction services in Albuquerque-Bernalillo County are, to put it mildly, inadequate and ineffective. A unified custodial service, staffed by qualified corrections personnel, working closely with local probation officers and state and Federal agencies can provide the model for other jurisdictions in this critical area of the criminal justice system. (pp. 30-31)

Actively underway now, however, is a joint city-county detention facility which, when completed, will replace APD's Montessa Park facility, and the county jail atop the Bernalillo County Courthouse. This facility will be managed by the Albuquerque-Bernalillo County Joint Corrections Board. Early in April, 1972, it was



announced that an LEAA grant of \$30,000 had been approved to hire an executive director and staff for the first year of operation.<sup>32</sup> Such a facility is badly needed, for as the President's Commission on Law Enforcement advised:

No part of corrections is weaker than the local facilities that handle persons awaiting trial and serving short sentences. Because their inmates do not seem to present a clear danger to society, the response to their needs has usually been one of indifference. Because their crimes are considered petty and the sentences they serve are relatively short, the corrections system gives them low status. Many local jails and misdemeanor institutions are administered by the police or county sheriffs, authorities whose experience and main concern are in other fields. Most facilities lack well-developed recreational and counseling programs, sometimes even medical services. The first offender, the innocent awaiting trial, sometimes juveniles and women are imprisoned with confirmed criminals, drunks, and the mentally disturbed or retarded.... Since many misdemeanants go on to commit subsequent offenses, and may "graduate" into felons, the general lack of rehabilitative programs is critical.<sup>33</sup>

Since the proposed detention facility will remove custodial responsibility from both sheriff and police, it may serve to remove one legal impediment, for the sheriff, to consolidation.

Finally is the area of patrol and traffic services. Here, Powell advises that other aspects of consolidation must precede merger of patrol and field services. Once that is accomplished, however, then all traffic and field services, including those in the unincorporated areas of the county, "should be assumed by any metropolitan police agency that may be created." (p. 34)

While the vague legal, economic, and political questions concerning consolidation are being researched, these suggestions



of Lieutenant Powell may be the most practical steps in a strategy for accomplishing consolidation.



## Footnotes: Chapter IV

1. Coordination and Consolidation of Public Services--Problems and Potentials, Public Administration Service (Chicago, 1966), p. 144.
2. David Norrgard, Regional Law Enforcement (Chicago, 1969), p. 45.
3. Ibid., p. 46.
4. Ibid., p. 46.
5. Ibid., p. 47.
6. Ibid., p. 47.
7. Ibid., p. 47.
8. Ibid., pp. 47-48.
9. Ibid., p. 48.
10. Ibid., p. 40.
11. Ibid., p. 40.
12. Ibid., pp. 40-41.
13. Raymond E. Murphy, The American City: An Urban Geography (New York, 1966), p. 421.
14. Thomas R. Dye, "Urban Political Integration: Conditions Associated with Annexation in American Cities," Midwest Journal of Political Science (November, 1964), pp. 430-446, quoted in Robert L. Lineberry and Ira Sharkansky, Urban Politics and Public Policy (New York, 1971), p. 141.
15. Norrgard, op. cit., p. 48.
16. Max A. Pock, Consolidating Police Functions in Metropolitan Areas (Ann Arbor, University of Michigan Law School, Legislative Research Center, 1962) p. 40, quoted in Norrgard, op. cit., p. 49.
17. Norrgard, op. cit., p. 49.
18. Advisory Commission on Intergovernmental Relations, A Handbook for Interlocal Agreements and Contracts (Washington, 1967), p. 2.
19. Norrgard, op. cit., p. 43.



20. Ibid., p. 43.

21. Ibid., p. 43.

22. Ibid., p. 44.

23. Ibid., p. 44.

24. Ibid., p. 44.

25. Ibid., p. 44.

26. Ibid., p. 44.

27. Ibid., p. 45.

28. Lucius A. Powell Jr., Metropolitan Police for Albuquerque-Bernalillo County, New Mexico (Unpublished paper presented in partial fulfillment for a Certificate in Traffic Police Administration, Northwestern University, March 1, 1971), p. 7.

29. Ibid., pp. 6-7.

30. Ibid., p. 38.

31. Ibid. The following, unnumbered quotations are from this source. Page numbers follow each quotation in the text.

32. Albuquerque Tribune, April 11, 1972, p. A-2.

33. President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington, 1967), p. 178, quoted in Powell, op. cit., pp. 31-23.



## Chapter V:

### Conclusions: Success or Failure

The President's Commission on Law Enforcement and Administration of Justice, in a task force report, stated:

A fundamental problem confronting law enforcement today is that of fragmented crime repression efforts resulting from the large number of uncoordinated local governments and law enforcement agencies. It is not uncommon to find police units working at cross purposes in trying to solve the same or similar crimes. Although law enforcement officials speak of close cooperation among agencies, the reference often simply means a lack of conflict. There is, in fact, little cooperation on other than an informal basis, not a very effective means of meeting current needs.

Formal cooperation or consolidation is an essential ingredient in improving the quality of law enforcement. Crime is not confined within artificially created political boundaries but, rather, extends throughout the larger community. A workable program of formal cooperation or consolidation for law enforcement services within a "common community of interests" is the desired goal for improving the quality of law enforcement at the local level.<sup>1</sup>

In connection with the above definition of "cooperation" among law enforcement agencies, Lucius Powell says:

In recent years, the degree of cooperation on cases of mutual interest (between APD and SD) has been excellent. However, officers of both departments can recall past situations when cooperation was the exception rather than the rule. There is no reason to think that, with changes in personnel or policies, the situation could not revert to a matter of petty rivalry, bickering, and working at cross-purposes; all to the discredit of both departments and at the expense of service to the community.<sup>2</sup>



Complete consolidation of law enforcement agencies in Bernalillo County, or consolidation of most police functions along the lines laid out by Atlanta-Fulton County, or Nashville-Davidson County would benefit this metropolitan area in virtually every important way. As soon as certain legal questions are cleared, it could come about through general governmental consolidation. But it must be accomplished as a political fact through citizen effort, and it must be paid for. How citizens can be convinced law enforcement consolidation should become a reality, and how it can be paid for are important questions. In relation to the political question, David Norrgard says, "Police service...is visible and is directly concerned with the interaction of people. Loss of local control over this service should be of significant concern to a community. Yet, too few communities are in a position to provide a sufficient quality and quantity of police service without assistance."<sup>3</sup>

Local self-government is a strong tradition in this country, strong to the point of sometimes being carried to an extreme. Note, however, commenting in the context of "home rule," what the National League of Cities says about local governmental isolation:

Home rule conceived as complete isolation from outside relationships is self-defeating....(The) home rule privilege obligates local units of government to practice collective, cooperative and coordinated responsibility for exercising local initiatives to identify local problems, to devise remedies, and manage the intergovernmental involvements required in any situation.<sup>4</sup>

In other words, citizens and their local governments should want to take whatever steps are necessary to obtain best service based on the needs of the community. They should overcome obstructions



based merely on abstract ideals for which the community at large may suffer.

It is enlightening, concerning consolidation of governments and the attitudes of citizens, to see David Norrgard's definitions of municipalities and counties, respectively:

A municipality is a public corporation normally created at the demand of a group of residents of a designated area to provide services such as police and fire protection, and public works.... As a general rule, a municipality may not share its powers with another government unless so authorized.

....

Counties generally were established to serve as extensions of the central state government to aid in the administration of state affairs such as operating a state court system and conducting elections. Moreover, they were to provide certain services to rural areas such as road building and maintenance. Consequently, counties normally provide services because they are prescribed by state constitution and statutes on behalf of the state, not because the residents of the county requested the county furnish the services.

....

Most state constitutions provide that all county governments in the state be uniform, severely restrict the changing of boundaries, limit the types of service that can be offered, restrict taxing authority, and establish low debt limitations. All of these factors restrict the ability of counties, created long ago to serve the needs of sparsely populated rural areas, to provide urban services to densely populated areas, even in unincorporated areas.<sup>5</sup>

Cities were established by their inhabitants to provide needed services. Counties were set up by the states to administer certain state functions, and to provide a minimum of services. For densely



populated areas, the counties cannot meet the needs of the people, whereas the city boundaries may not extend far enough to provide services required by county residents living under the same conditions as the city populace. While county residents may live under a far more beneficial tax situation, they reap some benefits of living in a city environment. At the same time, the county provides little to the city residents who, nevertheless, pay to support county government.

In this connection, Norrgard comments:

If a county is to perform urban services, even in unincorporated areas, it must have increased powers, means of self-determination, adequate financial resources, and flexibility in administrative organization. The county home rule provisions in most states fall short of meeting these specifications. What is needed is a change in traditional concepts about counties; they must be viewed as more than simply state administrative units. The county should have the powers of a municipality to participate more fully in the performance of modern services, including police service. In fact it may be said unequivocally that the county is the keystone to successful change in providing local law enforcement services. That is, a county would be the logical unit of government to provide areawide supportive police services, principally because the county already has areawide police responsibility.<sup>6</sup>

The problem, however, in terms of police service, lies in the responsibilities of the sheriff. "The sheriff is an anomaly in law enforcement in the United States. No other law enforcement official is saddled with so many nonpolice duties, or has been accused so often of lack of qualification or administrative capabilities."<sup>7</sup> Norrgard suggests two possible solutions: "One is to make the sheriff exclusively an officer of the court and, possibly, responsible for detention facilities. The second is to make the sheriff exclusively



a police officer, divesting him from all nonpolice responsibilities."<sup>8</sup>  
 Then there is "A third option (which) would be to eliminate the office entirely and shift the duties elsewhere in county government, a course of action followed in St. Louis County, Missouri."<sup>9</sup>

And, finally:

there is no need to continue the tradition of electing sheriffs on the county level. Among the heads of law enforcement units at federal establishments, state police, and thousands of municipal police departments, few are elected. The reasons for this have equal applicability to the sheriff. The sheriff is an administrative and not a policy-making official, and a county will be more likely to get a qualified administrator and experienced law enforcement official through appointment rather than through election.<sup>10</sup>

The previous chapters of this paper indicate that the problem in Bernalillo County lies with the county. Especially here, with the city being the stronger unit of government, most obstacles originate with legal, economic, and political problems involving the county unit of government.

It is clear that, among those citizens who are active in city-county affairs, both those elected and those not, a great desire for closer city-county involvement and cooperation exists. Note these first items of the Bernalillo County Goals Committee, under the heading, "Urban and Rural Form, Land Use":

1. Establish and maintain a current "General Plan" for proper development of the entire county, and implement this plan by effective comprehensive zoning and all other possible means;

- a. Create a joint City-County Planning Commission with the sole responsibility of maintaining an up-to-date general plan including but not limited to land use, transportation and public facilities.



b. Evolve a joint City-County Planning Dept. as principal source of professional advice to the joint Planning Commission and to the public.<sup>11</sup>

Whether the attitudes of officials and leaders closely represent the attitudes of city and county residents on questions such as consolidation is hard to determine. Moreover, it became apparent when New Mexico attempted to implement, by a vote of the people, a new state constitution, and, later, a partially new city charter for Albuquerque, that there are those, known to the public, who are more than willing to lead a formidable opposition. It is a known fact of public life that those in public life often become somewhat estranged from the will of the mass merely by virtue of their position which continually subjects them to the learned opinion of those knowledgeable, while at the same time giving them experience in the reality and complexity of government. Such may separate them from the opinions of the mass of laymen.

In terms of legalities, it appears that, though problems exist, the Albuquerque-Bernalillo County area benefits from Article X, Section 4(a) of the New Mexico Constitution which provides, as Lucius Powell says, "for a combined city and county municipal corporation which when organized 'shall contain a population of at least fifty thousand inhabitants.'"<sup>12</sup> A question that must be resolved revolves about whether a majority of city and county voters must separately approve consolidation of metropolitan government.

Finally, we must look again at the economics of the situation. Economic questions have also always been political ones. The possibility of a different tax structure than present, as envisioned by the 1970



Metropolitan Crime Commission report, although they were apparently thinking of a tax basis specifically related to city-county police service, could become a political aspect of any metropolitanization attempt. A move toward consolidated government now or in the near future might avoid many of the economic problems of public life which a special article in Time described:

The higher taxes and higher spending have brought little if any improvement in public services. In many cases, the nations' streets are dirtier, its mass transit more decrepit, its public hospitals more understaffed, its streets more crime-ridden today than in decades. The knowledge that they are paying more and more for less and less service has bred in many citizens a suspicion that they are being cheated, and has fanned a mood of rebellion.<sup>13</sup>

The reason consolidation might avoid such problems is that many planners are of the opinion that we face such huge problems now because, in the past, a bias against adequate spending for public needs has "led to a massive failure to perform what might be termed preventive maintenance, of people as well as things."<sup>14</sup>

We might well remember what the Metropolitan Crime Commission said about Jacksonville, that while law enforcement consolidation did not reduce the total cost of police services, the consolidation "succeeded in providing much improved police services relative to the cost."

The hypothesis of this study is that consolidation of law enforcement agencies in Albuquerque-Bernalillo County can be accomplished and can provide improved police service to all areas of the metropolitan community. The evidence presented throughout this study has supported this hypothesis. Despite difficulties, law



enforcement consolidation locally can come about, and most probably will, either in a structural sense, through total consolidation of government, or in a functional sense through a contract agreement which unites certain functions of the two agencies and transfers certain responsibilities from county to city law enforcement. The city would then exercise these powers throughout the city and county.

Whichever route is chosen, this policy of merger will provide the best police service to the entire metropolitan area.

But the question is, how soon will it occur? There is a time factor involved. It remains to be seen whether Albuquerque-Bernalillo County will be a leader and innovator or a follower in modernizing local government to meet the modern needs of its citizens.



## Footnotes: Chapter V

1. The President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police (Washington, 1967), p. 68.

2. Lucius A. Powell, Jr., Metropolitan Police for Albuquerque-Bernalillo County, New Mexico (Unpublished paper presented in partial fulfillment for a Certificate in Traffic Police Administration, Northwestern University, March 1, 1971), p. 28.

3. David L. Norrgard, Regional Law Enforcement (Chicago, 1969), p. 51.

4. National League of Cities, National Municipal Policy, adopted at the 44th Annual Congress of Cities, July 29-August 2, 1967, Sec. 3.601, quoted in Norrgard, op. cit., p. 52.

5. Norrgard, op. cit., pp. 54-55.

6. Ibid., p. 56.

7. Ibid., p. 56.

8. Ibid., p. 56.

9. Ibid., p. 56.

10. Ibid., pp. 56-57.

11. Albuquerque Journal, February 27, 1972, p. E-10.

12. Powell, op. cit., p. 40.

13. George Church, "Empty Pockets on a Trillion Dollars a Year," Time, March 13, 1972, p. 66.

14. Ibid., p. 70.



## Bibliography

Advisory Commission on Intergovernmental Relations, A Handbook for Interlocal Agreements and Contracts, Washington, Government Printing Office, September, 1963.

Advisory Commission on Intergovernmental Relations, Performance of Urban Functions: Local and Area-wide, Washington, Government Printing Office, September, 1963.

Albuquerque Journal, December 8, 1971.

\_\_\_\_\_, December 10, 1971.

\_\_\_\_\_, December 15, 1971.

\_\_\_\_\_, December 19, 1971.

\_\_\_\_\_, February 27, 1972.

\_\_\_\_\_, March 19, 1972.

\_\_\_\_\_, March 21, 1972.

\_\_\_\_\_, March 22, 1972.

Albuquerque Tribune, April 11, 1972.

Albuquerque Metropolitan Crime Commission Report to the City and County Commissioners, Lawrence T. Buchmiller, Chairman, November 19, 1970.

Albuquerque Pilot Cities Application for Grant Discretionary Funds (Management Analysis Project), dated June 15, 1971, signed by Carl Allen, Bernalillo County Manager.

Aleshire, F. D., Can the Sheriff Take the Place of the Police Chief? paper presented to the California Contract Cities Seminar, April 7, 1961.

Bollens, John C., and Henry J. Schmandt, The Metropolis: Its People, Politics and Economic Life (second edition), New York, Harper and Row, 1970.

Committee for Economic Development, Modernizing Local Government, A Statement on National Policy by the Research and Policy Committee, New York, 1966.



Contreras, Leonard Manuel, Regional Planning and Intergovernmental Coordination and Cooperation Within Local Law Enforcement Agencies: New Mexico Region III Office of the Sheriff, unpublished Master's Degree Thesis, University of New Mexico Graduate School, July, 1971.

Coordination and Consolidation of Public Services--Problems and Potentials, Public Administration Service, Chicago, 1966.

Crime and Justice in Metropolitan Albuquerque, 1971: A Report of the Pilot Cities Program, Albuquerque, December, 1971.

Church, George, "Empty Pockets on a Trillion Dollars a Year," Time, March 13, 1972.

Department of Urban Studies, National League of Cities, Adjusting Municipal Boundaries: Law and Practice, Washington, December, 1966.

Dye, Thomas R., "Urban Political Integration: Conditions Associated with Annexation in American Cities," Midwest Journal of Political Science, November, 1964, quoted in Robert L. Lineberry and Ira Sharkansky, Urban Politics and Public Policy, New York, Harper and Row, 1971.

Eckstein, Otto, Public Finance, Englewood Cliffs, Prentice-Hall, Inc., 1967.

Grant, Daniel R., "Urban Needs and State Response: Local Government Reorganization," in The States and the Urban Crisis, Alan K. Campbell, ed., Englewood Cliffs, Prentice-Hall, Inc., 1970.

Guide for Discretionary Grant Programs, Fiscal Year 1971, Washington, Government Printing Office, 1971.

Kosner, Edward, ed., "Justice on Trial," Newsweek, March 8, 1971.

LEAA: A Program for a Safer, More Just America, Washington, Government Printing Office, 1970.

Letter from the Office of the District Attorney, the Second Judicial District, signed by District Attorney Alexander F. Sceresse, by Assistant District Attorney William J. Bingham, to Lawrence T. Buchmiller, Bernalillo County Crime Commission, dated June 3, 1969.

Makielski, S. J., Jr., "City-County Consolidation in the United States," The University of Virginia News Letter, Volume 46, No. 2, October 15, 1969.



Management Audit of the Albuquerque Police Department (A Draft Report), prepared by the consulting firm of Booz, Allen and Hamilton, dated January, 1972.

Management Audit of the Bernalillo County Sheriff's Department, prepared by the consulting firm of Booz, Allen and Hamilton, dated March, 1972.

Murphy, Raymond E., The American City: An Urban Geography, New York McGraw-Hill, 1966.

National League of Cities, National Municipal Policy, adopted at the 44th Annual Congress of Cities, July 29-August 2, 1967, quoted in David L. Norrgard, Regional Law Enforcement, Chicago, Public Administration Service, 1969.

Norrgard, David L., Regional Law Enforcement, Chicago, Public Administration Service, 1969.

Pock, Max A., Consolidating Police Functions in Metropolitan Areas, Ann Arbor, University of Michigan Law School, Legislative Research Center, 1962.

Powell, Lucius A., Jr., Metropolitan Police for Albuquerque-Bernalillo County, New Mexico, unpublished paper presented to Robert Witt, Management Option Chairman, Traffic Police Administration Training Program, Traffic Institute, Northwestern University, March 1, 1971.

President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, Washington, Government Printing Office, 1967.

President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, Washington, Government Printing Office, 1967.

Smith, Bruce, Police Systems in the United States, (second revision), New York, Harper and Brothers, 1960, quoted in Advisory Commission on Intergovernmental Relations, Performance of Urban Functions: Local and Areawide, Washington, Government Printing Office, 1963.

"Squeeze on a Small Town," Time, March 13, 1972.

Stahl, O. Glenn, Public Personnel Administration (fifth edition), New York, Harper and Row, 1962.