

MEMORANDUM

March 31, 2011

TO: Planning, Housing, and Economic Development Committee
Public Safety Committee

FROM: Linda McMillan, Senior Legislative Analyst 

SUBJECT: **Organizational Reform Commission – recommendation on County Police/Park Police (ORC Recommendation #12)**

At this session, the joint Committee will consider the recommendation from the Organizational Reform Commission to **“Incorporate the Park Police into the Montgomery County Police Department.”** This session is not a FY12 budget worksession. The County Executive has not included any savings or cost assumptions in his FY12 Recommended Operating Budget regarding Park Police/County Police consolidation. Page 42-1 of the Recommendation Operating Budget says, *“The County Executive supports merging the M-NCPPC Park Police into the Montgomery County Police Department. This reorganization was also supported by the County Council’s Organizational Reform Commission. This merger would provide our residents and visitors with a more effective and efficient police system. The parks would see an improvement in police service, as would the rest of the County. This recommendation is not included in the FY12 Budget because the state legislation necessary for this restructuring will not be in place for the FY12 budget. The Executive will continue to work with the County Council and M-NCPPC to implement this important reorganization.”*

1. Organizational Reform Commission

On January 31, 2011, the Organizational Reform Commission (ORC) delivered its report to the County Council and the County Executive. The ORC recommends the incorporation of the Park Police into the Montgomery County Police Department (©1-3). The ORC estimates that cost savings could range from \$1.6 to \$2.2 million, that the change will require State legislation, that implementation may take several years, and that the service level impact should

be low (noting that the County Police Chief has pledged to establish and maintain a Park Police division.)

At its February 11, 2011 meeting, the PS Committee met with representatives from the ORC (Mr. Vernon Ricks, Co-Chair, and Mr. Scott Fosler and Ms. Susan Heltemes who served on the subcommittee that reviewed this issue) as a part of the Committee's ongoing review of whether the communications/dispatch consolidation, which was proposed as a part of the FY11 budget, should be implemented. The ORC representatives shared that their mission was to find ways to reorganize government to achieve savings and that they believe that in the long-term there will be savings from a merger. They understood concerns that the parks might not get the same attention that they are currently getting but they were assured that there would always be a special parks unit within the County Police. Mr. Fosler shared his minority view that he is not optimistic about how well this change would go and that people must be very cautious if this proposal moves forward. While he was not saying that just because things are one way now they must stay that way and, while he does have great faith in Chief Manger, he is concerned because Park and Planning is a complex and unique institution and the implications of this proposal for both Montgomery County and Prince George's County have not been thought through.

At the February 11th meeting, the PS Committee also heard from Special Assistant to the County Executive Hughes that the Executive's top priority is safety, this will enhance public safety, the planning that has been completed to date for the merger is appropriate for where we are in the process, taxpayers should not be asked to pay for duplicative police services, and the Council should keep its options open. The Committee heard from Chief Manger about the issues that will need to be addressed through a full planning and implementation process.

The Committee also received comments from Planning Board Chair Carrier about the grave concerns the Planning Board has about any merger and the Planning Board's specific concerns about the State legislation that was being proposed and was to be discussed at the Council's February 14th State legislative session.

As the joint Committee is aware, a majority of the Council did not support the State legislation supported by the County Executive and the bill was later withdrawn.

2. County Executive Recommendation

The County Executive supports the ORC recommendation. His comments are attached at © 4-5. He notes the following benefits:

- Enhance and improve communications.
- Improve response time in County parks.
- Improve level of service and reduce cost to taxpayers in Montgomery County.
- Allow M-NCPPC a more focused and much stronger planning and land use stewardship role in our region, without the responsibility of overseeing a police force.

In addition, attached at © 6-10 is a brief distributed by the Public Information Office titled, "What You Should Know About the Consolidation of the Parks Police and Montgomery

County Police.” This brief shows (© 10) the Executive’s assumptions about which positions will be abolished and the estimated minimum savings. This information was not available for the PS Committee’s February 11th session.

3. Park and Planning Response

The response from Park and Planning is attached at © 11-12. Park and Planning has concluded that, “A merger of the Park Police into the County Police will create significant upfront costs rather than savings in FY12 with no tangible benefits to taxpayers and park users.” They note the following:

- The consolidation could cost \$2 million in FY12 once one-time and recurring costs (about \$1 million per year) are factored in.
- The proposed merger would trigger a Reduction-In-Force (RIF) of the entire Montgomery County Park Police Division.
- Park Police functions are different than those of County Police and include protection of natural and historic resources, service and repair requests, monitoring of surveillance cameras and alarm systems, and providing advice on park and playground design.
- There would be a significant impact on service delivery.
- The Park Police are efficient and effective and already cooperate regularly with the County Police.

4. Council Staff Comments

The following staffing information was provided to the ORC for their discussion whether Park Police and County Police should be merged.

NOVEMBER 2010 Update from Park Police	Nov-10	Nov-10	Nov-10	Nov-10	
SECTION	Sworn Supervisors	Sworn Officers	Non-Sworn	Seasonal	TOTAL
Patrol*	9	45	0	4	58
Special Operations (mounted and motorcycle)	3	11	2	0	16
Investigative Services	2	5	0	0	7
Special Services	1	2	0	0	3
Management and Technology (includes communications)	3	0	15	0	18
Administration	5	0	3	0	8
LAPSE**	0	7	0	0	7
TOTAL	23	70	20	4	117

*Includes five (5) sworn vacant positions, some of which we may begin recruiting as promotions occur in both counties and three (3) seasonal rangers we are in the process of hiring.

**Mandated full-year lapse after positions abolished.

Council staff also suggested that the following questions were the types of questions that would have to be answered before any estimate of savings could be finalized. The questions do not include the legal and personnel issues that will also have to be resolved.

- How many patrol officers need to be assigned to the new park unit? If, for example, the County Police reorganized the park police beats so that they matched the six County Police Districts then a minimum of 36 officers would be needed.
- Would the County Police assign the Park Officers to an existing Sergeant in the County Police District or would supervisors be needed for each of the shifts?
- What Executive officers and administrative staff would be required for the Park Unit (such as a Captain, Principal Administrative Aide, etc.)?
- Would County Police retain the current number of supervisors/officer in special operations (mounted patrol)?
- How much of the current Investigation Section workload could be absorbed by the County Police staffing?
- Can communications be consolidated?
- Can administrative functions such as evidence, purchasing, motorpool, etc. be handled by existing County staff?
- Is there space for the new Park Police unit in an existing or planned facility? (This would determine whether Saddlebrook can be closed and whether there are capital or leasing costs).

Lastly, Council staff notes that while the communications consolidation assumed as a part of the FY11 budget has not been implemented because of several difficult issues such as differences in technology, how supervision will be handled, and whether the consolidation will result in a RIF for Park Police communications staff, one efficiency, consolidation of warrant administration, that was identified by the Communications Steering Committee has moved forward. This will allow the Park Police to reduce their staff by one position.

Park Police and Montgomery County Police

Statement of the Issue

The ORC held several meetings with the top leadership of the Montgomery County Police Department and the Park Police, regarding possible options for consolidation between the two police forces. We were grateful for the time they spent with us and for the outstanding job they and all of their colleagues do each day, putting their own lives on the line to protect the lives of residents of Montgomery County. Because of the respect we have for both forces, it is fair to say we likely spent more time on the issues outlined below than any others, and wanted to proceed carefully in our deliberations, before making any recommendations.

Discussion of the Issue and Recommendations

➤ ***After serious consideration, the ORC recommends the incorporation of the Park Police into the Montgomery County Police Department. We do so for the following reasons:***

- 1) The fiscal crisis demands that we not ignore a clear fact: there are now two separately chartered police forces that serve Montgomery County. They are oriented to somewhat different missions, but nonetheless there are two, and when programs and services are being cut *to the bone* – and in some cases *into the bone* – the likely redundancies represented by two police forces cannot be dismissed. With compassion for the individuals involved and with appreciation for the special role of the Park Police and its unique services that must be preserved, we recommend that this incorporation be undertaken.
- 2) Despite the fine job they do, the presence of a separate police force for Montgomery County Parks is an aberration in local governance. Most major urban areas do not have separate police forces for their parks.
- 3) Incorporation of the Park Police into the County Police Department in no way diminishes support for and recognition of the role of the M-NCPPC. It should retain a strong planning and land use stewardship role in our region and can do so without a police force.
- 4) The County Police Chief has pledged to establish and maintain a Park Police division within the County Police Department that would assure the mission of protecting park users and park resources.
- 5) County police already operate in County parks. They are regularly called in to either assist or take the lead on specific incidents in the parks.
- 6) Much of the work of the Park Police is as stewards of the parks, a trusted and reliable presence for those families and individuals who rely on the parks for their recreation opportunities. Working with the Park and Recreation departments, there are creative ways to work with rangers (positions which would need to be

Montgomery County Organizational Reform Commission

established) and volunteers to ensure that a vibrant form of this presence is maintained.

- 7) Some who wish to see the Park Police maintained as a separate entity believe that if they were to be incorporated into existing County Police operations, they will be treated as a lower-tier element within MCPD. There is also a concern that given the opportunity, they will migrate away from parks and to other positions within the County Police Department. This may occur, but mobility within divisions is common to modern policing, and we should not fear for a lack of capable individuals to staff the Parks Division.
- 8) The two departments have a track record of working together. A "Reciprocal Enforcement and Mutual Aid Agreement," dated May 1, 2007, outlines how the two departments cooperate. In addition, a current task force is coordinating their telecommunications activities to enhance communications and save costs.
- 9) Savings come from a reduction of management and supervisory officers over time. The County Police Chief estimates that the integration could be undertaken in less than two years. A work group review shows the potential for savings of approximately \$2.2 million per year, and the elimination of up to 32 positions.
- 10) The implementation issues are no doubt challenging, such as the future of the Park Police Saddlebrook facility, enforcement of park rules, and establishment of a ranger staff. Ultimately, it may take several years for the incorporation to be completed.²

² Reservation of Commissioner Scott Fosler: (See footnote 1, page 21, in the section on Parks and Recreation)

¹ **Reservation of Commissioner Scott Fosler:** The proposed merger of the County's park and recreation programs, and its Park Police and County Police functions, involves potentially significant costs, as well as comparatively modest cost-savings. The potential costs include: the financial expense of merger; the management and institutional complexities involved in the transition, as well as in the proposed new organizational arrangements; the impact on the quality of the County's parks and environmental systems (and the broader implications regarding core public services); the consequences for the structure and operation of the Maryland-National Capital Park and Planning Commission (M-NCPPC), a major bi-county agency, and one of the principal agencies of County government; the implications for relations with our regional partners in Prince George's County; and the consequences for the County's overall planning process. I do not believe the case has been made that the potential costs savings of the merger would outweigh these other costs and considerations, and I don't believe a decision of this consequence for the County should be driven solely by the interest in financial cost savings in program operations, especially since it could have a potentially negative impact on the County's long-term fiscal health, as well as on its quality of government. The appropriate venue for such a decision is one that takes full account of all of these factors.

County Executive Recommendation

be completed by FY14. This committee would need to be led by a neutral party and have active participation by Council staff.

12. Incorporate the Park Police into the Montgomery County Police Department.

County Executive's Position: **Support**

Despite the Council's majority position on the State enabling legislation, I continue to believe that merging the Park Police into the Montgomery County Police Department would provide our residents and visitors with a more effective and efficient police system. The parks would see an improvement in police service, as would the rest of the County. While it is unfortunate that the enabling legislation was not possible this year, I will continue to work with the Council to bring this important recommendation from the ORC to fruition.

Integration of the Park Police with the Montgomery County Police (MCP) Department will provide the following benefits:

- Enhance and Improve Communications
 - Increased efficiency and safety due to units operating on common radio dispatch channels and a common Computer Aided Dispatch (CAD) system.
 - Anyone requesting public safety calls for service would be handled within the Emergency Communications Center with no need to transfer to another communications center.
 - A single dispatcher would be responsible for all county and municipal police units operating within a geographic area (The six MCP districts and Takoma Park).
 - All officers assigned to patrol functions and their supervisors would be operating on the same radio channel. These officers would be tasked with responding to calls for service in all non-regional parks as part of their overall patrol responsibilities.
 - Officers assigned to a newly created Parks Division would be responsible for the patrol of and calls for service within the six Regional Parks.
- Improve Response Time in County Parks
 - The majority of parks in Montgomery County are local or neighborhood parks. These parks are small in size and are often located a block or two off of major roadways. With over 500 MCP officers assigned to patrol duties, adding county parks to their patrol area will reduce response time for emergency calls to these parks.
 - On average, for FY10, MCP officers responded within four minutes of being dispatched to an emergency call. The time for an

emergency call to be received, entered, dispatched, and responded to on-scene by a MCP officer is seven minutes.

- The availability of County Police officers to respond to calls for service in the Parks could only improve the response time for incidents in Parks.

- Improve Level of Service and Reduce Cost to Taxpayers in Montgomery County
 - Unlike federal, state, and municipal police forces that are operating in the county, both Park Police and County Police are largely supported by the same tax money from the same tax payers in Montgomery County.
 - Consolidation will produce recurring savings of \$2 million from reductions in duplicate administrative and upper management staffing. The estimated savings assumes that there will be no reductions in the number of park police patrol officers.

- Incorporation of the Park Police into the County Police department will allow MNCPPC a more focused and much stronger planning and land use stewardship role in our region, without the responsibility of overseeing a police force.

What You Should Know About the Consolidation of the Parks Police and Montgomery County Police

Eight months ago, the Montgomery County Council formed the Montgomery County Organizational Reform Commission with the mandate to recommend ways to restructure the way County agencies do business to save money and increase efficiency.

One of the Commission's primary recommendations is to consolidate the Park Police and the Montgomery County Police Department:

(1) The fiscal crisis demands that we not ignore a clear fact: there are now two separately chartered police forces that serve Montgomery County. They are oriented to somewhat different missions, but nonetheless there are two, and when programs and services are being cut to the bone – and in some cases into the bone – the likely redundancies represented by two police forces cannot be dismissed. With compassion for the individuals involved and with appreciation for the special role of the Park Police and its unique services that must be preserved, we recommend that this incorporation be undertaken.

(2) Despite the fine job they do, the presence of a separate police force for Montgomery County Parks is an aberration in local governance. Most major urban areas do not have separate police forces for their parks.

(3) Incorporation of the Park Police into the County Police Department in no way diminishes support for and recognition of the role of the M-NCPPC. It should retain a strong planning and land use stewardship role in our region and can do so without a police force.

Refer to this link for Commission's final report:

http://www.montgomerycountymd.gov/content/council/PDF/REPORTS/ORC/ORC_FinalReport.pdf

This consolidation will save at least \$2 million a year. This will be accomplished by eliminating 8 upper level management positions and 11 administrative positions that will no longer be necessary when the departments are consolidated. The actual number of officers patrolling the parks will not change. In fact, they will essentially be the same people. At a time when the County faces a significant financial shortfall for the coming fiscal year, our failure to implement the recommended consolidations would mean an increase in taxes or a further reduction in funding for libraries, vital social services, public safety and other services that have already been significantly reduced over the last three years. This consolidation will ensure the same - or even better - service for our parks.

Here are the facts:

1. The consolidation will enhance the efficiency of communication:
 - All units will operate on common radio dispatch channels and a common Computer Aided Dispatch (CAD) system.
 - Any public safety requests for service would be handled with no need to transfer to another communications center.
 - A single dispatcher would be responsible for all county and municipal police units operating within the geographic area.
 - All officers assigned to patrol functions and their supervisors would be operating on the same radio channel. These officers would be tasked with responding to calls for service in all non-regional parks as part of their overall patrol responsibilities.
 - Officers assigned to a newly-created Parks Division will be responsible for the patrol of and calls for service within the six Regional Parks. These officers will likely be the same officers that are currently patrolling the park system.

2. The consolidation will improve response times in a vast majority of County Parks:
 - The majority of parks in Montgomery County are small, local or neighborhood parks. These parks are often located a block or two off of major roadways. With over 500 MCP officers already assigned to patrol duties in these neighborhoods, adding county parks to their patrol area will only reduce response time for emergency calls to these parks.
 - On average, during 2010, County Police officers responded within four minutes of being dispatched to an emergency call. The time for an emergency call to be received, entered, dispatched, and responded to on-scene by a MCP officer is seven minutes.
 - Response time for Park Police officers were not available to us, but with no more than seven patrol officers working the entire county at any given time it is a safe conclusion that it exceeds four minutes.

3. The consolidation will reduce the cost to Montgomery County taxpayers:
 - Unlike federal, state, and municipal police forces that are operating in the county, both Park Police and County Police are largely supported by the same tax money from the same taxpayers in Montgomery County. This is a duplication of services and wastes the already scarce pool of taxpayers' money.
 - Consolidation will produce a minimum savings of \$2 million a year from a reduction in administrative staffing along with upper management reductions -the \$2 million figure assumes no reduction in the number of Park Police patrol officers.
 - After in-depth analysis, the merger could actually produce additional savings due to the elimination of redundant positions and services.

4. The consolidation will make available additional County Police officers to provide support and respond to calls for services in Parks:
 - The parks will now be patrolled by 500+ County police officers rather than only 42 Park Police officers (current total MNCPPC patrol staffing levels).
 - The newly-created Parks Division will be staffed by highly trained officers who will be responsible for all activities within the six Regional Parks.

Because Maryland National Capital Park and Planning Commission was created as a bi-county agency through State legislation, the only way to address this issue is by obtaining authorization from the State through legislation.

MC/PG Bill 112-11, introduced in the Maryland General Assembly, is enabling legislation that will provide the County Council with the authority to approve the consolidation of the Park Police and the County Police and also authorizes the County Executive to implement the consolidation plan.

Unlike federal, state, and municipal police forces that are operating in the county, both Park Police and County Police are largely supported by the same tax money from the same tax payers in Montgomery County. This is a

duplication of services and wastes the already scarce pool of taxpayers' money. The consolidation of the two police forces and their communication and dispatch services will improve police services in the parks and save County taxpayers a minimum of \$2 million a year through the elimination of administrative overhead and duplicative management structures.

The intent of the bill is to:

- Give the Montgomery County Police Department the authority to enforce park regulations on property owned by the Commission - which means more police resources to protect our parks.
- Enable the Montgomery County Council to remove the 3.6¢ mandatory tax rate in order to ensure that any funds associated with a transfer in responsibility can be provided to the receiving department -- the Council can still impose this or any other rate.
- Give the Council greater authority to determine how the tax revenue may be spent.
- Give County Council authority to require the Commission to turn over certain Park Police facilities/equipment (vehicles, stables, boats, etc.) associated with any transfer in responsibility to the Montgomery County Police Department.

The legislation simply will give the County Council the legal authority to merge the two departments if it deems it appropriate. The legislation does not allow any park land not directly associated with the Police support to be transferred from the Parks Department control and ownership. Some have criticized the language of the bill, without understanding the intent. If the intent is not clear or requires further clarification, the language can be amended to better reflect the intent outlined above.

Tough times mean that government should look to eliminate duplication in services and seek efficiencies. A consolidation of Park Police and Montgomery County Police is a logical step in that direction. It saves money. It improves service. On the merits, it makes perfect sense.

Total Potential Savings:		Type of Savings:
Proposal to Incorporate Park Police Services/Operations into Montgomery County Police Department	FY12: \$1,905,240	Ongoing
	FY13 & beyond: \$2,500,000	Ongoing
	Implementation Level:	Service Impact Level:
	Local/ State	Improved in Parks

Proposed Efficiency Structural Changes	Position Change	Efficiency Operating Cost Savings
• Eliminate 11 redundant administrative/back office positions.	-11	-\$867,740
• Eliminate 6 Lieutenant/Supervisor Positions.	-6	-\$712,500
• Eliminate 1 Captain/Supervisor Position.	-1	-\$137,500
• Eliminate 1 Parks Police Chief position.	-1	-\$187,500
• TOTAL MINIMUM SAVINGS	-19	-\$1,905,240

Issued by the Montgomery County Office of Public Information.

Merging Park Police and County Police

A merger of Park Police into County Police will create significant upfront costs rather than savings in FY12 with no tangible benefits to taxpayers and park users. We continue to recommend against such a merger for the following reasons:

- **This merger will not produce short- or long-term savings.** The Montgomery County Executive has declared that consolidating the Park Police Division within the County Police Department will save at least \$1.9 million in FY12 by eliminating 19 Park Police positions. In reality, a consolidation could cost \$2 million in FY12 once one-time and recurring costs are factored in. The county's proposed merger would trigger a reduction-in-force (RIF) of the entire Park Police Division in Montgomery County. A RIF of this magnitude has significant associated costs that have been disregarded in purported cost savings. Additionally, there are a number of retired and terminated but vested Park Police Officers from the Montgomery County division that are members of the Commission's Employees' Retirement System and receive pension and health benefits and/or have accrued those benefits. The actuarial accrued value of pension benefits is approximately \$44.3 million, with funding in the amount of \$35.3 million currently available in the plan. Accordingly, the County would be responsible for funding the \$9.0 million difference. The unfunded accrued liability for health benefits is valued at \$15.2 million. In addition, risk associated with future losses to the plans would remain as outstanding funding obligations of the County. These estimates assume that the County pension and health plans absorb the value of pension and health benefits earned by those officers who are hired by the MCP.

In future years, recurring costs will likely offset any savings from police personnel reductions. If the proposed merger takes place, Montgomery Parks will need to spend approximately \$1 million per year to replace safety and enforcement functions currently carried out by the Park Police which the County Police will not provide. These functions must remain integrated with park operations to ensure the safety and quality of the park system. These functions include encroachment enforcement, natural resource protection, wildlife management, user permit enforcement, park alerts, and maintenance service call center functions. In addition, County Police salary and benefits cost over \$8,000 more per officer than those of the Park Police, not including various contract differences like the County's disability retirement and other benefits that could make the cost differential even higher. The salary differential alone could result in an increased cost of \$700,000 annually if Park Police officers become County Police officers. The County's police force is simply more expensive overall.

- **Park Police functions are different than those of County Police.** Response to emergency calls and investigation of crimes are the priorities for the County Police. In contrast, Park Police emphasize proactive patrols of more than 35,000 acres of parkland, many of which are isolated, and are a regular presence in the parks (over 10% of the county landmass is managed by M-NCPPC). Park Police serve as a hub for almost everything relating to park safety, not just 911 calls. In addition to traditional policing, Park Police officers also handle or forward hundreds of service and repair requests for over 400 parks, via a central communications system; protect natural and historic resources; monitor dozens of surveillance cameras and alarm systems;

advise on park designs to improve safety on playgrounds and park property; patrol vast uninhabited areas for illegal occupancy and use; keep drug and criminal activity out of parklands; manage user conflicts on park fields; uncover and enforce many substantial park encroachments; protect, patrol, and investigate property crimes inside County recreation centers and pools; and act as front-line stream protectors – functions not provided by other county forces.

- **Merging Park Police into County Police would have a significant impact on service delivery.** County Police response time to an emergency call is estimated at four minutes. However, since the majority of citizen-generated calls for service to the Park Police are not of the highest priority to County Police, these calls will likely wait for service while higher priority calls are dispatched. Limiting Park Police coverage under County management to only the larger, regional parks – one alternative that has been discussed in connection with a merger -- leaves more than 400 neighborhood and local parks, plus a vast network of trails, without proactive Park Police patrols and protection. For the merger to truly save money, Park Police officer and staff positions will likely be eliminated, reducing the proactive patrols and integrated supporting services that are currently so successful in keeping our parks safe and accessible. The merger would also remove the Department of Park's direct oversight and ability to send patrols to problem areas immediately.

- **The Park Police are efficient and effective and already cooperate regularly with County Police.** For many years, the Park Police have participated in a mutual aid arrangement with the County police and several municipal forces in both Montgomery and Prince George's counties. In 2007, the two forces signed a comprehensive MOU which has worked well to delineate duties, responsibilities, and expectations and coordinate the provision of services. Both forces use the same communications system, which enables 911 calls in a park to be referred immediately to Park Police or picked up directly by Park Police officers. Both forces are on the same radio system and can back each other up, as needed. Efficiencies have been gained without costly personnel moves or detrimental service level impacts.

If a merger were to take place, we are concerned the County will end up paying more for fewer officers to protect our parks. If we remove the current practice of proactive patrolling of all of our parks, crime and illegal activity in our parks is certain to increase. This in turn places our park users at greater risk and makes our parks less attractive to residents and businesses, weakening the value of one of the County's greatest assets.

Consolidate County Information Technology Leadership into a single, Independent CIO

We believe this recommendation requires additional consideration and support the County Executive's recommendation that the CARS Information Technology Subcommittee conduct a full assessment. We look forward to continued dialogue with our colleagues on this matter.