

Contracting or Consolidating Law Enforcement Services

Contracting or Consolidating Law Enforcement Services:

Why it is not Prevalent in Arkansas

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Abstract

This paper looks at history of contracting for law enforcement services in IZARD and Independence Counties and why contracting or consolidating agencies has not spread to other parts of the state. In many states from Florida to California, contracting between county sheriff's offices and cities is common with consolidating of city/county less common but are both seen as a means to save dollars and increase the efficiency of law enforcement services. The issues of local control and the tradition of having police departments in every city are obstacles to counties and cities in Arkansas using contracting or consolidation of law enforcement services.

**Contracting or Consolidating Law Enforcement Services: Why it is not Prevalent in
Arkansas**

In 2020, the State of Arkansas had over 230 law enforcement agencies with over 6,700 sworn law enforcement officers. These agencies range from small, one law enforcement officer police departments to large city departments and on top of these numerous agencies, there is a county sheriff's office in each county. This leads to counties with multiple agencies with separate jurisdictions but often dealing with the same criminals and the same issues yet with limited budgets and manpower. In other areas of the United States, we have seen county and cities contract for law enforcement services or even consolidate into a city/county agency leading to better fiscal management and greater efficiencies yet we have not seen this in Arkansas except in one area of our state. In Izard County and Independence County, something very rare in Arkansas happened with counties and cities signing interlocal agreement where the sheriff's office contracted for law enforcement coverage in cities while continuing their normal duty of police coverage in the unincorporated areas. Recently, the interlocal agreement between Independence County and Batesville was terminated due to fiscal and local power issues. Due to local governments wanting control of their funds and wanting accountability from the officials who are responsible for their services along with the tradition of having a police department in every city, contracting of law enforcement services or even consolidating city/county services will continue will not be considered as ways to optimize law enforcement in Arkansas.

THE START: CONTRACTING IN IZARD COUNTY

On June 17, 2021, I spoke with Izard County Sheriff Jack Yancey. He was first elected as sheriff in 1979. He retired after several terms but was recently appointed as sheriff to serve out this term for the elected sheriff who passed away. Sheriff Yancey said when he started as

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sheriff in 1979, he went to the two-week National Sheriffs' Institute course in Los Angeles. This was a free sheriff's management course paid for by the National Sheriffs' Association. While in Los Angeles at the course, he found out that it was a common practice in the western states for county sheriffs to contract with the cities. The Los Angeles County Sheriff's Department contracts with numerous cities in their large county. When he came back to rural IZARD County, he saw a need for it there. Melbourne, Calico Rock, and Horseshoe Bend all had town marshals and he felt that if could contract with the cities, they could form one law enforcement agency that can serve all needs of the IZARD County residents. He approached Calico Rock first in 1981 and they agreed to contract with IZARD County. This was the first such agreement in Arkansas. Six months later, he approached Melbourne and they agreed to contract. He did not reach an agreement with Horseshoe Bend.

Sheriff Yancey said Batesville contracted with Independence County soon after IZARD County contracted with their cities (Yancey, J., personal interview, June 17, 2021). Independence County is their neighbor. They did it differently and created a "Metro" division. Sheriff Yancey did not want this for IZARD County because he believed the "Metro" unit causes a division within the Sheriff's Office and he wanted his agency to be seamless with no boundaries. There are arose political fights within Independence County with local control and funding as big issues and they terminated their agreement.

Sheriff Yancey said the contracts work extremely well in IZARD County (Yancey, J., personal interview, June 17, 2021). They have eighteen deputies and four school resource officers and would not have an agency this size without the cooperation of all of the cities. With Horseshoe Bend contracting with them, there are no police departments in IZARD County. Contracts are a cost saver but Sheriff Yancey believes the main reason to contract is creating one

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agency with no jurisdictional disputes and with information and criminal activity intelligence shared with all in the agency. Also, the city mayors like it because they can focus on other issues in their cities and not have to worry about the complaints and budget issues that come along with a police department.

Sheriff Yancey believes that contracting is not widespread in Arkansas because we tread the same path and are used to the way it is (Yancey, J., personal interview, June 17, 2021). Mayors and cities like to have control within their borders and since law enforcement is always a major issue, having their own police department allows them to directly address it.

On June 16, 2021, I interviewed IZARD County Chief Deputy Charles Melton by phone. Chief Deputy Melton stated the Sheriff's Office does not have "Metro" units in the contracted cities and all deputies wear the same uniforms and have the same vehicle graphics. IZARD County is a small county with approximately 14,000 residents. Melbourne is the county seat with a population of approximately 1,800 and is home to the IZARD County Sheriff's Office and Detention Center. Melbourne pays approximately \$150,000 per year and purchases a new patrol vehicle every three years. The Sheriff's Office does not have a deputy specifically assigned to Melbourne since their office is there and they usually have someone present. Calico Rock has approximately 1,500 population and they pay \$100,000 per year and they have a deputy assigned solely to the city for half a day. Several years ago, the Calico Rock mayor and the sheriff during that time did not get along and Calico Rock cancelled the contract. A few years later, IZARD County and Calico Rock contracted again for law enforcement services. Calico Rock also passed a sales tax where part of the tax pays for the contract. In 2013, Horseshoe Bend, a city of approximately 2,100 people, disbanded their city police department and dispatch center. The city looked at the numbers and believed that they could have the same law enforcement coverage

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with the IZARD County Sheriff's Office for less money than having a police department because they could use the Sheriff's Office dispatchers instead of their own saving them all of the money it took to staff and run a dispatch center. Horseshoe Bend pays approximately \$250,000 per year and they a deputy assigned to the city 24-hours per day.

Chief Deputy Melton stated the contracts are doing really good (Melton, C., personal interview, June 16, 2021). The key is communication between the cities and the Sheriff's Office. They go to the city council meetings and give reports and they are constantly in communication with the mayors. Chief Deputy Melton knows how local control and how funds are spent can be an issue between counties and cities in contract cases. The dispute in neighboring Independence County between the county government and the city government has been going on years before their interlocal agreement was terminated and these issues went beyond the interlocal agreement to other fiscal issues. Chief Deputy Melton recognizes that IZARD County's contracts with their cities is very rare in Arkansas and understands that in order to keep the contracts, they have to remain open with the cities and address their law enforcement needs and fiscal issues.

PROBLEMS ARISE: CONTRACTING IN INDEPENDENCE COUNTY

On June 8, 2021, I interviewed Independence County Sheriff Shawn Stephens at the Arkansas Sheriffs' Association Conference in Jonesboro. Sheriff Stephens joined the Independence County Sheriff's Office in 2007 as a patrol deputy and the interlocal agreement between Independence County and the City of Batesville was in effect at the time. He has worked in both the county and in the Sheriff's "Metro" unit that was assigned to Batesville. He said the interlocal agreement was terminated in 2015, two-years before he became sheriff in 2017. He grew up in Independence County so he has been aware of the interlocal agreement throughout his life.

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Sheriff Stephens believes the interlocal agreement was contracted in 1981 or 1982 and the main reason for the agreement was to obtain more resources for law enforcement in their area (Stephens, S., personal interview, June 8, 2021). With combining the populations of the city and county under one law enforcement agency, they had more influence to obtain state and federal funds including grants. Plus, Independence County and Batesville were smaller back then and it was easier to cover calls in the city and county. As time went by and Batesville grew, the city officials believed that they could get more patrol coverage with the same amount of money paid to Independence County if they had their own police department. The city officials believed the deputy sheriffs assigned to the “Metro” division were not enough and went outside of the city too much. This led to an effort to form their own police department and the interlocal agreement was terminated in 2015. Sheriff Stephens said Batesville is receiving better coverage now with their own police department than the city was provided by the Sheriff’s Office under the interlocal agreement. Sheriff Stephens referred me to Thomas Bryant, a Batesville City Council member, who is very knowledgeable on the interlocal agreement and who spent time as a city council member studying both sides of the issue when the movement to terminate the agreement began.

On June 15, 2021, I interviewed Thomas Bryant by phone. He has been a city council member for over ten years and grew up in Batesville. In the 1970s, Batesville had a small police department and the city police chief was also a Honda mechanic. There were no standards for a police department back then and the Independence County Sheriff’s Office was a respected agency and the city felt that combining the agencies would adequately fund a larger agency that

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would better serve both the city and county and make it a larger agency to receive funds. The interlocal agreement worked good for many years and was amended several times.

According to Mr. Bryant, problems arose because the county was under-funding the Sheriff's Office due to the large amount of money provided by the city (Bryant, T., personal interview, June 15, 2021). He said historically, cities have more access to funds due to taxes and state turnback funds than county governments who are less-funded. Due to the interlocal agreement, the Sheriff's Office was required to have a "Metro" unit that was funded by Batesville who also paid for the uniforms and patrol vehicles for the deputy sheriffs assigned to the city. The city-funded "Metro" vehicles were supposed to have distinctive graphics to show they belong in the city. The city paid for several new vehicles a year while the county government was only funding new vehicles every few years for the deputies working in the unincorporated areas and this led to a disparity between the deputies according to where they were assigned to patrol. Also, the county was not providing enough funds to provide an adequate number of deputies to patrol the unincorporated areas so "Metro" unit deputies were continuously leaving the city to help in the county. The sheriff at that time assigned deputies who lived far out in the county to the "Metro" division and the city funds were used to pay for their gas to drive between their homes and the city. There were even a few deer versus patrol accidents way out in the county involving patrol vehicles bought by the city. Many people in the city felt that the county government was deliberately under-funding the Sheriff's Office because the Sheriff's Office could pick up the slack with the city-funded "Metro" unit.

Mr. Bryant stated another issue arose in 2007 when Independence County built a new detention center (Bryant, T., personal interview, June 15, 2021). The county put forth a tax to pay for the building of the detention center but not for the yearly operation of the newer and

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bigger facility. The tax passed, the facility was built, and the county did not have enough funds to adequately staff it so funds were shifted from the sheriff's law enforcement budget to the separate detention budget. This led to deputies assigned to the "Metro" division to be used even more and more in the unincorporated areas of the county accounting for less deputies covering the city. Many in the city also felt like the "Metro"-assigned deputies were only answering calls as needed and not patrolling streets and engaging the community.

After 2010, Mr. Bryant said there was much discussion in the Batesville City Council about what kind of law enforcement services the city could receive if they took the 1.2 million dollars per year they paid to Independence County and formed their own police department (Bryant, T., personal interview, June 15, 2021). The city would then have accountability over the police department and the officials who ran it. The studies showed they could have five officers per shift to cover the city versus the three or so deputies assigned to the "Metro" unit who often left the city to back up the understaffed deputies assigned to patrol the county. This led to the termination of the agreement and the formation of the Batesville Police Department.

Mr. Bryant said another problem that plagued the agreement throughout the 34 years was the politicians themselves (Bryant, T., personal interview, June 15, 2021). As in any elected office, the county sheriff, county judge, quorum court members, mayors, and city council members turnover and new people are elected. They have different ideas and some do not know all of the history behind the agreements made by previous elected officials. This leads to division and the argument for change. In Batesville and Independence County, the city and county governments have been disagreeing over other major issues besides the interlocal agreement for the past decade and this also led to a fatigue with the interlocal agreement and a feeling to part ways.

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After the interviews, I researched more on contracting in Independence County. In 2014, the City of Southside incorporated in Independence County to prevent Batesville from annexing the area (Arkansas Money & Politics Magazine, 2020). Southside contracts with Independence County for police services and included a computer terminal in their new city hall for the deputy assigned to the city. Southside has 3,901 residents (Encyclopedia of Arkansas). Independence County also contracted with another city, Pleasant Plains, in 2017 who paid them \$50,000 for police services (Bagwell, 2021). In May of 2021, the city terminated the interlocal agreement with no reason given.

CONTRACTING AROUND THE COUNTRY

Contracting of police services is common in other areas of the United States. In a study completed by the Program on Police Consolidation and Shared Services at Michigan State University (Wilson, Weiss, and Chermak, 2014), the authors stated:

Such contracting dates back at least to the 1950s, when the Los Angeles County Sheriff's Department offered services to municipalities seeking to reduce their costs (Lloyd and Norrgard, 1966). Often law-enforcement agencies have sought to share services as technology emerges or new problems emerge that transcend communities or require more resources than a single academy can afford, with such efforts sometimes resulting in a full merger between adjacent jurisdiction or across a region

In recent years, contracting had been widespread, used most frequently in Arizona, California, Florida, Illinois, Minnesota, Oregon, Vermont, and Washington (Nelligan and Bourns, 2011). Within these states, the Los Angeles County, California, Sheriff's Department (2009) provides contract law enforcement services to 40 communities, while

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the King County, Washington, Sheriff (2013) offers contract services to nearly 20 cities and special jurisdictions.

The study noted that from 2009 to 2012, police agencies were experiencing budget cuts yet had an increasing demand from the public for police services and this led to contracting and consolidation as options. Budgeting and resources are the most common reasons for contracting which can provide a higher level of service and more efficiency since “the American policing system is highly fragmented, leading to a significant duplication of local services that consolidation through contracting can mitigate” (Wilson, Weiss, and Chermak, 2014). The study noted that local control and loss of community are issues noted as disadvantages to contracting but it also noted many instances of cost savings for cities. Local control issues can be worked out with cities through contracting in determining such issues as appointing an executive level Sheriff’s Office employee to serve as the “police chief” who works with the mayor and city council or allowing the cities to “brand” their assigned deputies with different uniforms or police car graphics to give them a sense of identity.

Many times, sheriff’s offices are contracting with small towns or cities in providing them with law enforcement coverage. Even though the sheriff’s offices are required to cover cities and towns that do not have police departments, contracts can ensure that a deputy is patrolling the city exclusively instead of just showing up to answer calls (Hawkes, 2012). Nelligan and Bourns (2011) stated there is also a trend for sheriff’s offices or larger cities to contract police services with smaller cities and towns as well:

In other states such as Florida and California, cities contracting for law enforcement services is common.

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Rather than having a traditional, municipal police department nearly 30% of the 478 cities in California contract with their county sheriff for police services. The usual rationale is that contracting with the sheriff costs less than establishing and operating a city police department.

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Mean annual per capita police expenditures are much lower in the contract cities statewide, in both the northern and southern regions, and in three of the four southern California counties where contracting is most prevalent. Finally, contract cities have on average significantly higher clearance rates for violent crimes than department cities (especially in Los Angeles County) and the same clearance rates for property crimes. It does not appear that contract cities are paying less because they are getting lower quality police service, at least as measured by crime clearances.

In an article in 2000, the L.A. Times stated the Los Angeles Sheriff's Department contracted with the city of Compton to take over law enforcement for the city for \$12 million due to high crime rates and a proposal by the Sheriff of more patrols for less money (Garrison, 2000). The city police department was disbanded and the Sheriff's Department took over coverage. In a study funded by the U.S. Department of Justice, the authors stated: "after contracting, Compton saw improved police performance as measured by crime clearance rates, a unique reduction in property crime, and maintenance of cost savings realized from the initial contracting" (Wilson, Chermak, Corsaro, Grammich, and Gruenewald, 2019). The study concluded that consolidation and contracting can lead to an overall reduction of crime and a reduced cost for law enforcement services.

ANOTHER OPTION: CONSOLIDATION

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Instead of contracting, some agencies have consolidated into a larger agency. This usually happens between the largest city in the county and the county sheriff's office which leads to one agency that covers both the city and unincorporated lands outside of the city.

Consolidation mostly has happened in large metropolitan areas.

The Las Vegas Metropolitan Police Department is a law enforcement agency that consolidated a city police department and a sheriff's office and kept the elected sheriff as the head of the agency. According to the Las Vegas Metropolitan Police Department website, this was a rocky process and even though local officials were opposed, the state legislature in 1973 passed Senate Bill 340 consolidating the two agencies (lvmpd.org). The website states that there were significant costs at the start of the consolidation with the most expensive being the equalization of salaries and benefits especially since this involved employee bargaining negotiations. But once this was completed, there were many benefits of consolidation including improved communication and the sharing of information especially with criminal activities. They also have increased purchasing power that stretches the dollar during budget since their funding is based on a formula using the number of calls for service, population, and felony crimes. Their website states:

It did not seem reasonable that two departments should exist side by side, both providing the same services for adjacent or surrounding areas with little communication and joint effort between them. This was an expensive luxury which government should find increasingly difficult to afford. We, therefore, took two highly professionalized departments and merged them into one department, thus creating one we believe is much better because of that merger. We have erased boundaries, so that now the criminal cannot find seclusion in one area or another since the department now covers all of the

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area formerly policed by the two separate departments. Our communications is now within the organizational structure.

The Las Vegas Metropolitan Police Department is now an agency with 5,800 members including 2,900 law enforcement officers (lvmpd.org).

Did consolidation work for the Las Vegas Metropolitan Police Department? In an article in the Las Vegas Sun newspaper twenty-five years after consolidation, the writer stated that it was a consolidation plan that worked (Zekan, 1998). She interviewed a sergeant who was a 27-year veteran of the agency and who was present during the consolidation. He said when they consolidated, tensions were high, they did not get along, and there were fist fights in the parking lot. After about a year when everything from uniforms to badges to patrol cars were standardized, the consolidation worked and it became the department they are today.

In Jacksonville, Florida, the city and county governments were totally consolidated including their respective law enforcement agencies. According to the official website of the Jacksonville Sheriff's Office, the consolidation of Duval County and the City of Jacksonville began in the 1960s with the efficiency of government and improvement in local services as the primary goal of the consolidation movement (jaxcsheriff.org). The Jacksonville Historical Society noted the 1960s were a time of political scandals, the indictment of city officials, and "white flight" from inner city to outside of the city limits causing a population decline, a stalled economy, and skyrocketing property taxes and the push for consolidation was successful with the residents of Duval County voting 65 % in favor of consolidation. The Jacksonville Historical Society noted that:

Jacksonville's consolidation with Duval County in 1968 ended much duplication of urban services and provided political access for minorities. It also kept middle-income residents

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as taxpayers and voters, while attracting national corporations to relocate, providing jobs and tax revenues.

Today the agency has 3,500 employees including civilians, correctional officers, and 2,000 of them sworn law enforcement officers (jaxsheriff.org).

The Metropolitan Nashville Police Department covers the City of Nashville and Davidson County. According to Bucy's paper "A Short History of the Creation of Metropolitan Government for Nashville-Davidson County", Davidson County had dramatic growth after World War II with people moving out of the inner city of Nashville and into the suburbs straining the city government's finances. The suburbs grew but did not have the services, libraries, and parks provided by Nashville. There were also redundancies in services provided by the city and county governments. Bucy noted that consolidation was debated for twenty years which ended in a consolidation vote in 1962 forming the Metropolitan Government of Nashville and Davidson County. Wachter (2019) stated:

The establishment of Metro Nashville included consolidating the police departments of both Nashville and Davidson County. Nashville's police department had developed a reputation for "graft and corruption," and consolidation offered an opportunity to reorganize the force, get a fresh start, and rededicate efforts toward better training and the recruitment of more highly educated cadets.

Major crimes fell and, in a poll, people's opinion of law enforcement rose after the consolidation.

The author believes that consolidation has served Nashville and Davidson County well.

In this consolidation of city and county governments, the office of sheriff was retained as an elected county official but lost the position of conservator of the peace in the metropolitan government which was transferred to the metropolitan chief of police (Charter of the

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Metropolitan Government). The sheriff retained custody of the metropolitan jail (Charter of the Metropolitan Government).

In a major difference between contracting and consolidation, we have seen consolidation mainly in large metropolitan areas and the consolidation usually includes other government services (except for Las Vegas and Clark County which only consolidated the law enforcement agencies). In Arkansas, there was one consolidation to note and it was between two cities in eastern Arkansas. In Philips County, the cities of Helena (the county seat) and West Helena sit side-by-side. In 2005, the citizens of both cities passed a referendum to merge their cities into one: The City of Helena-West Helena (Troy, 2005). The referendum was put forth by a citizen's group and was opposed by some local politicians including the mayor of West Helena, the larger of the two cities. According to Rex Nelson (2007), both cities were rivals to each other, had bad debt, and an aging infrastructure. Through the merger and an economic development plan called The Delta Bridge Project, development is happening in the city and finances have improved.

CONTRACTING OR CONSOLIDATION IN ARKANSAS: NO APPETITE FOR IT

In America, we are always looking at ways to innovate and makes things matter. We brainstorm, we throw everything onto the table for discussion, and we find ways to make things happen. Yet, we also seem to be set in our ways, especially in Arkansas where conservative and rural ideals are strong. These ideals include independence. With these competing factors, can we consider contracting or consolidation in improving law enforcement in Arkansas?

Recently, due to the unrest in our nation over the last year, Arkansas Governor Asa Hutchinson appointed a Task Force to Advance the State of Law Enforcement in Arkansas in June 2020 to make “recommendations to the Governor on enhancing trust between law enforcement and communities, and improvements or changes needed to enhance the profession

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of law enforcement to ensure compliance with standards” (governor.arkansas.gov). When the task force came out with their recommendations, police consolidation was not among them (Moritz, 2020). Granted, this task force was a response to law enforcement actions that stirred racial unrest but the task force’s recommendations do show that consolidating agencies or contracting with other agencies to combine agencies is not something that is in discussion as a means to make law enforcement more effective and standardized.

Reasons for contracting or consolidating law enforcement services include saving money through a consolidation of services, making law enforcement more efficient in a county by having more law enforcement officers under the same agency to work together and share information, and in relieving liability and the pressures of having a police department in a city. Even with these reasons, contracting and consolidation are not widespread. In fact, I have not found this in any other areas besides Izard and Independence Counties.

I believe that contracting and consolidation are not widespread in Arkansas due to the traditional thinking that cities are independent and the mayors want local control over police services and that budget shortfalls are rare to extent that cities are not considering saving money by contracting or consolidating their police services. In a paper on consolidating law enforcement services in Florida (Aden, 2021), the author stated:

The discussion finds much opposition for many reasons. Predominately, the idea of losing control of their local law enforcement agencies does not appeal to most Americans that live outside large urban areas. Americans that live in rural areas feel they would lose identity, independence, and influence. Rural Americans prefer as little large government intrusion as possible. Secondly, most leaders of small departments would lose the control of the quality of employee they hire. Additionally, many people view regional law

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enforcement as more expensive to the taxpayer than that of a smaller, relatively modest municipality. The argument is supported in rural areas where citizens reject the idea that they need additional protection or services that could be offered by a regional force.

Lastly, most of the small police departments across the United States maintain a good rating by their citizens.

I believe that Aden's characterization of the opposition in Florida is the same as Arkansas. Due to such factors, Arkansas will most likely remain the same with city police services under a city police department.

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