



Iowa League of Cities

Special Report

Law Enforcement

One of the key services a city provides its citizens is law enforcement. Residents and property owners want to live and work in a community that is safe and protected from crime. While all cities in Iowa are required to provide effective law enforcement services, the method to deliver the service can vary from city to city. Additionally, the costs to provide public safety and law enforcement continue to rise, forcing city officials to carefully consider how they will supply such services.

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Appendix

The appendices associated with this report are intended to assist cities when reviewing their law enforcement options. City officials are reminded and encouraged to work with their city attorney to ensure the city's interests are protected. All appendices are available at www.iowaleague.org.

Appendix A: Estimated Police Department Operating Costs

Appendix B: Sample Law Enforcement Training | Reimbursement Contract

Appendix C: Sample City-County Law Enforcement | Budget Breakdown

Appendix D: Guide to Creating Law Enforcement Contract

Appendix E: Example Unified Law Enforcement | District Agreement

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Law Enforcement a Required Service of Cities

The provision of law enforcement was not always required in Iowa and how cities have delivered the service has evolved over time. Historically, small cities in Iowa that could not afford a police department relied on the county sheriff to provide law enforcement. However, county sheriffs eventually began requiring cities to enter into intergovernmental agreements with the county to receive law enforcement protection. Cities that could not afford an arrangement or a local police force simply did not provide law enforcement. In 1997 the Iowa Supreme Court handed down a decision interpreting state law to say that cities are required to provide law enforcement in their community. The decision did not specifically state how a city must provide the service, only that law enforcement was an essential service. Thus, it is up to the city council to decide how to provide law enforcement, such as through the city's own police department or through an agreement with another agency.

The City Police Department

A city can enjoy several benefits by operating its own police department. Having a local police force enhances community pride and the peace of mind citizens feel when they see a police car patrolling their streets with the city's name on it. A city police department also allows for faster response times during an emergency. City officials can assess and prioritize their community's law enforcement needs, giving them greater control over the services delivered. Finally, a city council has budgetary authority over a city police department and can plan for future funding needs.

While there are some obvious benefits to operating a city police department, it is important to keep in mind how it will impact a city's budget. There are significant start-up and operating costs involved in running a police department. A breakdown of some basic initial costs and annual operating expenses is included in Appendix A. The breakdown does not include the costs of office space, computer and communication equipment or other supplies necessary for the operation of a local police department. In addition to the costs, running a city police department involves appointing a police chief and hiring officers, each of which has its own process to follow.

Appointment and Dismissal of Police Chief

The vast majority of cities in Iowa use the Mayor-Council form of government. As described in *Code of Iowa* Section 372.4, under this form the mayor has the authority to appoint and dismiss the chief of police. However, an appointment or dismissal is subject to approval by the city council and the mayor is not allowed to vote. This arrangement may create a difficult situation if the mayor and city council disagree on the hiring or dismissal of the police chief. If the council refuses to consent to the police chief appointment proposed by the mayor, a person may not be hired. Likewise, the mayor may not be able to take appropriate disciplinary action if the council does not approve the dismissal of a police chief. To avoid potential problems such as these and general animosity between the mayor and council, the two parties should work together when searching for and administering disciplinary actions to the police chief.

Other forms of government might grant the authority to appoint and dismiss the police chief to another individual, such as the city manager. It is important to understand how the appointment and dismissal process works before taking any action.

Iowa Law Enforcement Academy Requirements

The Iowa Law Enforcement Academy (ILEA) provides training for police officers in Iowa to become certified. While all officers must be certified, cities are allowed to hire an uncertified officer and send the individual to the ILEA for training. These officers must complete their training within one year of their employment. Cities should carefully consider liability implications before placing untrained officers on duty. Another option is for a city to sponsor a trainee to attend the academy. While the city does not hire the trainee in this situation, they do pay a portion of the academy expense with the option to hire the individual after they have completed the training.

Retaining Officers After Training

Many cities choose to hire an uncertified police officer and pay to send him or her to the ILEA for certification. Upon graduation, the certified officer is sometimes recruited by another city. Obviously, the city that paid for the officer's training would be at a loss. This situation places some cities at a disadvantage as larger cities are often able to pay an ILEA graduate a higher salary than a smaller city. A model law enforcement training reimbursement contract is included in Appendix B for cities to use when training an uncertified police officer. The contract obligates the ILEA graduate to reimburse the sponsoring city for ILEA training expenses if he or she leaves the city's employment within four years. The amount the officer must repay is reduced by 25 percent for each year of service the officer provides. The reimbursement agreement does not guarantee the officer will remain with the city for the entire four years; however, it does help the city recoup some of its investment if the officer leaves.

Trainees are regularly reminded of their obligations following graduation. Additionally, the officer who fails to honor this contract by repaying his or her training costs may face decertification by the ILEA. If the officer is decertified, he or she cannot hold a law enforcement position in Iowa. The possibility of decertification is covered under 501 *Iowa Administrative Code* Chapter 6. Under 501-6.2(2)(d)(1), the contract must be entered into "contemporaneously with the date of employment." This means that on the date the officer begins work he or she should sign the agreement.

Other Methods of Law Enforcement

While some cities will opt to run their own city police department, others will find that they need to go a different route. State law provides alternatives to cities if the cost of establishing a local police force is too great. These alternatives include 28E agreements between cities and counties, sharing a law enforcement agency with other cities or other arrangements.

City-County Agreements

The most common method used for contracted law enforcement is the city hiring the county to provide the service. Under a city-county agreement, as authorized by Chapter 28E of the *Code*, a county sheriff provides enhanced law enforcement services for the city. Because the county sheriff is obligated to provide basic law enforcement service to all county residents (including those within city limits), any agreement between the city and county should detail specific additional services the county sheriff will provide, such as hours of coverage or enforcement of city ordinances.

When negotiating the costs of the city-county contract, it is important for the city to remember that city residents may already pay for some of the sheriff's base services through county property taxes.

■ *A sample cost breakdown for a county in Iowa that has a city-county agreement is provided in Appendix C.*

City-City Agreements

Another alternative is the city-city 28E agreement for sharing a law enforcement agency. This contract is usually between a smaller community and a larger city that already has a police department. This type of arrangement is particularly advantageous for contiguous cities or cities that are close in distance. The city with the police department maintains the administration and liability of the department, but is reimbursed for the costs of policing the additional area in the second city. Specific services to be provided, as in the city-county agreement, should be defined in the city-city agreement.

■ *A guide to creating a city-county or city-city law enforcement service agreement can be found in Appendix D.*

Unified Law Enforcement Districts

Although this arrangement is not prevalent across Iowa, some cities have found that establishing a Unified Law Enforcement District is the best option in providing law enforcement. These districts may be created in accordance to Sections 28E.21-30 of the *Code* and often include several cities in a county and the county sheriff department. In addition to the county sheriff department providing law enforcement to participating cities, a property tax levy may be established to provide more funding for the district. Such a levy must be approved by voters. If approved, a public safety commission is established to administer the unified law enforcement agreement.

■ *An example of this type of agreement is in Appendix E.*

Other Arrangements

Other arrangements for providing law enforcement are available. Two or more cities can share a police officer by hiring the officer as an employee of one of the cities or creating a joint law enforcement board between the two cities. Finally, a community may contract with a police officer from another police department to provide services to the city.

Whenever a city is reviewing its contract options, city officials need to be aware of the exact services that will be provided. The contract should detail items such as hours of coverage, enforcement of local ordinances, payment of wages, and responsibility of liability and workers' compensation insurance. It is also important that monthly reports are provided so each entity can review law enforcement activities and decide if any adjustments to the contract are needed.

Cities must decide the most cost-effective method for providing law enforcement to their citizens. Involving citizens in the decision process may help clarify the level of law enforcement the community wants. Citizen input can also be beneficial when forming a contract with the county sheriff. The county sheriff, as an elected official, needs the support of city residents in his or her county. This type of political leverage may help the city strike a balanced agreement. When working towards an agreement, both parties should have the same goal - to provide the best law enforcement service to the community at a fair price.

In researching the best options, cities may want to discuss the methods other cities in the county have used to meet this need. Cities with similar populations are also good references. For more information on this subject, please contact the League at (515) 244-7282.