



CITY OF DURHAM

**Date:** April 11, 2016

**To:** Thomas J. Bonfield, City Manager  
**Through:** W. Bowman Ferguson, Deputy City Manager  
**From:** Larry C. Smith, Interim Chief of Police  
**Subject:** Contract for Reimbursement of Costs Incurred for Law Enforcement Assistance and Accompanying Grant Project Ordinance

**Executive Summary**

On Monday, April 4, 2016, the NCAA Division One Men’s Basketball Finals took place. The University of North Carolina (UNC) was a participant. The Town of Chapel Hill expected more than twenty-five thousand (25,000) people to gather in and around its business district before, during and after the basketball game.

Past history of this type of celebration has resulted in property damage and personal injuries, and such was anticipated for this event. The Chapel Hill Police Department does not have the personnel resources to manage this magnitude of an event. Consequently, the Chapel Hill Police Department requested that the Durham Police Department provide assistance under our existing Mutual Assistance Agreement. The Town of Chapel Hill agreed to reimburse The City of Durham for the total monetary costs incurred for this assistance. Therefore, the Durham Police Department recommends that the City Council gives the City Manager the authority to execute the attached contract for Reimbursement of Costs Incurred for Law Enforcement Assistance and that Council approve the attached Grant Project Ordinance.

**Recommendation**

The Durham Police Department recommends that the City Council authorize the City Manager to execute a Contract for Reimbursement of Costs Incurred for Law Enforcement Assistance and that the City Council approve the attached Grant Project Ordinance for the City of Durham and Town of Chapel Hill for Temporary Law Enforcement Assistance on Monday, April 4, 2016.

**Background**

On Monday, April 4, 2016, The University of North Carolina men’s basketball team played Villanova University in the final game at approximately 2130 hours.

From a law enforcement and public safety prospective, the participating schools must be prepared to deal with large scale public celebrations that have historically involved wide scale public celebration. Property damage and personal injuries could be expected and a significant police presence was needed to limit damage and injuries as well as manage the crowd. The Chapel Hill Police Department does not have adequate personnel resources to

manage such an event and has to depend upon officers and deputies from outside of their jurisdiction for assistance.

On March 17, 2016, Chapel Hill Police Chief Christopher C. Blue, officially requested the Durham Police Department provide assistance in the event the University of North Carolina Men's Basketball Team would be playing on Monday, April 4, 2016.

In accordance with North Carolina General Statute 160A-288, the Mutual Assistance Agreement provides that, while working for the requested agency, a borrowed officer "shall for personnel and administrative purposes, remain under the control of his own agency, including the purposes of pay." Thus, the Town of Chapel Hill cannot pay officers from the Durham Police Department directly for assistance provided pursuant to a mutual assistance Agreement. However, the Town of Chapel Hill has offered to reimburse the City of Durham, per officer, at an overtime rate of time and one half of each officer's hourly wages, plus paid benefits.

#### **Issues and Analysis**

Without assistance from outside agencies, the Chapel Hill Police Department would most likely not to have been able to manage the crowd of people that were likely to flood the town's business district in the event of a UNC victory. In recognition of this fact, the Durham Police Department provided assistance to the Chapel Hill Police Department on Monday, April 4, 2016. The Durham Police Department had to extend its own resources to provide this assistance and it will be economically sound for the City of Durham to accept reimbursement for these monetary costs.

#### **Financial Impact**

If City Council approves the attached Grant Project Ordinance and authorizes the City Manager to execute the Contract For Reimbursement of Costs Incurred for Law Enforcement Assistance, the City will recoup all of its direct costs. Only indirect administrative costs will not be recouped.

#### **Alternatives**

The City of Durham could choose not to receive reimbursement for costs incurred for law enforcement assistance to the Town of Chapel Hill, but doing so would require the Durham Police Department to cover expenses for which it had not budgeted. This could affect the willingness of the Durham Police Department to provide future mutual assistance and subsequently have an adverse impact on the Durham Police Department's ability to receive reciprocal assistance if needed in the future.

#### **SDBE**

No SDBE summary is required.