

# Town of Waterford-Saratoga County Police Study Case Study

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**1. Municipal Characteristics**

<b>Indicators</b>	<b>Town of Waterford</b>	<b>Saratoga County</b>
2000 Population	8,515	200,635
Land Area (sq. mi.)	6.6	811.9
Assessed Value Fully Taxable	\$172,567,222	\$12,128,097,441
Full Valuation Taxable Real Property	\$383,482,715	\$13,803,606,677
Total Tax Levy		\$958,986,485
Total Debt Outstanding	\$4,367,340	\$16,105,000
Total State Aid Revenue	\$274,230	\$30,109,734
Total Revenue w/ State Aid	\$5,236,468	\$188,011,586
Debt Service	\$636,665	\$1,985,744
Total Expenditures w/ Debt Service	\$6,284,853	\$187,767,406
Expenditures:		
General Government	\$1,192,581	\$28,478,520
Education	0	\$12,780,924
Police	\$1,106,777	\$17,542,454
Fire	\$157,354	\$208,203
Other Public Safety	\$145,483	\$1,633,426
Health	\$149,476	0
Transportation	\$1,006,973	\$18,462,387
Economic Assistance	\$1,498	\$56,821,666
Culture-Recreation	\$348,108	\$1,082,848
Home and Community Svs	\$1,539,939	\$10,169,796

## **2. Project Description & Impetus**

### Financial Issues

Financial data showed that total costs for the town's police department were increasing yearly. Annual employee benefit costs (e.g., pensions and health insurance) accounted for most of the increase, but changes in government accounting standards for retirement benefits drove a portion of the increase. Because the tax base in the Town of Waterford was essentially static, the anticipated annual increases meant that property taxes would have to increase.

Figures cited in a presentation by the supervisor at the January 4, 2005, town board meeting estimated the cost of the police department as \$1,100,000 in 2004, \$1,160,000 in 2005, and \$1,252,000 in 2006. Thus, the estimated percentage increase was eight percent from 2004 to 2005 and 11 percent from 2005 to 2006.

The board considered the cost of funding the police department within the context of the total town/village budget. Costs were increasing and aid was diminishing. The supervisor anticipated growth in the police services budget from \$1,063,000 in 2004 to \$1,242,000 in 2006. Coupled with diminishing state aid and slight increases in projected tax revenues, the increases in the police services budget were a major concern.

	Taxpayer Expenditures for Police Services	General Fund Taxes Anticipated or Collected	Grants-in-Aid for Police Funding	Percentage of General Fund Going to Police Services
<b>2004</b>	\$1,063,000	\$1,316,772	\$37,000	81%
<b>2005</b>	\$1,150,000	\$1,364,495	\$27,000	84%
<b>2006</b>	\$1,242,000	\$1,456,495	\$27,000	85%

### Timing issues

Records show that the existing contract for police services was about to expire, propelling consideration of the issue. In town board minutes recorded on December 7, 2004, Supervisor Lawler noted that the police services contract had ended and it was an appropriate time to consider the issue of contracting outside the town for police services.

### Performance issues

Several interviewees acknowledged that some town officials and residents felt that the department needed tighter discipline, attributing the problem to part-time oversight. Although the referendum results suggests that a significant portion of residents felt the police performed well, it was noted by some residents that agents of the town government were probably better acquainted with police department problems than the general public. In their view, officials were not likely to make the performance issues public unless circumstances required it.

## **3. Proposal(s) and Proposed Funding**

The proposal was to transfer policing responsibilities from the Town of Waterford Police Department to the Saratoga County Sheriff. The Saratoga County Sheriff's Office would assume all responsibility for delivering police services to the Town of Waterford, including 911 dispatching. The town board would provide oversight of the services and negotiate the parameters of a new contract after the three-year

period expired. Contracting with the sheriff's office would cost \$685,000 annually under a three-year agreement, leading to a reduction in the Town/Village portion of the household tax bill of 25 percent. The proposal did not require any additional operating funds for implementation. Instead, proposal implementation would have resulted in an actual reduction of the town/village portion of residential tax bills. The sheriff's proposal guaranteed a three-year cost of \$685,500 annually, compared to costs approaching \$1,250,000 annually a few years out for continued operation of the Waterford Police Department. The supervisor explained in a public presentation at the January 4, 2005 town board meeting that the sheriff could achieve such cost reductions while providing the same scope and quality of services by reducing overtime payments and assuming increasing liability costs as a result of the economy of scale of the county-level operation.

#### **4. Legal Foundation and Legal Checklist**

Any town in New York State that wishes to abolish a police department must subject the proposal to permissive referendum (Town Law §150). A permissive referendum, also called a referendum on petition, requires several steps. First, when a town board adopts a resolution subject to a permissive referendum the town clerk must post a notice within ten days of the adoption. The notice must contain the date of the adoption, an abstract of the resolution that concisely states its purpose, and must specify that the resolution is subject to permissive referendum. The resolution does not take effect until thirty days after its adoption. During this time the voters can request a referendum. They must do so by petition, which must be signed by a number equal to five percent of the total vote cast for governor in the last general election. If this step is performed, the resolution must be put to a referendum. However, a town may, on its own, submit the resolution for the approval of the electors, as was the case in Waterford. In such a case a referendum will proceed as if a petition had been filed. The results are binding. (Town Law §§ 90 – 94).

#### **Legal Checklist**

- The town board must notify the Commissioner of the Division of Criminal Justice Services within thirty days of adopting the resolution.
- Any such law is subject to a permissive referendum.
- Within ten days of the adoption of the resolution by the town board the town clerk must post a notice containing information about the resolution, and indicating the resolution is subject to a permissive referendum. (Should a town board decide to put the resolution to referendum on its own, as happened in Waterford, a citizen petition is unnecessary. The rules apply as if a petition has been filed in accordance with the law).
- Citizens possess thirty days to present a signed petition seeking a referendum from the date the town board adopted the resolution.
- The referendum must be held within 60 to 75 days of the petition's filing.
- Objections must be filed within five days of the petition's filing.
- The town board can repeal its resolution at any time.

Source: Town Law §§ 90 – 94, 150

#### **Information on the Web**

To read the statutory provisions on permissive referenda visit:

Town: <http://caselaw.lp.findlaw.com/nycodes/c118/a20.html>

<http://caselaw.lp.findlaw.com/nycodes/c118/a24.html>

Village: <http://caselaw.lp.findlaw.com/nycodes/c129/a10.html>

For a plain English explanation of the permissive referendum in the context of the dissolution of a village police department see [http://www.oag.state.ny.us/lawyers/opinions/1998/informal/98\\_36.pdf](http://www.oag.state.ny.us/lawyers/opinions/1998/informal/98_36.pdf)

## **5. Views on the Issue**

Fiscal, professional, and quality of life concerns grounded consideration of the proposal. Some of the quality of life concerns could also be classified as emotional concerns related to the fear that abridging police services would lead to more crime and compromise personal safety. Differing perspectives on each of these dimensions were debated across the community.

### **Arguments pro:**

The supervisor, two members of the town board, and approximately 43% of the 3280 residents voting on the referendum to eliminate the police department, were in favor of the proposal.

**Fiscal:** The supervisor and town board proposed the contract for police services as fiscal stewards of Waterford. Officials wanted to ensure that essential services remained fiscally sustainable. The supervisor had been in office for more than a decade and was perceived to be a sound manager of the town's resources. At the December 7, 2004 town board meeting the supervisor declared about the proposal: "I see other bigger municipalities being offered these contracts and I would be remiss as the Chief Financial Officer of this town not to at least look at this option." Examining cost projections for policing services two years out, the supervisor determined that tax rates would continue to increase. For him, the proposal was a fiscally prudent choice.

The record of public discussions shows that declarations in favor of the proposal were framed in fiscal terms. These residents stated that the financial benefits of the proposal were clearly outlined--a fixed rate contract would save nearly \$1,500,000 over a three-year period.

**Professional:** It is evident there was significant support and admiration for the Waterford Police Department among Waterford residents based on comments recorded in the public meeting minutes and voter's ballots rejecting the proposal. However, our interviews uncovered pockets of dissatisfaction among residents not voiced during the public meetings. These residents felt that the performance of the police department was mixed and that oversight and management of the police department was problematic. The performance concerns, coupled with the potential for savings, tipped the balance in favor of the proposal for these individuals. It can be presumed that some supporters viewed the proposed dissolution of the police department as a chance to increase the level of professionalism in the provision of policing services to the town.

**Quality of Life:** Proponents of the change signaled their belief that quality of life and public safety would not be reduced, as evidenced by the sheriff's contracts for service to neighboring jurisdictions in Clifton Park and Halfmoon. Neither municipality possesses a police force. Deputies assigned to serve each jurisdiction do so exclusively. Clifton Park also contracts with the State Police for coverage by two troopers who operate a sub-station maintained by the town. Both jurisdictions were pleased with the service they receive, according to a news report in the *Troy Record* on February 24, 2005. The Clifton Park Town Board voted to increase the number of deputies in 2005 from six to nine. Town Supervisor Philip Barrett declared of the service arrangement: "It's been a great benefit to the town. They've sent us long-tenured personnel who are familiar with this town and its people. The sheriff has been very responsive to our needs. I think the response time has been great...we're getting a great service at a

great price. I don't see any need for us to change what we are doing and to create a Clifton Park police force."

Arguments Con:

Several identifiable groups opposed the proposal during the course of the public discussion. They included local police officers and dispatchers, the police unions, a neighboring police department PBA, and residents organized under, and mobilized by, the "Concerned Citizens" banner. Citizens not affiliated with any organized group voiced myriad concerns. Among the town officials, board member Scott Cuomo voted against letting the proposal proceed to referendum when the board balloted in February 2005. At the December 2005 meeting, he voiced support for maintaining the police department.

**Fiscal:** Waterford, like other Saratoga County municipalities, benefits from low county tax rates. Residents are mindful that neighboring counties experienced significant tax increases in recent years. At the public meetings, some residents mentioned they moved to Waterford specifically because of the low taxes and a favorable quality of life.

Residents in opposition examined the cost of the police department in total tax payments per household per year, and found the estimated savings to be too small to warrant what was perceived as a drastic step.

Police officers opposed the plan because it directly affected their interests. All officers were offered positions as deputies with the sheriff's office, but would lose accrued on-the-job seniority even though their retirement system accruals would have remained. Officers on the town force making \$40,000 would start at approximately \$32,000 at the sheriff's office. In addition, their vacation time allowances would be reduced below current levels, and deputies would need to serve an additional five years before becoming eligible for retirement. The proposal offered one advantage; retired Saratoga County deputies receive health benefits for self and family while Waterford officers have none. The disparities in the contract were such that a number of residents expressed the opinion that the agreement was essentially unfair to the town's officers. Lastly, the town police dispatchers would lose their jobs. Dispatchers did not meet civil service requirements and therefore could not be absorbed into the sheriff's office.

**Quality of Life:** The supervisor and the Saratoga County Sheriff assured town residents that the scope and quality of services would not diminish, but residents were used to the services of a hometown police force. At the public meetings, and in interviews, residents raised quality of life concerns. These individuals mentioned the importance of public access to a police substation (i.e., the sheriff's deputies would not be accessible to the general public), the current police officers' familiarity and bond with local residents, community policing (i.e., practices that build trust and create local crime information networks), and senior citizen assistance. Instances were cited where one or more of these features of the local police department saved lives or helped catch criminals. Some residents clearly feared the loss of the local police department, noting that Waterford is closely connected to several urban areas and is itself more urban than surrounding suburbs in Saratoga County. Some individuals noted that very few people come in contact with the police, assiduously avoiding situations that involve the law. They concluded that their own perspective and some fellow residents held a favorable view of the police department based more on the absence of negative information than any affirming information.

Police officers representing police organizations, including the Troy PBA and Council 82, attended the board meetings and spoke against the proposal. Minutes of the board meeting held December 7, 2004

showed that these officers debated the merits of the proposal with the supervisor. Further, the record shows that at least one officer and a few residents became abusive and profane toward the supervisor. One officer from a neighboring community contended that the town “would not be covered entirely” and that unpredictable dynamics, such as the effective efforts to drive out criminals from the nearby city of Troy, would increase local crime and drive up costs. He urged residents to hold onto community policing and identified it as a growing national trend.

**The Process:** Some residents mobilized under the “Concerned Citizens” banner told us they were opposed to the proposal on the merits and were upset with the closed-door process under which the proposal took shape. In particular, they were upset that the supervisor announced at the initial board meeting that he had already approached the sheriff’s department about developing a proposal. Other opponents stated that they were dismayed because they felt decision-making on important community issues should be open and transparent. Some opponents stated that they remained confused about the overall fiscal factors, though they were persuaded that the per-household savings of \$120 was not worth losing the local police department.

**Other:** Unaffiliated residents of Waterford opposing the proposal had myriad concerns. They had reservations about delegating a very important municipal function to an outside agency, citing the possibility of less responsive service. Many were worried about future costs of the contract when the 3-year period ended. Others wondered why it was necessary to fix a situation that was working well for the community, especially when there was no call from citizens to improve fiscal practices or reduce their tax burden. Opponents were unconvinced that the projected savings would be realized, that the level of services would be comparable, or that the benefits of a community-based public safety unit, deeply knowledgeable about the residents and local geography, could be replicated by the county sheriff’s deputies.

#### Local News Media Positions

The *Troy Record* published two editorials on the proposal on December 7, 2004 and April 14, 2004. In neither case did the newspaper take a position on the merits. Instead, the *Record* commented on the process, explaining the decision to approve or reject the proposal should reside with the people, not the Board. The title of the first editorial, published before the first public meeting, was “People should decide Waterford force’s fate”. The end included an exhortation: “Ultimately, this is a decision that should be made by the people most affected, the taxpayers. And if these people don’t show up tonight with reasoned argument for or against, they must accept any final decision made by the board. Let your voice be heard.” The title of the second editorial, published after voters rejected the proposal, was “Waterford set example for democracy at its best”. An assessment of the process was provided toward the end: “Supervisor Lawler and the town board members are commended for allowing a full public discussion of the issue and for providing the people with the option. The people and officials of Waterford have given us an example of representative democracy at its best.”

The *Schenectady Gazette* in its editorial column on December 11, 2004 came out in support of the proposed elimination of the police department, alleging “Waterford is a small town that could probably get along fine without its own police force...Waterford’s needs are not so vast, nor so unique, that the county sheriff’s office couldn’t do the job. It’s insulting to them to suggest otherwise.”

Additionally, former Clifton Park Supervisor Marvin LeRoy authored an op-ed published in several local newspapers supporting the proposal. He remarked that Clifton Park’s decision to contract with the sheriff for police services under his administration is still widely acclaimed today. He had this insight on

the challenges of building support for change: “With very few exceptions, my life in public office brought me in contact with people who professed to desire both efficiency and effectiveness in these local services...however, whenever proposals to reorganize regionalize, consolidate, or share services were presented, inevitably, the masses would assemble in opposition. Incredibly, included among this group of detractors would invariably be elected officials protecting their turf and every conceivable special interest group”.

#### **6. Results (adopted, amended, rejected etc)**

There was no written proposal to amend, the terms were related verbally. However, the supervisor obtained clarification from the Saratoga County Civil Service Department that current Waterford officers would not lose any accrued time in transferring to the sheriff’s department. An additional concern of citizens pertained to keeping existing officers local. At the January meeting the supervisor indicated that “after conversations with the Sheriff and the Deputies Association they came up with an agreement that both the Union and the Sheriff will do everything they can do to keep these officers right here in Waterford.” From the record of the town board meeting held in January 2005, it appears that officials agreed to do their best to fulfill this wish of the community without a binding requirement.

In April 2005, voters rejected the proposal in the ensuing binding referendum. Approximately 60 percent of Waterford’s 5,500 eligible voters, or 3,280, turned out for the ballot, 1,880 in favor of rejecting the proposal and 1,400 in favor of accepting the proposal. To compare, in the 2001 municipal election approximately 2,000 residents voted, while in the 2000 gubernatorial election approximately 3,000 went to the polls. Voters rejected the proposal in a binding referendum for a number of identifiable, but non-measurable reasons. They include (1) comfort and satisfaction with the existing police department; (2) skepticism that the projected cost savings would actually occur; (3) concerns crime would increase; (4) concerns there would no longer be a police sub-station accessible to the public, which proved effective for crime victims in the past; (5) beliefs that centralized dispatching would result in sending deputies unfamiliar with Waterford’s confusing local street names (e.g., 1<sup>st</sup> Street, 1<sup>st</sup> Avenue) to the wrong location; (6) concerns that police officers and dispatchers would lose accrued seniority, benefits, or other perquisites, (7) beliefs that the scope of services provided by the sheriff’s office could not be as extensive as existing services (e.g., helping senior citizens in their home and knowing where each senior citizen lives); (8) beliefs that property values are related to the existence of a local police department; (9) concerns about policing approaches the sheriff’s Office could not employ (e.g., community policing); (10) beliefs the State Troopers, currently providing backup, would be better than the county sheriff; (11) concerns about consolidation of political power by the sheriff; (12) concerns about the fairness of considering such a proposal in the constrained decision-making context of ongoing contract negotiations between the town and the police officer’s union—perhaps a veiled attempt at union busting; (13) beliefs that the town could augment intergovernmental grant-in-aid policing funding to offset future cost increase projections, (14) the absence of angry taxpayers demanding that officials make drastic changes to save costs and the limited actual savings to taxpayers (i.e., approximately \$120 per household, according to flyers distributed by the “Concerned Citizens” group); (15) the desire to avoid surrendering local autonomy in an important function to an outside agency that might be less responsive; (16) the sense of residents that local police know who the trouble makers in the community are and have built a network of locally-based crime informants.



## **7. Implementation**

Officials in the Town of Waterford initiated a public forum on December 7, 2004, leading to referendum, to consider a proposal to eliminate the Waterford Police Department and contract with the Saratoga County Sheriff's Office for police services. Supervisor John Lawler announced the proposal at the town board meeting, and requested that the sheriff make a presentation on the proposed contract. The supervisor distributed handouts that summarized the proposal terms, but did not provide a written version of the sheriff's proposal at that time or anytime thereafter. The public was invited to discuss its merits that evening and at two meetings held over the next two months. The meeting grew very contentious and town officials established ground rules for participation in subsequent public discussions of the issue. These rules required residents to register in advance to make a public comment and limited speakers to two-minute statements or questions.

Records indicate that the sheriff's office prepared the proposal at the request of town officials after the supervisor learned of similar contracts between the sheriff and the Towns of Halfmoon and Clifton Park. Town officials stated that the purpose for the proposed transfer of policing responsibilities to the county sheriff was to reduce taxpayer costs for public safety. While this was clearly the central issue, it was not the only factor. The timetable for considering the proposal was tied to the expiration of the current police contract, and police performance issues.

The town board used three meeting sessions – December 7, 2004, January 4, 2005, and February 1, 2005 – for a public discussion of the proposal. As required, the supervisor notified Council 82, the policemen's union, in November 2004 of the decision to hear the proposal from the sheriff. Approximately 60 people spoke at the first meeting, including three police officers, in a serious and sometimes heated, personal exchange going back and forth between residents, members of the board, the supervisor, the sheriff, police officers, and outside-the-Town supporters of the police department, such as union representatives. The Supervisor distributed handouts explaining the proposal. The vast majority of those speaking wanted to maintain the Police Department, some wanting to do so even if they must pay higher taxes. Not a single person explicitly declared support for adopting the proposal.

According to a December 11, 2004, *Schenectady Gazette* news article, approximately 200 people attended a meeting that day of the town board, mostly expressing opposition to the plan. The article suggested that police families and friends encouraged a throng of individuals to attend the meeting, potentially delivering a first-blow great enough to overwhelm the board and force it to abandon consideration of the proposal. Twenty-one people spoke at the second meeting, including two police officers and a former police officer. Only two individuals expressed clear support. Following a PowerPoint presentation on the proposal at the second meeting, the supervisor stated "within the next 30 days, the Town Board will consider a resolution to abolish the Town Police Department and sign a contract with the Saratoga County Sheriff's Office to provide police services to the Town of Waterford. If that resolution were passed, the Town Board and the Town Police Department have both agreed to submit that decision to a binding referendum of Waterford voters. The decision of the voters will be final."

At the following meeting on February 1, 2005, members of the Board adopted Resolution # 5 stipulating that "the Town Board hereby calls for a public hearing to be held on February 10, 2005...on the issue of whether the Town Board should pass the accompanying Local Law Number 1 of the Year 2005, and if passed, a resolution submitting said local law directly to the qualified electors of the town to accept or reject the subject local law." The special session generated turnout of approximately seventy-five

individuals on an evening characterized by a February 11, 2005, news article in the *Troy Record* as raw and icy.

One resident interviewed for this study attended the January and February public meetings and provided this summary perspective on the process:

*The presentation delivered by the supervisor at the January meeting was professional, and focused on police budgets and expenditures (e.g., benefits and equipment maintenance). The sheriff was in attendance at this meeting but did not present any material, although he answered a few questions. His attitude was not reassuring to the public because he appeared somewhat non-committal. The presentation was followed by a thirty-five to forty minute question and answer session. Individuals were provided ample time and opportunity to ask some initial questions and address some concerns. Many people present seemed to be unconvinced about the quality of the services under the proposal, or expressed skepticism about the financial projections. The commitment made by the supervisor to go to referendum was well received by the audience. The meeting at moments became emotional, and the supervisor became abrasive at times.*

Another resident who attended the January and February public meetings provided this summary perspective on the process:

*The format of the presentation to the public was effective from a fiscal perspective. The sheriff delivered the proposition of the contract, and stuck to the facts. The public perhaps did not see him as particularly eager to be a constructive element to this process beyond just presenting the contract. However, it was prudent of sheriff to act the way he did, sticking to just the facts. There was some concern from the public that the financials would not hold up over time. The real concern was whether the quality of the services would be equal to the services being provided at the time. The main issue was community policing. People seemed to think that sheriff's department would be mostly a road patrol and the deputies would not 'know' the community. Ample time was given to the community to work through the issues—approximately six months between the time the issue was presented and the date of the vote.*

An outside observer offered this summary of the public meetings and campaign activities:

*There was no scandal, nothing was held back, no truths were twisted. The details were clearly published, forums were held, citizens were given a chance to comment and speak out. Police, as an interested party, canvassed the community door-to-door seeking votes and signs started popping up in people's lawns either for or against the merger—just as in any other vote.*

After the three public meetings, the supervisor sent a letter to residents summarizing the main points he thought should be considered. The letter explained the reasons the town entertained the proposal, the terms and costs of the proposed contract, the anticipated effect on property tax rates, and the plans for hiring the Waterford officers as county deputies. The pro-local police department groups used brochures, signs, newspaper ads, and door-to-door canvassing to sway voters.

Members of the town board voted 3-1 at the public hearing on February 10, 2005 on Local Law Number 1 of the Year 2005 to specifically place the proposal before voters in a binding referendum, fully recognizing how contentious the matter was for residents. According to the *Troy Record*, in an article on February 11, 2005, one member of the Board voted against the proposal and another member of the Board was absent. If Board members approved the proposal but did not specifically establish a referendum, the burden of activity would have shifted to voters to organize a petition achieving a legally established threshold number of residents calling for approval by voter ballot.

## **8. Expectations vs. Implementation**

Proponents thought implementation of the proposal would save the community money now, and presumably down the road, and that they would improve the professionalism of police services delivered to residents.

Opponents believed implementation of the proposal would unacceptably reduce the scope and quality of services and decrease personal safety.

However, the expected results of implementation are less salient in this case than the consequences arising as a result of voter rejection of the proposal in a binding referendum. There were fiscal, political, and emotional consequences as a result of the public dialogue process and voter decision to reject the proposal. The apparent fiscal consequences were continued increased operating costs for the police department that outpaced growth of the tax base. The political consequences included the spontaneous formation of a grassroots resident-based organization called "Concerned Citizens," which mobilized residents against the proposal, and led to a revival of the long-dormant democratic party in the town. The emotional consequences included a turn toward personal attacks in public meetings and a residue of hard feelings among people who have lived together for many decades, and still must do so. Many residents we contacted were reluctant to revisit their experiences and insights with us because they didn't want to open old wounds. Some residents who were willing to speak expressly articulated concerns about confidentiality, explaining their unease about the possibility of specific reprisals in one form or another. No opponents claimed the proposal violated existing labor laws.

There were no steps taken or agreements reached concerning evaluation or measurement.

There are no implementation results to assess because voters rejected the proposal in a binding referendum. The immediately measurable results are the costs incurred for the three-year period, the majority of which has elapsed, of continued funding for the Waterford Police Department compared to the cost of the Sheriff's contract, although it is not known what the costs would be after that. If the voters accepted the proposal, but residents wanted to reestablish the local police department after the three-year contract, the initial savings may have evaporated due to intensive capital startup costs. This scenario is not inconceivable. A suburb outside Syracuse went through these steps

## **9. Factors contributing to success/failure/Lessons Learned**

Section 6 identifies 16 reasons for the rejection of the proposal that surfaced in interviews and public documents. Isolating and clustering these factors helps deconstruct the prevailing sense that resistance to changes in policing is simply a knee-jerk reaction to a threat to local control. Analysis suggests that there are five factors connected to rejection of the referendum in the Waterford case:

- The proposed arrangement failed to offer residents a credible substitute for the perceived system of local accountability and voice in matters of public security
- The proposed arrangement failed to offer residents a credible substitute for the perceived law enforcement philosophy in place
- The proposal did not address any compelling problems with public security or local finances for the majority of residents
- The process was closed up to the point that the proposal was outlined
- Opponents, particularly the policing community responded aggressively to the proposal, effectively using emotional arguments and tactics to thwart a fiscally rational proposal

Accountability and voice: The proposed arrangement failed to offer residents a credible substitute for the perceived system of local accountability and voice in matters of public security.

Interviews and public documents demonstrate that residents had a sense that the police force was responsive to a range of needs in the community that went beyond criminal matters. Public comments during consideration of the proposal highlighted more than a dozen instances of police services construed as above and beyond the strict requirements of duty. Residents consistently stated that the police force was responsive to citizen's needs and accountable to their will.

In actuality, the police supervisor, the town supervisor, and the town board were accountable for the conduct and professionalism of the police force and acted to achieve compliance from officers. As well, the supervisor and town board gave residents voice on matters of public security through their day-to-day interactions with both residents and officers. The loss of control and voice anticipated by residents might be more accurately understood as loss of control on the part of Waterford's officials over policing operations. To residents, the 'accountability line' in public security matters under the new proposal instantly became fuzzy, control was splintered between two sets of independent officials, and responsiveness jeopardized. The proposal did not sufficiently define the ways that the contractual relationship would affect these issues.

Law enforcement philosophy: The proposed arrangement failed to offer residents a credible substitute for the perceived law enforcement philosophy in place.

Security is an enduring policy value that clearly emerged in public discussions in 2005 and throughout the case interviews. Residents expressed a basic need to feel safe and secure in their property and person. Many residents commenting in the public record, and later in interviews, stated that they could not be sure that the level of surveillance and prevention would be sustained under the sheriff's proposed contract. It was a risk that they were not willing to take even if taxes increased as a result. Moreover, citizens consistently noted a viewpoint about public safety practices that they identified with Waterford. This viewpoint or philosophy had to do with a premium placed on keeping residents and their property safe from a variety of non-criminal hazards and incidents (saving animals from house fires, finding lost visitors), applying simple deterrents (scattering youth with surprise bike patrols), recognizing and separating law-abiders from criminals in transactions with disputants, and resolving situations whenever possible without resorting to the full power of legal recourse. Citizen fears focused to a considerable degree on the possibility of losing their tacit agreement about law enforcement practices if the source of policing services changed.

Closed process: The proposal did not address any compelling problems with public security or local finances for the majority of residents.

Residents objected to the closed process preceding the announcement of the proposal for policing services. Comments made in interviews and derived from public records focused on the public's inability to influence the policy and service components folded into the proposed contract. Before the vote and after, residents felt that such a major change in service provision should be carefully weighed and details sorted out before committing specific arrangements to referendum.

Some individuals suggested that a proposal coming from a community action group would have been better received, and others suggested that community surveys and conversations focused on community views on policing would have contributed to a better process. On the other hand, a few respondents noted that a proposal that was anything less than complete at its introduction would have

been dead on arrival.

No compelling problem: The process was closed up to the point that the proposal was outlined.

There is no evidence that the residents considered the proposal to be a solution to any serious or intractable problems. Several individuals stated that they were mystified that the town was addressing the issue at all because the savings from the proposal were insubstantial. Public records show that only one resident noted any performance issues with the town police department and no one identified any substantial policing failures. Some individuals stated in interviews and in public meetings that the fiscal savings warranted consideration. But nowhere was there any indication that the community had suffered an economic shock. Town officials framed the proposal as a measure of cost savings but their concerns with police performance did not become public.

Emotional argument: Opponents, particularly the policing community responded aggressively to the proposal, effectively using emotional arguments and tactics to thwart a fiscally rational proposal.

Opponents of the proposal mounted an emotional campaign to trump the fiscal argument offered by contract supporters. Opponents clearly assembled likeminded residents at the first public meeting. The arguments employed by the group of opponents centered on powerful emotional threads: commitment, retribution, fear, and fairness. Policemen in attendance made moving comments about their commitment to the community and desire to continue to serve the citizens. Their supporters related moving anecdotes about assistance the police had provided and vouched for their collective service record.

A few speakers angrily opined that the proposed dissolution of the police department was retribution for previous skirmishes with the supervisor.

Clearly, many residents believed that services would diminish following the merger. Residents we interviewed noted that the concerted effort by the policing community to canvas neighborhoods had heightened their fears that crime would increase. On the record, residents worried that services would diminish and that police would not be around when needed. Fairness issues that were raised centered on the equivalence of contracts under the two policing organizations and the impact that the transfer would have on officers and their families. These emotional arguments proved difficult to surmount and neither the proposal nor the perception of problems were sufficient to counteract their effect.

Discussion:

Insights distilled from the Waterford case allow us to assemble a more nuanced understanding of public resistance to police mergers and dissolutions. As this case illustrates, the public may respond to proposed changes in public safety based on a concept of policing, the terms of oversight, and situational factors.

Citizens have a perception of the law enforcement bargain (the approach and practices in use) they believe exists and resist changes or substitutions that do not preserve the patterns, protections, and limits placed around security activities. In Waterford, the proposal addressed the structures of patrol and coverage, but did not deal with the residents' idea of policing. As such, the public did not trust that the public safety alternative provided by the sheriff was a credible substitute. In cases where a community has already thought through their ideas of policing and captured them in policy language, negotiating a change in services is a different process. If a community has not had a chance to form its

preferences around a law enforcement philosophy, or done the work to capture their ideas in a set of policies, much groundwork has to be done before the public can comfortably entertain changes to an existing system of policing. One way to evaluate the readiness of a community to move forward around a police merger or dissolution may be to examine how concretely its law enforcement ideas have been established.

The public needs to know how oversight of policing services will occur and how the provider will be held accountable. The proposal outlined in the Waterford case dealt with deliverables and not the process concerns that are the foundation of effective accountability. When considering dissolution of a police department, a clear discussion about lines of accountability with the public is essential, even if the public does not focus on this factor at the outset. We noted that in Waterford, citizens asked many questions about the actual services the contract would provide, but did not ask about the process for evaluating and making adjustments in services once the contract was signed. At the same time, they worried about the prospect of removing police services out of the control of Waterford elected officials. Even if the public does not move accountability issues to the forefront of deliberations over public safety changes, it is a factor that needs to be addressed in planning.

Situational factors can contribute to public resistance as well. This refers to the conditions under which the issue of abolishing a police department emerged. In Waterford, there were two situational factors that affected public consideration of the police dissolution decision: there was no shared sense of a problem to fix and no transparency leading to the development of the proposal. Town residents did not have widespread concerns about finances and taxes, or policing services, and there was no compelling reason to undertake such a dramatic change in public safety operations. In fact, the absence of a compelling reason appears to have prompted suspicions that something less clear-cut was motivating the proposal.

Community members were also dismayed by the closed process that preceded the presentation of the proposal. Evidence from the Waterford case underscores a common sense view—community decisions about public safety require a careful and inclusive process and a credible basis for change.

In the end, public resistance to dissolving the police force in the town of Waterford was the product of entangled objective and emotional factors. Municipal officials contemplating similar changes might address these complicated, non-fiscal considerations effectively by acknowledging their existence and impact from the beginning. Leaders can then engage community members in a dialogue about the unavoidable, underlying issues that have to be faced: what policing approach makes us feel secure, how will we ensure this approach when our control is less immediate, and how we make changes fair to all concerned.

### **10. The 10 Step Program**

The Ten Step Program describes an open process leading to a problem definition, an open search for solutions, and some level of stakeholder analysis and partnership, which was not the case in Waterford. To the degree that the Ten Step Program assumes a collaborative process, it applies only to the public discussion phase of the Waterford proposal. The development of the proposal was a closed process. As such, steps 1-7 have only limited applicability, discussed below. Because the referendum on the proposal was defeated, steps 8-10 do not apply.

1. Define problem and affected parties: Municipal leaders that have attempted to change their existing public safety arrangements attest that the process is usually difficult, often controversial, and has

slim prospects for success. One success factor that cannot be ignored is whether there is a compelling problem that must be addressed. The problem framed and solved by the supervisor of Waterford held no urgency for most residents of the town. Although no one disputed the financial projections, the distributed savings per household were insufficient to overcome the anxieties of the public about this seemingly drastic change. Supervisor Lawler correctly identified the fiscal trend but it did not register as a problem worthy of correction in 2005.

2. Identify solutions and potential partners: Once the problem was defined as fiscal, the Supervisor and his advisors worked independently to identify a solution. Discussions with the Saratoga County Sheriff and negotiations over the terms of the proposal took place at administrative levels. It is not clear that the key actors investigated other options or whether there were additional decision making partners in the process. The process by which this proposal emerged may have been seen as the only way to reach a point where the community had an alternative to consider because officials anticipated the proposal's contentiousness.
3. List and allocate financial impacts: The assessment of financial impact was not disputed. Most individuals interviewed stated that the fiscal implications were clearly laid out. Officials attempted to clear up any confusion that did arise in successive presentations and written communication during the public discussion period.
4. Confirm legal authority: The supervisor and town board were clear about what was required of them in proposing the dissolution and contract. As a group they pledged to forego one step in the permissive referendum process, the step requiring opponents to gather signatures to put the matter to referendum. Instead, officials placed the issue before the public as an indication of their commitment to yield to majority will. Some members of the community we interviewed were confused about what was required of officials in this case.
5. Plan the project: The proposal was very nearly complete at its introduction. Costs, services covered, service enhancements, and disposition of current staff were defined. No implementation plans, layoff dates for dispatchers, cut over dates, or plans for assessing the contract services were discussed. Given the pending vote implementation plans may have seemed presumptuous.
6. Collaborate with affected parties: There is no indication that Waterford officials reached out to affected parties during the public discussion period, beyond the meetings and mailings that were open and available to the public. The supervisor notified Council 82 of the dissolution and contract proposed in November 2004, but no meetings were mentioned. At the first public discussion in December 2004, the atmosphere was already emotionally charged and threatening. Some individuals indicated that meetings between officials and affected parties were not considered as a viable tactic on either side.
7. Negotiate the Agreement: The proposal negotiations were nearly complete upon presentation. At the second public meeting on the proposal in January 2005, the supervisor clarified the terms of the proposal with respect to officer's accruals, and indicated that the proposal had changed to the degree that Waterford officers hired as sheriff's deputies would now be assigned to Waterford. There is no evidence that the proposal was amended to contain the clarifications on accruals or the newly negotiated deployment decisions.

## **11. Technical Assistance**

We contacted the New York State Division of Criminal Justice Services (DCJS) to determine if the agency had any involvement. John Digman of DCJS explained that the agency would have performed a feasibility analysis on behalf of Waterford, but was not contacted.

Municipal officials might have benefited from stakeholder analysis, public meeting facilitation, and conflict management tools to improve their capacity as effective stewards of the process to consider a controversial proposal. They might also benefit from some formula, worksheet, or computer application to project the cost of rebuilding a local police department should residents prove unhappy with the services provided by the contracting agent. Such a tool could be used to generate data and information as part of a comprehensive assessment of the feasibility of eliminating the local police department.

## **12. List of documents**

1. Statutory Laws included: Town Law §§ 90-94, 150.
2. "Keep the Waterford Police" Brochure – Gave information on the vote: date, time, location. It also supplied budget breakdown, and a sample tax bill explaining the actual savings per person.
3. "The Town of Waterford and its Police Department: Informational Facts" – Clarifies facts regarding the benefits received by town officers and includes information about the quality of service that would be provided by the Sheriff's Department.
4. "Waterford set example for democracy at its best" – *Troy Record*, April 14, 2005 – Discusses the basic outline of the proposal and the debate as well as the outcome of the referendum.
5. "Beat goes on for Waterford cops" – *Troy Record*, April 14, 2005 – Discusses the outcome of the vote, outlines the original plan for the merger, outlines the arguments on each side.
6. "Waterford's neighbors pleased with protection" – *Troy Record*, February 24, 2005 – Outlines the Saratoga County Sheriff's services provided in Clifton Park and Halfmoon.
7. "Waterford voters to decide fate of police" – *Troy Record*, February 11, 2005 – Outlines basic proposal, includes feedback from members of the community, board members, and sheriff, and outlines budgetary questions regarding Fund A, B, and General Fund.
8. "Final session on Waterford Police" – *Troy Record*, February 10, 2005 – Discusses the decision to have a second public discussion session, feedback from some public personalities, brief discussion of discrepancy in budget analysis.
9. "Waterford residents rally to keep police" – *Troy Record*, December 8, 2004 – Discussion of the first town meeting, includes feedback from public, public officials, and sheriff.
10. "People should decide Waterford force's fate" – *Troy Record*, December 7, 2004 – Introduces proposal for the merger, and frames the issues both pro and con for merging.
11. "Waterford my no longer use the force: Department could be dissolved" – *Troy Record*, December 2, 2004 – Discussion of first town meeting where proposal was formally introduced to the public. Also discussion of tax savings, comments included from police officers' union.
12. "Answering the CONCERNED TAXPAYERS OF WATERFORD Flier" – Poses several allegations made by the proposal and the "truths" as seen by the "concerned taxpayers." Includes a discussion of benefits of community policing.
13. Letter from Supervisor Lawler – February 17, 2005 – Outlines proposal, lays out possible cost savings, and discusses what will happen to local officers, what the Sheriff will provide, and how much it will cost.
14. Town Board Meeting Minutes from following dates: November 9, 2004; December 7, 2004; January 1, 2005; February 1, 2005; and April 5, 2005.



### **13. Additional comments/suggestions/helpful hints**

When presenting new ideas with potential negative impacts (perceived or real), experienced practitioners in the area of risk communication stress articulating a 'complete picture' strategy. Spokespersons need to identify and articulate both potential benefits AND potential risks and hazards. They must also be aware that the public will make judgments based both on rational and emotional criteria. Accordingly, it is important to acknowledge any uncertainties and engage the public in a process of joint exploration of alternatives, so that the public can become partners in solution formation and shift from an emotional to rational understanding of the project prior to final development of alternatives.

It is worth noting that deliberations involving job losses, particularly among a well-liked group, will produce hard feelings, no matter how fair the process

### **14. Contact Information**

#### Municipal Contact:

No officials offered to serve as contacts for further inquiries. However, town officials include:

- John E. Lawler, Supervisor
- L. Scott Cuomo, Town Council
- Elizabeth M. Callaghan, Town Council
- David F. Ball, Town Council
- Laurie A. Marble, Town Council

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