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YEAR 2000 —  
CALIFORNIA CITY POLICE DEPARTMENTS —  
A DYING TRADITION....?

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"YEAR 2000 -- CALIFORNIA CITY POLICE DEPARTMENTSA Dying Tradition . . . ?"

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California

Examines the issues that lead an incorporated city to disband their police department in favor of a different form of police protection, such as contract law enforcement with a neighboring agency, consolidation of police agencies, regionalization or metropolitanization of police services.

Findings from the California survey coupled with site visits indicate that there are three primary reasons for the disbandment of a police department. They are: high cost of operation; high cost of liability insurance -- if they could even get insurance; and/or the police credibility factor.

The report discusses the elements necessary for a police agency to become a provider as well as identifies those persons that would either support or resist disbandment and their reasons why.

The author recommends strategies to aid department heads, whether they be providers of contract law enforcement or destined for disbandment.

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COMMAND COLLEGE

CLASS II

INDEPENDENT STUDY PROJECT

MAY 1986

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PART I

## PREFACE

This research project addresses the premise of disbanding city police departments in favor of a contract form of policing.

All through this report, reference is made to contract law enforcement. This continual reference was done for the sake of continuity. However, when using the term "Contract Law Enforcement," it is intended to be synonymous with "regionalization," "consolidation," or even a "metropolitan" form of policing. No judgments were made in reference to which form of alternative policing is best. Obviously, each has strong and weak points, all of which could rest "in the eyes of the beholder."

The research on this subject started in October 1985, at which time 217 cities of the total 433 California incorporated cities were sent "non-scientific" survey questionnaires requesting that the city manager personally respond. Of the 217 questionnaires sent out, 120 city managers responded (a 55.3 percent response rate) with completed and well thought out responses.

In January 1986, twenty-seven city managers were personally contacted as being representative of most other cities in

California. All city managers contacted were very cooperative and candid in their responses. The "Environmental" portion of the Situation section of this research project contains the cumulative input by the city managers, as well as information found during the literature research.

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## EXECUTIVE SUMMARY

This research project is intended to identify those elements that must be present to force a city to investigate the disbanding of their police department and replacing it with an alternative form of policing. Those alternative forms of policing could be contract law enforcement, consolidation, regionalization, or a metropolitan form of police protection. For the purposes of this study, it doesn't matter who the provider would be (sheriff or a neighboring police agency).

There were basically three major elements found of which, if any one or combination of elements were present, could cause the disbanding of a city police department. Those primary elements are: 1) high costs, 2) liability, 3) lack of police credibility.

The high cost concerns of city administrators, not only included the traditional expenses of a police department, such as salaries, benefits, equipment, and facilities, but also recruitment, training, required medical expenses, compliance with minority issues, and the exceedingly high cost of liability insurance. The liability concerns of the city rest with their inability to maintain "affordable" liability coverage.

The reasearch found at least one city that has taken somewhat drastic action as a result of not having liability coverage. The

City of Plymouth, California, located just east of Sacramento, disbanded their police department and cut back other services to minimize the personal risks facing the city fathers because of no liability insurance. This liability issue could be a significant problem to the 433 cities of California in that, as of January 1986, thirty-six cities did not have any type of liability insurance and an additional 100 are expected to join their ranks by July 1986.

The last concern, that of the credibility of the police department, was felt to be the only true motivator for the citizens of a city to agree to the disbanding of their police department. It was generally felt by city administrators that the citizens would vote for higher taxes before they would allow a disbanding action. However, those city managers that presently have contract law enforcement programs disagree and state, that if the city has a genuine fiscal and/or liability problem which could be solved by disbanding its police department, and if the personnel of the city police department were assured of employment by being absorbed by the contracting agency or taken into other departments within the city, there would be citizen support for the change.

The major concerns of city administrators in reference to disbanding the police were the "loss of control" issue as a primary concern and, to a much lesser degree, the "loss of identity." City managers felt that, with their own police department, they have a very high level of control; the Chief of Police, serving at the pleasure of the city

manager, attends city staff and council meetings and takes part in community events. If the city contracted out for police services, they would lose that control.

While that probably was the case 15 to 20 years ago, today's "state of the art" contractors afford these levels of control and much more. The same is true for the identity issue. Contractors have allowed cities to design distinctive city police uniforms as well as the markings on the police unit. In some cases, one cannot tell that a city police officer is, in fact, an employee of some other police agency.

The four biggest obstacles to contract law enforcement in rank order are: 1) residents of the city, 2) council members, 3) chief of police, and 4) city manager. The residents' concern is one of possession, the "our boys" syndrome. The Council's objection is multifaceted and includes loss of control, loss of popularity with voters, lack of trust in other governmental agencies, and lack of understanding contract law enforcement practices. The Chief of Police's objection is generally for personal reasons, while a City Manager feels that he would be willing to investigate such an action, but for him to initiate that action without council direction could be the "kiss of death."

The city managers' apprehension about their future fiscal stability will be the primary motivating factor in the future. The loss of

outside funding will be the biggest issue facing cities between now and year 2000. Several cities' operating budgets are dependent on outside funding and, in some cases, outside funding amounts to 25 percent of their general fund budget. Most cities visited had a police budget that ranged anywhere from 30 to 55 percent of their operating budget. One city admitted that their police budget was 94 percent of the operating budget. Obviously, if those cities do not have an independent source of funding or a potential for independent funding, they are going to experience severe fiscal problems and will be forced to look for cheaper ways to provide services.

Several cities that presently subscribe to contract law enforcement were contacted, at which time it was learned that, without exception, the city managers felt their contract law enforcement program was a cost effective, responsive, and viable form of policing. One city, with a population of 52,000, that had disbanded its police department, has documented that they have saved five million dollars over a five year period. When the city managers that subscribed to contract law enforcement were asked about the loss of control issue, it was learned that not only did they have the same level of control as when they had a Chief of Police, but there were several more indirect benefits associated with a contract law enforcement program. Those benefits include, but are not limited to: not having to recruit, train, or discipline police officers, nor do they have to negotiate pay and benefits contracts. Additionally, the contract administrator, and in some cases the officers assigned served at the

pleasure of the city manager.

The bottom line is that between now and year 2000, cities will have to become very innovative and open minded in reference to non-traditional ways of providing services. With this in mind, California police agencies are going to have to cope with the unthinkable... disbanding their police department. They can, however, learn to monitor trends and events that will signal the start of a city having to seek other forms of providing services. They can then position themselves to become a provider of contract law enforcement services or set the stage for an orderly transfer into a larger agency that will be a provider. Whichever case, the Chief can position himself and his employees to gain the most from a very bad situation.

PART II

## SITUATION

### ENVIRONMENT:

Somewhere deep within the folklore of America may be found a figure of heroic stature. That figure is the Peace Officer. Surrounded by legends created through generations of poor reporting, fictional misrepresentation and myth, masquerading as history, the early police officer's true identity is now virtually unknown. Yet images of his past flicker before tens of millions of Americans every day. This vast audience has clear awareness of an image somehow strongly blended by a bygone era and today's modern police officer. Although particular characteristics and individual traits may be lacking in common knowledge, the dim outlines of the police figure remain clearly in the minds and hearts of Americans.

Law enforcement remains today where it has been for generations, at the local level. Police agencies range in size from four to five officers to as large as Los Angeles' sprawling 7,000 man force. California law enforcement is a closely-knit, cooperative group that functions as a team. Each department has clearly defined responsibilities and, as long as the others do not "step on his turf", they function well. However, at the first sign of infringement, a signal, however subtle, is sent out to beware.

No one agency can stand alone. The law enforcement family, at the federal, state and local levels, is dependent on one another for exchange of information, technology, and training. As policing is improved through a better educated and more articulate police administrator, coupled with continued dynamic advances in the high technology field, the police responsibility becomes more expensive, but more cost-effective. However, the additional high cost also becomes prohibitive for some cities facing a fiscal related crisis. The future of some police departments may rest with the competence and vision of the police administrator, or maybe I should say, the lack of vision and competence. As the police demonstrate ineffectiveness and inefficiency, the power of the Chief will decline. In the vacuum, the city council, mayor, and/or city manager will take control and will have substantial leverage in disbanding the department for a more functional, responsive, and cost-effective alternative.

In essence, the future type of law enforcement agencies that will serve California cities will probably depend on certain indicators, such as: financial stability, ineffectiveness or corruption of the police department, public sentiment, and how the police are interpreted by the city fathers and voting members of the community. The types of policing alternatives available

will be: consolidation, regionalization, metropolitanization, or contract law enforcement.

One may ask, why would a city even consider changing its present form of providing law enforcement services? One of the strongest arguments for the Metropolitan Toronto Police Force was the belief that standardization of police services in a metropolitan area would result in a more effective and efficient police service.<sup>1</sup> Another argument made in favor of Contract Law Enforcement was that a countywide department insures the following goals: 1) uniform law enforcement, 2) increased crime prevention and traffic control, 3) an adequate financial support base, 4) better utilization of manpower and facilities, and 5) cohesive planning to meet current and future law enforcement needs.<sup>2</sup>

While it is felt that the trend of disbanding city police departments will be a very slow process between now and year 2,000, it will be accelerated if a severe fiscal crisis develops and/or efficiency becomes an issue. Most city administrators feel that the number one obstacle to disbanding is the citizens of the community. Their approval will be essential for a disbanding action, and in most cases if the city's population is less than 30,000 a vote of the citizens will be required by the city council. Given the right set of circumstances, however, the city residents will allow the disbanding of the department

provided the personnel of the department are cared for and the savings are applied to other vital services. However, if there is not a bonafide fiscal crisis and/or other good cause, the citizens will "fight like tigers" and even make sacrifices in the form of higher taxes, if necessary, to retain their department. Additionally, the citizens of the community would most likely demand a vote on this type of issue.

#### So What's the Problem?

The problem is that people of California revolted against uncontrolled taxes, while at the same time, government accepted more responsibility of caring for its citizens and, in turn, the citizens are now demanding more services.

At the state level, Howard Jarvis and Paul Gann championed the very successful Proposition 13, which drastically cut back on property taxes and limited the yearly property tax increases. At first, the administrators from the majority of California cities felt this was going to be an unrecoverable blow to their ability to generate revenue. However, the state came to the cities' rescue by providing "bail out" money, which later dried up.

At the federal level, the government assumed additional responsibility for providing social services which hit an all time high during the Carter Administration. Then, with the

double digit inflation, the federal deficit going out of sight, and the country experiencing the worst recession in its history, Ronald Reagan was elected president. Reagan immediately eliminated or reduced social programs, pointing out that they appropriately belonged at the local level. His theme was, states with few exceptions, should have local control. This meant that federal money would be returned to the states for programs instead of the federal government administering the programs.

Now, in January 1986, the Gramm-Rudman Deficit Reduction Bill took effect, which mandates that the federal deficit be eliminated and a balanced budget be submitted to congress by 1991. To accomplish that mandated goal, several cuts in the budget will be made affecting revenues sent to the states for local distribution.

Reagan's administration announced that, among the state revenue programs which will be eliminated, are programs such as revenue sharing, block grants, and the elimination of tax exempt bonds.

#### What's Next?

At the state level, there has been considerable talk by the tax reform proponents of an additional initiative limiting personal state income tax. To date, however, there has been no serious attempt toward achieving that goal. If any additional tax reform

initiatives are passed, state revenues will be cut. Since the state will take care of itself first, in order to make up for the losses in revenue, an additional portion of state subventions could be lost by the cities.

What this means to local communities is that "outside money" could dry up, causing anywhere from 15 to 25 percent of cities' operating budgets to be unfunded by year 2,000. While 15 to 25 percent may not sound like a major crisis to some, to others who have already cut their budgets "to the bone", this additional cut could mean the difference between survival and disincorporation. Consequently, the city administrators will be desperate to make up that lost amount to simply survive.

### Economics

With the loss of outside funding, most cities will have to tighten their financial belt. Of course, no one can correctly predict the overall monetary effect this will have. Some city managers indicate that the loss of federal funds will have little or no effect on the cities' vital services, because their operating budgets contain a very small percentage of this outside money. However, other city managers have stated their operating budgets contain at least 25 percent of the federal subsidized funds and, through the loss of this outside revenue source, these

cities will be forced to reduce or severely cut some vital services.

When California voters passed Proposition 13 in 1978, it severely reduced most cities' property tax revenue by 23 percent.<sup>3</sup> This reduction was partly offset by state aid which provided money to cities to ease the adjustment to smaller cash flows.

The passing of Proposition 13 restricted the avenues and the sources that governmental bodies previously had available to them to raise revenue. Now, the voters must agree by two thirds vote before taxes may be increased to provide cities with additional revenues. Of course, this public approval method of providing additional tax increase is a lengthy process, with a high failure rate, and will not provide the immediate relief for the lost federal funds.

Adding to the fiscal dilemma of cities is the high cost of liability insurance and claims against the cities. Within the past year, some insurance companies have raised their rates as high as 150 percent.

In a recent survey of 160 California cities, it is estimated that 176 million dollars in potential liability adjustment will be awarded in 1986.<sup>4</sup> Because of the increased insurance rate, over 36 California cities are currently without insurance

coverage. This number is expected to triple within the next few months.

Besides the high insurance premiums, there are those cities that have "such a high liability potential" that insurance companies will not provide insurance coverage at any price. When liability insurance can not be acquired, the cities become a "naked city".<sup>5</sup> As an example, the City of Blue Lake, California, located in Humboldt County, disbanded its police department and later had to suspend most other city services because they suffered a severe loss of revenue because of high unemployment and they could not acquire liability insurance.

Currently, the cities' options to avoid the "deep pocket" liability dilemma are:<sup>6</sup>

- o Cut services
- o Sell city assets to raise money to pay insurance rates
- o Go uninsured
- o Support current action to get legislation passed to place state control on insurance rates and liability pay outs

The police function, by its very nature, is one of the primary targets for law suits. Law suits are frequently a direct result of poor training, little or no supervision, and lack of policy direction. Those cities that have budgets today that "just get them through" will be hard pressed to correct the root of the

problem through training and, with additional budget cuts, this liability problem will only get worse.

With this fiscal crisis at hand, which will come to a head in the 1990's, the city manager will have to take a hard look at his city's potential for revenue and what services and protection (liability insurance) can be purchased for those dollars. On the revenue issue, when Proposition 13 became law, most cities "cut the fat" out of their budget. If a city's budget does not now permit a city to have a surplus to fund those "nice to have" amenities and the city finds itself dependent on "outside funding," without the support of independent funding, such as: oil, resort tax, exceptionally high trade base, wealthy residential areas, etcetera, they will have to again look to their budgets for additional cuts. This will include the cutting of non-vital and then vital services which include police, fire and public works.

Research has shown that cities with a population of 100,000 or more are far better off than their smaller counterparts. The revenues generated from both property taxes and sales taxes are sufficient to fund at least the vital services needed by a community as well as several of the non-vital services during hard times. Smaller cities, especially those with a population of less than 25,000, presently have a limited law enforcement services program. Many would like to supplement their police

department in order to provide a full service law enforcement program to their city via a contract with a neighboring full service law enforcement agency. However, with the budget cuts, the smaller cities will have to become very innovative just to retain their present level of city service.

#### Resistance to Contract Law Enforcement

According to one publication, cities should resist Contract Law Enforcement because massive consolidation of public agencies into a large conglomerate agency (with very large constituencies) may not lend itself to a general improvement in the effectiyeness and efficiency of American policing.<sup>7</sup>

Cities also have several major concerns in reference to contracting out for their law enforcement services. The primary concerns are:

- o Loss of local control - This was found to be the single most important issue of everyone surveyed
- o Unable to control cost
- o Local concerns are not the primary motivator of the contractor
- o The contract administrator is not part of the community
- o The contract administrator would not function as a department head within the city
- o Inability of the city to control the quality of the contract employees

- o Loss of local identity
- o Level of service would not be of equal quality
- o Cost savings are only temporary and will last only until the city is dependent on the new law enforcement program

Ironically, a large number of city police departments have started a trend that will be difficult to reverse. That trend is participating in regionalization programs. There are few departments that do not share in a narcotics task force, a SWAT team, dispatching, drunk driving apprehension and prevention programs, record keeping, etcetera. The results of these shared resources have been excellent. How long, then, will it be before the entire detective force and/or patrol force is shared in the form of consolidation of services?

These shared services are consistent with several professional reports on police efficiency. One report encouraged every local government and every local police agency to study possibilities for combined and contracted police services and implement such services where appropriate.<sup>8</sup>

As far back as 1967, the Presidential Crime Commission hit hard upon the inefficiency caused by the fragmentation and overlapping of the nation's police services, and cited southern Illinois, (where each of the 128 municipalities of under 5,000 population

has its own police department), as an example of this fragmentation.<sup>9</sup>

One final point should be made in reference to cities' resistance to contract law enforcement; that is, there is an inherent distrust by cities when dealing with other governmental agencies. This is especially true when those dealings are between a city and county (the Big Brother syndrome - "them and us" attitude). Two main elements cause this feeling. The first element is that, the agency offering the service, the provider, will want to dictate to the city. The second element is that the provider agency will make a profit off the city. On the other side of the coin, however, when city administrators were asked if they would consider being a provider to contract law enforcement services, one of the conditions included making a profit.

#### Misconception of County/City Responsibilities

There is a misconception among some city administrators in reference to the city's responsibility to provide law enforcement services to the city residents. Their feeling is that if the city fell on hard times and could not afford its police department, the county Sheriff has the responsibility to take over those duties. This is not true. State law requires cities to provide law enforcement services.<sup>10</sup> There is no statute requirement for the Sheriff to take over. The Sheriff does have

the option to take over a city police department, given certain conditions. However, this is his option, not a mandate.

### Is Contract Law Enforcement Cheaper?

Research has clearly shown that contract law enforcement has been a dollar saver to most cities. It was found that subscribers to contract law enforcement programs expended anywhere from 20 to 28 percent of their operations budget for police protection, as compared to 30 to 55 percent of the operations budget being expended to maintain a city police department. One city manager in a city with a population of 52,000, that had earlier disbanded its police department, has tracked the annual savings and has documented a five million dollar savings over a five year period. Another manager of a city with a population of 94,000, that has contracted since their incorporation, estimated that his city has saved approximately one million dollars annually.

Due to the high costs and the city's inability to fund all needed services, a recent attempt was made to disband a small police department that served a population of forty-five hundred, and had an annual police budget of \$641,555. After a formal request was made by the city council, a law enforcement contract was offered to the city by a Sheriff's department in the amount of \$475,871, which equated to a \$165,684 savings per year. When put to the voters, the attempt to disband was rejected primarily due

to the citizens' loyalty to "their" police officers. The point is, contracting for law enforcement services was found to have both direct and indirect savings. The indirect savings included not having to recruit, train, negotiate, discipline, and hire additional support staff to process and maintain payroll records. These costs mount up and could become very expensive.

It should be noted that there could be start up costs that would tend to over shadow any cost savings during the first year. There were considerable additional costs experienced during the Las Vegas Police Department and Clark County Sheriff's Department consolidation of 1974. The costs that were directly traced to consolidation were: equal pay, no lost jobs, purchase of equipment (pistols, uniforms and other gear), repainting of cars and changing badges, all of which cost about \$3 million the first year.<sup>11</sup> These are bonafide costs and should be taken into consideration when calculating amortized savings over multiple years.

#### User's Satisfaction

All the sites visited, who were participating in a contractual law enforcement program, expressed satisfaction with this form of law enforcement services. They felt local control was retained primarily due to the fact that the provider's station commander acted in the capacity of a city department head. The station

commander attends and participates in the weekly staff meetings and city council meetings as required, and is responsive to the city's needs.

Some cities indicated that they have discretionary selection rights of assigned contract personnel. Some providers have permitted their personnel to wear distinctive uniforms, badges, and insignias of the city for which the service is being provided. Providers have also permitted the city's patrol unit to be painted a distinctive color and display the city's insignia/logo.

An example of the utopia of mutual trust was demonstrated in a northern California city when the city manager appointed the provider's station commander as the acting city manager when the city manager went on vacation. During this period, the acting city manager (contract administrator) exercised all the authority of the office of city manager, including the hiring of city personnel.

#### Contract Law Enforcement Providers

While all city managers surveyed were familiar with contract law enforcement, most did not have a good understanding of what is available or the "state of the art" in reference to the administration of law enforcement contracts. The fact of the

matter is, nearly all of those full service police agencies providing contracts have very effectively addressed all of the concerns expressed by the city managers.

On the "loss of control" issue, which is the paramount concern of cities, contractors have responded by assigning a person to administer the contract. That person's duties include acting as the community's Chief of Police, which reports and answers to the city manager. He becomes part of the city staff in the form of a department head, if requested by the city, attends all city council meetings, is encouraged to join local civic organizations and, above all, must be responsive to the city's needs.

Among the contract providers that are the epitomy of answering the concerns of contracting cities are: San Bernardino County Sheriff's Department, Ventura County Sheriff's Department, Contra Costa County Sheriff's Department, Los Angeles County Sheriff's Department, Twin City's Police Department, and Brea Police Department. Other providers were not so progressive, but, nonetheless, provide a very adequate level of service. However, to assure a long term association, the provider will have to be willing to:

- o Provide a full service law enforcement program
- o Ensure local control within limits
- o Permit input regarding the selection of the station commander.

- o Require the contract administrator to attend all city council meetings and other civic functions important to the city
- o Provide local identity
- o Assume all liability for employee actions
- o Insist on contract administrator being involved with the community
- o Insist on the officers assigned being responsive to the citizen's needs
- o Ensure that contract charges are for actual costs only, (state law prohibits county overhead charges<sup>12</sup>)
- o Negotiate cost trade offs, (i.e., charging top step officer's salary regardless of actual cost and in return the provider incurs all training costs)
- o Ensure that costing methodology is straightforward and understandable
- o Absorb police department personnel into its own organization. The only exception to this agreement would be the refusal to absorb individuals for cause, (i.e., criminal behavior, refusal by individual, etcetera)

#### Subscribers and Providers of Contract Law Enforcement

Whether a city or county subscribes or provides contract law enforcement is dependent on a multitude of elements. Those elements range from the size of a city, to longevity of its residents, to citizens' historical attachments to the police department, to the traditional governing majority suddenly being outnumbered by an increase in population, with different standards and attitudes, etcetera. Each community must be examined individually to make a proper assessment of the

community's attitudes, traditions, and standards. However, all things being equal, cities that would disband their police departments generally fall into one of the three listed categories:

1. Most likely to contract are small cities (population up to 100,000) with heavy fiscal problems as the main motivator. Additional elements include: High liability risks, inefficient force, citizens' lack of support, and/or citizens' apathy toward police department.
2. Less likely to contract are those cities that have independent revenue sources and can stand alone without assistance from the federal or state governments.
3. Least likely to contract are cities that have a population of 100,000 or more.

Those cities that would become providers are:

1. Most likely providers will be those departments that are presently serving a community of 100,000 population or more and have a full service police agency.
2. Less likely are those small full service departments serving a community of less than 40,000 population that border other well established cities. This group would, however, consider sharing services with newly incorporated cities.
3. Least likely are large or small city departments that do not directly border a potential subscriber. These are cities that are in rural or semi-remote areas.

### The Bottom Line

The situations discussed in this environmental section clearly indicate that those cities presently having fiscal related problems, coupled with the future potential of losing "outside funding" (which in some cases equates to 25 percent of their operating capital), will most likely take a very serious look at the cost savings that cities could realize by changing to a contract law enforcement program.

Likewise, those cities that would like a full service law enforcement agency, but do not have the resources for that level of service, will be looking toward a regional or contract law enforcement concept program to provide those services the city lacks.

Further, those cities that have ineffective and/or high liability agencies will be examining all options available to the city in providing the level of service and the type of service necessary to reduce the high liability risks.

Finally, contract law enforcement is a cost effective, responsive, and viable alternative method for providing law enforcement services to cities.

RESOURCES:

It is one thing to want to be a provider of contract law enforcement services, but quite another thing to be an effective viable provider. A provider of a full service law enforcement program should be capable of providing:

Uniform Patrol

General twenty-four hour law enforcement patrol

Traffic enforcement program

Driving under the influence enforcement team

K-9 patrol unit

Functional and administrative supervision

Investigative Service

Generalized investigative unit

Specialized investigative units, such as homicide, arson, vice/narcotics investigators, and crimes against children unit

Functional and administrative supervision

Specialized Service

Helicopter Patrol

Crime Prevention Program

Identification Division

Records Division

Communications Division for Dispatching

Community Services Officer

Functional and administrative supervision

Peripheral Benefits - services that are provided without charge

Recruiting and processing candidates

Training

Employee/Union negotiations

Employee relations (discipline and grievance)

Worker's compensation and retirement benefits

Personnel complaints are investigated and resolved by the provider agency

Manpower levels are guaranteed by the contract

Equipment procurement

Vehicle repair and maintenance

Damaged or destroyed equipment is replaced within a reasonable time after loss

City liability insurance costs are reduced considerably

#### STAKEHOLDERS - THEIR DEMANDS AND CONCERNS:

The people and organizations who expect to benefit or be affected from this project include:

1. Chief of Police
2. City Manager
3. Mayor
4. City Council Members
5. City Residents
6. Police Employees and Their Families
7. Police Association/Union
8. Provider's Governing Board

It should be noted that the stakeholders were listed in general groups for brevity, but each group could contain dozens of stakeholders. The following is a discussion, in general terms, of the stakeholders and what each would most likely demand if a disbanding of a police department occurred and a new form of law enforcement was agreed to by a community.

1. CHIEF OF POLICE - This person could make or break an attempt to disband his police department and would undoubtedly oppose such a move. If he has been part of the community for any length of time, he is most likely a very strong political figure. But, given the fact that a change will occur, he will demand that all of the present police employees be assured of employment, whether in some other city department or by being absorbed by the providing agency, without substantial loss of pay and benefits.

He would also want provisions for himself to retire early, a lengthy severance paid program, or to also be absorbed by the providing agency at an Executive/Supervisory level without loss of retirement benefits.

While this person's support for the change is not essential, if he could be convinced on the benefits of such a move, he could by his support, smooth a very rough road.

2. CITY MANAGER - In a city manager/council form of government, the city manager is employed at the pleasure of the city council. It is his job to guide the expenditure of city funds to ensure that the city residents receive the best level of service possible. His task is one of administration, while the city council's is that of setting policy. Most city managers interviewed felt that for them to make a recommendation to disband their police department without direction from council, would be a "kiss of death".

A city manager would actively and openly investigate such a move only as a result of a council member's request and preferably by resolution of the council.

Other concerns include:

- o The change being cost effective.
- o No substantial loss of control. The contract administrator would report to him, act as a Chief of Police and fulfill the role of a city department head.
- o Require input with veto power in assignment of the contract administrator.
- o Contract administrator would be responsive to city residents and needs of the city.
- o Right of review and input in reference to contract cost, staffing levels (other than minimum staffing levels) and effectiveness of performance.
- o Right to appeal to highest level of provider's organization if required.

- o Full service law enforcement program or at least an improved level of service.
3. MAYOR - In a city that has a mayor/city administrator form of government, the mayor performs many of the functions of a city manager. However, since he is an elected official, he does not have the worry of immediate termination if his actions are resented by city council members. The mayor's demands would be generally the same as those of the city manager, but he would probably fear the loss of control and public sentiment more. In addition, he would insist on:
- o No loss of service
  - o The disbanding being for good cause
  - o The city residents agreeing with the plan, to minimize his loss of popularity
  - o Little loss of local identity
4. CITY COUNCIL MEMBERS - This group's demands will be the same as the city manager and mayor.
5. CITY RESIDENTS - This group presents the biggest obstacle to disbanding the city's police department. In most cases there is a high level of possessiveness when it comes to "their" police officers. This is especially true in small traditional cities. However, it is a general feeling by city managers that the citizens will go along with a change if it is justified due to a financial crisis and they can not afford to tax themselves more, and/or there is a

significant police department credibility factor. The citizens' points of concern are many and include assurance that:

- o There is no loss of service
- o Their present police employees are ensured of other employment
- o There is an on-going cost and/or efficiency savings
- o The contractor is responsive to the citizens
- o They know who their policemen are

6. POLICE EMPLOYEES AND THEIR FAMILIES - This group would initially resist any attempt to disband, if for no other reason than their fear of change. Their demands include:

- o No loss of employment
- o No loss of salary and benefits
- o No requirement to relocate their homes
- o No loss of seniority and promotional potential
- o No loss of health benefits during transition
- o That all employees be accepted for employment regardless of health status, except those off on permanent disability
- o Assurances of general and specialized training by new employer

7. POLICE ASSOCIATIONS/UNIONS - This group would resist if it meant they would lose the police employees as members of the

association. If this group did not lose membership, they would support this move, provided:

- o They were part of the initial planning sessions
- o The demands of the police officers listed above were met
- o There was no discrimination of absorbed personnel in assignments throughout the department area of jurisdiction

8. PROVIDER'S GOVERNING BOARD - This group would be supportive due to the added versatility a larger organization has over a smaller one. Their demands and concerns are only general in nature.

- o No loss of service to present constituency
- o No increased local costs - all additional cost are recovered by provider
- o That the contracting agency not be allowed to dictate policy reference personnel rules and regulations and operational issues

#### Trend and Event Indicators

Given the fact that several California cities' outside revenues will decrease considerably by the year 2,000, a prospective provider will have to identify and monitor trends and events that will signal a future change in a city's attitude, concerning traditional methods of providing services. The purpose of this section is to forecast the level of expectations one can expect

over the next 15 years, weigh those expectations against the probability of achievement, and then make a decision, based on the future forecast, whether or not to gear up for an expanded level of service in the form of contract law enforcement. The natural reaction is to just "let it happen" and then deal with the problem. However, those police agencies who do that may be the target of disbanding instead of positioning themselves to be a provider of contract law enforcement.

While contract law enforcement has gained considerable popularity with newly incorporated cities, there are only eleven known cities out of California's 433 cities that have disbanded their police department in favor of a non-traditional form of policing. Presently, the economic optimism shared by most California cities is leading to high expectations of development and growth within cities' infrastructure. This optimism by the cities stems from the reversal of a very severe recession, coupled with dynamic growth after President Reagan took office. The truth of the matter is that the last thing on city managers' minds at this point in time is the disbanding of their police departments.

Does this dynamic growth period really reflect what cities can expect in the future, or is our prosperous economy only the manipulation of politics, and will it continue? Will the city bureaucracy survive during hard times? What really will happen to law enforcement if cities are unable to pay their bills?

In order to answer these questions, and for law enforcement agencies to cope with the future, it must have an understanding of what may occur and then plan accordingly. To do that they should:

- o List all on-going trends, not only in California, but the entire nation.
- o Ask what impact the priority trends will have on local law enforcement.
- o Ask what social, economical, political, or technological changes could impact local law enforcement's existence.

### Trends and Events

In an attempt to answer the above questions, several trends and events affecting cities' ability to retain the traditional forms of city services were identified and are listed in Figure I.

Figure 1

<u>TRENDS</u>	<u>EVENTS</u>
1. Loss of outside funds	1. Loss of federal revenue sharing money
2. Increased need for money by cities/counties	2. Loss of block grant money
3. Loss of services and program	3. Loss of redevelopment money
4. Reduction of services and program	4. Loss of tax exempt bonds
5. Increased state population	5. Loss of state subventions
6. Greater need for services due to population increase	6. Loss of state sales tax
7. Reduce city overhead and support services	7. Loss of state grants
8. Hiring of less qualified persons	8. Elimination of city/county "deep pocket" liability
9. Use of private industry for services	9. Increased population
10. Financing via long term bonds	10. High cost of procuring computer equipment
11. Lease purchases	11. High cost of communication equipment
12. Consolidated purchasing	12. Training of all personnel
13. Consolidation of services	13. Condos taking the place of single family dwellings
14. Loss of local identity when services consolidated	14. P.O.S.T. licensing of peace officer
15. Loss of local control when services consolidated	15. State income tax reform
16. Decrease in specialization	
17. Court award due to "deep pocket" theory	
18. Increased costs for training	
19. Increased costs for sworn personnel and related equipment (FLASA-POST)	
20. High Cost for HI tech procurement	
21. Professionalization of police	

Of the twenty-one trends identified through the Nominal Group Technique (NGT) method, five are felt to be most important to law enforcement agencies to monitor at this time for their future existence. The historical and future values are illustrated in chart form in Figure II.

### TRENDS MONITORED

#### 1. Loss of Outside Funding

The loss of outside funding in the form of state and federal subsidies, which in some cases amounts to 25 percent of the cities' operating budget, could be literally devastating to the cities' ability to provide services. To make up the difference, the city will have to have an additional independent funding source or cut and/or eliminate services.

#### 2. High Cost and Unavailability of Liability Insurance

As a result of extremely high dollar judgements being awarded to persons who filed claims against the city, coupled with a tremendous increase in the number of claims filed as a result of the "deep pocket" decision by the court, cities are now finding it very difficult to retain liability insurance due to the high cost of the premiums. As of January 1986, thirty-six California cities are without

liability insurance and it is estimated that about 100 additional cities will be without insurance by July 1986. Several cities have been severely impacted already as a result of not having been able to obtain liability insurance. The City of Plymouth, California, located in Amador County just east of Sacramento, was forced to disband their police department due to the personal risk of the City fathers being too great as a result of no liability insurance.

Presently, Assembly Speaker Willie Brown is attempting to remedy this problem through legislation. However, there is stiff opposition by the California Trial Lawyers Association.

#### Contract Law Enforcement Evolution

Since contract law enforcement's inception in 1954, it has slowly gained ground in popularity, especially for newly incorporated cities. However, after Proposition 13 took effect in 1978, not only did newly incorporated cities use this method for providing law enforcement services, but eleven well established cities changed from their traditional form of policing to contract law enforcement. As providers of contract law enforcement services become more progressive in demonstrating "local control" and "local

identity", city fathers will be more willing to make the change to contract law enforcement.

#### Population Increase

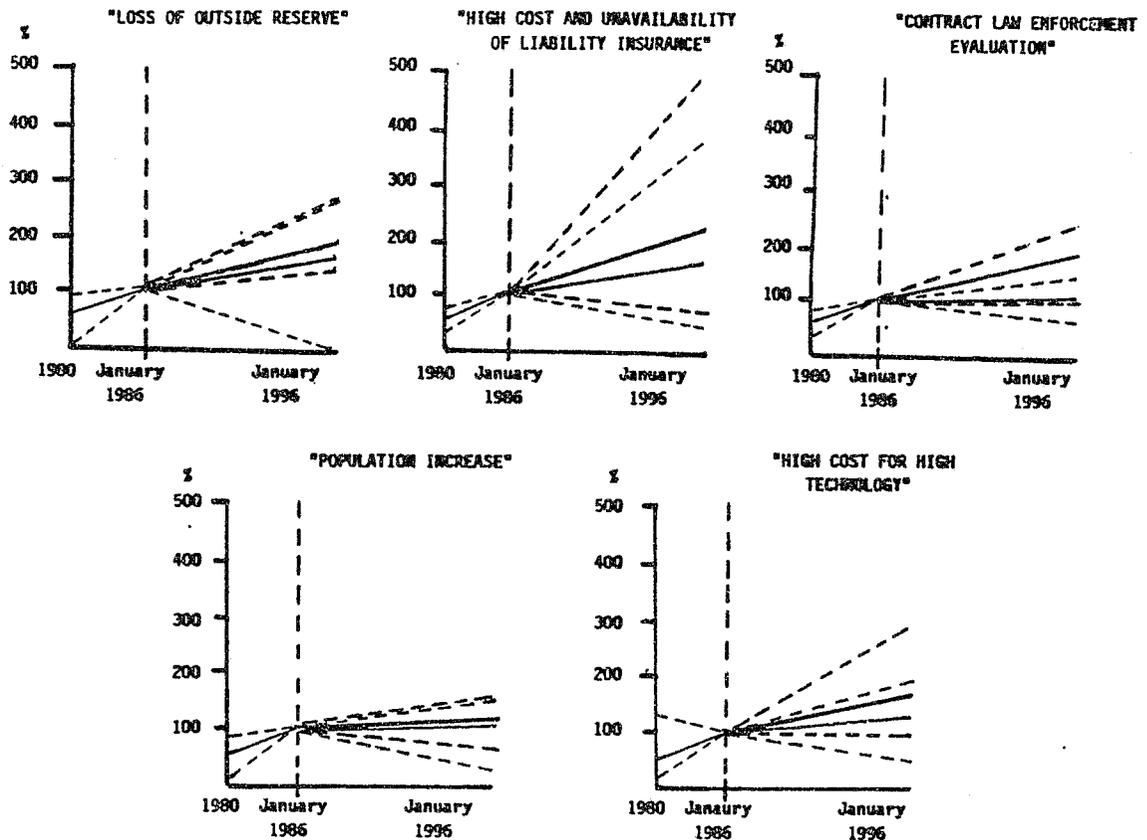
If a city's population increased 50 percent or more in a relatively short period of time, the city may not have the ability to generate revenue proportionately to pay for the additional services required. An increase in population of this magnitude could also tip the scales and give the voting majority to relative newcomers over the old time residents who have attachments to traditional ways.

Additionally, the probability of the new residents running for council seats and winning are high.

#### High Cost For High Technology Equipment

The high cost for "High Tech" equipment shows no sign of being reduced. As a result of high costs and the police need of high tech equipment to remain current and effective, cities will have to explore a contract or regional approach to procuring this required equipment. This is not uncommon to law enforcement, but the more they become dependent on other agencies, the closer they come to a regional or metropolitan police department concept.

Figure II



Trends Evaluation

- = Will be in 10 years
- - = Could be in 10 years

Trend Forecast

After charting the five most important trends it was noted that all five had about the same "Will Be In Ten Years" forecast. The range of all was between a low of 126 to a high of 175 percentage points (only 69 points separating all five trends). The highest trend was tied between "Loss of

Outside Funding" at 175 and "High Cost and Unavailability of Liability Insurance" which recorded a 171. The lower scoring trend was "Population Increase" which recorded 126 percentage points.

However, in the "Could Be In 10 Years" forecast, three trends scored significantly higher than the remaining two. The highest of the three, "High Cost and Unavailability of Liability Insurance" has the higher degree of change at 222 percent, while "Contract Law Enforcement Evaluation" and "High Cost For High Technology Equipment" are close seconds with 205 percent and 190 percent respectively. "Population Increase" stood alone in the middle of the pack with a 132 percent, and finally "Loss of Outside Revenue" scored 80 percent, a 20 percent loss over today's level.

#### Events Monitored

The events which could significantly impact the targeted trends relative to the question "What element or combination of elements would cause a city to disband their police department in favor of a contract form of law enforcement service?" are outlined in Figure III. These events are described in terms of their likelihood of occurrence, and are the medium estimate of probability made by a Delfi panel in January 1986.

FIGURE III

Probability by  
Year 2,000

"Loss of Outside Revenues"

- |   |    |
|---|----|
| 1. Loss of Federal revenues -<br>revenue sharing, block grants,<br>tax exempt bonds | 72 |
| 2. Loss of State revenues - grants,<br>subventions, sales tax                       | 44 |

"High Cost And Unavailability of Liability Insurance"

- |   |    |
|---|----|
| 1. Deep Pocket remedy - a constitutional<br>amendment eliminating this case law.  | 57 |
| 2. Maximum liability limit - a constitutional<br>amendment fixing maximum limits, for which<br>a city can be held liable. | 45 |

"Contract Law Enforcement Evolution"

- |  |    |
|--|----|
| 1. Minimum loss of local control - the city<br>manager and council being able to set<br>levels of service (above minimum level<br>requirement) and establish enforcement<br>priorities consistent with the city needs.   | 62 |
| 2. Minimum Loss of Identity - provider allows<br>the city to mark the provider's equipment<br>with city identification and design a<br>distinctive city police uniform for the<br>provider's staff to wear.  | 48 |
| 3. Full Service Law Enforcement Program - the<br>capability of the provider to provide not<br>only patrol and investigative functions,<br>but all specialized services, such as:<br>Identification Bureau, K-9 units, helicopter<br>patrol, Records Division, Communications<br>Division, Computer Services Division,<br>etcetera. | 83 |
| 4. Commander Performing as a City Department<br>Head - provider requires that the contract<br>administrator function as a "Chief of Police"<br>who answers to the city manager, attends<br>city staff and council meetings and fulfills<br>the role of city department head.   | 61 |
| 5. Contract Administrator's Responsiveness<br>To City Needs - the contract administrator<br>become highly visible throughout the city<br>functions, joins a service club, makes himself<br>available to public groups in order to stay<br>abreast of city problems and citizen feelings<br>and then takes appropriate action.      | 89 |

"Population Increase"

1. Increase local population by 50% or more. 54
2. Condominiums taking the place of single family dwelling units - single family dwelling units becoming cost prohibitive due to construction cost, land availability and high profit margins to the contractor when building condominiums. 44

"High Cost For High Technology Equipment"

1. Increase high cost for computer hard and software. 36
2. Training of all personnel in computer use. 71
3. Development of investigative devices. 78
4. Development of communication devices. 75

Cross-Impact Evaluation

The cross-impact evaluation of events by the same Delfi panel, revealed the following:

- o "Loss of Outside Revenue" trend indicated that the loss of federal revenue was the major actor, while loss of state revenue was the re-actor.
- o "High Cost and Unavailability of Liability insurance" trend is dependent on setting a maximum limit which a city can be held liable for as the main actor, while the "deep pocket" remedy is the re-actor.
- o "Contract Law Enforcement Evolution" trend main actors are two events. The first is, the willingness of a provider in permitting the contract administrator to function as a city department head. The second is, the minimum loss of local control issue. The minimum loss of local identity was the principal re-actor.
- o "Population Increase" trend main actor is the 50 percent increase of the city's population while condominiums taking the place of single family residential dwellings was the re-actor.
- o "High Cost for High Tech Equipment" trend main actor is the high cost of computer hard and software, with the development of both investigative and communication devices being tied for re-actor events.

## SCENARIOS

The following scenarios are those most likely to occur as a result of information learned during the research on this subject, coupled with policy questions related to each scenario.

### Scenario "A"

January 1990, a large portion of a small city's outside funding was lost due to federal cut backs. Without this outside funding the city will not be able to provide an adequate level of service, and this city does not have the potential for raising independent revenues, such as: tourist attractions, a large sales tax base, oil wells, etcetera.

Additionally, the cities' public works infrastructure is old and in poor repair and its police department is ineffective and a high liability risk. Further, the citizens do not support additional tax increases. All of these conditions, when considered in their totality, threaten the stability and even the future existence of the city. The city, with a population of about 30,000 located next to a full service police provider's jurisdiction, is governed by a mixed group of council members, some with deep roots and attachments to the traditional past. However, the majority of the council does not have attachments

with long-standing traditions. The city's population is somewhat traditional and has deep roots in the community as a result of generations of land holdings. To resolve their fiscal and other related problems, the city fathers will have to look within their budget to make up the loss in outside funding by cutting services which include a portion of vital services. Or, they will have to look outside of the city process for a cheaper form of providing the same service at a similar or improved level.

Therefore, what if the city decided to disband its police department in lieu of a more cost-effective method of policing in the form of contract law enforcement? What policy questions have to be resolved before accepting that responsibility by a provider?

Policy questions by a potential law enforcement provider relative to Scenario "A" are:

- o Are the city's needs bonafide or is this a political in-fight?
- o What is the minimum acceptable level of service to which the provider will agree?
- o What level of control will be given the city?
- o What level of local identity will be given the city?
- o What appeal process (chain of command) will be given the city manager when handling disputes?
- o What service can contract charges be made against vs. those charges prohibited by law?

- o What method of charging for services will be employed (i.e., one charge for a stated level of full service vs. itemized charges for a specific function and assignment)?
- o Will the current level of service given to the provider's present area of responsibility be negatively affected in any way?
- o If the contract is terminated, what will the providing agency do with the additional manpower and equipment?
- o How will the addition of the contract affect the provider's liability standing and cost?
- o What are the negative aspects of contract law enforcement for the provider?
- o Does the provider benefit as a result of the contract, or do the negative points outweigh the benefits?
- o Will the city require a store front office within their city, or will present facilities of the provider be adequate?
- o What personnel and/or equipment, if any, will the provider be required to absorb?

Scenario "B"

A small community located in a semi-urbanized area is experiencing a population explosion from 13,000 to 54,000 in just five years. The city is primarily a "bedroom community" whose citizens demonstrate a distant apathy toward their city leaders and leave the day-to-day running of the city to their city officials. The city is financially solvent and the council members have a deep rooted attachment to the area and the council is a very politically strong group.

The council's stated goals are to give full and complete service to their constituents. The city presently has an adequate staff for all services except police. They wish to provide a full service law enforcement program; however, they do not have sufficient funds to staff and build the facilities necessary to provide the full service program. It is well known that the county has a highly respected and well qualified full service Sheriff's Department that is already contracting their services to a newly incorporated city. The council is now weighing the pros and cons of disbanding their limited service police department for the full service Sheriff's Department.

What are the policy questions that must be answered by the Sheriff's Department prior to accepting a contract with this city?

Policy questions for Scenario "B":

- o All of the policy questions in Scenario "A" would have to be answered.
- o Due to the sound financial status of the city, would this be a long term association or a "quick fix" until they can establish a full service department sometime in the future.
- o Has the city's growth peaked or will its population growth continue to over 100,000, which appears to be the population point that generally promotes self-sufficiency with cities?

Scenario "C"

A city is located in a rural area and is financially solvent. Population is approximately 10,000 and stable. For the past three years, the city has experienced police related problems in two areas. The first is: They lack a full service police department, and consequently, cannot fully investigate serious crimes that occur within the city. Secondly, the city has had several law suits filed against them as a result of inappropriate police action.

Within the past five years, the city has had to pay out in excess of two million dollars and now can no longer afford liability insurance as a result of police related liability claims.

Additionally, four of their police officers were indicted for police brutality. All of the four officers were fired due to the charges. Two of the four officers were convicted of misdemeanors as a result of a plea bargain. All officers appealed their termination with the Civil Service Commission and won. The city was ordered to reinstate the four officers with full back pay. The city council, in an executive session, expressed an interest in disbanding their police department and contracting with a neighboring full service agency.

Policy questions relative to Scenario "C" are:

- o Is the city council's position a result of an emotional reaction to the order to reinstate the four dismissed officers, or has there been a public outcry against the police as a result of the conduct of the four officers?
- o If the council's action is not the direct result of the citizens' outcry, does the provider want to continue with the contract process?
- o If the provider did proceed with the contract and negotiations, would he want to consider absorbing the personnel of the department, including the four officers that were accused of brutality?
- o Is the liability issue a result of uncorrectable conduct and/or abilities, or is it something that can be corrected through training?
- o In reference to the full service issue, would the provider want to entertain a contract to supplement the city's police department?
- o If the city did decide to disband their police department and the provider assumed that policing responsibility, the questions in Scenario "A" and "B" would also apply.

#### MISSION

If the circumstances cited in the foregoing "Situation" section of this research document are accurate, and it is felt that they are very much on target, then what can a potential police service provider do about it?

In order for the contract law enforcement provider and the city to achieve their specific goals and objectives, as well as

meeting stakeholders' demands, the primary mission of the provider is to clearly demonstrate that contract law enforcement is a viable, responsive, and cost-effective alternative to the traditional city police department form of service.

Initially, the provider unites with the city police group in deploying an intergrated transition in order to fulfill the city's obligation to the general public in such a way as to meet the demands of the provider and stakeholders alike. This plan must ultimately improve public safety as well as officer efficiency and productivity, while enhancing the city's image as a problem solver and provider.

The specific objectives of this mission for the provider are:

- o If an efficiency issue caused the disbanding of the police department, eliminate the identified inefficiencies by developing training modules, procedures, and practices that provide a more expedient service to the public.
- o Be responsive to the community by attending public functions, monitoring public feelings, reacting in a positive nature to criticism, and by defending the public, city, and officers' rights when appropriate.
- o Develop a costing plan that only recovers those costs incurred by the city and consistent with state law.
- o Be timely with levels of service by deploying personnel as a result of pinpointing crime trends and patterns in existing and/or emerging problem areas. To ensure the provider's success, he must develop a method for measuring the levels of service, or failures, in all areas. This could be achieved by:

1. Evaluating criminal statistics
2. Feedback from city administrators, citizens, and officers
3. Monitoring the number and type of citizen complaints
4. Monitoring the media
5. Monitoring the allocated budget to ensure that it will not be overspent

#### EXECUTION (Strategies)

Once a city has decided on a new form of law enforcement for its citizens and a provider has been identified, the provider must systematically approach the subject to ensure that everything falls into line at the appropriate time to ensure a smooth transition.

#### Level of Service Required

To establish both the minimum acceptable level of service and the optimum level of service for a city, a detailed analysis of the city's empirical historical data must be made. The elements studied are the crime statistics, response times, conviction rates, traffic needs, and citizen complaint issues. Then further needs are addressed by examining growth and population patterns. Once the provider has a good understanding of the city's needs, he can set a minimum staffing level, coupled with the cost and

recommended start dates. If not accepted, he should refuse to contract with the city. The reason for setting a minimum staffing level is that if the provider is unable to take over the law enforcement responsibility with at least the minimum level of enforcement personnel, he will be destined to fail.

The city can accept any level of service above the minimum. However, it should not exceed the optimum level of service.

#### Submittal of Contract Proposal to City Council

Once the service level, costs, and contract wording have been agreed upon by the provider's governing board, the document is presented to the city council for its review. After the council has had sufficient time to review the contract, a public hearing should be held in order to thoroughly discuss all aspects of the contract and service levels. This meeting should not be a negotiation session, but rather a meeting to ensure understanding.

#### Negotiations

After the city council has reviewed and has a good understanding of the contents and conditions of the contract, they will direct the city manager to negotiate with the provider, those conditions and terms not acceptable to the council.

Disputes have traditionally evolved around enforcement of all city ordinances, such as building codes, etc., rather than those with a criminal penalty and the liability issue.

#### Ratification of Contract

Once all the conditions and terms of the contract have been agreed upon by both parties, the city council votes on accepting the contract. If passed, the mayor signs a contract on behalf of the city, and it is sent on to the provider's governing board for its approval.

#### Execution of Contract

Once both governing boards have approved the contract, the provider must initiate the procurement process. This includes hiring personnel, purchasing equipment, and procuring needed office supplies. This is accomplished by the providers assigning a project officer (station commander/chief of police) to coordinate and ensure that equipment and personnel are on board by the contract's start date.

#### ADMINISTRATION AND LOGISTICS

The support needed to either administratively or logistically carry out the recommended course of action is:

- o A commitment from the Chief and his staff to execute the program as a high priority within the department.
- o Approval from the provider's governing board to "absorb" the disbanded departments' personnel, increased revenue, and expenditure appropriation.
- o The county administrative officer or the city manager to coordinate with the Personnel Division's activity related to the crediting of all vacation, retirement, sick time, and holiday hours from the city to the provider's agency.

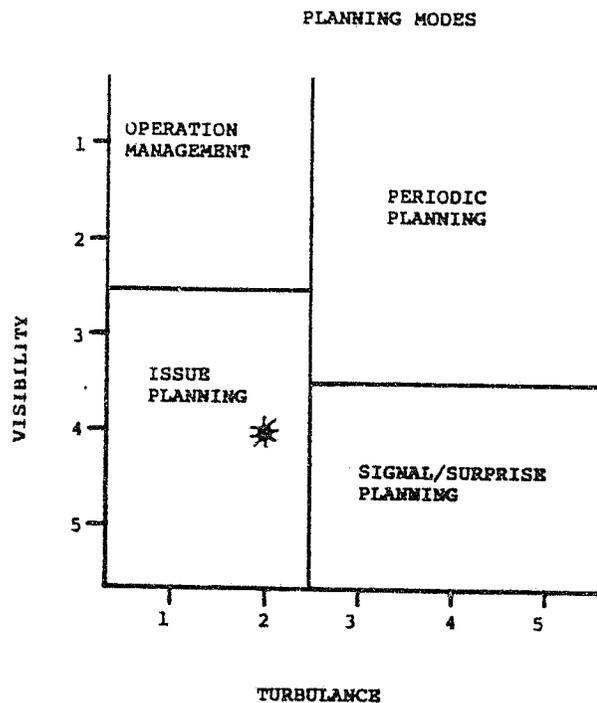
PART III

## PLANNING SYSTEM

After examining the "Visibility" and "Turbulent" aspect of the planning modes, it was determined that an "issue planning" technique was the best method to accomplish the provider's contract law enforcement mission (see Figure IV).

The "Planning Mode" chart is designed to measure the levels of "Visibility" and "Turbulent" aspects of any given situation. High scores in both visibility and turbulence means that planning, for best control, is on-going and if one is not attentive, surprises will occur. Low score in both categories generally means there will be ample time for planning and there will be very few surprises.

Figure IV



As noted in Figure IV, visibility was given a value of four while turbulence received a two. It was felt by the reviewing staff that, while contract law enforcement was presently experiencing a high level of popularity with newly incorporated cities and with eleven cities in California that did disband their police departments, there were few surprises and affected persons had sufficient advanced signaling to accommodate the issue planning concept.

#### IMPLEMENTATION PLAN

##### Negotiation Styles:

##### The Provider's Point of View

The negotiation style to accomplish a contract law enforcement program is a "Win - Win" strategy. The purpose of this plan is to identify, as best one can, the points of compromise, as well as the non-negotiable areas for all identified critical stakeholders. The provider's points of compromise could be:

1. Willingness to absorb all sworn personnel from the disbanded police department by waiving entrance requirements.
2. Willingness to absorb non-sworn personnel, provided the department had positions open in their respective fields.

3. Willingness to purchase the department's compatible operating equipment.
4. Willingness to accept the employees' accumulated sick time.
5. Willingness to grant local control by:
  - a. Giving the city veto and removal power, with reference to the selection and retention of the contract administrator.
  - b. Requiring the contract administrator to answer to the city manager, attend all city staff and council meetings, represent the city's interest at public hearings and gatherings, and function as a city department head.
6. Willingness to give local identity by allowing the city to mark the provider's units with personalized city identification.
7. Selecting any level of service above the minimum set.
8. Permitting the city to set enforcement priorities.
9. Use of police reserve force to supplement the city's non-vital policing needs.
10. Permitting the use of city letterhead and traditional city titles when the contract administrator is acting solely on behalf of the city.
11. Ninety to 120 day contract cancellation right.

Non-Negotiable Points:

1. Changing of department policies and procedures.
2. Amount or type of training
3. Being part of the salary and benefit negotiation proceedings.
4. Police equipment needs and procurement sources.
5. Retention or reassignment of personnel assigned, except the contract administrator.
6. Right of termination, discipline, promotion or any related personnel issue.

7. The city to design a police uniform for the provider's staff to wear.

#### Stakeholder's Points of Negotiation

The city governing group's (city manager and council members) conflict style will be one of "collaboration".

##### Compromising Points:

1. Accepting the provider's policies, procedures and personnel rules and regulations without a right to change.
2. Cost tradeoffs.
3. Willingness to accept the minimum level of law enforcement established by the provider.
4. Local identity issues.
5. Selection of a contract administrator.

##### Non-Negotiable Points:

1. The loss of control in reference to service levels, setting enforcement priorities, and access to contract administrator.
2. Giving up the revenues generated by contract personnel.
3. Removal of power in reference to the retention of the contract administrator.
4. The right to make service level upgrades.
5. The right to cancel contract with 180 days' notice.
6. The right to contact the provider agency department head in the event of disputes.

#### The Chief of Police

The conflict style this person will use is one of "competition" and then "compromise".

Compromising Points:

1. Willingness to accept the disbanding of the police department if he is assured of an early retirement, a lengthy severance pay program, or to be absorbed into the provider's agency at an executive level.
2. That he has a choice of remaining or being reassigned.
3. That all personnel are assured of jobs commensurate with skills and with no loss of pay or benefits.

Non-Negotiating Points:

1. Termination of himself
2. Termination of other police personnel
3. Significant loss of pay and benefits
4. A reduced level of service for the city
5. A higher cost of service over present cost
6. Loss of promotion and/or reassignment rights

Police Officers and Their Families

This group's conflict style will be one of "competition" and then "compromise".

Compromising Points:

1. All benefits other than sick leave be paid prior to leaving city employment
2. Accept reduction in classification
3. Will accept reassignments

Non-Negotiable Points:

1. That all are assured of jobs consistent with skills with no loss of pay or benefits
2. If reduction in classification occurs, there is no loss of salary or benefits
3. That they retain all seniority and promotional rights

4. That medical insurance and current treatment programs be continued until accepted by provider's agency medical group
5. No loss of sick leave

#### Police Association/Unions

The conflict style for this group is also one of "competition" and "compromise".

##### Compromising Points:

1. Willing to accept all points listed for police officers and their families

##### Non-Negotiable Points:

1. Same as police officers
2. If change would result in membership loss to different associations/union
3. Association must be included in initial planning discussions

#### Providers' Governing Board

This group's conflict style will be one of "competition" and "cooperation".

##### Compromising Points:

1. Will allow to concur if the provider does not lose current level of service to their constituents
2. There is no subsidy to the city
3. Will provide one time start up cost if needed

##### Non-Negotiable Points:

1. Same as provider's non-negotiable points
2. A hold harmless clause for enforced city ordinances

## NEGOTIATION STRATEGY

Since the negotiation process will be between the mayor and/or city manager and the provider's representative, it will be necessary to identify important and convincing arguments reference Contract Law Enforcement.

The best negotiating technique to be used with the Mayor and city manager is to demonstrate a "Win - Win" strategy.

Discussion points include:

1. Cost of present police department is considerably more and savings can be applied to other vital city needs.
2. There will be no substantial loss of his present ability to control the police operations.
3. The contract administrator will serve at the pleasure of the city manager.
4. That all present employees in good standing would be absorbed into the new operation and in fact several of his present officers will continue to perform police duties in this city.
5. A full police service program will be achieved with considerable backup services.
6. Discuss models already in place throughout the state.
7. Make the provider and his staff available to the city manager when it comes time for him to sell the program to the city council, chief of police, police employees, and citizens of the community.

## IMPLEMENTATION STRATEGY

So far, everything said has generally been directed at the provider. However, since the provider is not yet part of the city that has decided to disband it's police department, a word or two should be directed toward the city manager.

This could very well be a waste of time, since the city manager is generally the epitomy of salesmanship and framer of implementation strategies. It will, at least, be a guideline for a game plan for all to follow.

The intent of the implementation strategy is to systematically move a program smoothly through difficult phases. In this case, if a city manager or city council just announced the idea of disbanding their police department to the public without any ground work being laid, there will be, without any doubt, a public and employee outcry. The following outline is intended to ease the pains as a result of a city's decision to alter their method of delivering service:

- A. Present concept privately to council members
  - 1. Get their input and answer concerns
  - 2. Gain their support
- B. Present total program in executive session to entire council, gain their official support and commitment to project

C. Contact Chief of Police

1. First meet casually to discuss solutions to police department's and city's problems as a whole
  - a. Discuss staffing shortage and fiscal problems
  - b. Explore alternatives
2. Second meeting, at a later date, give concept information coupled with benefits to him and the city and that council may support such a move
  - a. Give written information in reference to what will happen to the present employees of the police department, including himself
  - b. Give names of other cities that have had to disband, and encourage him to visit those sites for firsthand knowledge
3. Have formal meeting with Chief to obtain mutual commitment and assurance of cooperation
4. Meet with employees of police department and explain entire program, answer their questions and concerns, gain their support

D. Contact Media

1. Present unified program pointing out that:
  - a. The reasons for the disbanding action are bonafide by listing each cause
  - b. The citizens of the city will not lose their present level of service
  - c. The personnel of the police department will not lose their jobs
  - d. This move is cost-effective and "good government"
  - e. The city council and police department regret such a move must occur, but all agree it is the best thing for the city
  - f. Encourage citizen input

- E. Take program to city council for final approval
1. Have a "Win - Win" Program presented at the council meeting that will have public appeal and will support council's action

### TRANSITIONAL MANAGEMENT PLAN

#### Critical Mass

The critical mass are those persons identified who will play the most critical role in achieving or blocking the transition from city police department to a contract Law Enforcement Program (see Figure V).

1. Chief of provider agency

#### Current Level of Commitment:

The strategic plan for the transition of services will have been approved by the chief of the provider's department. For the transition state of this plan, the chief will "let it happen".

#### Future Level of Commitment:

The chief of any law enforcement organization is very sensitive to the needs of the citizens. A program of this nature would have a very positive effect on coordinating and streamlining the law enforcement responsibilities of the city. He will remain at this level throughout the process unless additional support is required, at which time he will move to the "make it happen" category.

Approach:

If additional support is needed, he will use whatever resources are available to him to achieve this goal.

Persons Influenced:

All employees of the provider's department, city manager, council members, media, and voters.

2. Contract Administrator

Current Level of Commitment

This person will most likely have been in on all facets of the strategic planning stages and would be very enthusiastic and knowledgeable in reference to the contract law enforcement program. This person will be one of the persons that will "make it happen" and will remain at that level.

Approach

His approach to the identified critical mass will be one of leadership and law enforcement's stamp of approval.

Persons Influenced:

Provider's department employees, city manager, city council, and citizen groups.

3. City Manager

Current Level of Commitment:

This person is responsible for all law enforcement within the city. He will be looking for a full service police program that will be both cost effective and have a cost savings. Additionally, he will not want to suffer a loss of control or authority over this new form of law enforcement.

Originally, this person's level of commitment will be one of "help it happen".

Future Level of Commitment:

Without this person's support, this program could fail. This person will have to be moved to the level of "make it happen".

Approach:

This person may be quick to react to perceived problems. A carefully planned introductory approach would be necessary to convince this person of the benefits to him. The provider must realize that a city manager is interested in every detail due to the repercussions if the program failed. He is the major force in achieving this goal due to his influence over the council and city department heads.

Persons Influenced:

City council members, city employees, city residents, and media.

4. Chief of Police

Current Level of Commitment

This person is a multi-year veteran of law enforcement and highly respected for his capabilities. This person's level of commitment would be one of "block change" because it threatens his very existence. This change even attacks the credibility of his command. This move could result in considerable embarrassment to him personally.

Future Level of Commitment

This person needs to be moved to "help it happen" because of the number of police officers and citizens that look to him for leadership and direction.

Approach:

Special personalized attention must be given this person so that he fully understands the need to make the change and the benefits to all concerned.

Persons Influenced

City manager, city council, police employees, and a large number of citizens.

5. Police Associations/Union Representative

Current Level of Commitment

The association representative is a very strong law enforcement advocate. While he may have disputes with the city and his department on many issues, good law enforcement has always been a priority for the association/union. If his organization did not lose membership and its employees

did not lose salary and benefits, he would be at the "let it happen" level. However, if there were losses, the level would be at "block change".

Future Level of Commitment

This person needs to be moved to "help change happen" level due to the fact that when the transitions occur, there will be many problems that, in fact, can and will endanger this program until such time that the "bugs" can be worked out.

Approach

A complete and frank discussion of the total program, coupled with the anticipated problems that any major program change would have, the anticipated inconvenience and dangers that the police officer might experience as a result of this program and how to minimize those conditions would have to be explored. A well thought out plan as to how he could approach the members of his association/union and solicit their help in coping with the problems should be discussed with him in detail.

Persons Influenced

Police employees and their families that are members of the association and citizens of the community through daily contact.

Figure V

COMMITMENT PLANNING

Critical Mass	Block Change	Let Change Happen	Help Change Happen	Make Change Happen
Chief Provider Agency		O-X		X
		O-X		X
Contract Administrator				O-X
				O-X
City Manager			O	X
			O	X
Chief of Police	O		X	
	O		X	
Police Assoc. Union		O	X	
	O		X	

O = Current level of commitment  
 X = Future/Desired level of commitment

## MANAGEMENT STRUCTURE

In order to successfully implement this project, a transitional management team will be required due to the extensiveness of the project. It will be necessary for the provider to assign a project manager (preferably the future contract administrator) and a support team consisting of a line level supervisor, a training officer, and a payroll fiscal clerk.

### A. Project Manager

1. This person is responsible for the coordination and implementation of the transition plan.
  - a. Become familiar with the inner workings of the city by meeting the people, visiting sites, and attending civic group meetings.
  - b. Give important feedback to support team relative to his findings.
  - c. Settle committee disputes and give final ruling on all issues.
  - d. Ensure procurement of all necessary equipment.

### B. Line Level Supervisor

1. This person has the responsibility of selecting manpower and developing deployment plans with the appropriate scheduling.
  - a. Review all personnel records to identify qualified personnel and make his recommendations to the project manager.
  - b. Determine specific deployment needs.
  - c. Based on past and present experiences, submit a strategic plan of operation.
  - d. Develop a scheduling methodology consistent with the development plan and officer's needs.

C. Training Officer

1. The training officer's responsibility is to ensure that all of the city's present officers that will be transitional into the providers agency will have the required training and proper orientation.
  - a. Review training records and develop lesson plans consistent with the officer's mandated training needs.
2. Set up an orientation program that not only addresses department protocol, payroll and policy, but department philosophy as well.

D. Payroll Fiscal Clerk

1. This person's responsibility is to audit all payroll records and make appropriate transfers of sick leave, vacation days, and holiday hours consistent with the contract agreement.

TECHNOLOGIES

In order to have an effective transition plan, the following specific items are necessary.

A. Careful planning

1. Readiness of the provider's department
2. Capability of success
3. Commitment of the department

B. Monitoring progress

C. Reactive problem solving involving management

D. An assessment plan

### Careful Planning

It is vital to this project that careful planning, which includes goals and objectives, is carefully outlined in order to have a smooth transition. The plan must include an assessment of the organization's readiness of the program. If the organization's readiness is low, educational activities and even organizational confrontation meetings will be in order. It is important that the capability of the organization is not over estimated and the need for experimental projects must be carefully assessed.

In addition to the plan assessing the level of commitment of the organization, it must also fix responsibility of key players as well as peripheral players through responsibility charting.

### Monitoring Progress

On-going evaluation of the plan's progress is imperative. This can be accomplished through briefings with the project manager and his staff, and by formal and informal feedback by the city officials.

### Reactive Problem Solving Management

Since this program is an extremely critical project, the project manager must have the authority and resources to act and react accordingly to environmental and technological changes. This authority would extend only to the implementation point, at which time the project team would be disbanded and the responsibility for the project would be turned over to the contract administrator, if different from the project manager.

### Project Assessment Plan

Once the project is "up and debugged", it is vital that an ongoing evaluation of the program is established. This would require a periodic written evaluation from the users. This evaluation can then be reviewed by the provider's chief to ensure that the contract goals, objectives, and priorities have been met and will continue to be met.

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