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**THE IMPACT OF FEES-FOR-SERVICE
ON SHERIFF'S OFFICES IN CALIFORNIA
BY THE YEAR 2004.**

The Development of Alternative Funding Mechanisms.

Technical Report

OCT 95 95

by

Laurie Smith

Command College Class XX
Peace Officer Standards and Training (POST)

May 1995

20-0419

This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.

The views and conclusions expressed in the Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

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Evaluating the Fee-For-Service Funding Mechanism and Developing Alternative Funding Models for Public Safety Agencies for Counties in California.

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ABSTRACT

The emergence of the imposition of fees to generate revenue for law enforcement budgets is gaining momentum in California. This issue is examined from a futures perspective and primarily negative implications are forecast. An analysis found that this fee-for-service model is increasingly being used as a tool to sustain budget allocation levels. Recommendations are made to closely evaluate and establish guidelines for service fees with consideration given to long-range impacts. The primary focus offers alternative funding mechanisms for county public safety agencies in California. Planning methods are offered for the establishment of guidelines for service fees and alternative funding models. Alternative funding models are presented since no one mechanism is ideal for all situations. It is recommended that public safety agencies evaluate current fee structures and their implications. Alternative sources of allocations can be utilized to augment budgets and replace any lost revenue from the decrease in service fees.

SERVICE FEES:

The future of public safety funding?

Journal Article

by

Laurie Smith

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Service Fees: The future of public safety funding?

by Laurie Smith

A fundamental change in law enforcement policy is plaguing police agencies. While the main focus of law enforcement continues to be crime and violence, the criteria for determining law enforcement priorities are increasingly being dictated by economics.

The Toll -

Crime in America is forcing federal, state and local government officials to spend billions of dollars on police protection, prisons and the court systems. It is also compelling citizens and companies to purchase massive amounts of private protection. Also, cities and counties are dramatically increasing the numbers of services for which fees are being assessed. The cost of crime in the United States is estimated to be \$674 billion a year.¹

Crime is thought to be the main problem facing the nation, ranking ahead of the economy, unemployment, the deficit and the government. Seventy-seven percent of Americans worry about becoming violent-crime victims.²

However, this fear of crime often does not appear to be consistent with crime

*"Crime is this year's designated crisis -- a lush opportunity for the Elected Ones to be especially eloquent, gnashing teeth and pounding podiums in their fervor to rain brimstone on all vile miscreants"*⁵

data. The California Crime Index rate decreased 3.5 percent from 1992 to 1993, and for the first time since

1987 there was a 4.1 percent decrease in the violent crime rate.³ The National Uniform Crime Report showed a two percent decline in offenses in 1993.⁴

Placing this information in a different perspective, however, may shed light on some of these fears. In California the most serious crime -- homicide -- increased 3.2 percent in one year, and the level of random violence is also rising. When comparing 1952 to 1993, the violent crime rate has increased 591.6 percent.⁶

One authority reports, "The reasons for the increase in violent crime are multifaceted, but the starting point is economic."⁷ The reward for honest work for the less-educated has fallen, while the payoff for crime has risen. A 1989 survey of youth crime in Boston shows that the average hourly pay from crime ranged from \$9.75 to \$19 per hour. "Essentially, what is happening is that wage and employment opportunities have declined dramatically, and opportunities in the criminal sector have grown."⁸

There is a broad consensus among criminologists that a small percentage of repeat offenders are responsible for the vast majority of violent crime.⁹

There is continuing debate in the media concerning whether these crime fears are real or imagined. However, there is no debate concerning the public's desire for increased levels of safety.

The Public Wants More -

The Federal Government is developing the Violent Crime Control and Law Enforcement Act of 1994 which is projected to spend about \$30 billion on public safety in the next six years.¹⁰ With this emphasis on public safety there have been a number of laws enacted that have a "get-tough attitude." One example is the recent "Three Strikes and You're Out" law enacted in California. The fiscal impact on the County of Santa Clara has not yet been calculated; however, the County's Center for Urban Analysis indicates that trials could increase by over 150%. A major fiscal impact will be on the State's prison system, and the cost overall will be "several billion dollars" according to the State's Legislative Analyst's Office.

With the passage of Proposition 172, "The people of California have reaffirmed the principle that government's first and foremost duty is to provide for public safety and law enforcement," reports Attorney General Daniel E. Lungren. This proposition also served to demonstrate that the public is willing to pay the costs for increased public safety.

Proposition 172

In 1993, California voters enacted Proposition 172, which established a permanent statewide half-cent sales tax for support of local public safety functions in cities and counties. On, November 3, 1993, this proposition became Article XIII Section 35 of the California Constitution.

Assembly Bill 2788

During the 1994 legislative session, AB 2788 was enacted into law which requires that a "Maintenance of Effort" (M.O.E.) threshold be met. Assembly Speaker Willie Brown authored this bill which was "designed to carry out the intent of Proposition 172." This law specifies that funds for public safety services within its jurisdiction shall not be in an amount that is less than the amount of funding for those services in the 1992-93 fiscal year.

Public Safety

Government Code Section 30052(b)(1) defines public safety services to include, but is not limited to sheriffs, police, fire protection, county district attorneys, and county corrections. Public safety does not include courts. Additionally, AB1519 included ocean lifeguards to the definition.

Since the passage of Proposition 172, bills continue to be introduced in the State Legislature mandating minimum funding levels for public safety agencies. Many still believe that public safety agencies have not benefited adequately from this tax extension revenue. Attorney

General Lungren states the following:

"Any county which instead uses these funds for purposes unrelated to public safety is tempting a justified backlash of resentment from their constituents. Similarly, county and city budget writers would only thwart the will of the voters if Proposition 172 funds are provided to public safety budgets while at the same time funds are taken away from those same budgets to fund other non-public safety programs."

A subcommittee of the County Accounting Standards and Procedures Committee recently established guidelines concerning appropriate allocation of the Proposition 172 revenue under the provisions of a recently enacted law (A.B. 2788) specifying minimum funding levels. This committee was formed "due to general public perception in the law enforcement and legislative communities that these public safety funds were supplanting local revenue that would have otherwise accrued to the public safety functions."¹¹

The recession that began in California in 1990 appears to finally be in a slow recovery mode. A recent study found that California is ranked forty-first in the nation when comparing state government budgeting, program evaluation and performance.¹²

From 1986 through 1991 there has been significant increases in expenditures for all segments of the criminal justice system nationwide. However, corrections have accounted for an increasingly greater percentage of the total, and police protection has accounted for a decreasing percentage of the total.¹³

The increasing criminal justice costs coupled with the declining economic tenor have forced governmental agencies to select how diminishing resources are allocated.

In the last ten years, police, fire and corrections' budgets have driven government expenditures to new heights while other

government departments have "...suffered at the expense of trying to address the crime wave and make the public safe."¹⁴

Cost of Crime -

Public safety service decisions are often based on economic considerations rather than actual need. This can have the effect of leaving the business community to fend for itself. "Fed up" with the expense of responding to thefts from convenience stores, the Gainesville, Florida city government did a cost-benefit analysis of some services. It found that while convenience store losses totaled \$100,000 during that period, the city government spent more than \$1 million in time and personnel to investigate these crimes.¹⁵

Budgeting Safety -

One revenue management technique (cost center budgeting) reviews services provided and benefits received in order to determine what services should be maintained

and how those services should be paid for. Cost center budgeting is the process of linking the

benefits of governmental services with the costs of providing those services. The method used in this type of budgeting involves identifying service eligible for a service charge and determining the benefit received from the service. "The key element in this determination is whether the recipient

Service

An activity that benefits an individual or group (perhaps another department or function of the government) and is the responsibility of some designated department, office, or agency.

of the service receives a direct benefit independent of the general community, or, when there is a community-wide benefit, whether the benefit each user receives is proportional to measurable "consumption."¹⁶ These determinations are then used to analyze the options (e.g., to increase the service, decrease the service, eliminate the service, charge a fee for all or part of the cost of the service).

A need for new revenue sources had caused the City of Riverside, population 210,000, to look at the services it provided and decide how much should be charged for those services. The City Council was interested in generating revenue for public safety and other city services. The city elected to hire a consultant to study and implement this cost center budgeting system in order to generate revenue. This year-long process that involved every city department, including the police department, was completed in 1990. As the city approached the budget for 1990-91, concerns were expressed that "the City Council again wants to increase some services, and while our previous actions have kept revenues on a more equal footing with expenditures..."¹⁷

In spring of 1991, the Riverside City Council passed an ordinance establishing a

twenty-five dollar alarm permit fee as a method of reducing the number of false alarms. In March 1992 a Riverside woman activated her silent alarm and "when Riverside officers determined that the woman had not paid the twenty-five dollar fee to register her alarm with the city, they decided -- in accordance with their policy directive -- not to respond."¹⁸ The woman was allegedly beaten and raped in her garage, and the police have since rescinded their policy calling it a "terrible mistake."

Fee Versus Tax -

Law enforcement agencies have long

been using the principle of fee-for-service when assessing direct costs to individuals who misuse or abuse police services. Although the generation of revenue was a factor, this fee system was developed to decrease mis-uses or abuses of police services. An example is the assessment of fees for

false burglary alarms requiring police to respond to the location multiple times. For example, this would be considered an abuse or mis-use of service if it was a result of a faulty alarm system.

Increasingly, law enforcement agencies are imposing fees using non-traditional justifications to generate

Fee-For-Service - Service Indemnification
The assessing of a service recipient the total cost of a service. These costs include those directly associated with the service and those indirectly associated with the service.

Revenue Generation
An operational definition for the purpose of this study infers that law enforcement agencies charge fees for the purpose of making money. The inference is also the fees will off-set budget reductions or budget allocations are contingent on the imposition of fees. This presumes a revenue budgeting model instead of the general fund budgeting model.

operational revenue. The ongoing philosophical debate concerning this issue of tax-versus-fee systems becomes more apparent during times of economic difficulty. The rationale for the imposition of a cost recovery program in one California city found that "The common misconception that tax revenue is sufficient to pay for all city services must be overcome."¹⁹

Leading authors indicate: "Many criminal justice agencies are entering the fee collection business as a matter of survival and as a means to provide the courts with sentencing options. Given this development, it is incumbent upon criminal justice professionals to understand the magnitude of economic sanctions, the criteria used to assess them, the effects of financial penalties on disadvantaged clients, ..." ²⁰

Economic conditions in California have had an effect on law enforcement budgets. California is ranked eighteenth in the nation for spending on police per \$1,000 of personal income²¹ while having the fourth highest rate of numbers of violent crimes to population.²²

The print media reports, "Throughout California justice is increasingly for sale. Complaining of budget woes, many of the state's prosecutors now rely on companies and other well-heeled private parties to help pay for investigations and prosecutions of crimes committed against them."²³

Fees are evident in all aspects of public safety. There are concerns that this

trend will result in prosecutions only if the victim is willing to pay the associated costs:

- Ventura County stopped prosecuting Fish and Game violations. A private sport fishing group put up money for an additional prosecutor. Prosecutions are now back to normal.
- Prosecution for workers' compensation insurance fraud has been a low priority until employers, insurance companies and others backed a law which establishes a pool of cash, controlled by a commission, to be doled out to prosecutors.
- In Los Angeles, a cable television firm paid for a private investigation of illegal cable television decoder boxes. They took the investigation to the police who used it to obtain a search warrant and initiate arrests.
- In a number of counties in California, companies are asked to pay for audits of their books to prove they are the victim of embezzlement or fraud.
- In Contra Costa County the prosecutors will settle for a conviction on a lesser charge if the victim cannot assist in the payment of witness fees and travel expenses.
- In Santa Clara County a case involving trade secrets, the company paid for an extensive private investigation and assisted in the payment of expert witness fees.

Who Pays the Price? -

The recent trend in service fees has been the increasingly aggressive development of revenue generating programs as mechanisms for funding public safety agencies. Within law enforcement, the number of services for which fees are charged are increasing at a rapid rate. There has been a number of bills through the

California Legislature which call for the authorization of service fees for public safety agencies.

Law enforcement agencies seem to have lagged behind other public safety agencies in their assiduity in the assessment of fees, but are gaining ground and are finding more ways to increase revenue.

California Department of Forestry recently assessed a fee for fire fighting costs of \$700,000 to an individual for negligence.²⁴ This person had planned to reduce the risk of a potential fire hazard around his home by clearing dry grass and leaves away with a lawn mower. The lawn mower rotor blades presumably caused the fire when contacting clogged dry grass. The determination of negligence was quoted as "although he was doing the right thing by clearing his property of a potential fire hazard, he was doing it in the heat of the day and on a day when winds could spread flames." In addition to the fire fighting costs, there was an estimated \$1 million loss that included six other homes. When discussing the incident with a California Department of Forestry representative, he stated that their agency was attempting to quickly "settle" the matter for \$300,000. The \$300,000 represented the negligent person's maximum homeowner liability insurance benefit and they were attempting a quick settlement because they knew that other people who lost their homes may also file claims.

There is a bill in the State Assembly (A.B. 867) which allows an individual to be

billed for all of the reasonable expenses when the need for search or rescue was caused by a violation of law or by intentional acts that are inherently dangerous and the person knew of those risks.

South Pasadena recently passed an ordinance that allows the billing of parents or legal guardians the cost of detaining juveniles accused of non-violent crimes. The ordinance was a result of the city's attempt to recoup an estimated \$318,000 lost to state budget cuts.²⁵

The Cotati Police Department "hopes to set a trend in the county" by assessing a booking fee recovery program. This plan would require people arrested and convicted of a crime to pay their own cost for being booked into jail. The money would be used to offset costs currently expended by the police department.

San Diego Police Department plans to bill people whose actions cause officers to be summoned. The rationale offered was, "California law allows bills to be issued for services provided by police and other city personnel, including lifeguards, firefighters and paramedics."²⁶

People arrested for major crimes in Anaheim would be billed by the city for police time and labor spent investigating their cases even if charges against them are dropped or they are acquitted, under a proposed ordinance already tentatively approved.²⁷

A task force in Santa Clara County had targeted a habitual sexual "predator" and

found that he was in violation of the felony statute for failing to register his address (Penal Code Section 290). After he was arrested the District Attorney's Office declined to prosecute. The suspect had attempted to register as a convicted sex offender in his county of residence, but he was turned away because he did not have the twenty dollar registration fee.

An interesting example of a town taking controversial steps in the name of revenue collection involved the removal of a judge. This judge was not generating "solid revenues" in parking tickets fines, and he was replaced because "a judge with a better appreciation of the bottom line might be able to help with the

township's financial problems." Members of the legal profession were outraged because, in essence, the judge was more accountable for "revenue streams than courtroom

justice." In reply to this incident, the state's chief justice stated, "That reason is intolerable. It puts cash on the scales of justice. It encourages what amounts to judicial misconduct."²⁸

Legal challenges have been raised concerning the First Amendment protections and the imposition of a fee on free speech activity when public property is used for expressive purposes. On June 19, 1992, the

Supreme Court released a decision (*Forsyth County v. Nationalist Movement*) which held that an ordinance was unconstitutional which called for a service fee. This assessment was ruled unconstitutional because it allowed the county administrator to take into account the popularity of the speech and the likelihood it would attract counter-demonstrators in setting the amount of the fee. The court further ruled that nominal fees are acceptable if the controversial nature of the event is not taken into account and the group is not charged for the actual or predicted consequences of its event. This ruling dictates that the nominal fee that is charged must be the same for a children's rally as for a rally of racial extremists.

Law enforcement agencies have historically been funded almost entirely through general governmental sources, deriving their operating revenues from with the

governmental agency's "general fund." Only a portion of law enforcement costs have been offset by the generation of revenue. One recognized and accepted example of law enforcement revenue generation is the imposition of court fines resulting from criminal and traffic actions.

The generation of revenue through the use of asset forfeiture programs is in wide use on both the federal and the state levels.

General Fund (or General Purpose)

A revenue fund within a governmental agency which supports a variety of services. Within the general fund there are discretionary and non-discretionary expenditures. The non-discretionary expenditures are those that are mandated by either the State or Federal government and can only be spent for specified programs. The remaining discretionary funds support all other county services such as law enforcement. (The County of Santa Clara has discretion over only 8.6% of the total general purpose revenues.)

The concept of forfeiture originated in Medieval England. It is based on premise that property, like people, can be "guilty" of wrongdoing. In the U.S. the first forfeiture law was enacted by the First Congress in 1789 which permitted the seizure of ships and cargoes involved in smuggling.

These forfeiture laws began to play a major role in law enforcement in the U.S. in 1984 when Congress targeted drug traffickers. The increasing levels of seizures have lead to a considerable amount of revenue along with a considerable amount of criticism.

Testifying before Congress in 1992, former New York City Police Commissioner Patrick Murphy admitted: "The large monetary value of forfeitures . . . has created a great temptation for state and local police departments to target assets rather than criminal activity."²⁹

Federal and state legislators have recently been faced with this often controversial issue. "Cash-strapped law enforcement agencies welcome forfeitures. Most of the proceeds are used to buy new police cars, radios, and weapons, and even pay a portion of officers' salaries. Washington, desperate for revenue, strongly supports forfeiture."³⁰

As the rate of law enforcement service indemnification increases, the growth in private security companies also increases. There is no retrievable data concerning the rate of increase of service fees within law enforcement agencies to use for purposes of

comparison. If there is a comparable growth rate between fees and private security, it may be beneficial to study the issue further in order to determine if a nexus exists.

Private security personnel outnumber police personnel by two to one. A study done in Virginia predicts that private security personnel will provide seventy-five percent of all security by the year 2000.³¹ There was a six percent increase in private security since 1990 during a time the general work-force increased less than one percent.³²

Private security is becoming more prevalent and more accepted in the community. In Sussex, New Jersey, officials signed a six-month test contract for private security service to replace the disbanded police force.³³

The Issue -

The issue explored in this study involves the assessment of fees-for-service by recovering the associated costs in order to generate revenue into the public safety agency. Although many police agencies are attempting to identify additional sources of revenue through the use of fees, there is a lack of policies and consistency in the philosophical application of service fees. The issue of burgeoning fee assessments without a valid evaluation system or without exploring the long-range implications of the fee was addressed.

The study involved the proposed model of generating operational revenue through the use of service fees by law

enforcement agencies using the following issue question:

What law enforcement service indemnification model will be used by Sheriff's Offices in California by the year 2004?

Study Focus -

The issue was evaluated for the futures portion of this study using a N.G.T. process for projecting and determining the most relevant projected trends and events for this

issue. Once this was completed, these trends and events were used in the random selection of scenarios providing a futuristic view of law enforcement relative to this issue.

When sorting the hundred scenarios generated, the primarily negative nature of the trends and events became readily apparent. Only a few scenarios could be considered to have potentially positive ramifications.

Reflecting on the discussions during the N.G.T., it became apparent that the anticipated assessments of service fees in increasing amounts and frequency were thought by most panel members to have a negative overall impact on law enforcement. It was also their opinion that most events that could occur would be negative, and most trends, in the direction of their projections, would also be negative.

During an analysis of the events forecast, it was discovered that the long-range implications were all negative, with the exception of one specific type of projection. This one exception involved the influx of revenue to law enforcement agencies. All events that did not increase levels of funding

were projected by the N.G.T. panel to have negative implications to law enforcement. Of the fifty-seven events forecast, the only ten that were

positive involved increasing funds by means of sources other than fees. The following ten events were determined by the panel to be the most important to the issue:

- Sheriff Refuses to Assess Fees for Services
- State Law Gives Private Security Personnel Peace Officer Status
- County Bankruptcy
- Supreme Court Rules that Public Sector Fees For Service are Unconstitutional
- County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services
- Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services
- Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency
- Voters Repeal Proposition 13

Nominal Group Technique

The Nominal Group Technique (N.G.T.) is the process used in this futures study. The N.G.T. is a small-group technique for achieving acceptable consensus on the answer to a single, usually two-part question by a process that alternates private work and open discussion.

- Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth
- Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts
- Level of Police Service Desired by Community
- Consolidation of Agencies
- Privatization

The discussion of trends during the N.G.T. found that most of the thirty-nine trends developed could have negative implications other than those which, depending on the direction of the trend, would potentially increase law enforcement funding. The ten trends that were determined by the group to be most descriptive of the issue were also defined in terms of projected direction of the trend. Those ten trends, factored with their projected direction, are expected to create problems, increase challenges or increase costs during the entire ten year forecast. The one slight exception is the projected economic change trend data whose direction indicates a negative downturn in five years and a positive up-swing in ten years. The following trends determined by the N.G.T. panel to be the most descriptive of the issue:

- Legal Challenges
- Economic Change
- Level of Public Tolerance for Paying for Police Service
- Electorate Attitude Toward Taxes
- Demographic Change/Level of Diversity
- Level of Crime/Crime Rate
- Public Perception of Safety

After an analysis of the data and the N.G.T. discussions, it was decided that the development of a service indemnification model for law enforcement funding would be meaningless if this model had primarily negative consequences. It was moreover believed to be counter-productive to develop and recommen this funding model which could serve to enhance the level of usage which most implications were projected to have negative implications.

In retrospect, it is of interest to note that one of the ten most important events (Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency) was projected to have a low median level of probability of occurrence. This was also consistent with one of the highest ranked trends (Electorate Attitude Toward Taxes) which had the greatest fluctuation in levels of all trends. The public's attitude toward taxes in general was projected to indicate that in ten years there would be a ninety percent more negative attitude to taxes in general. Because the N.G.T. panel was conducted prior to the initiation of Proposition 172, the group was proven to be entirely incorrect in their probability of occurrence projection of this event. During the N.G.T. there was little faith that any additional tax could be passed now or within the next ten years.

The question then arose concerning what change of focus would be most appropriate to the issue and how could the data developed assist in this study of service indemnification.

In a second independent review of the data and the panel discussions during the N.G.T. process, it was determined that the process had also resulted in some potential solutions to the negative findings of the continued assessment of fees. These potential solutions revolved around the only positive events and trends developed during the N.G.T. process and involved the generation of revenue for law enforcement using methods other than service indemnification.

Because the original issue was determined to be of little value to law enforcement because of the overwhelmingly negative implications, a new issue question was developed. These modified issue and sub-issues were developed to assist in providing a rational basis for guiding the direction of potential law enforcement funding models. The change of focus of this study will now address the following issue and sub-issue questions:

This study focused on mitigating the negative implications of fees and will explore an alternative mechanism for ensuring

adequate public safety funding with the following goals:

- Development of a statewide set of guidelines or mandates with recommendations for specific definable criteria for the imposition of service fees. This would provide the basis for consistent application of fee structures and would specify both the recommended nature of fees and the levels of costs imposed for the fees.

- Establishment of a funding mechanism which deviates from the current trend of increasing becoming dependent on fees for public safety in order to ensure an adequate level of allocations.

The futures study of this issue allowed for the recognition of potential

problems and provided the focus for alternative methods of addressing the issue of overall public safety funding. The information presented provided for a firm foundation in the development of a strategic plan to address the implications of this issue.

Preferred Strategy -

A modified version of the N.G.T. panel was used to develop alternative strategies for this issue of fees-for-service funding model. The panel agreed the current trend in service fees could have negative implications. Because of this, a method needed to be developed which halted this increase and provided a rational basis for the imposition of

Issue:

- What law enforcement alternative funding model will be used by county law enforcement agencies by the year 2004?

Sub-Issues:

- How will county law enforcement agencies determine the most appropriate alternative funding model?
- What legislative changes will be necessary to establish this alternative funding model?
- What organizational changes will be necessary to establish parameters for the fee for service model?

fees. Since county agencies are dependent on revenue generation, another mechanism for ensuring an adequate level of public safety funding needed to be developed.

This plan addresses the issue of developing an alternative funding model by establishing a minimum percentage of the overall county's general purpose funds to be dedicated to public safety entities. As a corollary to this plan, since it will increase public safety allocations, the defining and restricting of the assessment of fees needs to be evaluated and implemented. This transition plan secondarily addresses a method to limit the imposition of service fees to mitigate any of the projected negative implications.

The selection of this method for dealing with the issue is consistent with the findings of the futures study. Utilizing this strategy the goal set forth in the description of the ideal future can be accomplished.

The original focus of the study involved the issue of generating revenue through the use of service fees in order to maintain adequate levels of funding for public safety agencies. Because the projected implications of service fees were believed to be primarily negative, the focus of the study changed to the development of a funding model to decrease the reliance on service fees.

Options -

Even though one strategy was recommended by the panel, there are many different viable funding options which could affect county law enforcement agencies in the future. Each option has inherent advantages and disadvantages and no one system should be considered the only answer.

Option One -

This option, recommended as the best strategy by the panel, imposes a minimum percentage of the county's general purpose revenue to be dedicated to public safety. The model used for this plan is the California school funding mechanism adopted by Proposition 98. This option includes the development of a statewide guideline for criteria to establish a consistent application of service fees.

The school funding model that dedicates a percentage of statewide general purpose revenue was enacted in California in November of 1988. It contains the specific provision that "From all state revenues there shall first be set apart the moneys to be applied by the state for support of the public school system and public institutions of higher education."³⁴

Proposition 98 has been widely censured for various reasons. "History may conclude that Proposition 98 . . . was the worst thing that happened to California public

Proposition 98
Article XVI, Section 8 California Constitution establishes a minimum of forty percent of the state's general fund to go to the schools. (This is the rationale offered for the property tax shift of \$2.6 billion dollars from local governments to the state "the tax money was shifted to satisfy the state's funding obligations for schools, under voter-approved Proposition 98, without widening the state's deficit.)

education in the 1980s."³⁵ Some of the criticisms of Proposition 98 are as follows:

"Guarded optimism . . . state and Sacramento are educators . . . one day after Governor Wilson guaranteed full funding for state schools if lawmakers support his plan to slash welfare benefits." and ". . . Wilson could be sparking a political firestorm by forcing the public and politicians to choose between welfare and schools."³⁶

"There have been a lot of mischaracterizations, said Maureen DiMarco, Wilson's education secretary. It is just awful, but this whole battle isn't over school funding. It is over taxes and deficit spending."³⁷

". . . the state government's shift last year of \$2.6 billion in property tax revenue from local government to schools." and "The tax money was shifted to satisfy the state's funding obligations for schools, under voter-approved Proposition 98, without widening the state's deficit."³⁸

". . . it has singled out the schools as the focus of annual budget battles and has driven a wedge between educators and advocates of other major socio-spending programs such as health and welfare. And in periods of economic distress, Proposition 98 has proven to be, at best, a thin blanket of protection for schools."³⁹

California bonds are among the most poorly rated in the nation and "the rating agencies specifically mentioned the constraints on governmental action imposed by Proposition 13 and Proposition 98, . . . the second because it locks at least forty percent of those revenues away for . . . schools."⁴⁰

Proposition 98 does not seem to be a panacea for establishing funding models of the future and it has been recognized as having created difficulties within the state government. However, it has removed some of the subjective nature of the state budget and probably has demonstrated some positive

value. The one major fault identified from the perspective of school personnel is that this law has developed from a minimum spending level to the school spending "cap" since the minimum has now also become the maximum. None of those interviewed ventured a guess as to what they felt would have happened to school funding if the guaranteed minimum spending limits had not been in place. The overwhelming sense was that without this provision, California schools would be in much worse condition.

The plan provides for the dedication of higher levels of allocations for public safety agencies with the intent to decrease the reliance of public safety agencies on the generation of revenue through service fees. The rationale for the minimum percentage concept was the fact that additional money is coming into the counties since the passage of Proposition 172 and a greater portion could conceivably be guaranteed to public safety.

Other legislative moves aimed at obtaining higher levels of public safety funding are in progress. Legislation (Assembly Bill 2788) recently passed and signed by the governor allows the establishment of a base year (fiscal year 1992-93) to establish a minimum funding level for public safety agencies. This legislation was enacted in order to eliminate additional budget cuts and to augment appropriations to public safety agencies consistent with the specifications of Proposition 172. In addition to this bill,

there are several others of a similar nature pending in the legislature.

Although this legislation could conceivably be successful in obtaining a higher level of public safety funding, this option could provide one more alternate method of dealing with the situation.

The major disadvantage of this option to the governmental agency involves the mandatory designation of the funds. Nearly ninety percent of all services run at the county level are state-mandated programs. The remaining ten percent of counties' budgets allow for discretionary programs such as public safety.⁴¹ The County of Santa Clara has discretion over only 8.6% of the total general purpose revenues. Many economists dislike earmarked taxes because they make public budget less responsive as funding needs change and they limit the discretionary spending powers of policy makers.

This option will further restrict the governments discretionary authority by mandating another funding priority. With the increase of voter approved limits and mandates it becomes increasingly difficult for representative government to function.⁴²

Option Two -

This option would involve the continuation of the current manner of funding using the fee-for-service model of generating

revenue. This option assumes the inclusion of a portion of the recommended strategy in the development of a statewide guideline for criteria to establish a consistent application of service fees.

<p>General Fund (or General Purpose) A revenue fund within a governmental agency which supports a variety of services. Within the general fund there are discretionary and non-discretionary expenditures. The non-discretionary expenditures are those that are mandated by either the State or Federal government and can only be spent for specified programs. The remaining discretionary funds support all other county services such as law enforcement.</p>

This would be advantageous to the overall county government since would serve to generate additional county revenue when compared

to option one. With the establishment of the fee guidelines, there can also be consistent application in the service fees.

Although this could mitigate the projected negative implications of the fee based model since the levels of fees would be curtailed, it does not create any higher level of funding for public safety agencies. This option may serve to decrease the level of allocations by imposing cuts equal to the amount of revenue lost.

It would also not provide any additional revenue sources from public safety agencies into the county government. Currently, with the increase of public safety services for which fees are assessed the county government may recognize this as a negative implication.

The public in this option continues to be assessed fee-for-services from public safety agencies. There is a wide range of county law enforcement agency perspectives concerning the assessment of service fees. Some agencies are aggressively increasing

the levels of fees, some are remaining status-quo and others are moving to decrease the levels of services for which fees are assessed. Depending on the level of fees from county to county, the greater the focus on the generation of revenue, the more important the establishment of guidelines would be to the public.

Option Three -

This option would involve the continuation of the current manner of funding. This assumes that there will continue to be increases in the numbers of services for which fees are charged and the cost for all services will increase. Unlike the other two options, this option would continue the revenue generation model with no established parameters or guidelines. This option is the current direction of county law enforcement agencies absent any type of constraints.

This model would be beneficial to the governmental agency since it would continue to increase the levels of revenue generated from fees. This could also impact the level of the law enforcement agency's level of allocations in a positive manner.

This option is the specific model used in the development of this study. As earlier discussed, the projected implications of this model were all thought to be negative with the exception of those that identified alternative sources of revenue.

The direction of the projected trends and events often demonstrated an undesirable

future state for law enforcement. The future state for public safety was projected to reach a point where services would only be provided on a payment basis. Other law enforcement agencies and private security service would compete for service areas and be judged on their individual effectiveness. This system could result in a further separation between the "haves" and the "have-nots" in society. Those who have the economic means to pay for service will be provided the service and the others will not. It is envisioned that the "haves" will live in fortress-like environments while the "have-nots" will live in a state of lawlessness and complete chaos.

Conclusion -

During the futures study many negative implications were forecast concerning the direction of the trend of fee-for-service funding indemnification. This study resulted in the conclusion that recommended a firm policy for fees and an alternative model for funding public safety agencies. The policy for the fees would include a statewide policy that the community could understand, the determination of "why" fees would be assessed and the discontinuation of using fees as a primary mechanism for public safety allocations.

This recommendation was briefly discussed in the study as a secondary focus necessary to mitigate any identified negative implications of this current trend that is expanding in scope. The changes associated

with this portion of the study will provide consistency statewide with organizational changes in potentially all public safety agencies in the state.

There is also a need for additional funding or more consistent funding for public safety agencies. This coupled with the public's desire for more safety, further reinforces this concept.

Legislation has been enacted and additional legislation has been proposed to mandate a "maintenance of effort" to establish minimum levels for public safety funding. These attempts are one method for addressing this issue.

The recent enactment of a tax to be dedicated to public safety, has resulted in a large amount of revenue into county governmental agencies. There is also a considerable amount of debate concerning the appropriate application of the fund and whether it was intended to supplement public safety or if it was intended to balance county budgets when the property tax revenue remained with the State.

This study proposed the establishment of a minimum percentage of the county general fund revenues to be guaranteed to public safety. This is similar to the school funding law that establishes a priority for education by mandating forty percent of the overall state revenue be dedicated to the schools.

There is also a considerable amount of controversy concerning this and other citizen approved mandates that potentially

cripple the representative form of government in California. This issue of discretionary versus non-discretionary funding affects all levels of government in California.

Public safety agencies are generally non-mandated programs with the county government. Because of this public safety is competing with all other non-mandated programs for only about eight percent of the county's overall revenues that are discretionary revenues. The minimum percentage for public safety proposed in this plan would place public safety into the non-discretionary revenue category of the county's budget. Granted, this serves to reduce the eight percent even further and hamper the county's discretionary powers, but it places public safety into a category that will ensure levels of funding to the community. This would also place public safety into the position of competing for resources with a different group of county agencies.

Although this may also further complicate the government's ability to provide effective leadership, it may force the review of State and Federal mandates. It may in particular force a review of those mandates that are not funded.

There does not appear to be a simple solution to this issue and there are no right or wrong proposals. There may be many options to the issue of what alternative funding model will be used in county law enforcement agencies in the future. As the legislature continues to enact bills specifically

aimed at public safety funding, perhaps there will be a better mechanism to ensure the level of safety desired by the community.

As presented in the study, there are those that feel that government in California is in need of revision and there are efforts to revise the California Constitution. Public safety agencies should continue to analyze what types of services they are providing and what methods they are using to pay for those services. Additionally, public safety should be considered in any governmental revision of government particularly as it relates to funding. Support and assistance from the community and other governmental agencies is critical to the success of public safety agencies in order to provide a higher quality of life in California in the future.

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All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform when the public good may require.

Constitution of the
State of California
Article 2, Section 1.

To my family . . .

thank you.

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1

Introduction

A fundamental change in law enforcement policy is plaguing police agencies. While the main focus of law enforcement continues to be crime and violence, the criteria for determining law enforcement priorities are increasingly being dictated by economics.

Crime in America is forcing federal, state and local government officials to spend billions of dollars on police protection, prisons and the court systems. It is also compelling citizens and companies to purchase massive amounts of private protection. Also, cities and counties are dramatically increasing the numbers of services for which fees are being assessed. The cost of crime in the United States is estimated to be \$674 billion a year.¹

Crime is thought to be the main problem facing the nation, ranking ahead of the economy, unemployment, the deficit and the government. Seventy-seven percent of Americans worry about becoming violent-crime victims.²

However, this fear of crime often does not appear to be consistent with crime data. The California Crime Index (C.C.I.) rate decreased 3.5 percent from 1992 to 1993, and for the first time since 1987 there is a 4.1 percent decrease in the violent crime rate.³ The National Uniform Crime Report showed a two percent decline in offenses in 1993.⁴

Placing this information in a different perspective, however, may shed light on some of these fears. In California the most serious crime -- homicide -- increased 3.2 percent (C.C.I.) in one year, and the level of random violence is also rising. When comparing 1952 to 1993, the violent crime rate has increased 591.6 percent.⁵

One authority reports, "The reasons for the increase in violent crime are multifaceted, but the starting point is economic."⁶ The reward for honest work for the less-educated has fallen, while the payoff for crime has risen. A 1989 survey of youth crime in Boston shows that average hourly pay from crime ranged from \$9.75 to \$19 per hour. "Essentially, what is happening is that wage and

employment opportunities have declined dramatically, and opportunities in the criminal sector have grown."⁷

There is a broad consensus among criminologists that a small percentage of repeat offenders are responsible for the vast majority of violent crime.⁸

There is continuing debate in the media concerning whether these crime fears are real or imagined. However, there is no debate concerning the public's desire for increased levels of safety.

"Crime is this year's designated crisis -- a lush opportunity for the Elected Ones to be especially eloquent, gnashing teeth and pounding podiums in their fervor to rain brimstone on all vile miscreants." ⁹

The Federal Government is developing the Violent Crime Control and Law Enforcement Act of 1994 which is projected to spend about \$30 billion on public safety in the next six years.¹⁰

With this emphasis on public safety there have been a number of laws enacted in California with a "get-tough attitude." One example is the recent "Three Strikes and You're Out" law enacted in California. The fiscal impact on the County of Santa Clara has not yet been calculated; however, the County's Center for Urban Analysis indicates that trials could increase by over 150%. The major fiscal impact will be on the State, and the cost overall will be "several billion dollars" according to the State's Legislative Analyst's Office.

Proposition 172

On November 2, 1993, California voters enacted Proposition 172, which established a permanent statewide half-cent sales tax for support of local public safety functions in cities and counties. On, November 3, 1993, this proposition became Article XIII Section 35 of the California Constitution.

With the passage of Proposition 172, "The people of California have reaffirmed the principle that government's first and foremost duty is to provide for public safety and law enforcement," reports Attorney General Daniel E. Lungren. This proposition also served to demonstrate that the public is willing to pay the costs for public safety.

Public Safety

Government Code Section 30052(b)(1) defines public safety services which includes but is not limited to sheriffs, police, fire protection, county district attorneys, and county corrections. Public safety does not include courts. Additionally, A.B.1519 included ocean lifeguards to the definition.

Bills continue to be introduced in the State Legislature guaranteeing funding levels for public safety agencies based on the revenue generated by Proposition 172. Many still believe that public safety agencies have not benefited adequately from this tax extension revenue.

Attorney General Lungren stated the following:

"Any county which instead uses these funds for purposes unrelated to public safety is tempting a justified backlash of resentment from their constituents. Similarly, county and city budget writers would only thwart the will of the voters if Proposition 172 funds are provided to public safety budgets while at the same time funds are taken away from those same budgets to fund other non-public safety programs."

Assembly Bill 2788

During the 1994 legislative session, AB 2788 was enacted into statute which requires that a "Maintenance of Effort" (M.O.E.) threshold be met in order to fully expend Proposition 172 Funds. Assembly Speaker Willie Brown authored this bill which is designed to carry out the intent of Proposition 172. This law specifies that funds for public safety services within its jurisdiction shall not be in an amount that is less than the amount of funding for those services in the 1992-93 fiscal year.

A subcommittee of the County Accounting Standards and Procedures Committee was recently formed to establish guidelines concerning appropriate allocation of the Proposition 172 revenue under the provisions of a recently enacted law (A.B. 2788) specifying minimum funding levels. This committee was formed "due to general public perception in the law enforcement and legislative communities that these public safety funds were supplanting local revenues that would have otherwise accrued to the public safety functions."¹¹

The recession that began in California in 1990 appears to finally be in slow recovery mode. According to *Financial World*, California is ranked forty-first in the nation when comparing state government budgeting, program evaluation and performance.¹²

From 1986 through 1991 there has been significant increases in expenditures for all segments of the criminal justice system nationwide. However, corrections have accounted for an increasingly greater percentage of the total, and police protection has accounted for a decreasing percentage of the total.¹³ The increasing criminal justice costs coupled with the declining economic tenor have forced governmental agencies to select how diminishing resources are allocated.

In the last ten years, police, fire and corrections' budgets have driven government expenditures to new height while other government departments have "...suffered at the expense of trying to address the crime wave and make the public safe."¹⁴

Public safety service decisions are often based on economic considerations rather than actual need. This can have the effect of leaving the business community to fend for itself. "Fed up" with the expense of responding to thefts from convenience stores, the Gainesville, Florida city government did a cost-benefit analysis from 1985 to 1987. It found that while convenience store losses totaled \$100,000 during that period, the city government spent more than \$1 million in time and personnel to investigate these crimes.¹⁵

Service

An activity that benefits an individual or group (perhaps another department or function of the government) and is the responsibility of some designated department, office, or agency.

One revenue management technique (cost center budgeting) reviews services provided and benefits received in order to determine what services should be maintained and how those services should be paid for. Cost center budgeting is the process of linking the benefits of governmental services with the costs of providing those services. The method used in this type of budgeting involves identifying service eligible for a service charge and determining the benefit received from the service. "The key element in this determination is whether the recipient of the service receives a direct benefit independent of the general community, or, when there is a community-wide benefit, whether the benefit each user receives is proportional to measurable "consumption."¹⁶ These determinations are then used to analyze the options (e.g., to increase the service, decrease the service, eliminate the service, charge a fee for all or part of the cost of the service).

A need for new revenue sources had caused the City of Riverside, population 210,000, to look at the services it provided and decide how much should be charged for those services. The City Council was interested in generating revenue for public safety and other city services. The city elected to hire a consultant to study and implement this cost center budgeting system in order to generate revenue. This year-long process that involved every city department, including the police department, was completed in 1990. As the city approached the budget for 1990-91, concerns were expressed that "the City Council again wants to increase some services, and while our previous actions have kept revenues on a more equal footing with expenditures..."¹⁷

In spring of 1991, the Riverside City Council passed an ordinance establishing a twenty-five dollar alarm permit fee as a method of reducing the number of false alarms. In March 1992 a Riverside woman activated her silent alarm and "when Riverside officers determined that the woman had not paid the twenty-five dollar fee to register her alarm with the city, they decided -- in accordance with their policy directive -- not to respond."¹⁸ The woman was allegedly beaten and raped in her garage, and the police have since rescinded their policy calling it a "terrible mistake."

Fee-For-Service - Service Indemnification

The assessing of a service recipient for the total cost of a service. These costs include those directly associated with the service and those indirectly associated with the service.

Law enforcement agencies have long been using the principle of fee-for-service when assessing direct costs to individuals who misuse or abuse police services. Although the generation of revenue was a factor, this fee system was developed to decrease mis-uses or abuses of police services. An example is the assessment of fees for false burglary alarms requiring police to respond to the location multiple times. For example, this would be considered an abuse or mis-use of service if it was a result of a faulty alarm system.

Revenue Generation

An operational definition for the purpose of this study generally infers that law enforcement agencies bring in money for the purpose of making money. The inference is also that this off-sets budget reductions or budget allocations are contingent on the imposition of fees. This premise offers revenue budgeting instead of general fund budgeting.

Increasingly, law enforcement agencies are imposing fees using non-traditional justifications to generate operational revenue. The ongoing philosophical debate concerning this issue of tax-versus-fee systems becomes more apparent during times of economic difficulty. The rationale for a cost recovery program in one California city found that "The common misconception that tax revenue is sufficient to pay for all city services must be overcome."¹⁹

Leading authors indicate: "Many criminal justice agencies are entering the fee collection business as a matter of survival and as a means to provide the courts with sentencing options. Given this development, it is incumbent upon criminal justice professionals to understand the magnitude of economic sanctions, the criteria used to assess them, the effects of financial penalties on disadvantaged clients, ..." ²⁰

Economic conditions in California have had an effect on law enforcement budgets. California is ranked eighteenth in the nation for spending on police per \$1,000 of personal income²¹ while having the fourth highest percentage rate of violent crime to population.²²

In order to sustain acceptable levels of service, many law enforcement agencies have explored creative supplemental funding mechanisms and alternative lower cost services:

- Personnel Cuts
- Service Cuts
- Alternative Funding Sources (e.g., donations, foundations, etc.)
- Increase in Costs for Services (e.g., fingerprinting fees, costs for reports)
- Local Tax Increases (e.g., utility tax, "payroll" tax)
- Local Assessments (benefit assessment)
- Alternate Service Providers (e.g., civilians, volunteers, private security)
- Service Fees

The print media reports, "Throughout California justice is increasingly for sale. Complaining of budget woes, many of the state's prosecutors now rely on companies and other well-heeled private parties to help pay for investigations and prosecutions of crimes committed against them."²³

There are concerns that this trend will result in prosecutions if the victim is willing to pay the associated costs:

- Ventura County stopped prosecuting Fish and Game violations. A private sport fishing group put up money for an additional prosecutor. Prosecutions are now back to normal.
- Prosecution for workers' compensation insurance fraud has been a low priority until employers, insurance companies and others backed a law which establishes a pool of cash, controlled by a commission, to be doled out to prosecutors.
- In Los Angeles, a cable television firm paid for a private investigation of illegal cable television decoder boxes. They took the investigation to the police who used it to obtain a search warrant and initiate arrests.
- In a number of counties in California, companies are asked to pay for audits of their books to prove they are the victim of embezzlement or fraud.

- In Contra Costa County the prosecutors will settle for a conviction on a lesser charge if the victim cannot assist in the payment of witness fees and travel expenses.
- In Santa Clara County a case involving trade secrets, the company paid for an extensive private investigation and assisted in the payment of expert witness fees.

The recent trend in service fees has been the increasingly aggressive development of revenue generating programs as mechanisms for funding public safety agencies. Within law enforcement, the number of services for which fees are charged is increasing at a rapid rate. This is evident in the number of laws being created by the California Legislature which authorize the imposition of service fees by public safety agencies. Often the actual underlying premises of charging fees for services is to off-set budget reductions. If agencies can demonstrate the ability to generate revenue through the imposition of fees, they may be able to reduce any budget deficits or off-set directed budget reductions.

Fortunately, law enforcement agencies seem to have lagged behind other public safety agencies in their assiduity in the assessment of fees. This trend in law enforcement has only recently become a focus of attention from the public.

California Department of Forestry recently assessed a fee for fire fighting costs of \$700,000 to an individual for negligence.²⁴ This person had planned to reduce the risk of a potential fire hazard around his home by clearing dry grass and leaves away with a lawn mower. The lawn mower rotor blades presumably caused the fire when contacting clogged dry grass. The determination of negligence was quoted as "although he was doing the right thing by clearing his property of a potential fire hazard, he was doing it in the heat of the day and on a day when winds could spread flames." In addition to the fire fighting costs, there was an estimated \$1 million loss that included six other homes. A California Department of Forestry representative stated that their agency was attempting to quickly "settle" the matter for \$300,000. The \$300,000 represented the negligent person's maximum homeowner liability insurance benefit and they were attempting a quick settlement because they knew that other people who lost their homes may also file claims.

There is a bill in the State Assembly (A.B. 867) which allows an individual to be billed for all of the reasonable expenses when the need for search or rescue was caused by a violation of law or by intentional acts that are inherently dangerous and the person knew of those risks.

South Pasadena recently passed an ordinance that allows the billing of parents or legal guardians the cost of detaining juveniles accused of non-violent crimes. The ordinance was a result of the city's attempt to recoup an estimated \$318,000 lost to state budget cuts.²⁵

The Cotati Police Department "hopes to set a trend in the county" by assessing a booking fee recovery program. This plan would require people arrested and convicted of a crime to pay their own cost for being booked into jail. The money would be used to offset costs currently expended by the police department.

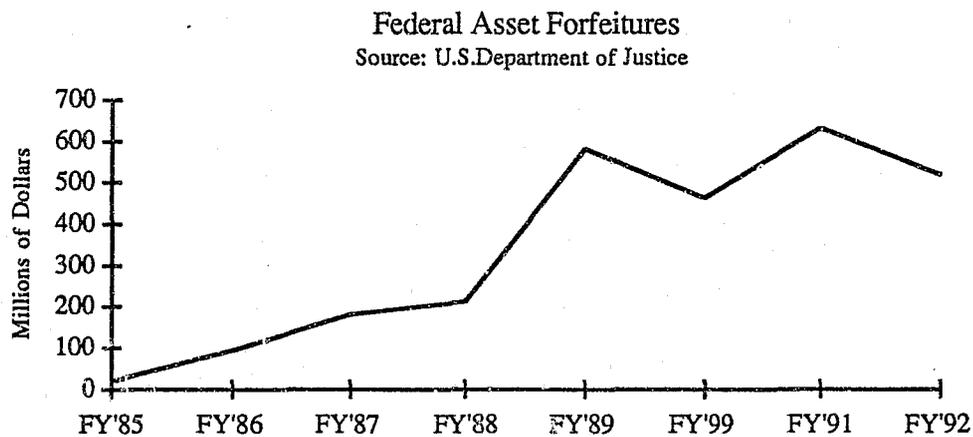
San Diego Police Department plans to bill people whose actions cause officers to be summoned. The rationale offered was, "California law allows bills to be issued for services provided by police and other city personnel, including lifeguards, firefighters and paramedics."²⁶

People arrested for major crimes in Anaheim would be billed by the city for police time and labor spent investigating their cases even if charges against them are dropped or they are acquitted, under a proposed ordinance already tentatively approved.²⁷

A task force in Santa Clara County had targeted a habitual sexual "predator" and found that he was in violation of the felony statute of failing to register his address (Penal Code Section 290). After he was arrested the District Attorney's Office declined to prosecute. The suspect had attempted to register as a convicted sex offender in his county of residence, but he was turned away because he did not have the twenty dollar registration fee.

The generation of revenue through the use of asset forfeiture programs is in wide use on both the federal and the state levels. The concept of forfeiture originated in Medieval England. It is based on premise that property, like people, can be "guilty" of wrongdoing. In the U.S. the first forfeiture law was enacted by the First Congress in 1789 which permitted the seizure of ships and cargoes involved in smuggling.

These forfeiture laws began to play a major role in law enforcement in the U.S. in 1984 when Congress targeted drug traffickers. The increasing levels of seizures have lead to a considerable amount of revenue along with a considerable amount of criticism.



(FY'89 and FY'91 Artificially High as a Result of One Large Seizure)

Testifying before Congress in 1992, former New York City Police Commissioner Patrick Murphy admitted: "The large monetary value of forfeitures . . . has created a great temptation for state and local police departments to target assets rather than criminal activity."²⁸

Federal and state legislators have recently been faced with this often controversial issue. "Cash-strapped law enforcement agencies welcome forfeitures. Most of the proceeds are used to buy

new police cars, radios, and weapons, and even pay a portion of officers' salaries. Washington, desperate for revenue, strongly supports forfeiture."²⁹

Legal challenges are being raised concerning the First Amendment protections and the imposition of a fee on free speech activity when public property is used for expressive purposes. On June 19, 1992, the Supreme Court released a decision (*Forsyth County v. Nationalist Movement*) which held that an ordinance was unconstitutional which called for a service fee. This assessment was ruled unconstitutional because it allowed the county administrator to take into account the popularity of the speech and the likelihood it would attract counter-demonstrators in setting the amount of the fee. The court further ruled that nominal fees are acceptable if the controversial nature of the event is not taken into account and the group is not charged for the actual or predicted consequences of its event. This ruling dictates that the nominal fee charged must be the same for a Girl Scout rally as for a Ku Klux Klan rally.

ISSUE DEVELOPMENT

This calls to the forefront a need for a study to focus on the emerging law enforcement trend of assessing service fees for the purpose of generating revenue as a funding mechanism for police agencies. This study will remain narrowly focused on the issue of assessment of service fees designed for the often unstated purpose of generating operational revenue.

General Interviews

During the development of the issue several individuals were contacted and asked their opinions concerning the issue of the assessment of fees by public safety providers. This issue was discussed with a police chief, a city manager, a county executive officer, a sheriff and a senior citizen.

All individuals gave their assessments of imposing fees for services. All individuals were usually consistent in their personal opinions of which fees should be charged, but admittedly had not previously considered what specific criteria should govern these assessments.

From the interviews, the following areas of concern were identified:

- Fees are not the most desirable funding mechanism.
- Fees are difficult to collect.
- Fees should not be collected from victims.
- Fees should be imposed for gross negligent conduct.
- Fees can regulate behavior.
- Taxes should pay for public safety services.

- Fees should be imposed for abuses of services.
- Too much law enforcement focus is on bringing in money.
- No criteria exists for the types of fees desirable.
- Fees are necessary to support public safety agencies.

Service Fee Policy

Because the issue of assessing service fees is gaining momentum within all levels of agencies in California, an attempt to locate operational guidelines for these fees was initiated. No police agency contacted had any guidelines concerning a particular policy in determining what parameters were used in assessing fees. There were policies that guided individual charges (e.g., a fee for a police report could be waived for a victim) but no overall policy that addressed the philosophical rationale (e.g., fees are imposed to curtail service abuses) for generating revenue. While attempting to locate agency policies, the factors generally offered in the evaluation of determining the imposition of fees was whether the law allowed such a fee and if the public would not strongly object to such a fee. There was a sense that all fees would be charged if possible and additional fee options were continually being explored.

Agency Interviews

In order to more closely define the issues as related to the assessment of service fees, interviews were conducted with the following sheriffs:

Michael Hennessey	Sheriff	San Francisco County
Norm Hicks	Sheriff-Coroner	Monterey County
Mark Ihde	Sheriff-Coroner	Sonoma County
Harvey Nyland	Sheriff-Coroner	San Benito County
Warren Rupf	Sheriff-Coroner	Contra Costa County
Tom Sawyer	Sheriff-Coroner	Merced County
Charles Gillingham	Sheriff	Santa Clara County

It was discovered that each sheriff has their own particular reasons for determining which services should have a service fee assessed. Most had very few fees in relation to those generally assessed by city police departments. One sheriff is in the process of reducing the numbers of services for which fees are charged. Others are considering the assessment of new fees (e.g., for the coroner's

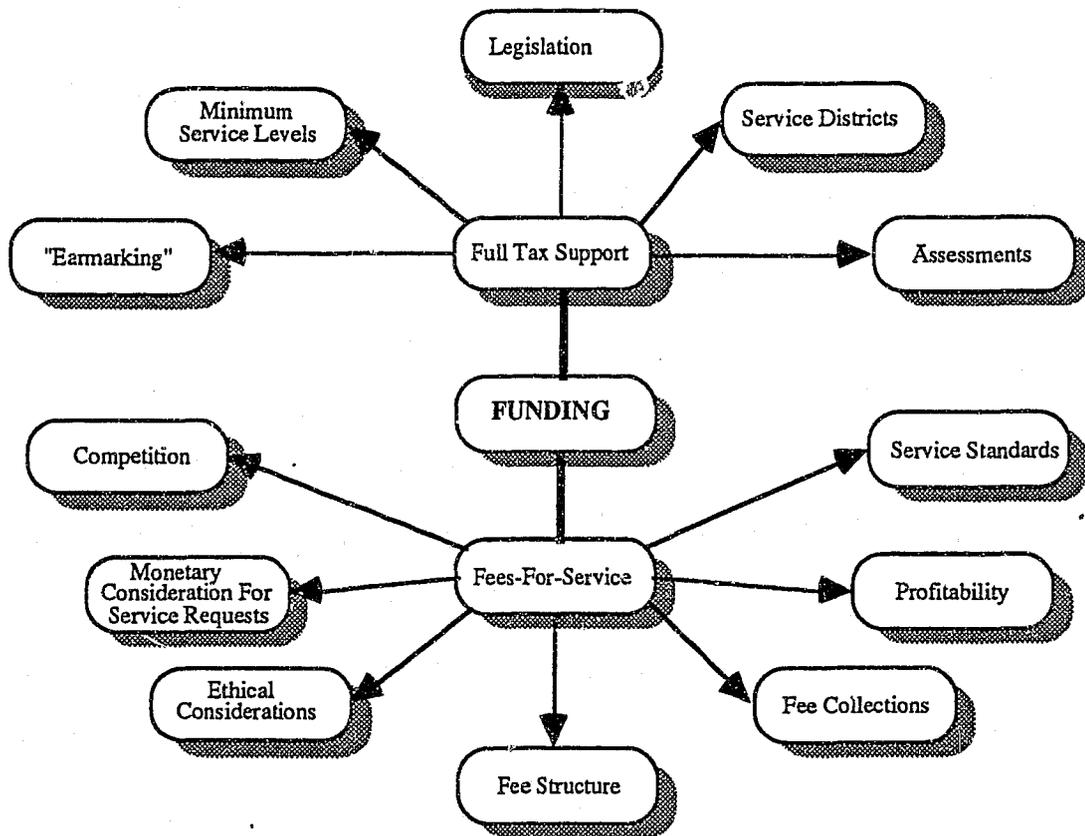
function the imposition of a body storage fee) but are cognizant of potential implications of the fees. It was apparent that the political implications of service fees was one consideration weighed.

The following issues concerning fee-for-service funding were also identified through these interviews:



Once these issues were identified with the assistance of the sheriffs, two major factors were identified in order to compare two distinct funding philosophies. These two manners of public safety funding were compared by offering issues which are unique to the type of funding. The issue of decreasing general fund allocations are analogous to the increasing need for revenue generating sources demonstrating an inversely proportionate relationship.

When only comparing the two factors in funding, the following futures wheel was developed:



Law enforcement agencies have historically been funded almost entirely through general governmental sources, deriving their operating revenues from within the governmental agency's "general fund." Only a portion of law enforcement costs have been offset by the generation of revenue. One recognized and accepted example of law enforcement revenue generation is the imposition of court fines resulting criminal and traffic actions.

General Fund (or General Purpose)
 A revenue fund within a governmental agency which supports a variety of services. Within the general fund there are discretionary and non-discretionary expenditures. The non-discretionary expenditures are those that are mandated by either the State or Federal government and can only be spent for specified programs. The remaining discretionary funds support all other county services such as law enforcement. (The County of Santa Clara has discretion over only 8.6% of the total general purpose revenues.

As the rate of law enforcement service indemnification increases, the growth in private security companies also increases. There is no retrievable data concerning the rate of increase of service fees within law enforcement agencies to use for purposes of comparison. If there is a comparable growth rate between fees and private security, it may be beneficial to study the issue further in order to determine if a nexus exists.

Private security personnel outnumber police personnel by two to one. A study done in Virginia predicts that private security personnel will provide seventy-five percent of all security by the year 2000.³⁰ There has been a six percent increase in private security personnel since 1990 during a time in which the general work-force increased less than one percent.³¹

Private security is becoming more prevalent and more accepted in the community. In Sussex, New Jersey, officials signed a six-month test contract for private security service to replace the disbanded police force.³²

DEFINING THE ISSUE

The issue to be explored involves the assessment of fees-for-service by recovering the associated costs in order to generate revenue by the public safety agency. The issue of burgeoning fee assessments conducted without a valid evaluation system or without exploring the long-range implications of the fee needs to be addressed. The question concerning the source of public safety agency funding prompts the following questions:

Issue:

What law enforcement service indemnification model will be used by Sheriff's Offices in California by the year 2004?

Sub-Issues:

How will monetary considerations impact service in the public's decision to request a response from a law enforcement agency?

What will be the relationship between this police agency, other police agencies and the private security agencies as a result of competition generated by imposed fee structures for services?

How will an indemnification model for police services have an impact on public opinion?

Futures Study

RESEARCH DESIGN

After the development of this issue, a process was selected to study potential future implications. A futures study process was initiated which served to view the issue from a long-range perspective. This process utilized group techniques to project and evaluate these future implications.

NOMINAL GROUP TECHNIQUE DESIGN

Nominal Group Technique

The Nominal Group Technique (N.G.T.) is the process used in this futures study. The N.G.T. is a small-group technique for achieving acceptable consensus on the answer to a single, usually two-part question by a process that alternates private work and open discussion.

In order to provide a basis for the exploration of the issue, the Nominal Group Technique was selected in order to identify potential events which could occur and their probabilities of occurrence. Using this technique, an identification of potential trends and events was developed. In conjunction with the Nominal Group Technique, a Modified Delphi Process was utilized to determine the events that could have the greatest impact on the issue and the trends that were most descriptive of the issue. The Modified Delphi Process facilitated this determination through the use of anonymous voting followed by structured feedback.

When compiling potential panel members for the Nominal Group Technique process, an emphasis was placed on gaining the broadest possible perspective of the issue. Selection consideration was given to individuals who are internal to law enforcement, but also to those who are external to the law enforcement function. Among those individuals who represent the internal law enforcement

structure, consideration was given to their specific functions within the organization. Internal representation includes elective, agency head, upper management, line level, federal, county, and city perspectives. External perspectives include those representing governmental, private, academic, business, budget, legal, planning, management and historical. During the literature search and interviews, some key implications of the issue were developed. These implications reflected concerns of potential legal challenges, economics, taxation, education, budgets and political controversy.

After a telephone contact, individuals who were interested in the process and provided a tentative scheduling approval, were provided with a series of articles that included some of the identified topics such as First Amendment challenges, failure to provide services for non-payment and consideration of individual economic ability to pay for services. Each individual was also provided with descriptive information concerning the issues and the dynamics of the Nominal Group Process. The following list of N.G.T. panel members consisted of an impressive group of individuals with a wide range of expertise from a variety of viewpoints:

Hon. Ray Cunningham	Judge, Santa Clara County Municipal Court University of Detroit, B.A. Broadcasting University of San Francisco, B.A. Government University of San Francisco, J.D.
Timothy Neal	Captain, Mountain View Police Department San Jose State University, B.S. Admin. of Justice California State University Pomona - M.S. Command College Graduate
Susan Phillips	Program Analyst, County of Santa Clara, Budget Office, County Executive's Office Yale University, B.A. Political Science Stanford University, M.A. Engineering
Tom Sawyer	Sheriff - Coroner, Merced County Sheriff's Office Stanislaus State University Advisory Board Merced College Advisory Board
William Tafoya, Ph.D.	Agent, Federal Bureau of Investigation San Jose State University, B.S. University of Southern California, M.S. University of Maryland, Ph.D.
Sharon Tafoya	Law Enforcement Consultant University of Louisville, B.S. University of Louisville, M.S. University of Maryland, Ph.D. Candidate
Peter Unsinger, Ph.D.	Professor, Administration of Justice San Jose State University, B.S. University of Idaho, Ph.D.
Gary Walker	C.E.O., Aborn Property Management Broker/Owner - Real Estate Company Pepperdine University, B.S. Business Administration

Once the N.G.T. panel was assembled, a discussion of the dynamics of the process and a brief explanation of the Nominal Group Technique and the Delphi Process were offered. Information was presented concerning the concept of Command College and an explanation of the desired final product. It was explained that this would be an academic process in which there are no right or wrong answers. The panel members were asked to remain creative and offer all thoughts pertinent to the issue. It was explained that no one person has an adequate perspective to view all potential aspects in evaluating the issue. The Delphi technique is valuable in this environment because it acts to counterbalance personal feelings and personalities in terms of the specifics of the issue and allows a vote on the undiluted idea instead of internal personal factors. After the overview, each panel member was specifically informed what information would be gleaned from this process. In thanking them for their participation, it was mentioned that this should be a very informative and enjoyable process.

The specific issue and the related sub-issues, which had been provided to them prior to this meeting, were discussed. The issue and sub-issues are as follows:

Issue:

What law enforcement service indemnification model will be used by Sheriff's Offices in California by the year 2004?

Sub-Issues:

How will monetary considerations impact service in the public's decision to request a response from a law enforcement agency?

What will be the relationship between this police agency, other police agencies and private security agencies as a result of competition generated by imposed fee structures for services?

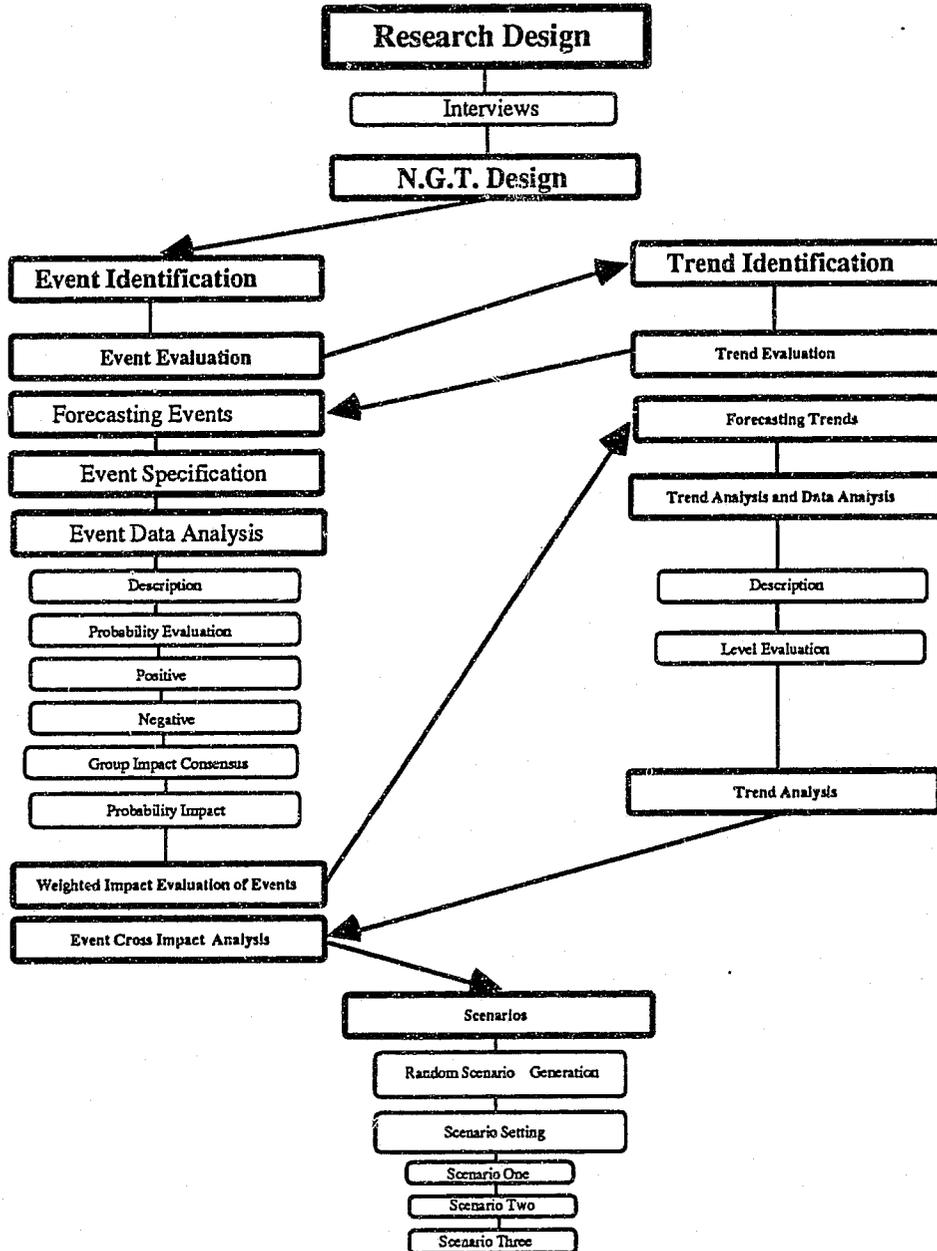
How will an indemnification model for police services have an impact on public opinion?

The issue statement was posted in a location that could provide a continual reference point in order to maintain a distinct focus on the issue. An open discussion of the issue, as specified in the introduction, was initiated and all participants demonstrated a clear understanding of the nature of the issue. All participants were asked to carefully consider any "events that could impact" or "trends that could influence" the movement of law enforcement service indemnification. The following description of service indemnification, which had been provided to them prior to this meeting, was reiterated:

Service Indemnification - Fee-For-Service

The assessing of a service recipient for the total cost of a service. These costs include those directly associated with the service and those indirectly associated with the service.

For purposes of following the course of the futures study, the following diagram was developed:



EVENT IDENTIFICATION

In an attempt to garner the most effectual data, an "event" was identified as a discrete, one-time occurrence that can have an impact on the issue. The event development question, which had previously been provided to each member of the group, was discussed. The event development question used in the identification of events is as follows:

What are the most important future events that may have an impact on the law enforcement service indemnification funding model in California by the year 2004?

Prior to the N.G.T. panel discussion, a panel member, who is a Command College graduate, was asked to prepare a short list of potential events to be used as examples. Once the examples were given to the group, there was a better understanding of the nature of event statements. The events that had been offered as examples were of such significance that they were also listed in the delineation of the candidate events developed.

A silent generation of potential events was initiated and, once completed, those ideas were submitted. Each event was read, discussed, clarified, formatted and displayed in writing during this group process. Once this was completed, individuals were asked for any additional potential events that should be considered. Several additional events were suggested and recorded. It became clear during this process that the dynamic of the assembled group had a very positive impact on the generation of ideas. Each person demonstrated clear assertion for their individual ideas while exhibiting respect for their fellow participants.

After a consolidation of like events and a separation of compound events, a list of fifty-seven events was generated. This list of candidate events was further refined and edited to ensure adherence to all appropriate design considerations for the proper formatting of potential events. During this time, additional event clarification was also accomplished which lead to a greater understanding of the events and their implications. For a complete listing of the fifty-seven events developed during the N.G.T. process refer to Appendix A.

EVENT EVALUATION

Explanations of the criteria that were utilized in the evaluation process for each event were thoroughly discussed. The descriptions to be utilized in this event evaluation process was specified as follows:

- These events must be evaluated on the basis of "if they occurred," which would have the greatest impact on the issue and the greatest importance of the event to the issue.
- These events may impact the issue in either a positive or negative manner.
- Probability of occurrence should not be considered during this stage of the process.

The group was asked to evaluate the fifty-seven events by determining if the particular event to be considered had a chance to be included in the "top ten" list of events according to those which would, in their individual opinions, have the greatest potential impact on the issue as compared to the other identified events.

Greatest Potential Impact

Those events that, if they would have the highest magnitude of effect or impression on the issue if the event occurred.

Because of the large number of events generated and the difficulty in reducing this number, an arbitrary number of eighteen events was selected to be utilized at this stage of evaluation. The group was asked to individually recommend eighteen of the fifty-seven events that were judged to be the most important to the issue based on the criteria specified above.

When the results of this first evaluation were tallied, it was found that eleven events did not receive any recommendations as the most important. These were immediately eliminated from consideration in determining those with the greatest importance. It was also found that twenty-seven events only received one or two recommendations; therefore, they were also eliminated from this consideration. Of the remaining nineteen events, ten had received three recommendations.

An additional round of individualized recommendations was applied to these ten events in order to determine which of the ten were thought to have the greatest importance. Once this evaluation process was completed, four of the ten events were eliminated from consideration. This two-step evaluation process succeeded in judging all fifty-seven events and identifying the most important fifteen. This reduced the number of events to a more desirable level in order to have the ability to more accurately assess the relative importance of those remaining to be considered.

The remaining fifteen events were subjected to one final round of evaluation to determine the projected level of importance using the Delphi process. The panel members were asked to apply the

same criteria utilized in the initial evaluation round; however, instructions were given to rate each event on a scale with the arbitrary value assigned as a number from one to ten. The orientation of this numerical rating system was specified to indicate a sliding scale in which the number ten would be the greatest impact and the number one would be the least impact of the event on the issue.

Once the events were individually assessed and assigned a numerical value, each member of the group was asked to rate their individual confidence level of the validity of their forecast on a scale with the arbitrary value assigned as a number from one to ten. The orientation of this numerical rating system was specified to indicate a sliding scale in which the number ten would demonstrate the greatest level of confidence and then number one would demonstrate the lowest level of confidence in the validity of their individual assessments. This confidence value was utilized in order to determine which numerical evaluation was assigned with the most certainty in validity based on the particular knowledge and certainty of the individual making the judgment. For the purpose of data integrity, this measure of confidence was conducted prior to the divulgence of ranking scores established by other panel members.

It was noted, that when assessing the group's individual maximum confidence values, only one event (County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services) reached the highest value of eight by one panel member. All other events contained at least one nine or ten value with respect to the individual's confidence in their numerical ranking of importance (Table 1). The group's individual minimum confidence values for all events judged reached a level only as low as a ranking of four (Table 2) by at least one panel member. This apparent high level of confidence factor is thought to demonstrate not only the caliber of the group, but also the clarity of the events that was attained through the lengthy discussions that were conducted.

Once the voting confidence levels were completed, the individually assigned impact value numbers were tallied. In the judgment of each individual concerning the event's impact assessment, the mean values (the sum of all individual scores divided by the number of participants) of the numerical evaluation assigned were determined. These averages ranged from a high of 8.6 (Sheriff Refuses to Assess Fees for Services) to a low of 3.1 (Dramatic Single Source Financial Shift - Major Electronic Company Leaves Silicon Valley) concerning each event's potential impact on the issue. This group opinion and resulting mean numerical ranking was utilized in determining which events were judged to have the greatest potential impact on the issue. Those events that were mathematically eliminated from being one of the ten events that could have the greatest impact were discussed by the group. By unanimous vote, it was determined that despite how individual group members voted, the ten remaining highest ranked events were those thought to have the greatest potential impact on the issue.

In an attempt to further analyze the group's understanding of the process and the validity of the data generated, questions were asked of those individuals whose assigned numerical values, for the relative importance of event, greatly contrasted with the majority opinions. If it was found that individual panel members did have a clear understanding of the issue and the confidence level of their

opinion was also high, their numerical value was given full consideration. It was most often the case that there were no errors in the assignment of a numerical value; but there was a difference of opinion concerning the impact of the event on the issue.

The group, as a whole, was asked to assess the extent of group consensus based on the individual event importance ratings by assigning a number from one to ten. The orientation of the numerical rating system was specified to indicate a sliding scale in which the number ten would demonstrate the greatest level of consensus and the number one would demonstrate the lowest level of consensus in the overall ranking of perceived importance. All the individuals in the group were able to reach unanimous decisions on the numerical value to be assigned to the level of consensus for each of the events (Table 3). Because the consensus value is applied to the singular numerical group assessment of impact, this value is contained only in the table of median/mean values in the evaluation of events.

Ironically, the event that had the highest numerical value in level of importance after the final evaluation stage (Sheriff Refuses to Assess Fees for Services) was one of the events that received only three recommendations during the initial phase. Because of this low initial ranking, this event had been subjected to and survived the middle evaluation elimination stage. The event that received the sole unanimous recommendation in the initial phase (State Law Gives Private Security Peace Officer Status) was reduced to the second highest event based on the relative impact on the issue. This fact served in demonstrating the importance of multiple rounds of consideration when viewing and judging a large number of factors. It also served to demonstrate the impetus of an organized group evaluation process, particularly in view of the follow-up consensus votes.

The ten events with the highest mean scores indicating the greatest potential impact on the issue were selected for further consideration. These events, in descending order of greatest potential impact, are as follows:

1. Sheriff Refuses to Assess Fees for Services
2. State Law Gives Private Security Personnel Peace Officer Status
3. County Bankruptcy
4. Supreme Court Rules that Public Sector Fees for Service are Unconstitutional
5. County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services
6. Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services
7. Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency
8. Voters Repeal Proposition 13
9. Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth
10. Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts

TREND IDENTIFICATION

A "trend" was identified as a series of events by which change is measured over time. In other words, a trend is a series of events that are related, occur over time, and can be forecasted. A trend statement is not to include a predetermined measurement or an indication of the direction of the trend. The trend development question, which had been previously provided to members of the group, was discussed. Since the focus shifted to the generation of trends, a reminder of the issue was conducted. The trend development question used in the identification of trends is as follows:

What future trends are most important in describing the issue of a law enforcement service indemnification funding model in California by the year 2004?

Individuals of the group were asked to provide examples of trends in order to ensure that the distinction between events and trends was clear. This served to demonstrate that each individual had a clearly defined understanding of the nature of trend statements.

A silent generation of potential trends was initiated and, once completed, those ideas were submitted. Each trend was read, discussed, clarified, formatted and displayed in writing during this group process. Once this was completed, individuals were asked for any additional potential trends that should be considered. Again, several additional trends were suggested and recorded.

After a consolidation of like trends and a separation of compound trends, a list of thirty-nine trends had been generated. This list of candidate trends was further refined and edited to ensure adherence to all appropriate design considerations for the stating of trends. During this time, additional trend clarification was also accomplished which lead to a greater understanding of the trends and their implications. For a complete listing of the thirty-nine trends developed during the N.G.T. process refer to Appendix B.

TREND EVALUATION

Explanations of the criteria that were utilized in the evaluation process were provided and thoroughly discussed. The criteria to be utilized in the trend evaluation process were specified as follows:

- These trends must be evaluated on the basis of which are most descriptive for the issue.
- These trends are not evaluated on which are most likely or which are most important.

The group was asked to evaluate the thirty-nine trends by determining if the particular trend to be considered had a chance to be included in the "top ten" list of trends according to those which would, in their individual opinions, have the greatest potential influence on the issue. The group must also evaluate each trend on the basis of which are most descriptive for the issue.

Greatest Potential Influence

Those trends that would have the highest magnitude of effect on the issue independent of the direction of the trend, if the trend continued as projected.

An arbitrary number of fifteen was selected and the group was asked to individually recommend fifteen of the thirty-nine trends that were judged to have the greatest potential influence on the issue based on the specified criteria.

When the results of this first evaluation were tallied, it was found that nine trends did not receive any recommendations. These were immediately eliminated from consideration as being the least influential. It was also found that eighteen trends received only one or two recommendations, therefore, these were also eliminated from this consideration.

The remaining twelve trends were subjected to the final round of evaluation of level of influence. The panel members were asked to apply the same criteria utilized in the initial evaluation round; however, instructions were given to rate each trend on a scale with the arbitrary value assigned as a number from one to ten. The orientation of this numerical rating system was specified to indicate a sliding scale in which the number ten would be the greatest influence and the number one would be the least influence of the trend as applied to the issue.

Once the trends were individually assessed and assigned a numerical value, the influence value numbers were tallied. The mean values (sum of all the individual scores divided by the number of participants) of the numerical evaluation assigned were determined. The averages ranged from a high of 8.4 (Legal Challenges) to a low of 4.6 (Significance of Formal Education for Operational Personnel). This group opinion and resulting mean numerical ranking was utilized in determining which trends were judged to have the greatest potential influence on the issue. Those trends that were mathematically eliminated were discussed by the group. By unanimous vote it was determined that despite how individual group members voted, the ten remaining highest ranked trends were those thought to have the greatest potential influence on the issue.

As with the event voting, a comparison of the trends having the greatest consensus of potential influence in the first evaluation with the trends having the greatest mean numerical value in the final evaluation was of interest. The only two trends that received a unanimous consensus of having the greatest influence in the first evaluation (Demographic Change/Level of Diversity and Level of Crime/Crime Rate) ranked only as number five and number six, respectively, in the final evaluation which significantly reduced their level of projected influence.

The ten trends with the highest mean scores indicating the greatest potential influence on the issue were selected for further consideration. These trends, in descending order of greatest potential influence, are as follows:

1. Legal Challenges
2. Economic Change
3. Level of Public Tolerance for Paying for Police Service

4. Electorate Attitude Toward Taxes
5. Demographic Change/Level of Diversity
6. Level of Crime/Crime Rate
7. Public Perception of Safety
8. Level of Police Service Desired by Community
9. Consolidation of Agencies
10. Privatization

FORECASTING EVENTS

The focus of the individuals in the group was returned to the ten events that were thought to have the greatest impact on the issue as developed during an earlier process. The issue was again reiterated as a reminder of the event-to-issue relativity. Each of the ten selected events was discussed in depth relative to their likelihood of occurrence and their value in terms of positive and negative impacts. The potential positive and negative impacts of each event evolved into a discussion of the projected possible implications. In many cases, identified potential implications are thought to be a secondary outcome as a direct result of the event.

An individual evaluation of each event was conducted pertaining to the probability of occurrence during specified time periods. Each event was judged relative to the estimated number of years when the probability of occurrence first exceeds zero percent. Although this particular data item does not forecast the probability of occurrence, it does delineate the time period during which an event will not be a factor. Each event was again individually evaluated and a percentage of probability was forecast for the likelihood of the event occurring in five years and in ten years.

An individual evaluation of each event was conducted relative to the positive and negative impact, if it occurred, on the issue. The panel members were then asked to rank the positive and negative impacts of the event if it occurred based on a scale with the arbitrary value assigned as a number from one to ten. The orientation of the numerical rating system was specified to indicate a sliding scale in which the number ten would demonstrate the greatest level of either positive or negative impact and the number one would demonstrate the lowest level of either positive or negative impact. It was also necessary to orient each of the events relative to their specific characteristics. Each event was assigned two numerical ratings that were judged independently of each other for both the positive impact and the negative impact. Because of this evaluation system, each event could theoretically have both high positive and negative impact assessments as an example. This system was very effective since each event contained a wide variety of factors that could contribute to a wide array of impacts. Often the secondary factors that could substantially impact the issue played an important role in this value assessment.

A close analysis of the data collected was later conducted in order to determine the relative validity of the information. When considering the validity of the data it is necessary that each succeeding year have an equal or higher probability of occurrence than the preceding year. Informational data was only eliminated from the study if the nature of the reporting was incorrectly presented in terms of reduced probabilities of occurrence.

The raw data for each event was projected in graph form and reviewed by all members of the panel. A discussion of each event was conducted and the opportunity to change individual rankings was offered. Although there often seemed to be a large range of opinions, each chart was determined to be representative of these opinions. Because the group had discussed each event numerous times, the question of clarity of event had not become an issue.

The following first data table depicts the maximum individual assessment value and confidence value for each category as specified in terms of each event:

Table 1
Event Evaluation
(Highest Individual Value Assessment)

Event Statement	Years Until Probability First Exceeds Zero	Probability		Impact on the Issue if the issue occurred		Forecaster Subjective Assessment	
		5 years from now (0-100)	10 year from now (0-100)	Positive (0-10)	Negative (0-10)	Confidence in Forecast (0-10)	Consensus of Forecast (0-10)
Sheriff Refuses to Assess Fees for Services	1	75	75	8	10	10	
State Law Gives Private Security Peace Officer Status	2	60	75	8	10	10	
County Bankruptcy	5	10	25	0	10	10	
Supreme Court Rules Fees for Service Unlawful	3	50	100	10	8	10	
County Eliminates Services Except Emergency	1	60	60	8	10	8	
Competing L.E. - S/O Absent Calls	1	70	80	3	9	9	
Law Enforcement Tax Passes - Goes to Law Enforcement	1	30	50	10	6	10	
Voters Repeal Proposition 13	2	10	25	10	3	10	
Split Roll for Prop 13 - Industrial not Exempt	1	60	80	8	5	10	
Major Security Co. - Solicits Business from Cities	1	80	90	8	7	9	

N = 8 (Number of Individuals Participating)

The following second data table depicts the minimum individual assessment value and confidence value for each category as specified in terms of each event:

Table 2
Event Evaluation
(Lowest Individual Value Assessment)

Event Statement	Years Until Probability First Exceeds Zero	Probability		Impact on the Issue if the issue occurred		Forecaster Subjective Assessment	
		5 years from now (0-100)	10 year from now (0-100)	Positive (0-10)	Negative (0-10)	Confidence in Forecast (0-10)	Consensus of Forecast (0-10)
Sheriff Refuses to Assess Fees for Services	3	15	30	2	3	5	
State Law Gives Private Security Peace Officer Status	5	10	20	1	3	7	
County Bankruptcy	0	0	0	0	9	5	
Supreme Court Rules Fees for Service Unlawful	5	1	30	2	0	5	
County Eliminates Services Except Emergency	0	0	0	0	6	6	
Competing L.E. - S/O Absorbs Calls	5	25	25	0	7	6	
Law Enforcement Tax Passes - Goes to Law Enforcement	0	0	0	10	0	4	
Voters Repeal Proposition 13	0	0	0	8	0	5	
Split Roll for Prop 13 - Industrial not Exempt	3	30	50	6	3	4	
Major Security Co. - Solicits Business from Cities	5	20	50	3	2	4	

N = 8 (Number of Individuals Participating)

The following third data table shows the information in proportionate terms, expressed by either the median or mean, of the individual assessment value for each category for all events. The overall group consensus of the impact of the event on the issue is also specified:

Table 3
Event Evaluation
(Median or Mean Individual Value Assessment)

Event Statement	Years Until Probability First Exceeds Zero	Probability (Median Value)		Impact on the Issue if the Issue Occurred (Mean Value)		Forecaster Subjective Assessment (Mean Value)	
		5 years from now (0-100)	10 year from now (0-100)	Positive (0-10)	Negative (0-10)	Confidence in Forecast (0-10)	Consensus of Forecast (0-10)
Sheriff Refuses to Assess Fees for Services	2	20	40	5.5	7.3	8.5	4
State Law Gives Private Security Peace Officer Status	3	45	60	4.6	7.2	8.5	9
County Bankruptcy	10	0	2	0	9.8	7.5	6
Supreme Court Rules Fees for Service Unlawful	5	35	60	5	4.2	8.5	6
County Eliminates Services Except Emergency	4	20	30	3.3	7.8	7.2	9
Competing L.E. - S/O Absorbes Calls	3	45	60	1.3	8	7.5	8
Law Enforcement Tax Passes - Goes to Law Enforcement	3	20	30	8.8	2.8	7.1	7
Voters Repeal Proposition 13	3	5	10	9	1.5	7	4
Split Roll for Prop 13 - Industrial not Exempt	2	50	60	7	3.6	6.6	4
Major Security Co. - Solicits Business from Cities	2	50	75	6.5	4.5	6.3	5

N = 8 (Number of Individuals Participating)

EVENT SPECIFICATION AND DATA ANALYSIS

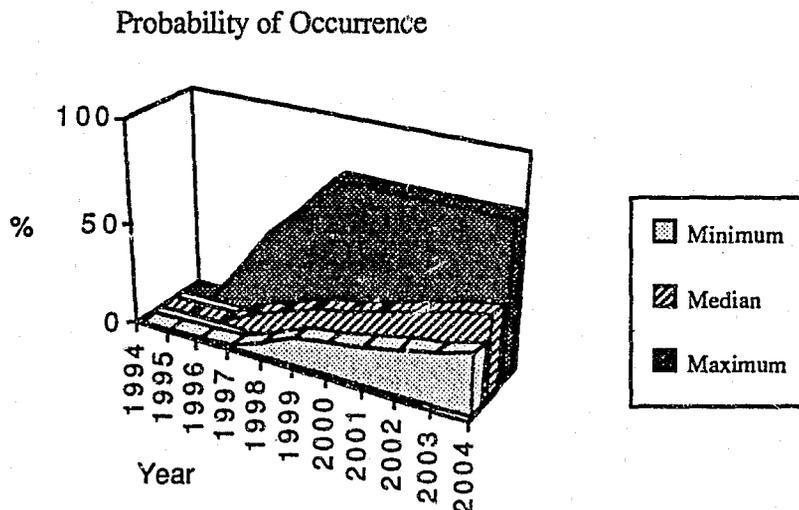
Each event was analyzed independently based on the data and information gathered during the N.G.T. process. The extensive discussions by the panel members provided the necessary data for the later analysis of each event.

Event One: Sheriff Refuses to Assess Fees for Services

Event Description: This event assumes that the Sheriff makes the decision that his agency will no longer continue to assess fees for the basic law enforcement services provided by the Sheriff's Office.

Probability Evaluation: The discussion of probability of occurrence revolved around whether a discontinuance of services could be done given the current economic conditions and departmental fiscal constraints. The group consensus was overwhelmingly in favor of a more realistic approach to the imposition of fees; however, the probability of occurrence was heavily tempered by the question of whether this would be possible from a purely fiscal standpoint.

The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



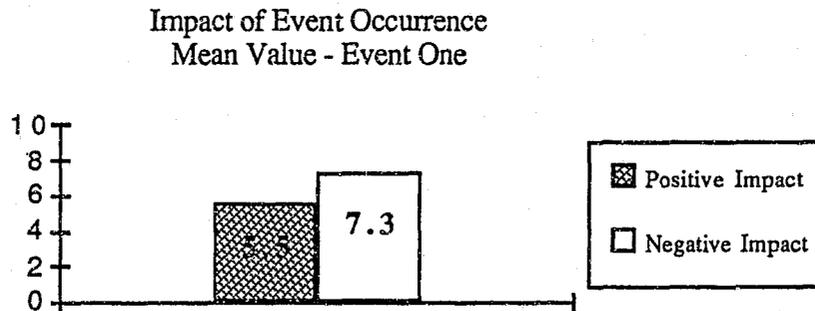
Positive Impact: This could be very positive when viewed by the public because the sheriff's jurisdictional communities would be provided basic police services at no cost. Because the position of Sheriff is an elected official throughout the state of California, there is a direct accountability to the constituents served. Other law enforcement agencies will also be affected in a positive manner since

they would no longer be charged for services performed by a sheriff's office. The positive perception of the police and the greater interaction with the community was felt to be the greatest positive impact.

Negative Impact: The negative aspects of this event were felt to be readily apparent in the level of funding received from the county. Because revenues are taken into consideration during budget allocations, most likely there would be a great reduction in services that could be provided. It is felt that the services for which revenue had previously been generated would no longer be possible given fiscal constraints if the sheriff discontinued fees. The question which sparked considerable debate involved whether the public would rather pay for services or not have the services available.

There is an underlying assumption when using the word "refuses" is that the Sheriff is countermanding the county's directive for the imposition of fees. This would create additional difficulties in any potential intra-agency turmoil.

The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event :



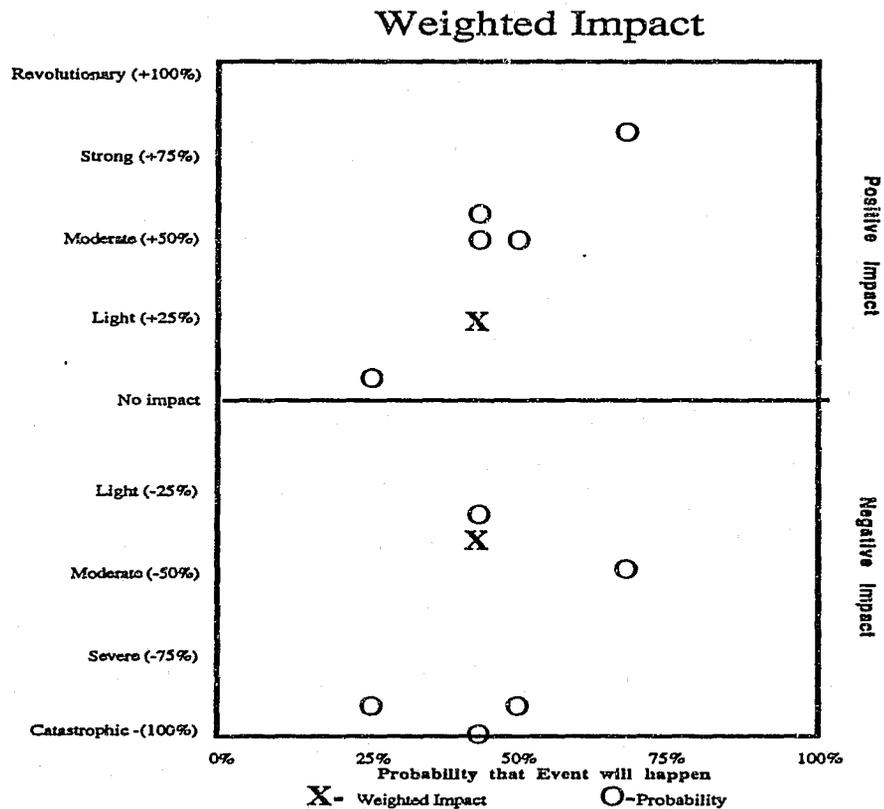
Group Impact Consensus: There was a low consensus when viewing both the probability and the positive and negative aspects of this event. This is not representative of the actual opinions, but instead was more reflective of the opposing positive and negative factors. On the basis of the opinions expressed by the group, a more accurate depiction of the positives and negatives would have been to elicit a two-part response. This first question statement would involve the discontinuance of fees if there was a certainty of receiving the same budget allocation without having to generate the offsetting revenue. The second question statement would involve the discontinuance of fees if there was a decrease in budget allocations commensurate with the amount of revenue lost.

These factors also had an impact on the probability forecasts in a similar manner. It was felt that if there would be the same level of funding available, then the probability of occurrence would increase. In the reverse case, with less funding, it was thought to lower the probability of occurrence. It was the assumption of most panel members, given general economic conditions, that there would be no budget augmentation to offset the lost revenues.

Weighted Impact

The product of the mean probability of occurrence and the mean positive (or negative) impact equals the weighted impact. This assists in evaluating a practical level of importance on the realistic impact of an event.

Probability-Impact: On the basis of the weighted impact, if this event occurred it could have approximately equal positive or negative ramifications. This event, even though it received the highest initial score for importance, does not, in consideration of its weighted impact, merit this high level of consideration. When compared to the other nine events, this event ranges in the mid-level of importance based on the weighted impact. The funding question remains a factor in determining if the event would have a positive or negative impact. Because of this, during any planning process, consideration should be given to ensure continued funding levels in order for the outcome to be of positive value.

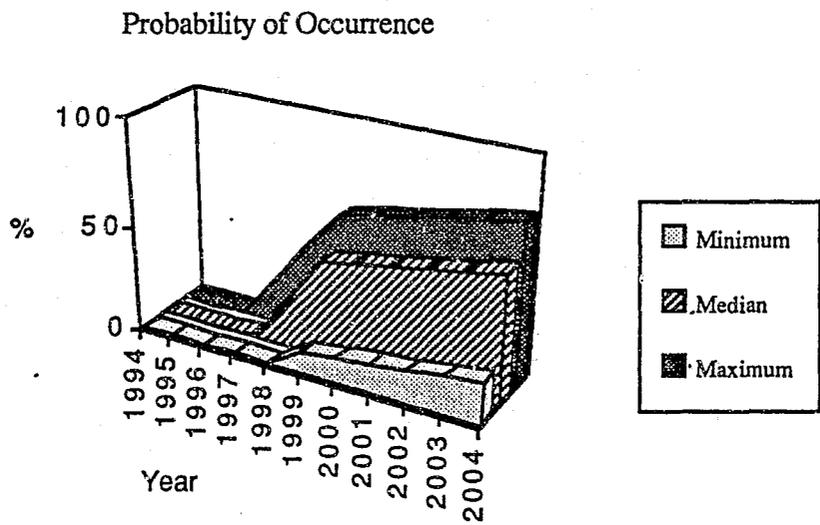


Event Two: State Law Gives Private Security Peace Officer Status

Event Description: This event assumes that private security now has the same codified status as sworn law enforcement personnel which would allow them to perform all the same functions with the same powers and authority. Peace officer status is specifically delineated in the California Penal Code which provides regulatory control over a variety of aspects of these powers. Private security has long been limited in the functions that can be performed because of their non-sworn peace officer status. This codified peace officer status also affords certain legal protections and authority.

Probability Evaluation: The discussion of probability of occurrence revolved around the increasing rate at which the private security industry is growing and the increasing costs of public safety. Also factored into this equation is the fear of crime and the desire for more safety services. The probability of this occurrence was thought to originate from the necessity for increased, cost-effective safety services.

The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



Positive Impact: The positive aspect of this event involves the availability of a vast array of service options. Each individual, neighborhood, city or county could make a decision of which service provider to select for which functions. In theory, the functions necessary to be performed can be split between service providers. This ability to "shop" for service providers would result in competition for services. It is thought that private companies can perform similar services to those of a public agency. However, private companies can often operate at a profit while operating at a lower cost. The resulting competition can be thought to be a positive aspect of this event because competition can result in greater efficiency, innovation and performance. With the prospect of private security officers having peace officer powers, the consumer now has a choice of services.

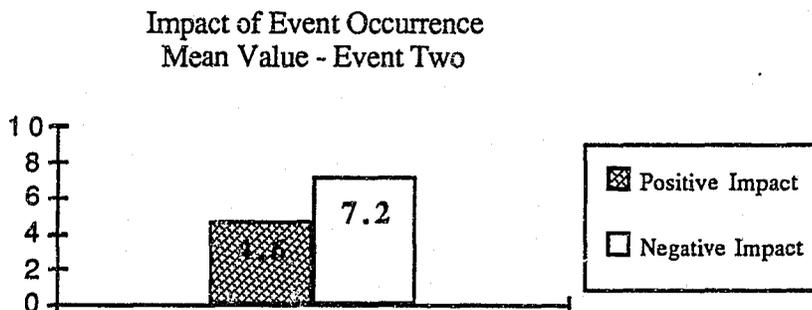
Negative Impact: The competition that was shown to have a potential positive impact can also have negative ramifications. This competition could also lead to service entities becoming closed "islands." This closed network could result in a decrease in inter-agency communication that is vital to law enforcement. The lack of communication can cause a decrease in vital information flow. Entities could become unwilling to share information and technology with entities thought to be their competition. Unlike private industry that can be judged by profit, law enforcement must rely on cooperation instead of competition in order to strive toward the one common goal.

Quality of service could be affected if one assumes that lower paid employees result in lower quality of employees. This premise was a point of contention during the group process and there was a wide variety of opinions. It was agreed, however, that law enforcement agencies rely on employees to perform functions under a minimum of supervision in which decision making attributes are vital to the function.

Many aspects of law enforcement do not have immediate tangible measures of success. Currently, public agencies perform crime prevention functions that can be assessed for their efficiency only after a period of time. Because these results are not immediately definable, if at all, it is thought that there would be a reduction in these non-essential services.

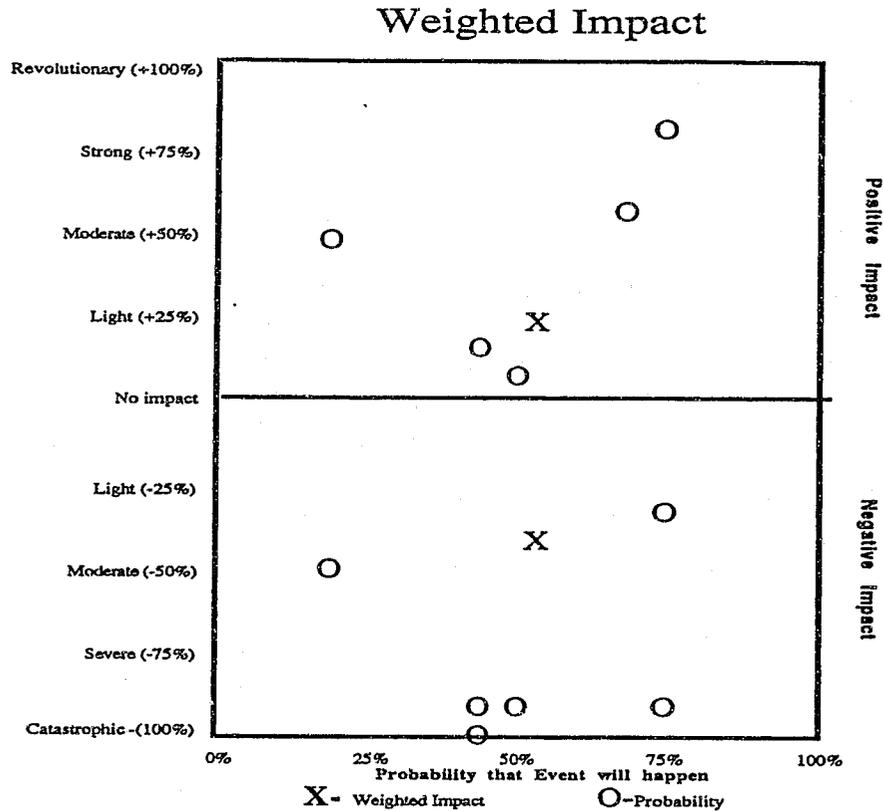
Another potential negative involves the disparity of services that will be provided to individuals based on their personal or community economic means. The question arises as to whether services will be provided at an acceptable level to those without adequate economic resources.

The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:



Group Impact Consensus: The group evaluation of this event was divided among those who were internal and external to law enforcement, probably due to their differing perspectives. It was noteworthy that the opinions of those involved in law enforcement often involved the premise that the function cannot be adequately performed by private security. It was felt that community members have a desire for the widest choice of public safety services with whichever desirable criteria are deemed most valuable.

Probability-Impact: Because of the apparent disagreement between those internal and external to law enforcement, the panel composition could have had an impact on these assessments. The panel consisted of slightly more individuals internal to law enforcement than those external. This event, even though it received a high initial score for importance, does not merit a high level of consideration based on its weighted impact. When compared to the other nine events, this event ranges in the mid-level of importance based on the weighted impact.

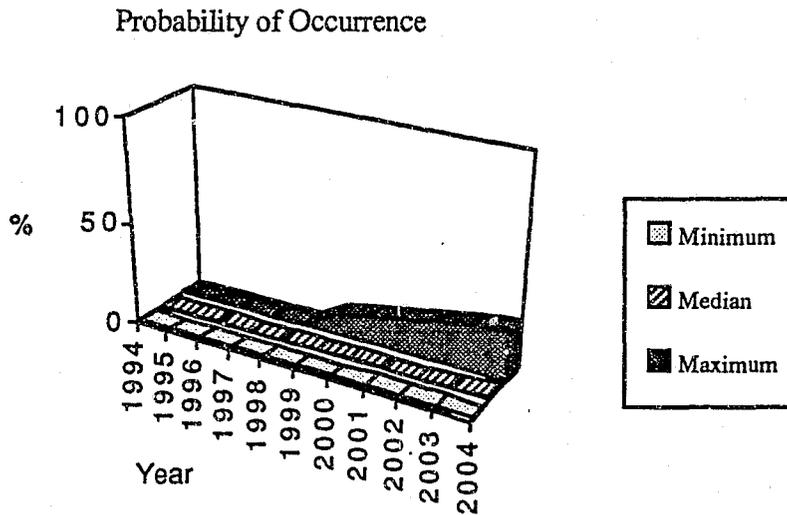


Event Three: County Bankruptcy

Event Description: This event assumes that the County of Santa Clara, the determined location for the scenarios, would become fiscally insolvent causing the necessity to file bankruptcy.

Probability Evaluation: There was a great amount of agreement in this discussion of the probability of occurrence. All members of the group felt that there was only a remote possibility that this would occur. The underlying assumption by the group in this event is such that in order for this to happen in the County, the entire economy in California and the United States would have also reached disastrous proportions. California is thought to be on a slow path to economic recovery while lagging behind the remainder of the nation.

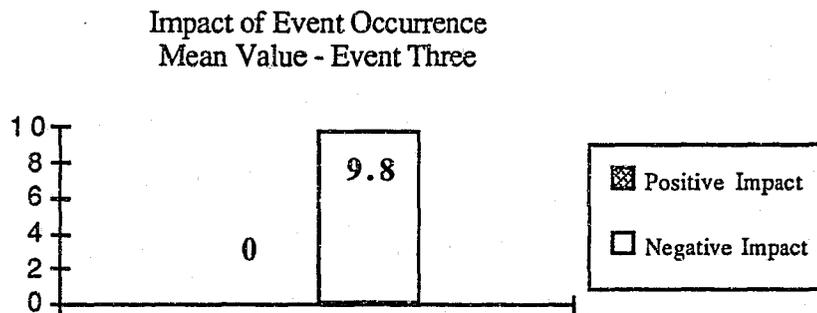
The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



Positive Impact: There was thought to be no positive impact. All panel members ranked the positive impact as zero.

Negative Impact: The negative impacts are thought to generally be the entire economic picture if this event was to occur. It would, of course, have a tremendously negative impact on law enforcement services during a time when the fear of crime is at an all-time high level of concern. The group thought that all unnecessary law enforcement functions would be discontinued because of this event. This would make necessary a decrease in personnel, adding to an assumed high unemployment rate

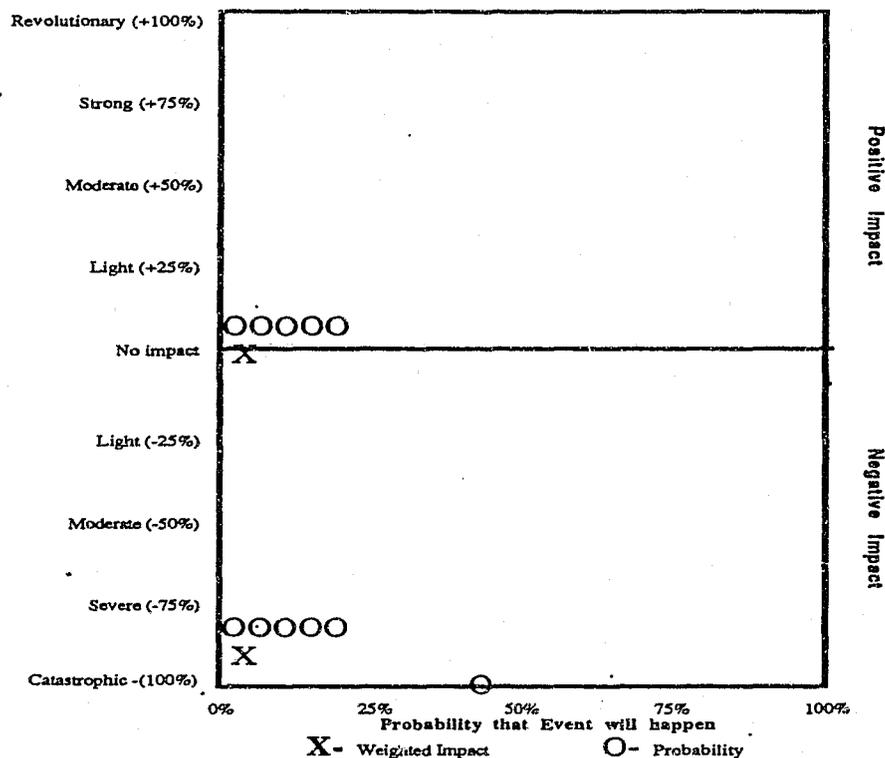
The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:



Group Impact Consensus: This event had the highest level of consensus of all events.

Probability-Impact: If this event occurred it could have catastrophic negative ramifications. This event, even though it received the highest initial score for importance, does not merit this high level of consideration based on its weighted impact. When compared to the other nine events, this event ranges in the low level of importance based on the weighted impact.

Weighted Impact

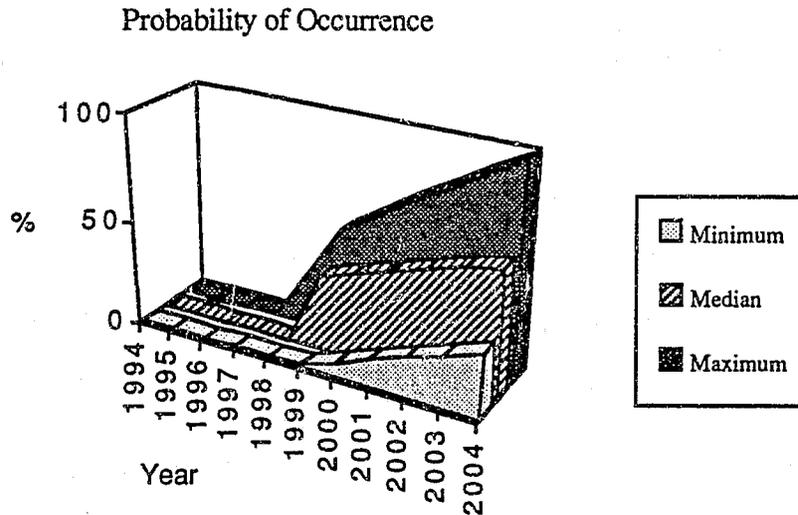


Event Four: Supreme Court Rules that Public Sector Fees for Service are Unconstitutional

Event Description: The assumption in this event is that the Supreme Court ruled that all fees for service were unconstitutional. If this event were to occur, fees would immediately stop, causing a significant impact on the service level. Cost of services would be paid entirely through general fund sources without the revenue now generated.

Probability Evaluation: Currently, fees for service have come under scrutiny of the court system. These service fees have been thought to potentially violate First Amendment Constitutional rights of freedom of speech. The literature search revealed that currently there are constitutional objections being raised about this issue. Some of the objections center on the First Amendment and the right to freedom of speech, claiming that only those with the ability to pay for services can speak out on controversial issues. Recent U.S. Appellate Court decisions find that the controversial nature of the event cannot be taken into account, nor can the group be charged for the actual or predicted consequences of the event.³³

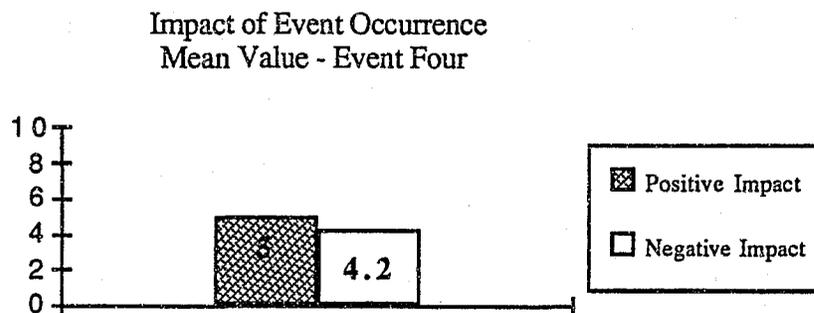
The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



Positive Impact: During the group discussion the impacts were thoroughly identified. After this discussion it was found that the positive impacts would be much the same as in Event One (Sheriff Refuses to Assess Fees for Services) since the event generates the same impact. Both the community and other governmental agencies would be relieved of the imposition of fees.

Negative Impact: The negative impacts would also be much the same as those in Event One (Sheriff Refuses to Assess Fees for Services), with one notable exception. Event One would presumably create an intra-agency struggle, whereas, once the Supreme Court announced their ruling, the necessity for all County agencies to develop a solution would be apparent.

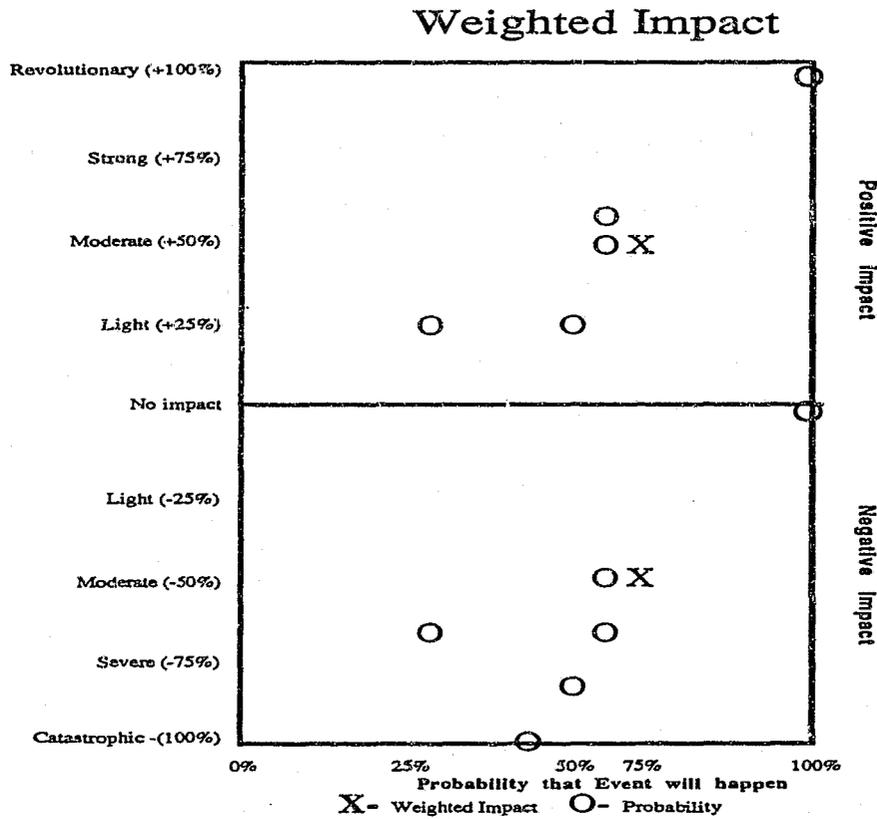
The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:



Group Impact Consensus: As with Event One, there was not a high level of group consensus. It should be noted, however, that there was a high level of consistency when comparing Event One with

this event. The positive impacts are thought to be similar and ranked a similar importance level. The negative impacts are thought to be similar, yet slightly less, in the level of importance that was reflective of the score. This provides a validation to this evaluation process since there was no discussion of the other event during the group process.

Probability-Impact: On the basis of the weighted impact, if this event occurred it could have approximately equal positive or negative ramifications. This event received a mid-level initial score for importance, however, based on the weighted impact it is now ranked as one of the most important event as related to the issue.

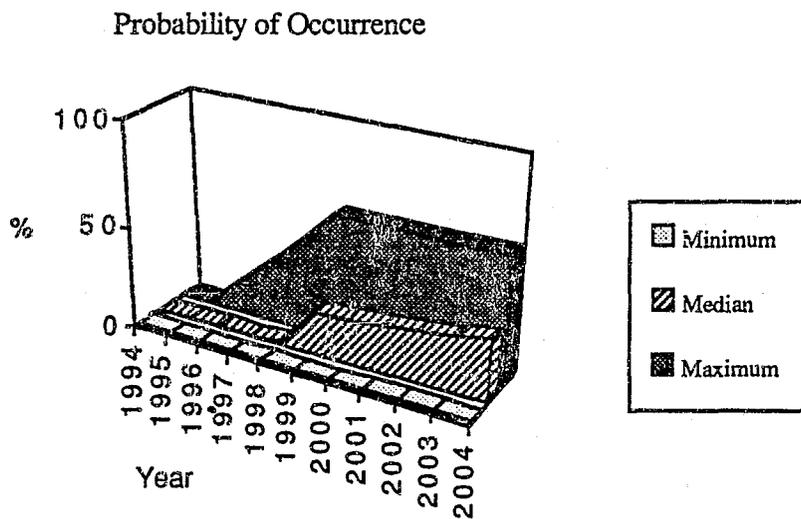


Event Five: County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services

Event Description: This event assumes that the county is discontinuing non-essential law enforcement services because of fiscal constraints and prioritization of county-wide service needs. There are assumed to be limited fiscal resources within the County and the resources that do exist are being apportioned to all governmental programs and services.

Probability Evaluation: This event focuses on the role of law enforcement agencies during a time of down-sizing due to fiscal constraints. Law enforcement, other than emergency services, is a lower priority. There was some discussion concerning the interpretation of "emergency", and evaluations were based on individualized opinions of this term. It was felt that there would be a greater probability of occurrence if only the "fluff" programs were eliminated. There was a variety of opinions concerning the probability of occurrence, however, most panel members felt that there was a relatively low level of probability.

The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



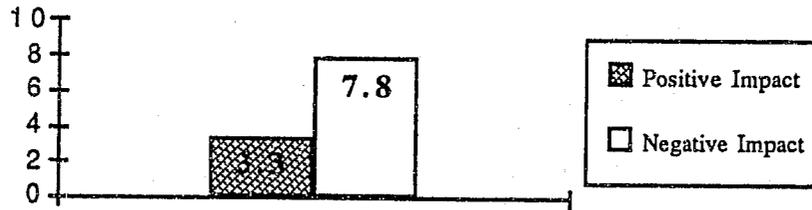
Positive Impact: The positive aspects of this event focused on the reallocation of existing resources. It is the opinion of many that the primary function of law enforcement is to provide protection in an emergency situation. Law enforcement agencies are also involved in many other programs, including crime prevention, vice enforcement, intelligence, narcotic enforcement, training and other functions considered "non-essential." The consensus revealed that there were very few definable positive impacts.

Negative Impact: The negative impact would be the discontinuation of existing programs thought to be non-essential. This would eliminate all types of programs that potentially could have a positive impact on the future crime rates. Law enforcement agencies would be faced with reacting to crimes after-the-fact. There would be an elimination of proactive type investigations and the prosecution of "non-victim" crimes that have been shown to be a precursor to other crimes. Law enforcement agencies would be handling only emergency calls for services and not have an opportunity to interact with the public. Community policing philosophies would become the old "buzz word" of the 90s.

There is not a great amount of agreement on those services considered non-essential, in part, because of the lack of research into the effectiveness of prevention programs.

The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:

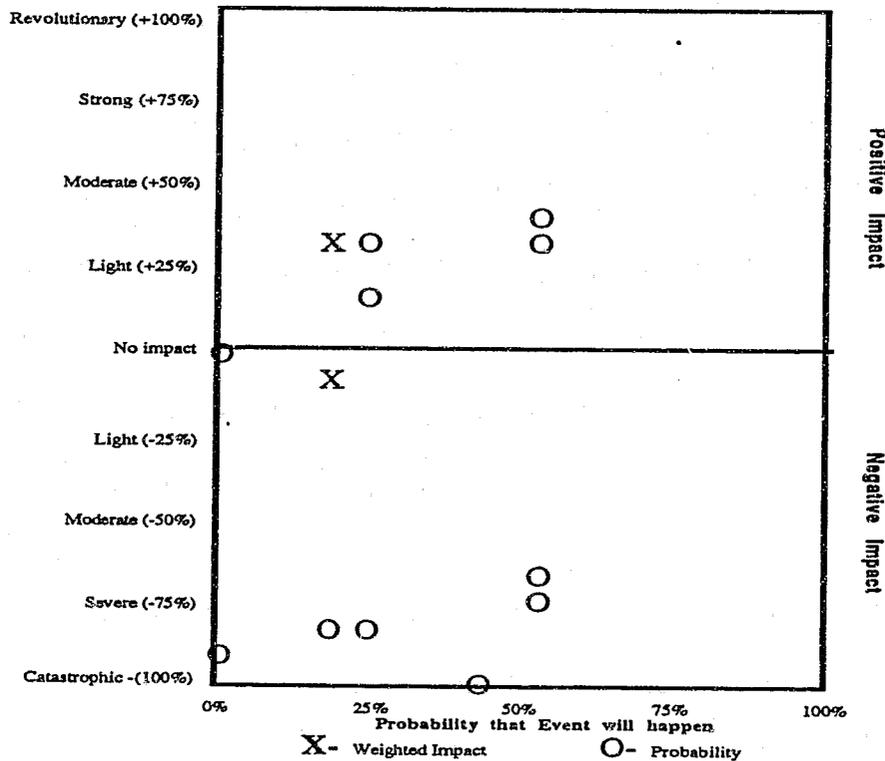
Impact of Event Occurrence
Mean Value - Event Five



Group Impact Consensus: There was a general consensus, with exception of one non-consistent positive impact vote, that there would be more negative aspects than positive aspects of this event.

Probability-Impact: On the basis of the weighted impact, if this event occurred it could have approximately equal positive or negative ramifications. After the weighted impact, this event remained in the mid-level range of importance in both the initial evaluations and the weighted impact evaluation.

Weighted Impact

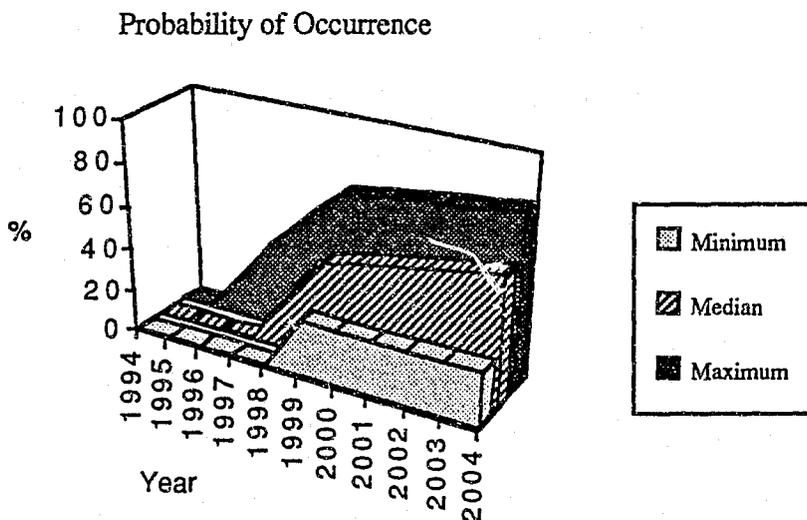


Event Six: Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services

Event Description: This event assumes that, because of competition, the Sheriff's Office is forced to absorb more law enforcement functions. The event specifies that these functions are absorbed without adequate compensation because of fiscal difficulties within the cities. Currently, in California cities are increasingly contracting with county agencies to provide a more cost effective method of policing. This increases in contract law enforcement services of all types may accelerate as fiscal resources decline.

Probability Evaluation: There was relative consistency in the evaluation of the probability of occurrence, particularly since the event only infers that one agency absorbed is enough to fulfill the occurrence. The group did not believe that this event would happen on a wide scale and, therefore, the event would not have a great impact.

The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



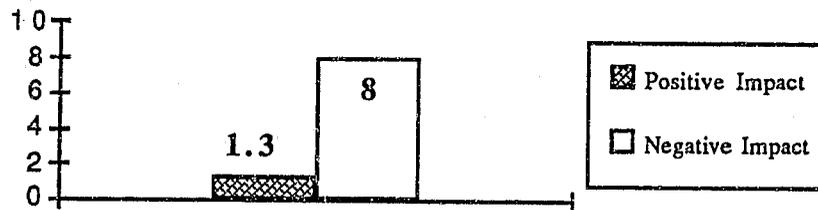
Positive Impact: Because the event specifies that counties absorb the functions without full cost recovery, the positive impacts are felt to be limited. It is the opinion of some group members that one centralized law enforcement agency is more effective in terms of law enforcement goals and cost efficiency. Provided the fiscal impacts were minor, there could be a positive impact in terms of regionalization.

Negative Impact: The negative impact appears from two perspectives involving the city and the county. The first negative impact is that cities may lose some of their autonomy by having contractual

services. The event also has a detrimental effect on the county agency because additional duties must be absorbed without adequate fiscal resources. This would force the county agency to prioritize services, discontinue some "non-essential" functions and reorganize priorities. This negative impact could also affect the community because of a potential decrease in the services performed and a change of service agency.

The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:

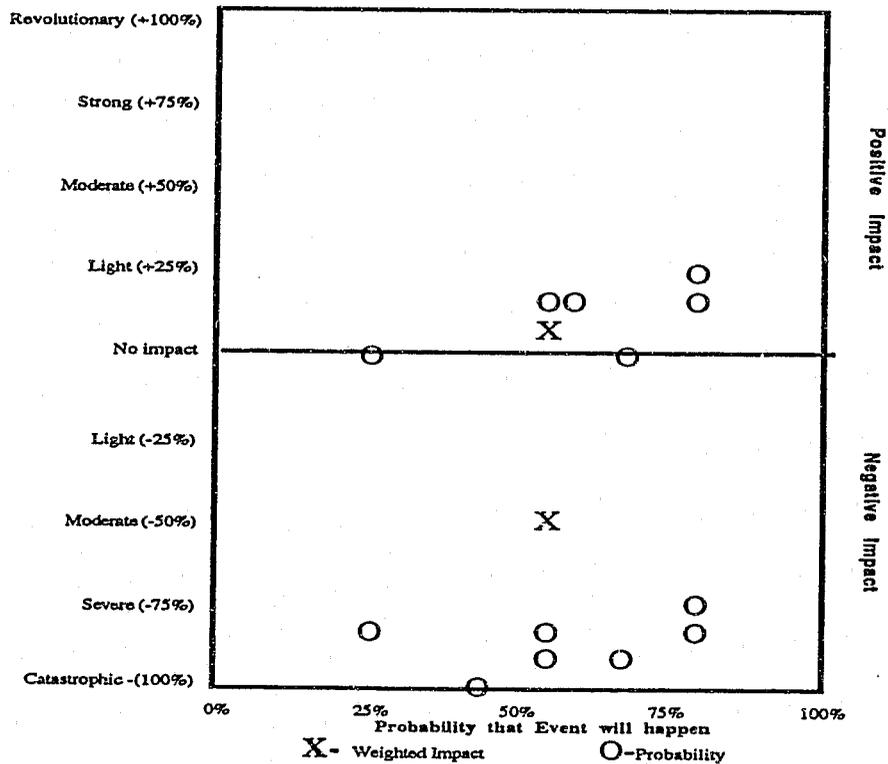
Impact of Event Occurrence
Mean Value - Event Six



Group Impact Consensus: There was a very high consensus on the impact of this event.

Probability-Impact: After the weighted impact was evaluated, this event remained in the exact mid-level position of importance relative to the other events as it had in the initial round of evaluation.

Weighted Impact

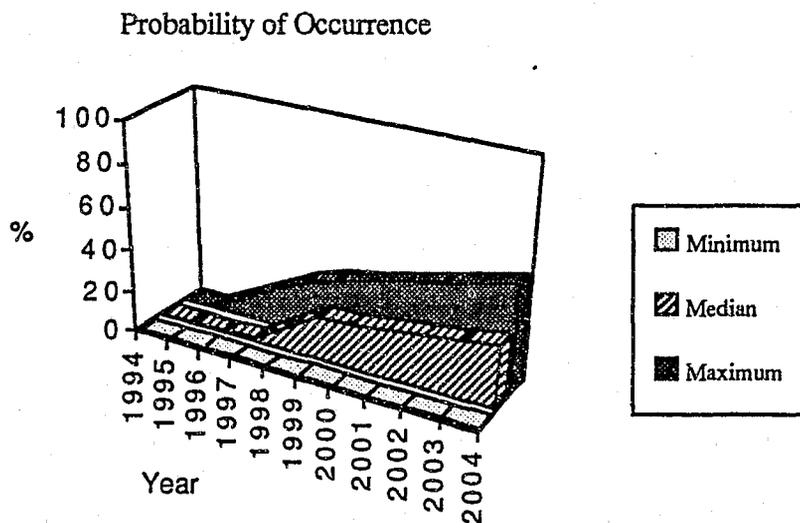


Event Seven: Local Law Enforcement Tax Passes which Goes Directly to Law Enforcement Agency

Event Description: This event assumes that not only is a law enforcement tax passed but also that the net fiscal gain is realized by law enforcement agencies.

Probability Evaluation: The probability of occurrence of this event was thought to be very low. One individual felt that this could never happen within the specified ten year time period. During the group discussion, it was felt that the greatest obstacle to this occurrence would be the attitude of voters to tax increases. There was no concern expressed for the subvention of the "earmarked" public safety tax revenues. This was due, in part, to the belief that a tax would not pass, therefore, the allocation aspect is a moot issue.

The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



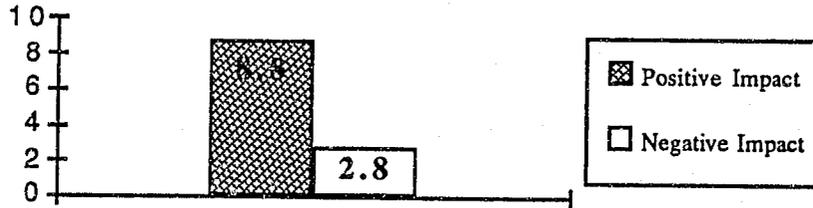
Positive Impact: The positive impact on law enforcement was thought to be tremendous. Additional functions and services could be created and later evaluated for their level of success. This could also greatly reduce the necessity for continuing to increase the number of services for which a fee is charged. Because of this, increased positive community support could also result. Community policing philosophies could be intensified since they are thought to be labor-intensive plans. Generally, it was the belief of the group that there would be a positive outcome from an increase in law enforcement spending. However, it was also thought that with this increase in allocations, a firm plan should be developed to ensure the most effective use of resources.

Negative Impact: If the tax were passed, the negative impact appears to center on the feasibility of the resources being utilized exclusively for law enforcement functions. The question arose concerning

whether this the proper use of increased fiscal resources when many other county-wide services are suffering. Since law enforcement has many different connotations, concerns were expressed that an increase in law enforcement resources would result in tougher enforcement only.

The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:

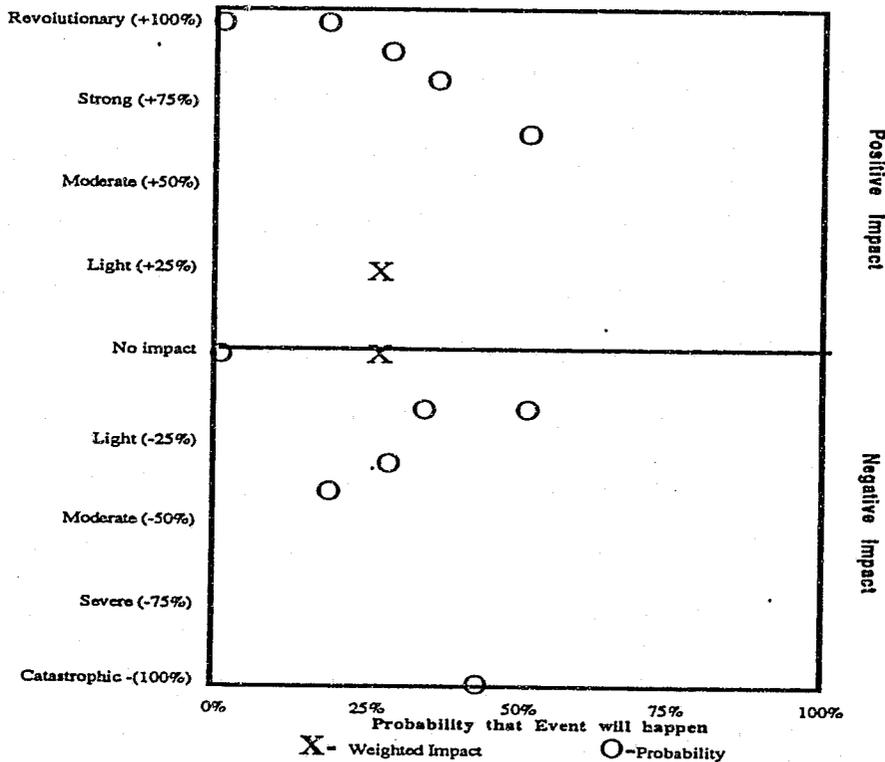
Impact of Event Occurrence
Mean Value - Event Seven



Group Impact Consensus: There was a relatively high consensus with this event. It is the opinion of this group that if resources were used in an effective manner, it would have a positive impact on the community.

Probability-Impact: On the basis of the weighted impact, if this event occurred it could have a definite positive impact. When compared to the other nine events, this event is thought to have a low level of importance. This importance evaluation of impact is primarily due to the low level of possibility of occurrence.

Weighted Impact



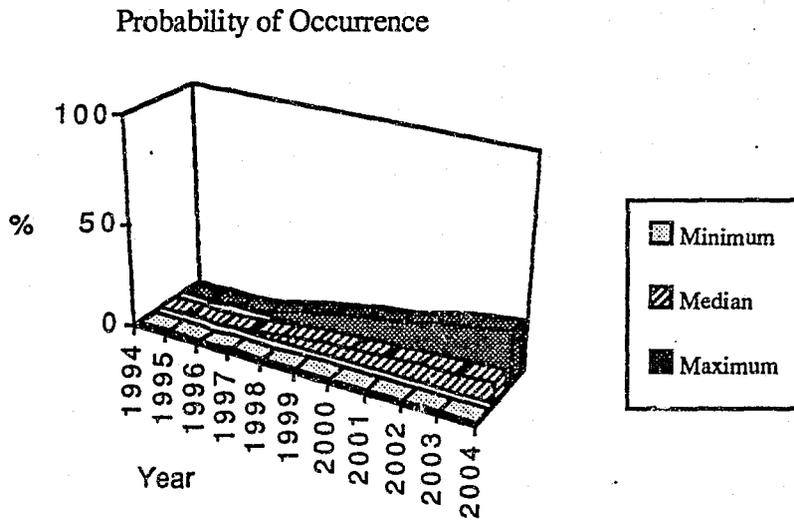
Event Eight: Voter Repeal Proposition 13

Event Description: This event assumes that the voters repeal Proposition 13 through the necessary process of popular vote.

Proposition 13
California voters passed Proposition 13 in June 1978. It rolled back property taxes to 1% of assessed levels in 1975, limited increases after a property is bought or constructed, and made Legislature responsible for dividing property taxes among local entities. A subsequent amendment required a two-thirds "supermajority" of voters to approve local taxes or bond issues for "special purposes," such as repairing roads or hiring police.

Probability Evaluation: The probability of this event occurring was ranked very low, since most panel members felt that this proposition will not be overturned. The main reason given for this was that this proposition assures people that they will not be "taxed" out of their homes. It was also discussed that a great majority of senior citizens live in residences covered by this exemption and they are also thought to represent a high percentage of the voting population.

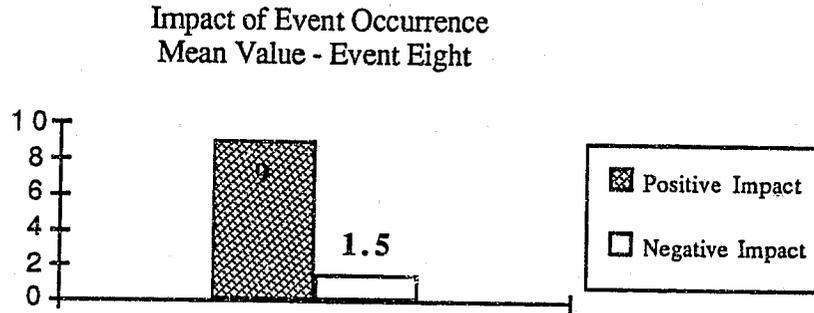
The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



Positive Impact: If this event occurred there would be greater county and city governmental revenues available for all agencies including public safety. This proposition is often blamed for all of California's economic woes. It was felt that with the elimination of this proposition some state revenue programs could be eliminated. The imposition of fees within the public safety sector is one small example of a method of compensating for this loss of revenue.

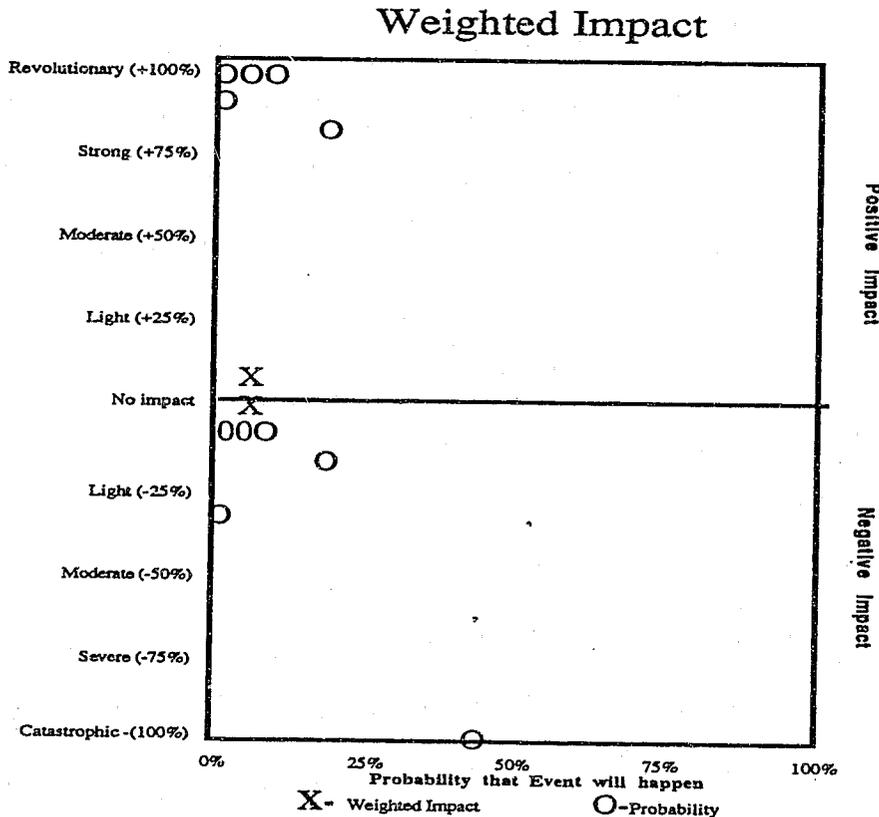
Negative Impact: There was no actual direct impact on the issue discussed by the group, however, indirect impacts were discussed. These indirect impacts to the issue involved the potentially adverse overall economic impact of this event.

The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:



Group Impact Consensus: There was a great amount of consistency in both the positive and negative impacts of this event. The group discussions were overwhelmingly in agreement in both the positive and negative aspects of this event.

Probability Impact: Although this event was thought to have a very positive impact, the weighted impact rated this event the lowest level of all ten events in terms of importance to the issue.

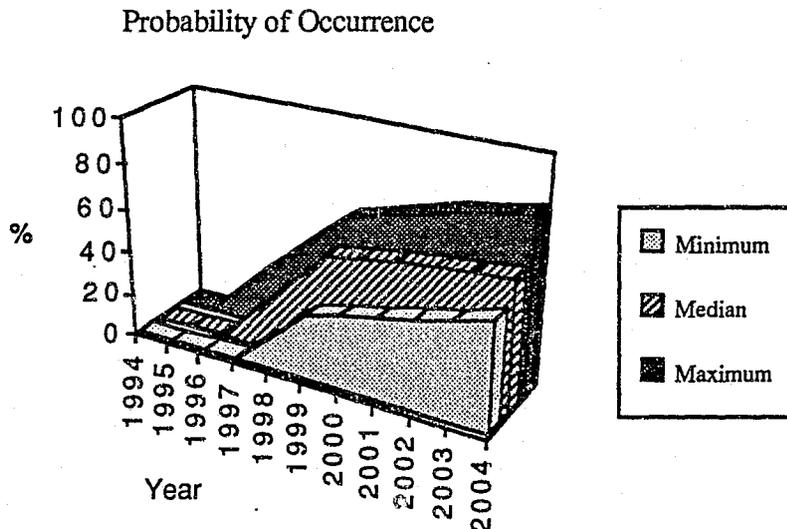


Event Nine: Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth

Event Description: This event assumes that only a portion of proposition 13 would be modified. Residential properties would continue to have the assessment growth protections and changes would be made in the method of assessment of commercial properties. This modification of commercial property assessment would provide for fewer exemptions and increase the state's commercial property tax revenue.

Probability Evaluation: When compared to the other nine events, this event was thought to have a high likelihood of occurrence. The group discussion included information that this subject is a current topic of consideration since there seems to be disparity between commercial assessment and residential assessments. One of the disparities discussed involved the change of some of the corporate "owners" with no "sale" of the property. The probability of occurrence was based on this restructuring of commercial property exemptions, not the elimination of commercial property exemptions.

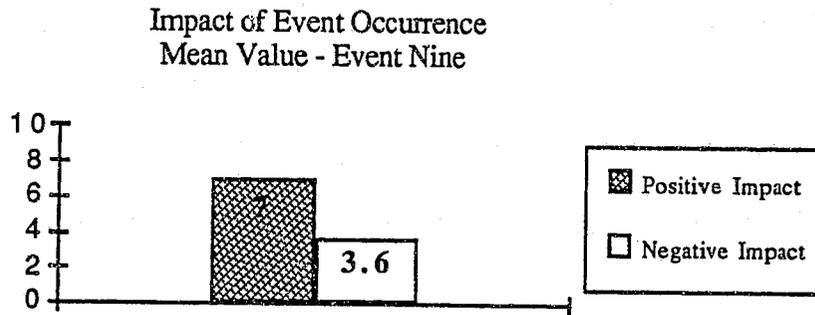
The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:



Positive Impact: The positive impact, simply, would be the increase in fiscal resources to governmental agencies.

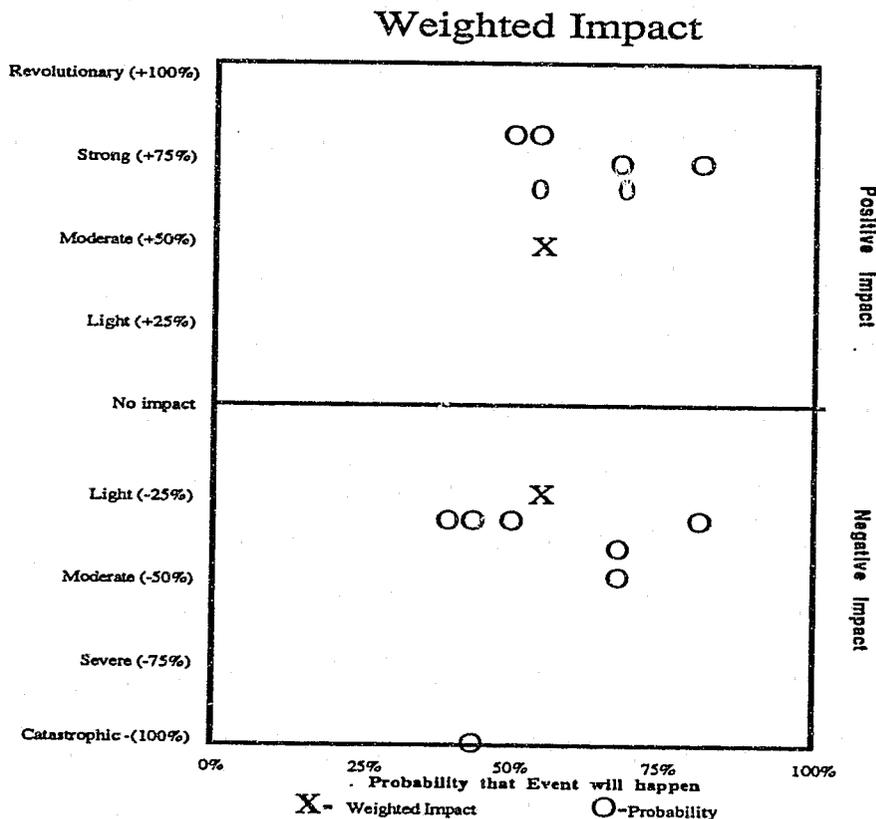
Negative Impact: As with Event Eight, this has a limited amount of negative impacts. One negative impact involves the increased costs to businesses and the overall state economy.

The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:



Group Impact Consensus: The discussion of this event produced a high consensus of opinions including the rationale for these opinions.

Probability-Impact: After the evaluation of the weighted impact of this event, it increased significantly in level of importance. When compared to the other nine events, the importance of this event was ranked in the lowest level, however, after the evaluation of the other factors it became ranked within the highest level of the importance group.

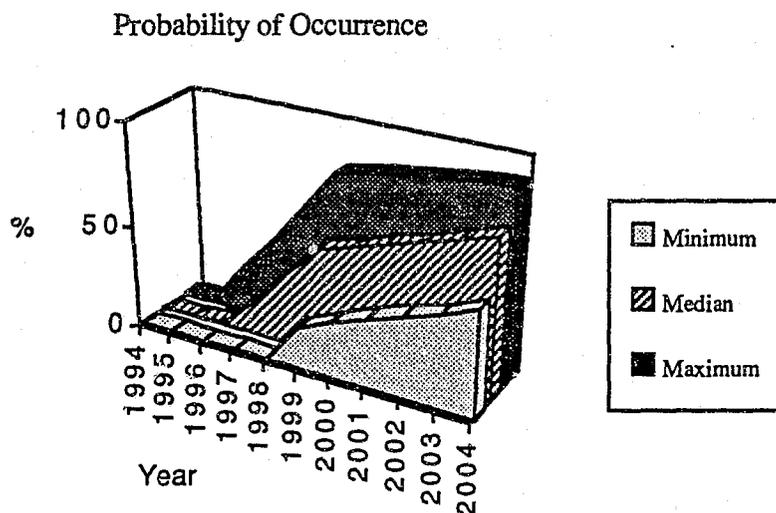


Event Ten: Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts

Event Description: This event specifies that a major private security establishes in this area and actively solicits business from cities to perform a variety of law enforcement functions at a decreased cost.

Probability Evaluation: During the discussion of this event two major questions arose concerning other evaluation factors to be considered. The first consideration involved whether this event should be considered in conjunction with event two (State Law Gives Private Security Peace Officer Status) since both events considered together would greatly increase the probability of this event occurring. This was felt to be a "chicken and egg" situation since if either event occurred first the probability of the other would increase. The group members were instructed to consider this event as separate and distinct from all other factors. The second question involved what factors should be used in determining if the event occurred. It was felt that there would be a high likelihood of occurrence even if the was not a great deal of success by the security company. The group members were instructed to consider only the likelihood of occurrence and not the level of success. This event ranked the highest of all ten events in terms of probability of occurrence.

The following illustration represents the highest, lowest and median rankings of probability of occurrence in the opinion of members of the group as related to the earliest time which the event can occur and the probability of occurrence for five and ten years in the future:

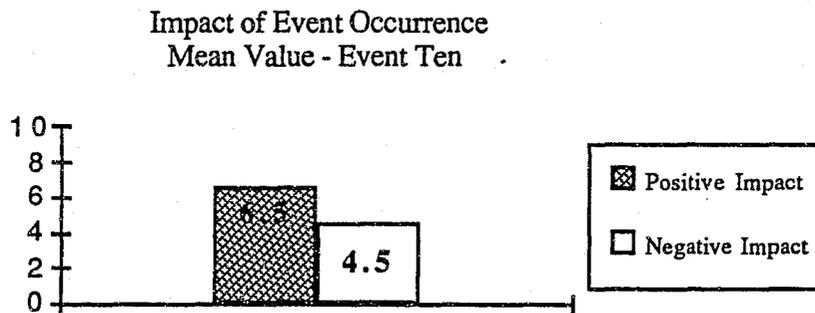


Positive Impacts: The positive impact would be that private companies would provide services for which law enforcement had no desire to offer. For example, private companies could respond to alarms, barking dogs, loud music, vacation residence checks and other minor services. These companies could then rely on law enforcement to intervene only if the situation warranted enforcement action.

The positive impacts also involved the resulting competition between all service providers, which could lead to greater efficiency.

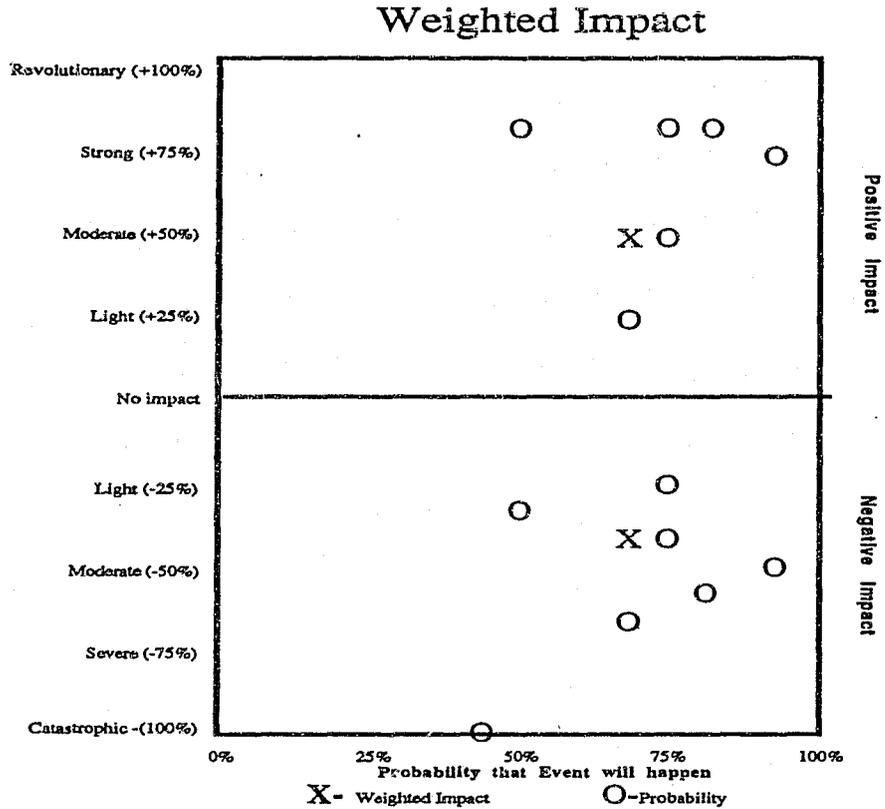
Negative Impacts: The negative impacts could also include the increased competition between service agencies. As earlier discussed, competition could lead to a lack of communication. This lack of communication could result in impairment of the common goal of public safety.

The following illustration depicts the mean values, on a scale from one to ten, in the opinion of members of the group of both the positive and negative impacts of the event:



Group Impact Consensus: There was a fair amount of consensus in both positive and negative impacts of this event. This consensus was possible only after establishment of the specific criteria to consider when evaluating the event.

Probability-Impact: The weighted impact of this event compared to the original evaluation of importance of all ten events was the most dramatic possible. This event was originally felt by the group members to be the least important of all ten events; however, the weighted impact evaluation placed the event as the most important of all the events.



WEIGHTED IMPACT EVALUATION OF EVENTS

Once the event data was tabulated and an appraisal of the events was conducted, a more accurate assessment of the importance of each event based on the weighted impact was determined. This was accomplished by viewing the weighted impact charts for each event and categorizing each event in terms of importance to the issue. This process allowed the factor of probability to be a component of judging importance of the event. The following ten events are listed in order of importance based on the weighted impact of each event:

1. Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts (10)
2. Supreme Court Rules that Public Sector Fees for Service are Unconstitutional (4)
3. Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth (9)
4. State Law Gives Private Security Personnel Peace Officer Status (2)

5. Sheriff Refuses to Assess Fees for Services (1)
6. Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services (6)
7. County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services (5)
8. Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency (7)
9. County Bankruptcy (3)
10. Voters Repeal Proposition 13 (8)

Note: The number that appears after the event statement is the former position, in order of importance, the event held after the N.G.T. process.

This aspect of event evaluation represents the final assessment of the importance of each event when compared to the events. A further evaluation of these events will be conducted only to determine the magnitude of each event when impacted by the other events.

FORECASTING TRENDS

The focus of the individuals in the group was returned to the ten trends that were thought to be the most descriptive for the issue as developed during the earlier process. The issue was again reiterated as a reminder of the trend to issue relativity. Each of the ten selected trends was discussed individually to determine projected levels of each trend.

Each trend was to be evaluated in terms of the estimated level of the trend five years ago and also what level the trend would be in five years and ten years. Arbitrary values were established in order to show the level of increase or decrease projected. The arbitrary value of 100 was established for ease of determining the current level. Trend orientation was also established through discussion and consensus. Each trend was oriented by stating what an increase indicated (e.g., with the trend Economic Change it was decided that the higher the numerical value the more positive the economic indicators).

The raw data for each trend was projected in graph form and reviewed by all members of the panel. A discussion of each trend was conducted and the opportunity to change individual rankings was offered. Although there often seemed to be a large range of opinions, each chart was determined to be representative of these opinions. Because the group had discussed each trend numerous times, the question of clarity of trends had not become an issue.

This data table depicts the maximum, median and minimum individual assessments concerning where the trend was thought to be five years ago and where the trend is projected to be five years in the future and ten years in the future, relative to the arbitrary value of 100 being assigned to the current level of the trend.

Table 4
Trend Evaluation
 (Highest Individual Value Assessment)
 (Median Individual Value Assessment)
 (Lowest Individual Value Assessment)

Trend Statement	Level of the Trend (today = 100)			
	Five Years Ago	Today (1994)	Five Years From Now	Ten Years From Now
Legal Challenges	100 35 5	100	200 200 110	400 300 100
Economic Change	200 103 60	100	125 95 10	160 110 80
Public Tolerance Paying Police Svcs.	200 100 50	100	105 78 50	110 55 20
Electorate Attitude Toward Taxes	900 123 80	100	1000 83 40	110 68 10
Demographic Change Level of Diversity	80 73 50	100	500 300 120	1000 500 140
Level of Crime Crime Rate	110 88 60	100	800 135 105	300 135 100
Public Perception of Safety	200 100 60	100	200 83 10	400 70 50
Level of Service Desired by Community	200 115 80	100	400 110 50	500 100 20
Consolidation of Agencies	90 63 40	100	400 183 105	600 250 110
Privatization	95 60 50	100	250 188 125	400 150 150

N = 8 (Number of Individuals Participating)

TREND SPECIFICATION AND DATA ANALYSIS

Each trend is analyzed independently based on the data and information gathered during the N.G.T. process. Often there existed a wide range of data projections when viewing each trend. The use of upper and lower mean deviation (quartiles) from the median value softens the possibility of a

single individual, or small group on the Delphi panel, from skewing the data. This process was used on all graphs in which there was a wide disparity of consensus on the issue.

Past and Future Trend Level Estimates

These graphs were constructed to show the elapsed time on the horizontal axis. The reference point "today" represents 1994, -5 represents 1989, +5 represents 1999 and +10 represents 2004. The vertical axis represents the level of change, with the arbitrary value of "100" assigned to "today" or 1994. The minimum and maximum designations represent the lowest and highest individual ranking for each data point. Often these bold lines obliterate the specific individuals' opinion.

Quartile

If the data shows a large spread of individuals' opinion, the upper and lower quartile ranges are used. A quartile represents the midpoint between the median and the maximum or minimum range.

Trend One: Legal Challenges

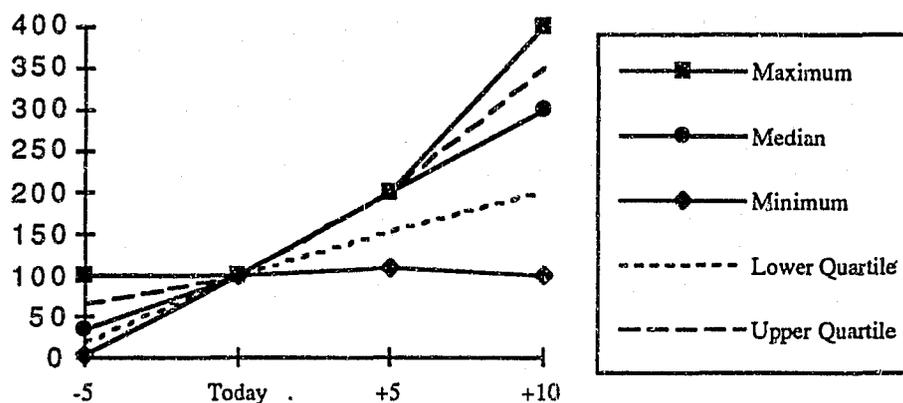
Trend Description: This trend presents the group's opinion of the level, in terms of numbers for both past and future, of legal challenges to the validity of imposing fees for services. This trend data is oriented to indicate that the higher the graph number level, the greater the number of legal challenges are forecast. Since the projected data indicates an increase, it is felt that there will be more challenges to the payment of fees for services.

Level Evaluation: The group discussion of this trend focused on current concerns and legal questions related to the issue. It was expressed that there have already been Constitutional issues raised with respect to First Amendment rights and freedom of speech. This issue was being raised in response to an organization having to pay for police protection when speaking out publicly on a controversial issue. There were also many concerns surrounding the imposition of fees when the person requesting the service is not aware that fees are being assessed. The ability to regulate the imposition of fees was also thought to be of concern when only one service provider is available. As fees continue to grow within law enforcement agencies, the numbers of challenges are forecast to greatly increase.

The group members felt during the evaluation that this trend would have a projected increase, however, there is a varying range projected in the level of the increase. It was also the consensus that there were many fewer challenges in the past.

It is believed that the projected significant trend level increase in the number of legal challenges will be detrimental to the issue.

Past and Future Trend Level Estimates
Trend One - Legal Challenges



Trend Two: Economic Change

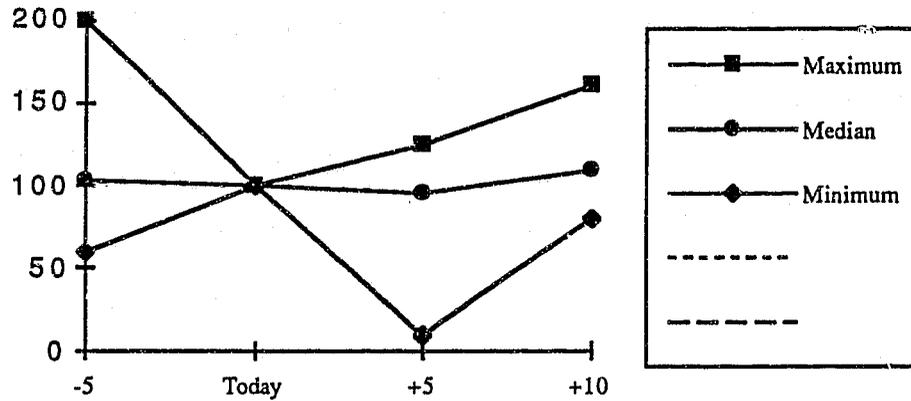
Trend Description: This trend presents the group's opinion of the California economic level, both past and future, which is thought to affect the imposition of fees for services. This trend data is oriented to indicate that the higher the graph number level, the greater the positive economic outlook in California is forecast. Since the projected data indicates an increase, it is felt that there will be an improvement in California economic conditions.

Level Evaluation: The group discussion of this trend focused on economic factors that were thought to contribute to the increase in the numbers of fees imposed. Some of the contributing factors were thought to be Proposition 13 and the State property tax shift, in an attempt to balance the State budget, away from county governments. The level of economic health was thought to be a large factor in public safety service fees.

The group members felt during the evaluation that this trend would have a projected increase, however, there is a varying range projected in the level of the increase.

It is believed that the projected trend level increase in the California economy will have a positive effect on the issue.

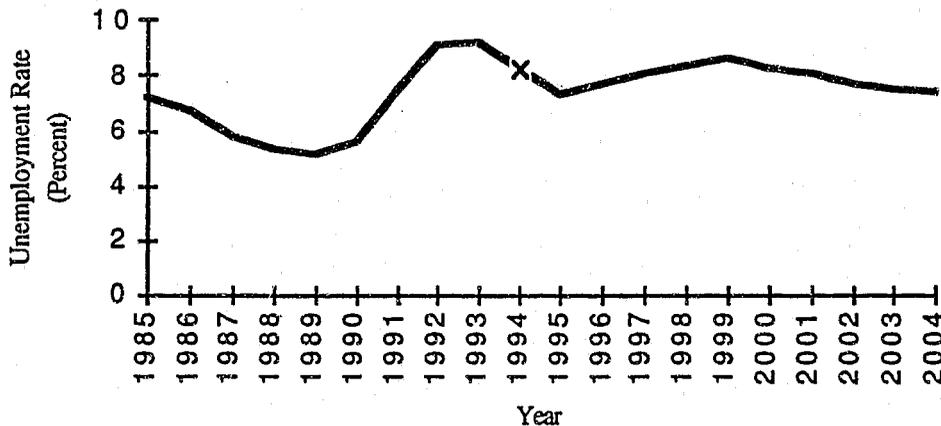
Past and Future Trend Level Estimates
Trend Two - Economic Change



Objective Historical Data and Median Projected Data

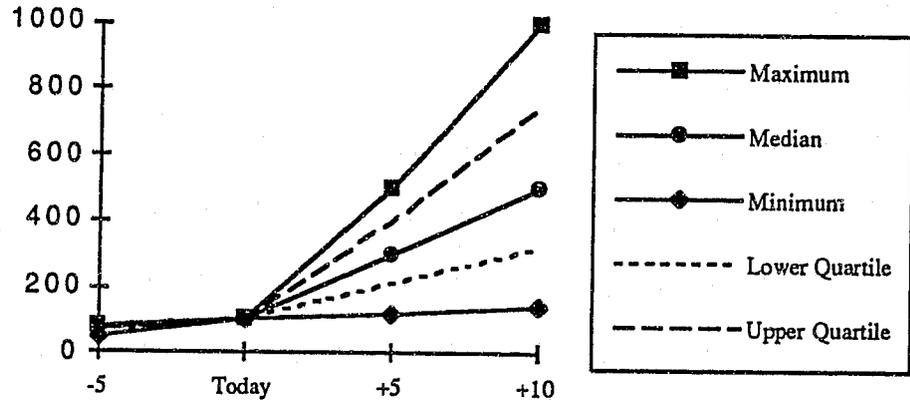
The following illustration tracks the California unemployment rate³⁴ from 1985 to the first quarter in 1995 and then the projected from 1995 to 2004. The "X" indicates the date that the N.G.T. panel provided forecast information concerning the projected level of economic change. In order to specify the unemployment rate in actual percentages and provide consistent graphic information for the trend forecast, the data developed by the panel has been adapted to indicate projected levels of change consistent with the unemployment percentages. Note that the unemployment data represents positive economic change at the lower percentage levels as opposed to the illustration above in which the higher number is a more positive economic indicator.

Economic Indicator (Unemployment Rates)



1985 - 1995 Objective Data for Unemployment Rate in California
1995 - 2004 Projected Data for Level of Economic Change (as projected in 1994)
X = 1994 level

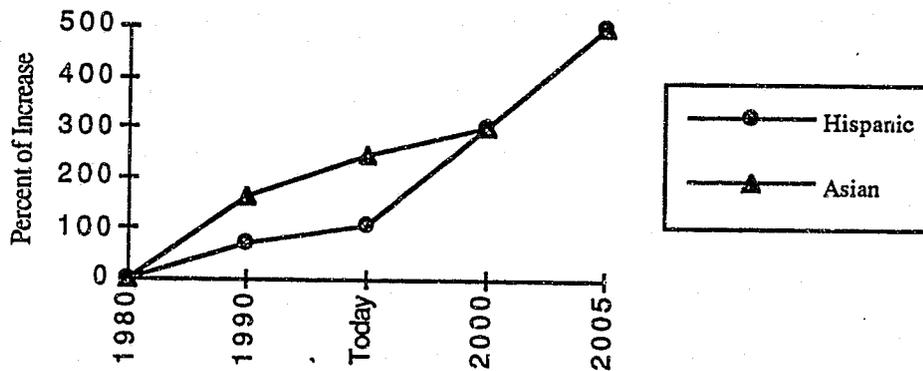
Past and Future Trend Level Estimates
Trend Five - Demographic Change/Level of Diversity



Objective Historical Data and Median Projected Data

The following illustration represents the percentage of increase in two separate ethnic groups in California from the 1980 and 1990 census information³⁵ and the projected rate increase from 1990 until 1994 and also from 1994 - 2005. The "today" designator indicates the date that the N.G.T. panel provided forecast information concerning the projected level of diversity and demographic change. In order to specify the change in actual percentages and provide consistent graphic information for the trend forecast, the data developed by the panel has been adapted to indicate projected levels of change consistent with the objective ethnic percentages.

Population Level of Change



1980 - 1990 Objective Data for Percent of Increase
1990 - 2005 Projected Data for Percent of Increase (as projected in 1994)

Trend Six: Level of Crime/Crime Rate

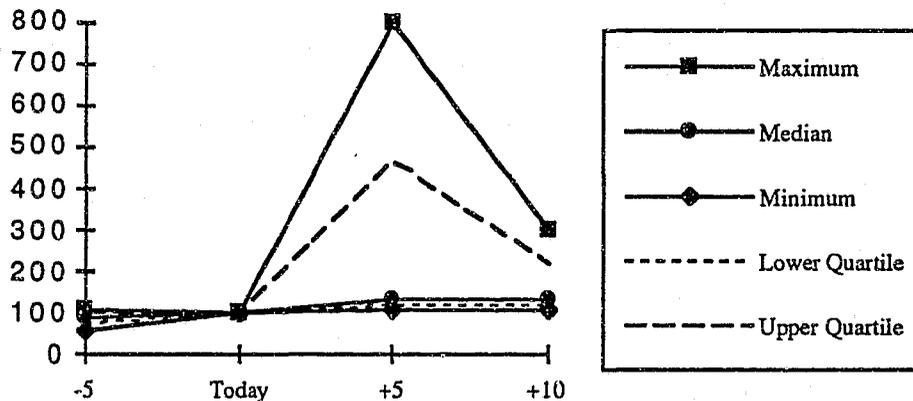
Trend Description: This trend presents the group's opinion of the level of the California crime rate both past and future. This trend data is oriented to indicate that the higher the graph number level, the higher the rate of crime. The projected data indicates an increase in five years then a stable level crime rate level for the next five years.

Level Evaluation: The group discussion of this trend focused on current concerns for safety and the overwhelming fear of crime. Although the fear of crime is higher than the actual crime rates warrant, this fear will focus more attention on public safety.

The group members generally felt that this focus on public safety will not have much of a positive impact on crime rates during the next five years, however, it was felt that it could demonstrate a positive impact in ten years. There were many factors considered in determining the projected level of crime, some of which are the other listed trends.

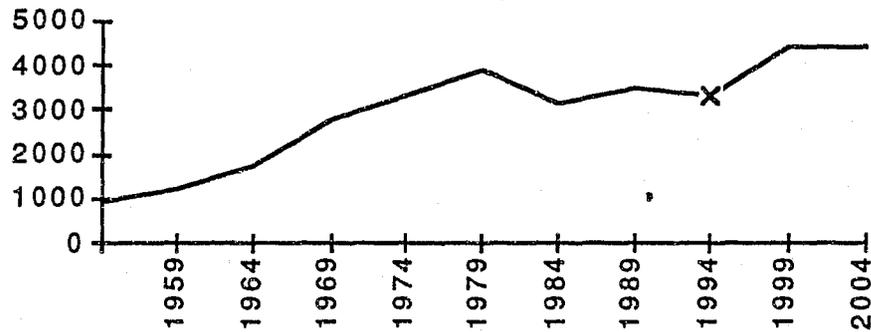
It is believed that the projected five year raise in the crime rate will be detrimental to the issue.

Past and Future Trend Level Estimates
Trend Six - Level of Crime/Crime Rate



Objective Historical Data and Median Projected Data: The following illustration tracks the California Crime Index³⁶ from 1954 to the end of calendar year 1993 (1994 is not available) and then the projected rate from 1994 to 2004. The "X" indicates the date that the N.G.T. panel provided forecast information concerning the projected level of crime. In order to specify the crime rate in rates per 100,000 population and provide consistent graphic information for the trend forecast, the data developed by the panel has been adapted to indicated projected levels of change consistent with the C.C.I. index terms.

California Crime Index



1954 - 1994 Objective Crime Rate Data (CCI)
1994 - 2004 Median Projected Crime Rate Data
X = today's level

Trend Seven: Public Perception of Safety

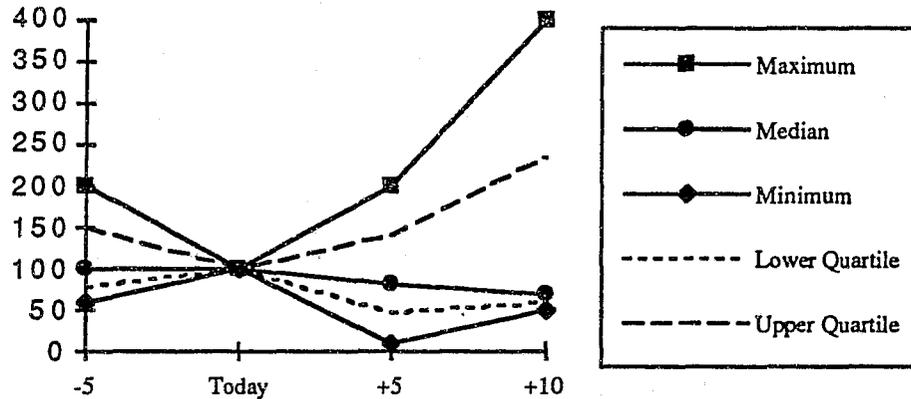
Trend Description: This trend presents the group's opinion of the level of the public perception of safety both in the past and future. This trend data is oriented to indicate that the higher the graph number level, the greater the feeling of personal safety. Since the projected data indicates a slight decrease, it is felt that there will be greater fear of crime in the future.

Level Evaluation: The group discussion of this trend focused on the level of personal fear of crime. It was felt that this fear is at an all time high for a variety of reasons. There were many opinions of the justifiable nature of this fear. Some felt that the fear should not exist since it is not consistent with crime data, and others felt that the random nature of crime and violence did justify the fear of victimization.

It was felt by all panel members that since this fear does exist, it has a direct impact on public safety. There were many opinions of the negative or positive value of this trend. Individual members of the panel felt that this fear of crime negatively reflects upon the profession and others felt that there is no "blame" for crime fears. Other members felt that the opportunity is ripe for law enforcement personnel to gain support, both in perception and in fiscal terms, while this fear of crime is high.

There was no consensus concerning the impact of the projected increase in the level of fear of crime.

Past and Future Trend Level Estimates
Trend Seven - Public Perception of Safety



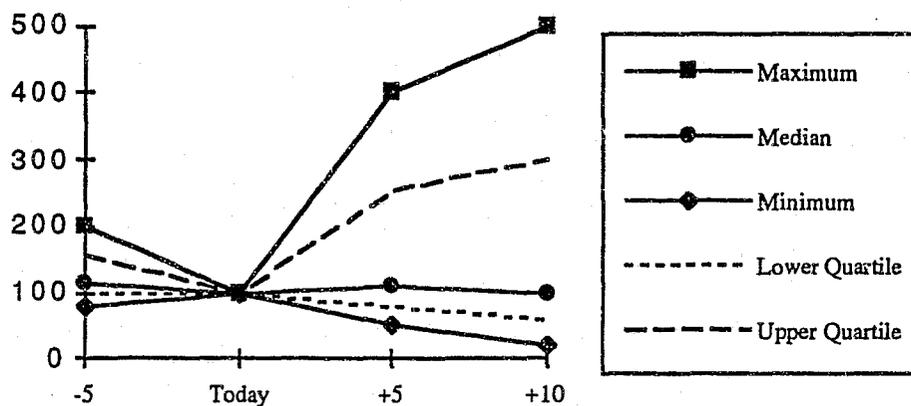
Trend Eight: Level of Police Services Desired by Community

Trend Description: This trend presents the group's opinion of the level of police services that are desired by the community. The trend data is oriented to indicate that the higher the graph number level, the greater the demand for service. One specific underlying assumption is that these desires for increased services represents the belief that the services are entirely inadequate.

Level Evaluation: The group's discussion of this trend indicated that, due to fiscal constraints, there will be decreases in the levels of services to the point that the community will feel a need for increases in services.

The median data projected shows a negligible change in the level of services desired by the community. Although there was no consensus concerning the positive or negative implications of the direction of the trend, members felt that this negligible projected change would not be significant to the issue.

Past and Future Trend Level Estimates
Trend Eight - Level of Police Services Desired by Community



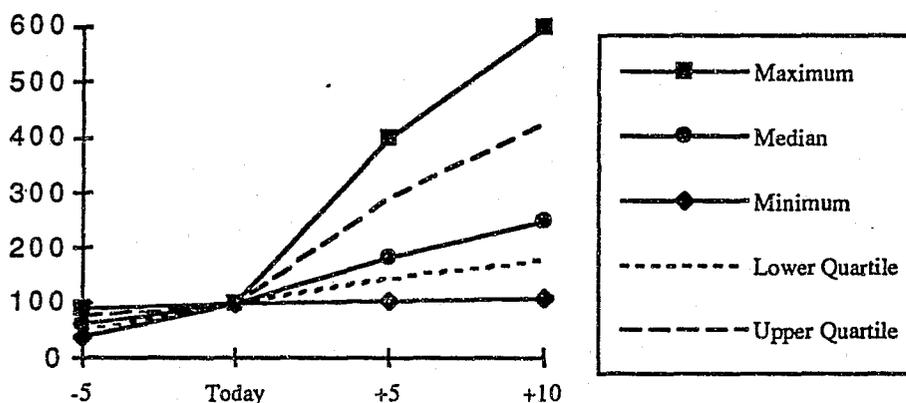
Trend Nine: Consolidation of Agencies

Trend Description: This trend presents the group's opinion of the level of agency consolidation, in terms of numbers, both past and present. This trend data is oriented to indicate that the higher the graph number level, the greater the number of agencies consolidating. Since the projected data indicates a significant increase, it is felt that there will be a higher number of consolidations.

Level Evaluation: The group discussion of this trend focused on the potential impacts of consolidation. Consolidation was thought to be for the purpose of cost savings and for the purpose of efficiency within geographical areas.

There was no consensus of whether this would have a positive or negative impact on law enforcement and the community.

Past and Future Trend Level Estimates
Trend Nine - Consolidation of Agencies



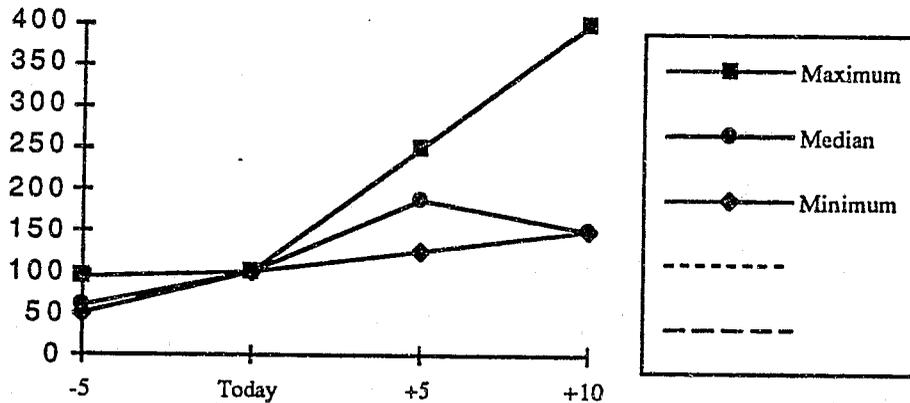
Trend Ten: Privatization

Trend Description: This trend presents the group's opinion of the level of police functions that are performed by private agencies. This trend data is oriented to indicate that the higher the graph number level, the greater the number of police functions performed by private entities. Since the projected data indicates a significant trend increase in five years and then a slight decrease in the next five years, that there will be more police services performed by private entities in the future.

Level Evaluation: The group discussion of this trend focused on the level of private entities performing police functions. One of the main topics of discussion was that this level of private services is directly related to overall economic conditions. This helps explain the drop from the five year level to the ten year level when compared to the trend involving the level of projected economic change.

Although the projected data numbers were somewhat consistent, there was no agreement on the positive or negative value of this event on the issue.

Past and Future Trend Level Estimates
Trend Ten - Privatization



TREND ANALYSIS

After completion of an evaluation the individual trends based on the data provided by the panel members, a further refinement of the consideration that should be given to each trend, related both to the events and to the issue, was conducted.

Since the trend direction was analyzed by the group, the implications of the trend became more clear. On the basis of the projected direction of the trend, the following implications, as related to the issue, were extrapolated:

<u>Trend</u>	<u>Projected Panel Direction of Trend</u>
Negative Impact:	
Legal Challenges	Projected Significant Increase
Public Tolerance for Paying for Police Services	Projected Decrease
Electorate Attitude Toward Taxes	Projected Decrease
Level of Crime/Crime Rate	Projected Increase to Stabilization
Uncertain Impact:	
Public Perception of Safety	Projected Decrease
Consolidation of Agencies	Projected Significant Increase
Privatization	Projected Increase to Slight Decrease
Positive Impact:	
Economic Change	Projected Slight Decrease to Increase
Neutral Impact:	
Demographic Change/Diversity	Projected Tremendous Increase
Police Service Desired	Negligible Increase

After the analysis of the trends it becomes apparent that more attention must be given the trends thought to have negative implications and those whose implications are known. Consideration must continue for the other trends, however, they should remain secondary to those identified as "negative" or "unknown."

EVENT CROSS IMPACT ANALYSIS

Cross Impact Analysis

The estimation of how the occurrence of each event in the set might affect ("impact") the probability of occurrence of every other event in the set as well as the nominal forecast of each of the trends. (Method of Computation - For each event on the left, estimate the change [$\Delta = +\%$, $-\%$ or \emptyset] assuming the event above has "happened." Then multiply the probability times the change as shown, total the changes to get the final probability.

A cross impact analysis was conducted using the ten selected events under consideration with the graphic depiction of the trends and their projected direction. During this process each event is analyzed as it has an impact with each of the other nine events. When the first event is impacted with the second event a new probability is developed, that probability is then used when judging the impact with the third event, etc. This process is interpolated to also take into consideration the probability of each other event that is applied to the first event. As a result of this process, a true account is made of the events as they relate to each other. Often, an event that on the surface had a great amount of importance, became less important to the issue when it was impacted with other potential events.

During the N.G.T., volunteers had been solicited to assist in the process of this cross impact analysis. A meeting was scheduled and a discussion of the impact of one event on another was conducted. They were instructed to determine, in their opinions, whether there would be a positive impact or a negative impact when one event was factored with the other. A graphic of each trend was also provided in order to utilize that projected information when making their decision of the impact of the events.

Once this information was compiled, it was entered into the computer program for the cross impact calculations and the resulting final probabilities were used during the generation of the scenarios.

It was noteworthy that no matter how negative the event, on its face, there were some positive impacts of the negative events. Of the ten events, three probabilities were decreased and seven probabilities were increased. This is a result of assessing the impact of each event when applied to the other events (cross impact) in order to determine the impacted final probability of each event.

The most dramatic change was in Event Five (County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services) which went from the projected thirty percent probability to a ninety-five percent final probability. It was not originally felt that this event would be

critical to the issue, however, when applying other events,⁶ it became apparent that this could be "forced" to occur out of necessity if some of the other events happened.

The following chart represents the probability as determined by the N.G.T. panel and the resulting final probability calculated after the introduction of the cross impact data:

Cross Impact Event Probability Chart

NGT Probability	%	Event 1	Event 2	Event 3	Event 4	Event 5	Event 6	Event 7	Event 8	Event 9	Event 10	Final Probability
Event 1	40%		$\Delta=20$	$\Delta=-20$	$\Delta=30$	$\Delta=-30$	$\Delta=20$	$\Delta=10$	$\Delta=20$	$\Delta=10$	$\Delta=15$	95%
Event 2	60%	$\Delta=-50$		$\Delta=25$	$\Delta=20$	$\Delta=20$	$\Delta=5$	$\Delta=-20$	$\Delta=-10$	$\Delta=-5$	$\Delta=10$	59%
Event 3	2%	$\Delta=3$	$\Delta=1$		$\Delta=1$	$\Delta=-2$	$\Delta=-1$	$\Delta=2$	$\Delta=-2$	$\Delta=-1$	$\Delta=1$	4%
Event 4	60%	$\Delta=-10$	$\Delta=5$	$\Delta=-20$		$\Delta=10$	$\Delta=0$	$\Delta=-10$	$\Delta=-5$	$\Delta=-5$	$\Delta=10$	63%
Event 5	30%	$\Delta=4$	$\Delta=15$	$\Delta=15$	$\Delta=5$		$\Delta=4$	$\Delta=-20$	$\Delta=-20$	$\Delta=-15$	$\Delta=-10$	94%
Event 6	60%	$\Delta=25$	$\Delta=-30$	$\Delta=-10$	$\Delta=0$	$\Delta=-10$		$\Delta=-5$	$\Delta=-1$	$\Delta=-4$	$\Delta=5$	49%
Event 7	30%	$\Delta=40$	$\Delta=-20$	$\Delta=10$	$\Delta=0$	$\Delta=35$	$\Delta=5$		$\Delta=-20$	$\Delta=-20$	$\Delta=5$	37%
Event 8	10%	$\Delta=0$	$\Delta=-3$	$\Delta=10$	$\Delta=0$	$\Delta=20$	$\Delta=0$	$\Delta=-3$		$\Delta=-2$	$\Delta=5$	16%
Event 9	60%	$\Delta=0$	$\Delta=-30$	$\Delta=20$	$\Delta=0$	$\Delta=20$	$\Delta=0$	$\Delta=0$	$\Delta=-60$		$\Delta=6$	47%
Event 10	75%	$\Delta=-50$	$\Delta=20$	$\Delta=5$	$\Delta=0$	$\Delta=10$	$\Delta=5$	$\Delta=-30$	$\Delta=-30$	$\Delta=-20$		96%

Event 1 - Sheriff Refuses to Assess Fees for Services	Event 6 - Competing L.E. Agencies Result in S/O Absorbing Calls for Svs.
Event 2 - State Law Gives Private Security Peace Officer Status	Event 7 - Local L.E. Tax Passes Which Goes Directly to Law Enforcement Agency
Event 3 - County Bankruptcy	Event 8 - Voters Repeal Proposition 13
Event 4 - Supreme Court Rules that Public Sector Fees for Service are Unlawful	Event 9 - Split Role for Prop.13 - Industrial Properties Excluded from Exemption
Event 5 - Co. Eliminates L.E.Services with Exception of Essential Emerg. Svs.	Event 10 - Major Private Security Co. in S.C.Co. - Solicits Clites for L.E. Contracts

SCENARIOS

Scenario (or "future history")

An apparently non-fictional narrative, typically written as if by a historian looking back over the forecasted events and trends as if they had actually occurred. This is intended to clarify the causes and consequences of major developments and thereby facilitate the identification and evaluation of relevant policies or actions by the user. In this case, the scenarios are based on a randomly ordered selection of the events developed using the final probability as a factor in the development. Projected directional trends are also factored into the development of the scenario of events.

Random Scenarios Generation

Using the cross-impact final data, a computerized random development of ordered events is generated in accordance with the estimated probability in order to delineate a distinct, plausible and internally consistent future.

Scenario Generation

More than 100 different scenarios were generated during three separate computer iterations using the "Sigma" computer program. These scenarios were generated using a random number generator ("Monte Carlo System"). Three separate random numbers were utilized to begin the computer program. The time frame was set in the program for the period 1995 to 2005. The final probabilities, after the cross impact analysis, were used in the computer generation of these scenarios.

Initially, only two separate computer batches of scenarios were conducted. A third group of scenarios was initiated when it was realized that Event Three (County Bankruptcy) and Event Eight (Voters Repeal Proposition 13) had never "occurred" in any scenario. In the third run, Event Three happened only once, and in this scenario only nine of the possible ten scenarios were depicted in the computer run. Also in the third run, Event Three happened only once, and in this scenario the order of events was not possible (i.e., after the repeal of Proposition 13, a split roll is developed for Proposition 13). After the final calculations in the Cross Impact Matrix the probability of Event Three or Event Eight happening was four percent and sixteen percent, respectively. A reexamination of these event probability evaluation forms from the N.G.T. found that the panelists felt that the probability of these events happening in ten years was negligible. It was important that the scenarios not show invalid results, therefore these events were omitted from inclusion in the scenarios. In the interest of validity, it was felt that creating events until one low probability event occurred would constitute contrived statistical data.

When an analysis of the scenarios was conducted, they were broken down into three "families". These "families" were composed of scenarios having common impact implications, as follows:

Extrapolative Future	Scenarios in which the events that occurred appeared to be a continuation of the past and the anticipated extension into the future.
Pessimistic Future	Scenarios in which mostly negative events occurred, leading to a more negative future impact.
Optimistic Future	Scenarios in which mostly positive events occurred, leading to a more positive future impact.

When categorizing these scenarios, it was found that there were many more with potential negative future impacts than positive future impacts -- a ratio of approximately one to fifteen. Because of this, the selection of the ordered events to use in the positive scenario was much more difficult than the selection of the others.

Scenario Setting

Santa Clara County, also referred to as "Silicon Valley", is located at the southern end of the San Francisco Bay Area region and has 1,312 square miles of land. Santa Clara County has the largest population of the nine Bay Area counties and is the fourth largest county in the State of

California. With a 1994 population of 1,587,768, one quarter of all Bay Area residents live in Santa Clara County.

Santa Clara County is one of three counties in the Bay Area among the nation's top 20, in terms of households earning more than \$75,000 per year. The county's median family income is \$63,911. The county's median home value is \$325,544, which is more than \$100,000 more than the statewide average. The City of San Jose ranks highest in the nation in rental costs with a median rent of \$755 per month.

During the decade of the 1980's, the State of California, along with Santa Clara County, experienced an unprecedented period of economic growth. Beginning in the late 1980's, an economic decline became apparent. The short-term prognosis for the valley's economy is flat with a long-term positive projection for the future. The 1990 census revealed that the City of San Jose has more residents employed in manufacturing than any other city in the nation. Most economists feel the region's long-term economic health is promising, primarily because of its high-tech research and development capacity and geographical proximity to emerging Pacific Rim economies.

Located in the County of Santa Clara are sixteen cities and towns with eleven separate city police agencies. The City of San Jose, with a population of 801,296, is the largest city in the county and the tenth largest city in the nation. Approximately twenty-one percent of the county's population is of Hispanic decent, and approximately eighteen percent is of Asian decent. Data from the 1990 census shows an immigrant population (not including U.S. born children of immigrants) to be 370,695. Within the City of San Jose, technically speaking, each resident is a member of a minority group. The Hispanic and Asian populations have grown considerably, and continue to grow, while the White, non-Hispanic, population accounts for 49.6% of the City.

Among California counties having a population greater than 500,000, Santa Clara County's crime rate is the lowest, and is less than half the statewide rate. San Jose remains the third safest city in the nation among those having a population of over 500,000. The only other big cities with lower violent crime rates are Austin, Texas (population 502,000) and greater Honolulu (population 875,500), according to F.B.I. statistics. Nonetheless as is true in the rest of the nation, a recent poll found that county residents felt that crime is the most pressing problem in the county.³⁷

The Sheriff's Office in Santa Clara County boasts a staff of 671 sworn personnel. Unlike most counties in the nation, the jail system in Santa Clara County is separate from the Sheriff's Office. The split of the jail system from the Sheriff's Office occurred approximately six years ago. Because of this, approximately 120 of the Sheriff's sworn staff remain assigned to the County Department of Correction and will remain there until such time as vacancies occur in the Sheriff's Office. This situation has caused some interesting dynamics within the Sheriff's Office, one of which is the forty-three year average age of sworn personnel. When additional personnel are needed in the Sheriff's Office they are simply transferred from the Department of Correction. This remains the sole reason that the Sheriff's Office has not hired any deputies in over eight years.

The Sheriff's Office is responsible for Court Security, Civil Law Enforcement functions and regular law enforcement functions within the unincorporated areas of the County. The Sheriff also provides law enforcement on a contract basis. Current contracts include four cities, the County Parks and the County's Transportation Agency. The Sheriff, an elected official who serves four year terms, is the chief law enforcement officer in the county.

Issue Projection

The assumption in these scenarios is that the direction and acceleration of the incidence of fee-for-service continues at the present rate. The prevalence of law enforcement agencies generating revenue through the imposition of fees continues to accelerate. As time passes, the fees imposed increase at an exponential rate. Legislation each year continues to approve additional mechanisms for the imposition of fees as a statewide premise for the funding of public safety agencies. Most of the encounters between police and their "customers", both voluntary and involuntary, result in the assessment of a fee. These fees are used to generate revenue into the particular police agency and are calculated to cover the salary with benefits and overhead costs for the period of time necessary during the contact with the public.

Billable Hours

The employees' time plus overhead costs calculated at an hourly rate which is assessed as a fee to the service user (concept similar to the billing procedure used by attorneys).

Although police administrators continue to monitor their units' statistical accomplishments, a new emphasis has been placed on individual officer's billable hours. The officers have also become aware of the administrative concern and the recognition they receive for achieving a high percentage of costs billable to the public. Entire police agencies have recognized that their continued acceptable funding levels are dependent on the reimbursement for costs. Since these service fees have been in existence for the entire careers of many of the patrol officers, they remain mostly unquestioned and invisible. It is felt by those in the agency that the fee structures have a rational basis for assessment. In most police contacts with the public, there has been some type of negligence or poor judgment on the part of the public.

The billable hour concept was not determined to be an effective tool in the assessment of officer productivity because the rate of payment varied. A new productivity standard was initiated that focused on actual revenue generated. This "effective time management" standard combined the numbers of hours billed with the rate of payment. This tool of measuring productivity resulted in a more accurate assessment in achieving the goal of generating subsistence revenue. It was discovered that the rate of collection of fees mirrored those found in the rate of collection of fines. A study in New York³⁸ found that forty-seven percent of all fined offenders pay in full without any enforcement activity. An additional twenty percent eventually comply after receiving mailed notifications and arrest warrants, and only a third of fined offenders default.

Law enforcement officers, forever innovative, discovered methods for achieving higher levels of success in the assessment of their individual effective time management statistics. The selection of a "beat" became of paramount concern when it was discovered that a higher payment rate was directly proportionate to the level of income of those assessed.

It was also discovered that there is a higher collection rate for felonies than for misdemeanors and felony fees account for a greater proportion of the revenue than do misdemeanor fees.³⁶ The method of enforcement became impacted by an increasing focus on the generation of revenue.

Selected Scenarios

The choice of the three occurrences that were used in the scenarios served to demonstrate separate potential outcomes relative to the issue of funding. The first scenario is a continuation of the current direction extrapolated for the future; the second scenario is a negative outlook for the future; and the third scenario is an optimistic outlook for the future.

Scenario One - Extrapolative Future

Events Which "Occur":

August 1996	Event Six	Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services
July 1999	Event Five	County Eliminates Law Enforcement Services with the Exception of Essential Emergency Service
April 2001	Event Four	Supreme Court Rules that Public Sector Fees for Services are Unconstitutional
July 2002	Event Ten	Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts
October 2003	Event Two	State Law Grants Private Security Personnel Peace Officer Status
January 2004	Event Nine	Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth

Events Which Do Not "Occur":

Event One	Sheriff Refuses to Assess Fees for Services
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Event Three

County Bankruptcy

Event Seven

Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency

Event Eight

Voters Repeal Proposition 13

Trend Two -

Economic Change (projected in 1994 by the panel to decrease in five years and show an increase from today's level in ten years)

Trend Four -

Electorate Attitude Toward Taxes (projected in 1994 by the panel to decrease in five years and again decrease in the next five years)

DID NOT OCCUR

Event Seven

Local Law Enforcement tax Passes and Goes Directly to Law Enforcement Agency.

Trend Six -

Level of Crime/Crime Rate (projected in 1994 by the panel to substantially increase in five years and to remain stable in the next five years)

Sub-Issue One -

How will monetary considerations impact service in the public's decision to request a response from a law enforcement agency?

August 1996

Event Six - August 1996

Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services.

Trend Nine -

Consolidation of Agencies (projected in 1994 by the panel to drastically increase within the next five and ten years)

A small police agency within the County of Santa Clara continued to be very aggressive in the imposition of fees since the overall economy had been recovering very slowly. The city was faced with having to explore alternative revenue sources in all areas within the governmental entity. Many different revenue options were implemented with varying levels of success. One readily identifiable failure was the imposition of a utility tax, some of which was "earmarked" for public safety, which resulted in the overturn of the tax and the recall of city council members who voted for the tax.

The law enforcement fee-for-service model was successful, particularly when emergency services were requested. Law enforcement and city officials believed that there had been a reduction in all crimes, and in particular property crimes. In actuality, since there was a high level of community awareness of the high cost of requesting police services, many incidents went unreported.

Because there was not a great level of success in the cities' already overloaded revenue structure, alternative cost saving measures were explored.

During the exploration of cost saving measures, the issue of contract services substituting for the high cost of city employee payrolls proved fruitful. The city was able to contract their law enforcement functions to the Sheriff's Office and save approximately one-half of their prior budgeted costs.

This drastic cost reduction (which under "normal" circumstances usually equates to a 1/3 cost savings) was due to several factors from within both the Sheriff's Office and the police department. First, the city had reduced the levels of police services each budget year, beginning in 1990,

because of the economic recession. This allowed the Sheriff's Office to substantially decrease the numbers of deputies necessary to provide the services. This was, in part, due to the number of deputies who were already assigned to the unincorporated areas surrounding the city. Secondly, the Sheriff's Office was also having fiscal difficulties. The addition of another service contract would further lower their projected overhead costs and each subsequent contract would provide geographical continuity and, ultimately, lower costs. Because of the desirable nature of contracts and the overall goal of being the only county law enforcement agency, the contract was intentionally underestimated in terms of actual costs.

The terms of the contract were accepted by the city and the Sheriff's Office began providing law enforcement services to the city. Pursuant to the terms of the contract it was necessary for the county to continue to assess service fees to be returned as city revenue. Many individuals in the community and from within the law enforcement network objected to the perceived imperialistic tactics displayed during the contract negotiations by the Sheriff's Office.

As the economy continued a slow descent, the Sheriff's Office was faced with drastically curtailing the services provided county-wide. This necessity had a "snowball" effect since fewer services resulted in a lower level of revenue generation.

Because of the overall budget constraints within the Sheriff's Office, a review of service levels was conducted in order to decrease costs by reducing staffing. An administrative decision was made to decrease staffing in all areas of the agency. Many non-essential functions were discontinued entirely. For example, all deputies assigned to the community relations division were reassigned to the patrol division which, in turn, required that the less senior deputies be "laid-off."

The patrol division was also reduced in staffing levels and increased in the areas of assigned geographical responsibility.

Although there was no official pronouncement of the

Sub-Issue Two -

What will be the relationship between this police agency, other police agencies and private security agencies be as a result of competition generated by imposed fee structures for services?

Event Five - July 1999
County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services.

Trend Three -
Level of Public Tolerance for Paying for Police Service (projected in 1994 by the panel to decrease within the next five and ten years)

Sub-Issue Three -
How will an indemnification model for police services have an impact on public opinion?

Trend One -
Legal Challenges (projected in 1994 by the panel to drastically increase within the next five and ten years)

Event Four - April 2001
Supreme Court Rules that Public Sector Fees For Service are Unconstitutional.

July 1999 reduction of services, it became apparent that there was not enough staffing to respond to all of the calls for service. With the prioritizing of calls for service, the level of staffing dictated that only essential emergency services would be handled.

Despite the lack of public announcement of curtailed services, there was an obvious public concern for the lack of service. It became necessary for the Sheriff to declare his intention to handle only emergency services. This caused outrage by the public since they felt that they were not only paying taxes for public safety, but they were again paying fees for any services they requested. It was the opinion of the public that the system of police protection was outdated and ineffective, in part, due to the aggressive generation of revenue. There was also a fear by the public that, even if they did not request police service, if they encountered the police they would be assessed a fee for the duration of the contact. There was an increased public perception that many of the police activities were focused on money. Contact with law enforcement officers was avoided at any "cost".

The momentum of public opinion and outrage began a movement of protests which served to increase the scope and number of legal challenges to the issue of service indemnification.

Some of the service fee legal challenges which had been initiated in 1995 finally reached the U.S. Supreme Court after exhaustive appeals. The ruling from the Supreme Court abolished the service indemnification model based on the disparity of service levels for individuals within the community. Several factors aided in the court's decision, including Constitutional violations of the The Bill of Rights. The First Amendment to the Constitution was cited, which provided the right that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceable to assemble and to . . ." The Fourteenth Amendment to the Constitution was also cited which provided ". . . nor shall the State deprive any person of life, liberty, or property,

Trend Five -
Demographic Change/Level of Diversity (projected in 1994 by the panel to drastically increase within the next five and ten years)

Trend Seven -
Public Perception of Safety (projected in 1994 by the panel to decrease (public will feel less safe) within five years and ten years)

without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The "life, liberty, or property" provision was felt to be the three fundamental principles which underlie government and for which government exists. The interpretation of "the equal protection of the laws" was to ensure "equality" as between races, citizens and the rich and poor.

The violation of these constitutional rights was particularly apparent in the lower income areas which had a disparate impact on ethnic groups.

This Supreme Court ruling caused a further reduction in service levels due to the lack of revenue. Because of this, the public became increasingly concerned for their personal safety and many communities sought extra protection through the use of private security. It is unfortunate that this furthered the disparate treatment of ethnic groups and the lower income communities which the Supreme Court had sought to remedy because of the unequal treatment.

As in the early 1990s, the fear of crime and violence again became of grave concern because of the decreasing level of police services. These fears fostered the necessity to seek alternative methods of protection. The rate of handgun purchases skyrocketed and most households contained at least one gun.

Since the Supreme Court addressed only governmental agencies in the assessment of fees under the terms of equal protection, private security agencies were not precluded from charging service fees. Although some members of the public objected on the basis of unequal protection, security was a private entity and had no obligation to provide services other than those contracted.

The industry of private security began increasing at a substantial rate. Investments in publicly held companies were realizing huge profits. The security industry experienced unprecedented increases and out-performed all other past growth industries.

The San Francisco Bay Area was a prime location for the success of private security. The relative economic stability coupled with the high income and high cost of

Event Ten - July 2002
Major Private Security Company
Establishes in Santa Clara
County and Solicits Cities for
Law Enforcement Contracts.

July 2002

Trend Ten -
Privatization (projected in 1994
by the panel to show a marked
increase in five years and then
decrease in ten years)

living, provided a positive atmosphere for small business entities.

A major private security company established itself in the county and became aggressively involved in the solicitation of business from cities. When the cities viewed the level of service in comparison to the cost, the private security company was found to be very cost effective.

Private security hourly rates were less than half of those charged by law enforcement agencies. Even though it was sometimes necessary to use the services of a sworn peace officer, the cost savings were substantial. Since the quality of training provided to security personnel was of high quality, it was rare that the services of a sworn officer was necessary. It was found that even though security personnel were not able to violate traffic laws when responding to emergency situations, their response times were faster than the sworn officers. This was not necessarily the situation early in the utilization of private security, but as the numbers of private security increased, the number of sworn personnel decreased. This caused response times between peace officers and private security to be of comparable duration. The equipment carried by private security was the same type as for sworn officers but higher quality equipment was utilized by security personnel. The only time it became necessary to enlist the services of a sworn officer was when the powers of arrest granted to a citizen did not adequately cover the situation.

Communities embraced the services provided by private security providers. These companies were not only cost effective but were also more responsive to community needs and safety concerns.

The "big business" of the security companies and the community support of private security was apparent to lawmakers. The attempt by private security companies to obtain, through legislative efforts, the expansion of the legal status of private security personnel was successful. Private security personnel were granted full peace officer powers. This allowed the exclusive use of private security by both communities and cities. This law began the slow demise of

October 2003

Event Two - October 2003
State Law Grants Private
Security Personnel Peace Officer
Status.

Trend Two -

Economic Change (projected in 1994 by the panel to increase in ten (2004) years) This is a repeat of this scenario of this trend since its relevance to the year 2004 is important.

public safety agencies since they had proved to be so costly.

As the economy became stronger, it was felt that the system developed out of necessity during the economic recession in the early 1990's was far superior to the former systems of public safety. The public began to perceive a renewed sense of safety.

During the recessionary time in the early 1990's, many proposals were made to alter the terms of Proposition 13, but all were unsuccessful. In 2004, twenty-six years after the passage of Proposition 13, a high percentage of individuals were no longer exempt from the specified assessment protections. Businesses, however, continued to reap the benefits of the assessment exemptions since business leaders were able to be changed without the property being considered "sold". A successful ballot measure was initiated which split the roll for assessment exemptions from residential and commercial property.

January 2004

Event Nine - January 2004

Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth.

This caused more revenue to be added to the county's funds. Because of the satisfaction of the public safety system, these increased revenues could be used to enhance county services other than law enforcement.

The "new" system of public safety being provided by private concerns became entrenched in government and was expected to continue for many years.

April 2004

Scenario Two - Pessimistic Future

Events Which "Occur":

November 1995	Event Nine	Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth
December 1996	Event Six	Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services
April 1998	Event One	Sheriff Refuses to Assess Fees for Services
February 2000	Event Four	Supreme Court Rules that Public Sector Fees For Service are Unconstitutional
October 2000	Event Five	County Eliminates Law Enforcement

		Services with the Exception of Essential Emergency Services
January 2001	Event Ten	Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts
November 2003	Event Two	State Law Grants Private Security Personnel Peace Officer Status

Events Which Do Not "Occur":

Event Three	County Bankruptcy
Event Seven	Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency
Event Eight	Voters Repeal Proposition 13

Trend Two

Economic Change (projected in 1994 by the panel to decrease in five years and increase at a higher level than today's level in ten years)

After 1990, when the recession in California began, there was a prognosis for a steady but gradual economic improvement. The sluggish economy did improve as projected, but at a much slower rate. On January 17, 1994 the Northridge Earthquake struck southern California. The impact on the economy was visible as it had been in San Francisco after the 1989 earthquake and in South Florida after Hurricane Andrew in 1992.³⁹

November 1995

Event Nine - November 1995
Split Roll Adopted for Proposition 13
- Industrial Properties Excluded from
Limits in Assessment Growth.

Attempts to modify the terms of Proposition 13 continued to be discussed. Suggestions of industrial and/or commercial property assessment modifications inevitably became a factor in each proposal. The option of returning all property to a valid market value assessment was an unrealistic proposal since the opposition was too great. The option of removing all commercial property from under the protection of Proposition 13 was a more realistic effort.⁴⁰ This caused a great deal of opposition from individuals who claimed the state was already hostile toward business.

With a considerable emphasis on property tax reform, a beginning step was taken to correct any inequities perceived by others. A split roll for Proposition 13 was approved which resulted in a small amount of additional

revenue. The modification of the tax assessment structure involved a "trade-off" between pro-business tax breaks and a more rational system for assessing commercial property.

This approved modification generated additional property tax revenue, however, the offsetting tax breaks only produced a small amount of revenue increase. This modification was not the panacea for increasing county revenue as had been anticipated.

A small city in the county had been floundering economically during these recessionary times. All the city's attempts to substantially augment revenue through the use of additional fees had failed. A local law enforcement tax was proposed. This tax, among all other city tax proposals, failed to secure the required vote. There continued to be considerable resentment from city residents about the numbers and amounts of fees charged by all departments within city government.

There was a particular increase in the numbers of fees being assessed by their public safety agencies, since this type of fee proved less objectionable than those charged by other city departments. There was also a higher payment rate on fees for public safety services. Since the fear of crime was of grave concern statewide, residents did not want to risk any potential sanctions for failing to pay public safety fees.

As economic difficulties within the city became more apparent, drastic cost cutting measures were explored. In order to meet the fiscal budget target it was necessary to make the cuts at the mid-point of the fiscal year.

As one cost cutting measure, the city decided to handle their law enforcement services by contracting with the Sheriff's Office, thus totally eliminating the city police department. This contract resulted in a yearly net savings of one-third of their prior fiscal year allocation for police services.

Within the Sheriff's Office, it was the long-range plan to absorb smaller police agencies as "contract cities." The contract plan developed by the city was actually accomplished with a considerable amount of urging by

DID NOT OCCUR

Event Seven

Local Law Enforcement tax Passes and Goes Directly to Law Enforcement Agency.

Trend Four -

Electorate Attitude Toward Taxes (projected in 1994 by the panel to decrease in five years and again decrease in the next five years)

Trend Seven -

Public Perception of Safety (projected in 1994 by the panel to decrease (public will feel less safe) within five years and ten years)

December 1996

Event Six - December 1996

Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Call for Services.

Sub-Issue Two - What will be the relationship between this police agency, other police agencies and private security agencies be as a result of competition generated by imposed fee structures for services?

Sheriff's Office personnel. This did cause resentment among other police agencies in the county. Each agency realized they were in direct competition with the Sheriff's Office in order to remain a solvent entity within their particular cities.

Public safety agencies throughout the state continued to focus on the generation of revenue. Agencies had not been consistent in their application of fees. There was a great amount of public confusion concerning the issue of fee assessment. To add to this confusion, police agencies had no clear rationale established when developing ordinances to allow fee collection.

One city in California began charging fees for every police response. "Bills" were even sent to burglary victims for the time period the officer used in taking the report. The rate charged by the Sheriff's Office included the officer's salary, benefit costs and administrative overhead costs. This hourly rate was calculated to be seventy dollars per hour per officer. Many victims discontinued contacting the police because of the high costs of the police service. This resulted in the false appearance that the crime rate had decreased. There was overall discontent and resentment among citizens toward public safety agencies in general.

One of the main issues raised by the public involved the premise of paying taxes for city and county services. The public felt that they were paying twice for any type of emergency service. At a recent Board of Supervisors' meeting a prominent citizen stated "I have paid taxes all my life and if I ever call the police, I hope they will give me all the help I need. I pay my taxes like I pay an insurance premium, I hope I never need it but if I do it had better be there for me."

One particular incident occurred which graphically illustrated the issue of charging for services. Unfortunately, much of the criticism was leveled directly at police agencies.

In March of 1998 an elderly woman, diagnosed to be in early stages of Alzheimers disease, wandered away from her home in the unincorporated hills of Los Gatos. Because of her medical problems she had been living with her

Trend Six -

Level of Crime/Crime Rate (projected in 1994 by the panel to substantially increase in five years and to remain stable in the next five years) Although this trend direction is inconsistent with the scenario, the panel did not have benefit of considering this potential event impact.

Trend Three -

Level of Public Tolerance for Paying for Police Services (projected in 1994 by the panel to decrease within the next five and ten years)

granddaughter and her family for several years.

In this family, both parents worked during the day and the woman was left alone. There had been some discussion within the family concerning how much longer she could be left alone and consideration was given to placing her in a convalescent hospital. One of the factors considered by the family was the high cost of convalescent care and their personal finances, having two children just beginning college.

Once the woman was discovered missing by the family they discussed their options and responsibilities in requesting a search of the hills. After making some discreet inquiries, they found that the last search instituted by the Sheriff's Office in their area had cost the victim's family over \$80,000.

The family felt they were in a dilemma since they did not have the money to pay these costs. They did have assets slightly exceeding this amount, but most of it was in the form of equity in their only home.

The family made the conscious decision to not contact the police and report their grandmother missing. She had wandered off in the past and had always returned safely a few hours later. The family began searching the hills around their home, but were unable to locate any sign of her. Although they were not trained in conducting searches, they felt they had done as much as the police could do under the circumstances.

After a day of searching they knew that they had made the wrong decision and feared the worst since the temperatures had reached nighttime lows in the mid-thirty degree range.

The following day they were contacted by a Sheriff's Office deputy who reported that they had found the woman's remains. After the deputy learned of the woman's history and the decision to not request police intervention, he placed both the husband and the wife under arrest.

The felony criminal statute (Penal Code Section 368) covering elder abuse specifies the following:

Any person who, under circumstances or conditions likely

Sub-Issue One -
How will monetary considerations impact service in the public's decision to request a response from a law enforcement agency?

to produce great bodily harm or death, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation such that his or her person or health is endangered, is punishable by . . ."

In addition to the criminal sanctions the family was also assessed with the fees incurred during this criminal investigation. In order to recover the costs, the agency placed a lien against the family's home.

The public sympathized with the family and the majority opinion of the public was against the system of services fees. This incident successfully united the public in opposition to the fee-for-service funding models which had become prevalent in California. With the large percentage of population over the age of sixty-five and living on fixed retirement income, there was a great amount of support for this movement.

The Sheriff, reacting to this scrutiny, decided to adopt a drastic policy change concerning the imposition of fees. The decision was made to discontinue all fees for service with the exception of those which were designed to curtail abuses or misuses of services (i.e. loud parties and malfunctioning alarms).

Coincidentally, at the time of the lost woman incident, the Sheriff's re-election campaign was in full operation with the primary scheduled for June of 1998.

The public's reaction to this discontinuation of service fees was very positive. The Sheriff's Office was the first agency in the state to adopt this radical policy change. The public began having more faith in the Sheriff's Office and they reinstated their former level of service requests. The level of calls for service began steadily increasing and the public served by the Sheriff's Office believed they had the services of a fine public safety agency.

Agency administrators soon realized that the mere perception of safety did quell some fear of crime. The sense of increased personal safety greatly outweighed the increase in the calls for service. The public felt that their police agency had been restored to the correct levels of service.

Trend Five -

Demographic Change/Level of Diversity (projected in 1994 by the panel to drastically increase within the next five and ten years)

April 1998

Event One - April 1998

Sheriff Refuses to Assess Fees for Services.

Trend Eight -

Level of Police Service Desired by Community (projected in 1994 by the panel to increase in five years and remain at 1994 levels in ten years)

Sub-Issue Three -

How will an indemnification model for police services have an impact on public opinion.

The atmosphere of fear and confusion was virtually eliminated merely because the public realized they had protection, at no cost, if the need arose.

The Sheriff's level of funding, however, without the generation of revenue was not adequate to meet minimum service levels. The agency was over-budget and there was no relief being offered by the County Executive's Office. Efforts were made to mask this lack of resources and prevent the public from becoming aware of the situation.

In the primary election in, June 1998, the Sheriff was re-elected to another four-year term to begin January 4, 1999.

The Sheriff's Office continued to reduce the staffing levels which in turn made it necessary to decrease service levels. The agency continually remained over-budget, but the Sheriff stood firm in his decision to not re-institute his revenue generating schemes. This was much to the dissatisfaction of county administrators which served to only escalated the budget "feuds." County administrators were well aware that they were legally incapable of regulating the manner in which the Sheriff used his allocated funds.⁴¹

Statewide, there were a variety of legal challenges to the fee-for-service funding model which began in the early 1990's. After the missing woman incident the numbers of legal challenges increased significantly.

In the year 2000, the Supreme Court ruled that fees for services were unconstitutional. This caused a great amount of difficulty with police agencies who had relied on service fees for their solvency.

Representatives from law enforcement agencies began announcing the levels of service reductions. One city in the county began the process to dis-incorporate in order to dissolve all of city government. Other cities merely laid off high percentages of the public safety personnel.

The strategies which had been implemented by the cities created panic. The Sheriff's Office made attempts to assist cities by providing emergency services to the communities. Former cities which had become unincorporated areas of the county now required Sheriff's

Trend One -
Legal Challenges (projected in 1994
by the panel to drastically increase
within the next five and ten years)

February 2000

Event Four - February 2000
Supreme Court Rules that Public
Sector Fees for Service are
Unconstitutional.

Trend Nine -
Consolidation of Agencies (projected
in 1994 by the panel to drastically
increase within the next five and ten
years).

Office service.

This impact coupled with the fiscal situation of the Sheriff's Office created a situation in which the agency could no longer provide a minimal level of service.

The Sheriff's Office, with its expanded service population, was unable to handle any matters other than specified types of emergency situations.

October 2000

Event Five - October 2000
County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services.

The private security industry had been anticipating this court decision and resulting actions for quite awhile. Many security agencies had contingency plans in place to assist communities in their public safety needs. This planning by the private sector was resented by the police agencies who had not made any plans themselves. However, many months later, police agencies recognized that all the information needed to anticipate this outcome was available but no one proposed a planning effort.

The communities and even the police agencies welcomed the establishment of a major security company in Santa Clara County. This company would be able to solve many of the police problems created by this incident.

November 2003

Event Ten - November 2003
Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts.

This major private security company was able to hire experienced peace officers that had recently been laid-off. The pay was considerably less than sworn officers and the costs were also reduced. Services, which had not been performed for years, were returned to the community.

Neighborhoods began to unite and private security services were requested. Although there were costs associated, the security companies provided "menu item" services available at a cost. The community merely selected the services they desired and contracted with the security company based on the "menu" price. This system was felt to be much more effective than the former police system of fees since the community could "see" their money at work and adapt the services accordingly based on specific needs.

Trend Ten -
Privatization (projected in 1994 by the panel to show a marked increase in five years and then decreased in ten years)

The level of competition continued to keep private rates low. It was discovered that one major drawback existed with this competitive practice. It was more effective to contract security services with the predominant agency serving a particular geographical area. This was because

there existed a lack of communication and information sharing between service providers. Since there existed no delineated areas of primary responsibility, each private security company vied for the contract. Since communication and information sharing was a critical element to the effective enforcement of laws, contracting with the same service provider produced a higher level of valuable information. However, when a particular company had the majority of a geographical area their costs were higher than the competing companies. Because centrally located service providers were thought to be able to operate at a lower cost, it was suspected that these agencies were taking unfair advantage of their monopoly.

The private police concept exceeded all expectations of success. Legislative efforts were initiated in order to expand the scope of authority of the private police.

When the legislature passed laws giving private security personnel peace officer powers, the expansion of the services increased.

October 2003

Event Two - October 2003
State Law Grants Private Security
Personnel Peace Officer Status.

Although there were constitutional responsibilities which continued to be required of the Sheriff's Office, most of the other law enforcement services were discontinued since they had been absorbed by the security agencies.

Through legislative efforts, many of these constitutional areas of responsibility were being targeted to

March 2004

allow private industry to compete for the services.

Scenario Three - Optimistic Future

This will be the selected scenario used as a guide in the development and implementation of the strategic plan and the management of the transition .

Events Which "Occur":

July 1997	Event Six	Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services
September 2000	Event Two	State Law Grants Private Security Personnel Peace Officer Status
June 2001	Event Ten	Major Private Security Company Establishes

in Santa Clara County and Solicits Cities for Law Enforcement Contracts

July 2001	Event One	Sheriff Refuses to Assess Fees for Services
December 2001	Event Five	County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services
January 2003	Event Four	Supreme Court Rules that Public Sector Fees for Service are Unconstitutional
May 2003	Event Seven	Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency
July 2004	Event Nine	Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth

Events Which Do Not "Occur":

Event Three	County Bankruptcy
Event Eight	Voters Repeal Proposition 13

Trend Two -

Economic Change (projected in 1994 by the panel to decrease in five years and show an increase from today's level in ten years.

Sub-Issue One -

How will monetary considerations impact service in the public's decision to request a response from a law enforcement agency?

Event Six - July 1997

Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services.

The recession which began in California in 1990 continued its sluggish improvement. Many smaller cities in California struggled to remain fiscally solvent. These cities took many interim measures to deal with the financial difficulties. Additional revenue was raised through the imposition of service fees and cost reduction programs were explored.

As fees were increased, the numbers of calls decreased. The public resented paying fees for services that had been provided at no cost. The public did not usually report suspicious activity because of their concern for receiving a notice of fee for the police intervention.

After many cost reduction plans were reviewed, city officials decided to contract with the Sheriff's Office for police services. This contract enabled the city to save one-third of their police services costs. An equitable agreement with their existing police staff was reached. The police chief became a lieutenant in the Sheriff's Office and other personnel were placed in appropriate comparable classifications. Each member of the city's former police

Trend Nine -
Consolidation of Agencies
(projected in 1994 by the panel to
drastically increase within the next
five and ten years)

Trend Three -
Level of Public Tolerance for Paying
for Police Service (projected in 1994
by the panel to decrease within the
next five and ten years)

Trend Seven -
Public Perception of Safety
(projected in 1994 by the panel to
decrease (public will feel less safe)
within five years and ten years)

Trend Ten -
Privatization (projected in 1994
by the panel to show a marked
increase in five years and then
decrease in ten years)

September 2000

Event Two - September 2000
State Law Grants Private Security
Personel Peace Officer Powers.

Trend Eight -
Level of Police Service Desired by
Community (projected in 1994 by the
panel to increase in five years and
remain at 1994 levels in ten years)

Trend Six -
Level of Crime/Crime Rate (projected
in 1994 by the panel to substantially
increase in five years and to remain
stable in the following five years)

agency actually received a pay increase through this absorption of personnel.

This contract was viewed in a positive manner by both governmental agencies and by all personnel involved. The city's residents, who were initially skeptical of this proposal, became proponents of this contract service.

The increasing number of service fees continued as projected. Although the public was dissatisfied with the entire system of paying fees for services that had been provided at no cost in the past, they recognized the importance of public safety. The fear of crime continued to be a major political issue since it was the single most critical public issue. Because there seemed to be no option to service fees, they grudgingly paid the costs.

The fastest growth industry in the nation has been private security since the early 1990s. As a result of this industry growth and the levels of security personnel, the industry advocates became a powerful force with the State Legislature.

A continual flow of legislative bills involving expanded private security powers had been proposed. The security lobbyists, having considerable power, succeeded in getting legislation passed which granted peace officer powers to private security personnel.

The public now had a service provider option, private security was now in direct competition with both private and public security providers. This competition provided many benefits for the service consumer. The rates became competitive and the quality of service improved.

Consumers generally elected to have higher levels of service instead of reducing their overall costs. This was attributable, in part, due to the higher crime rates and the concern for safety.

Law enforcement agencies found they could not compete in this market since their costs were too high. Police service areas were lost to private security concerns.

Law enforcement agencies did retain some service areas since there was not one dominant service provider in any geographical area. Since geographic concentrations did

Trend Ten -

Privatization (projected in 1994 by the panel to show a marked increase in five years and then decrease in ten years)

June 2001

Event Ten - June 2001

Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts.

Sub-Issue Two -

What will be the relationship between this police agency, other police agencies and private security agencies as a result of competition generated by imposed fee structures for services?

July 2001

Event One - July 2001

Sheriff Refuses to Assess Fees for Services.

keep costs down, no security company was able to offer extremely low costs.

A private security company began to emerge as the largest in California. This company enjoyed an excellent reputation for low cost, quality service.

This company opened an office in Santa Clara County and began an aggressive marketing campaign. Initially they were providing their services below their actual costs. This plan proved to be effective and they were awarded many contracts for services. As they continued to increase their service area their costs came down considerably. Without raising any of their contract rates, they began operating at a profit with a high level of quality services.

The Sheriff, being the visionary that he was, realized that law enforcement was headed the direction that all services would be provided by private or public competing entities. He felt that the long-range impact of this current direction could lead to the lack of one common public safety goal. This common goal which he had strived so hard for required a collective and coordinated effort of all entities involved in law enforcement. During this time there was fierce competition among all types of agencies. There was a considerable mistrust of other entities since the common goal had shifted from public safety to the development of profit based business. Not only was there no cooperation, but all communications between agencies ceased to exist. Evaluations of service providers often hinged on the numbers of arrests and other levels of crime data. Agencies were unwilling to share fugitive information, M.O.s, suspects and crime patterns or any other type of information.

After a thorough analysis of the impacts of recent trends and events, the Sheriff decided to discontinue all fees for services within his jurisdictional areas. This policy immediately halted any pending service contracts.

The Sheriff said at a press conference announcing this decision, "Your tax dollars support our public service agency and we plan to provide you the best quality of service available at any price."

Sub-Issue Three -
How will an indemnification model for police services have an impact on public opinion?

Competing public and private agencies became outraged, particularly since some of their contracts were cancelled. There were threats of litigation, however, those who had contracted for services with private entities were facing an elimination of their security costs. Public opinion was overwhelmingly positive toward the Sheriff's Office. Communities not served by the Sheriff's Office questioned their public providers concerning the rationale of fees continuing to be increased instead of eliminated.

The Sheriff's visionary projection failed to take into account the fiscal ramifications of instituting a no fee policy. During the planning phase there was a considerable amount of research conducted on the impacts of the fee for service funding model. However, there was a lack of consideration given to the solution to the issue.

In retrospect, the Sheriff realized that the solution was not necessarily the immediate discontinuation of all fees. Fiscal implications should have been explored prior to taking this drastic action.

His budget allocations continued to be impacted by the lack of revenue he was generating. Soon his agency was unable to provide as many services as they had in the past. The public sentiment became rapidly hostile.

Because he could no longer provide adequate levels of services, the Sheriff announced that he was eliminating all services with the exception of essential emergency services.

There had been a myriad of legal challenges pending since the early 1990s. After one challenge reaching the U.S. Supreme Court, it was a unanimous decision that public sector fees for services are unconstitutional.

The Sheriff felt vindicated in his decision to discontinue fees, offering the explanation that he felt the premise of fees was wrong all along.

This Supreme Court's decision impacted other agencies much in the same manner as it had the Sheriff's Office. There was a wholesale reduction in services provided and security agencies were gaining more momentum.

In the recent past, most new taxes and tax increase

October 2002

Event Five - October 2002
County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services.

Trend One -

Legal Challenges (projected in 1994 by the panel to drastically increase within the next five and ten years)

January 2003

Event Four - January 2003
Supreme Court Rules that Public Sector Fees for Service are Unconstitutional.

Trend Four -
Electorate Attitude Toward Taxes
(projected in 1994 by the panel to
decrease in five years and again
decrease in the next five years)

May 2003

Event Seven - May 2003
Local Law Enforcement tax Passes
and Goes Directly to Law
Enforcement Agency.

proposals had resulted in defeat. The public did not want more taxes added to what they felt was already a high tax burden.

Public safety continued to be of concern to all sectors of society. A tax proposal to fund law enforcement was initiated. The overwhelming majority of the public voted in favor of this tax and the measure passed.

This tax was a local law enforcement tax which went directly to the law enforcement agency of jurisdiction. The subvention protections contained in the measures ensured additional levels of funding.

After the tax was passed, a measure was proposed for re-evaluating the industrial and commercial property tax assessment formula. This measure also passed and provided a Proposition 13 exclusion for commercial property from assessment protections.

July 2004

Event Nine - July 2004
Split Roll Adopted for Proposition
13 - Industrial Properties Excluded
from Limits in Assessment Growth.

With the imposition of both the law enforcement tax and the Proposition 13 exclusion, governmental agencies became more fiscally solvent.

Both entities realized that it was necessary to view all policy changes from a long-range impact perspective.

Law enforcement agencies realized that there were many different facets to the profession. Providing an atmosphere which is conducive to enhancing realtions with other agencies and the public is critical to success.

In particular, public safety agencies realized that they must rationally explore all ramifications to any service indemnification model developed. The value of charging fees does have a purpose in public safety agencies, but it was determined that fees for the sake of fees in order to generate revenue did create problems for all involved.

A decision was made by many law enforcement professionals to explore the issue in order to insititute a long-range plan that can serve as a statewide service indemnification model. In addition to this model, it was decided that alternative funding models for public safety should also be explored through the process of strategic planning.

August 2004

ISSUE

What law enforcement service indemnification model will be used by Sheriff's Offices in California by the year 2004?

STUDY FOCUS

During the course of the study a considerable amount of information was gathered and analyzed through the use of the literature search and the N.G.T. panel process. This information assisted in analyzing the long range implications of the issue of police service indemnification. The issue was explored through the entire N.G.T. process and was also utilized in the generation of the scenarios.

The original premise of the study involved the proposed model for service indemnification by law enforcement agencies as stated in the following issue statement:

What law enforcement service indemnification model will be used by Sheriff's Offices in California by the years 2004?

The realization of the primarily negative nature of the trends and events first became evident while dividing the one hundred scenarios that had been generated through the use of a random process into positive and negative outcomes. As related earlier, the number of scenarios with a potential positive future was approximately six percent. The negative nature of service indemnification model in law enforcement became apparent.

The reasons for the negative implications was of great concern; therefore, a further analysis of the data was conducted. It was determined that the development of a service indemnification model for law enforcement would be meaningless if this model had primarily negative consequences.

Reflecting on the discussions during the N.G.T., it also became apparent that the anticipated impositions of service fees in increasing amounts and frequency were thought by most panel members to have a negative overall impact on law enforcement. It was also their opinion that most events that could occur would be negative, and most trends, in the direction of their projections, would also be negative.

During an analysis of the events forecast, it was discovered that the long-range implications were all negative, with the exception of one specific type of projection. This one exception involved the influx of revenue to law enforcement agencies. All events that did not increase levels of funding were projected to have negative implications to law enforcement. Of the fifty-seven events forecast, the only ten that were positive involved increasing funds by means of sources other than fees. For further information concerning the relative impact value of the event refer to Appendix C.

The following ten positive events and the projected original rank order of importance are as follows:

Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency. (7)

Voters Repeal Proposition 13. (8)

Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth. (9)

Sheriff's Office Begins Profit Operation. (21)

Two Percent Sales Tax "Earmarked" for Law Enforcement Passes. (23)

Committee Establishes to Explore the Generation of Alternative Resources. (33)

Court Forces Federal Government to Pay for Federally Mandated Programs. (34)

Bond Measure Passes to Double Prison Capacity in Five Years. (39)

Endowments for Special Projects - Living Trust Foundation Created to Fund Crime Prevention. (47)

Court Forces State Government to Pay for State Mandated Programs. (48)

Interestingly enough, three of the ten positive events out of fifty-seven total events were ranked in the most important ten events. This was felt to be significant since the panel presumably believed that increasing funds into the law enforcement agency, from sources other than fees, was of critical importance to the issue.

Of the ten overall most important events, the three that brought in additional funds were forecast to have the highest mean evaluation in terms of potential positive impact. However, when the positive impact was evaluated in conjunction with the median probability of occurrence to determine the event weighted impact, only one event (Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth) was ranked in the top seven based on the relative importance to the issue.

In retrospect, it is of interest to note that one of the ten most important positive events (Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency) was projected to have a low median level of probability of occurrence. This was also consistent with one of the highest ranked trends (Electorate Attitude Toward Taxes) which had the greatest fluctuation in levels of all trends. The public's attitude toward taxes in general was projected to indicate that in ten years there would be a ninety percent more negative attitude to taxes in general. Because the N.G.T. panel was conducted prior to the initiation of Proposition 172, the group was proven to be entirely wrong in their probability of occurrence projection of this event. During the N.G.T. there was little faith that any additional tax could be passed now or within the next ten years.

In defense of the panel members' opinions at the time of the N.G.T., there are some possible mitigating circumstances when comparing the passage of this tax and the panel's projected data. First, the forecast event in which the tax goes directly to law enforcement is not identical to the actual tax which passed. The passage of Proposition 172 did not raise public safety allocations proportionately with the amount of revenue generated into the counties. Most public safety agencies only received slight increases in allocations, if any at all. Secondly, the trend describes taxes in general instead of those specific to law enforcement or public safety. Therefore, it is believed that the "selling" of Proposition 172 to the voters could have been as a result of the "public safety" rationale. This

supposition would also support the projected trends of the public's perception of safety and the level of police service desired by the community.

Since the beginning of this process there have been drastic changes in many areas which have a direct impact and were not apparent during the N.G.T. or other planning efforts with this issue. In addition to the passage of Proposition 172, there has been follow-up legislation passed to assure that public safety agencies are funded at certain designated levels. Because legislative changes have been proposed, the unforeseen change of majority party both on the State and Federal level will have significant impacts on public safety funding. The Orange County fiscal crisis and subsequent bankruptcy could also have not been predicted; however, the possibility of a county bankruptcy was identified as one of the ten most important events during this study project.

Again reflecting on the discussion of trends during the N.G.T., most of the thirty-nine trends developed could have negative implications other than those which, depending on the direction of the trend, would potentially increase law enforcement funding. Since there was no data developed projecting the direction of most of the trends, it is not possible to adequately analyze the trends.

The ten trends that were determined by the group to be most descriptive of the issue were also defined in terms of projected direction of the trend. Those ten trends, factored with their projected direction, are expected to create problems, increase challenges or increase costs during the entire ten year forecast. The one slight exception is the projected economic change trend data whose direction indicates a negative down-turn in five years and a positive up-swing in ten years. The "Trend Analysis" illustration in the futures study portion of the text further identifies the known projected trend implications.

After the review and analysis of the data, it was believed to be counter-productive to develop a law enforcement service indemnification model consistent with the projected level of the issue if most implications were projected to have negative implications.

The question then arose concerning what change of focus would be most appropriate to the issue and how could the data developed assist in this study of service indemnification.

In a second independent review of the data and the panel discussions during the N.G.T. process, it was determined that the process had also resulted in some potential solutions to the negative findings of the continued assessment of fees. These potential solutions revolved around the only positive events and trends developed during the N.G.T. process and involved the generation of revenue for law enforcement using methods other than service indemnification. However, in the interest of objectivity, during the strategic planning process no mention was made of any potential solutions to the issue. Those involved in the strategic planning process were presented with both issue statements and a general explanation was offered.

Because the original issue was determined to be of little value to law enforcement because of the overwhelmingly negative implications, a new issue question was developed. These modified issue and sub-issues were developed to assist in providing a rational basis for guiding the direction of potential law enforcement funding models.

The change of focus of this study will now address the following issue and sub-issue questions:

Issue:

What law enforcement alternative funding model will be used by county law enforcement agencies by the year 2004?

Sub-Issues:

- How will county law enforcement agencies determine the most appropriate alternative funding model?
- What legislative changes will be necessary to establish this alternative funding model?
- What organizational changes will be necessary to establish parameters for the fee for service model?

In reviewing the data, it is believed that because of the numerous negative implications of service fees an alternative funding model should be explored. This study will focus on the negative implications of fees and will explore alternative mechanisms for ensuring adequate public safety funding.

POLICY CONSIDERATIONS

Consideration should be given to both of the issue questions in the development of policies for the agency. These policies should be adopted to ensure a productive transition into alternative funding mechanisms and to avoid any potential negative implications of current policies

The following policy issues are essential in the evaluation of desirable funding changes:

- Development of a statewide set of guidelines with recommendations for specific definable criteria for the imposition of service fees. These guidelines would provide the basis for consistent application of fee structures and would specify both the recommended nature of fees and the levels of costs imposed for the fees.
- A jurisdictional assessment of the long-range impact of the fees currently charged and a plan to address any potential negative consequences. The imposition of a plan to address the manner in which these negative consequences would be corrected within the agency. A further development of a plan which could bring the agency into compliance with the recommended fee structure guidelines.
- Development of a cost-cutting plan or an increased allocation plan to offset any lost revenue during the transition period between the discontinuation of fees and the development of an alternative funding model in the event that this is necessary.

- Development of cooperative partnerships with governmental entities responsible for budget allocations in order to ensure a smooth transition with minimal service disruption.
- Establishment of alternative funding mechanisms for public safety in order to ensure an adequate level of allocations.
- Encouragement of additional research in the area of public safety. There is an appearance of an overall lack of research concerning the value of staffing plans, community policing projects, crime prevention efforts, juvenile drug and alcohol prevention programs and a myriad of other projects which have been in existence for considerable periods of time.
- With research information, development of a plan to determine which services are most effective and most critical to the goal of public safety. Weigh each service based on all data to determine what services are essential and beneficial.
- Continuation and enhancement of existing relationships with other law enforcement agencies in order to provide the most effective cost efficient level of police service in a cooperative effort to all members of respective communities.
- Creation of alliances with the community in order to improve and enhance relationships. Keep the community informed of all aspects of any alternative funding models and build a strong foundation of trust.
- Development of partnerships with the business community concerning the development of positive interactions. Have a plan for making them aware of the services which are available and how to access the organization in a manner consistent with their organizational objectives.
- Formulation of agreements with private security companies to work in a cooperative and effective manner. Develop definable terms of responsibilities in order to avoid competition for private services.
- Development of an interim plan for service during times of economic decline. Ensure that it is recognized that these interim plans are of a temporary nature until the economic level reaches a specified level of improvement.
- Adoption of an acceptable plan for re-instituting services when fiscal allocations allow these enhancements. This plan should include the research data to justify the necessity of service enhancements. Include additional programs desired with a mechanism for an evaluation for effectiveness.

The futures study of this issue allowed for the recognition of potential problems and provided the focus for alternative methods of addressing the issue of overall public safety funding. The information presented provided for a firm foundation in the development of a strategic plan to address the implications of this issue. After the implications are addressed, it is believed that alternative sources of revenue will be necessary to remain at a constant service level. Instead of inventing another "quick-fix" for getting allocations to off-set the revenue lost, a more calculated method of correcting the problem should be explored. An expedient approach for each individual agency should be disregarded in favor of the development of a broad state-wide solution to county law enforcement funding concerns.

SCENARIO SUPPLEMENT

The following account is presented from the perspective of an individual in the year 2005, reflecting back on the field of law enforcement in Santa Clara County for the past ten years. This reflection is based on the assumption that the scenario presented as the "optimistic future" had occurred and the goals presented are realistically attainable. This description presents the desirable result of the implementation of the strategic management plan and the transition management plan.

Personal Account -

The last ten years have been unsettled, yet productive, in the field of law enforcement. The technological advancements have progressed at an astounding rate, providing many innovative and productive tools for use in the profession. However, the human element and fiscal constraints continued to provide a number of challenges to the management personnel of most law enforcement agencies.

As tumultuous as the past has been, there now exists a state of cohesive relations with other service providers and the public in Santa Clara County. In retrospect, the past ten years have been fruitful, primarily because of the planning efforts that had served to shape the future. However, during the times of upheaval the cynics and doomsayers were difficult to refute and the prognosis for the future of public safety did not seem promising. There was a time when most people thought that public safety agencies would cease to exist and services would be better provided by private agencies.

The Sheriff's Office in Santa Clara County recognized the unstable direction of law enforcement as early as April of 2000. At that time, discussions of the future of law enforcement were initiated and collective decisions were reached. The negative implications of the fee based model of law enforcement funding was discussed and it was acknowledged that an alternative model of funding should be explored. It was decided that all law enforcement agencies in the county would begin a planning process in order to reverse the momentum of the trend of providing law enforcement services using a fee based model for the purpose of revenue generation. The consensus was that law enforcement agencies should strive to be funded through the general fund and provide safety service to the public at no cost. Although this was thought to be an ambitious endeavor, planning began.

As a result of this planning, strategies were developed and implemented. Early steps taken in maintaining or decreasing the numbers of services for which fees were assessed potentially prevented some of the projected negative events from occurring. There were many other factors developed during this process that were also responsible for maintaining a positive relationship with the public and other police agencies. Not all the negative projections were prevented, however, the planning process served to mitigate the magnitude of those potentially negative events.

As a result of the a coherent planning and implementation process, the following conditions existed in the Santa Clara County Sheriff's Office, and generally throughout law enforcement in California, in the year 2005:

- There was an increase in the number of cities that had contracted with the Sheriff's Office for services. The alliances formed proved to be beneficial to all parties involved. Multi-agency task forces that targeted particular problems were frequently utilized.
- Police agencies and private security reached agreements which specified areas of responsibility. This agreement, which had been reached in August 2000, provided the cooperative relationship that currently exists.
- The private security industry continued to expand, but law enforcement services that required peace officer powers continued to be provided by police agencies. Services, beyond those provided by police agencies, were provided exclusively by private security on a contract basis.
- Because police agencies in the county discontinued to charge for service calls, a more favorable alliance existed between the public and the police. The public began to feel more secure in their surroundings since they were aware that adequate numbers of police officers were available, at no cost, when necessary.
- Even though the economy did not improve as quickly as expected, the passage of a tax for public safety did furnish an elevated level of safety services. With this increase in services, the crime rates experienced a substantial decrease particularly in the area of violent crime.
- The efforts toward community policing, which were so prominent in the early 1990s, reached full fruition. This partnership with the public served to enhance the prevention efforts. The additional amount of research in the area of police prevention programs provided valuable insight into the true nature of criminality. This research provided the basis for an intelligent application of personnel resources.
- By the year 2005, a transformation had taken place in this county. There existed a sense of safety and well-being in the community. The favorable economic conditions and the semi-conductor expansion ensured a high quality of life in Santa Clara County.

The following information provides some demographic data in the year 2005 for San Jose and Santa Clara County and specifies the percentage of change (negative or positive) since 1994:

<u>Index</u>	<u>2005 Level</u>	<u>Change Since 1994</u>
• U.S. Crime Rate	4,165/100,000	- 16.7 %
• California Crime Index	2,475/100,000	- 26.5 %
• San Jose Population	1,049,697	+ 31 %
• Santa Clara County Population	2,206,997	+ 39 %
• County Median Income	\$84,362./yr.	+ 32 %
• U.S. Unemployment Rate	4.83 %	- 41 %
• Median Home Value	\$459,017.	+ 41 %
• Median Rental Cost	\$1,012./mo.	+ 34 %
• Sheriff's Office Sworn Staff	1131	+ 68 %

MISSION STATEMENT

General Agency Mission

The current mission statement in the Santa Clara County Sheriff's Office has effectively served to delineate the organizational goals, values and overall vision for the agency. Although very general, the following mission statement provides the basis for direction by establishing the overall organizational philosophies:

THE MISSION OF THE SANTA CLARA COUNTY SHERIFF'S OFFICE IS TO PRESERVE THE PEACE, UPHOLD THE CONSTITUTIONALITY OF THE SHERIFF'S OFFICE, PREVENT CRIME, AND PROVIDE JUDICIOUS SERVICE TO THE COMMUNITY WITH INTEGRITY IN A POSITIVE AND PROFESSIONAL MANNER.

WE ARE DEDICATED TO PROVIDING SOUND SERVICE THROUGH ETHICAL AND HUMANITARIAN PRACTICES. OUR COMMITMENT IS TO STRIVE FOR EXCELLENCE IN DEVELOPING THE ORGANIZATION TO MEET PRESENT AND FUTURE NEEDS OF SANTA CLARA COUNTY.

Issue Specific Agency Mission

In addition to the continuation of the overall mission of the Santa Clara County Sheriff's Office, the defined issue of developing an alternative funding model is the primary objective in this strategy in order to provide professional public safety services to all segments of society served. The effective shift of the funding mechanism from a fee-for-service model to the development of an alternative funding model is the focal point of this planning project. Once implemented, an evaluation of certain segments of the proposed system will be conducted.

The effective nature of public safety directly relates to the ability of agencies to maintain positive relationships and develop partnerships with both the community and allied agencies. Services must be provided in an effective and cost efficient manner with the mechanism for funding applied equitably and consistently to all segments of society. After defining funding parameters for public safety, the communication of these mechanisms will provide a solid understanding of the principles.

The following principles, coupled with the general mission of the agency, establish additional goals specific to the issue:

- Maintaining and enhancing the positive alliance with the public.
- Meeting the diverse needs of the community.
- Directing efforts to address emerging problems.

- Enhancing the quality of life in the community.
- Providing a service on an equitable and impartial basis for all members of society.
- Protecting and preserving the rights of all segments of society.
- Providing high quality service at no additional cost to those served.

ENVIRONMENTAL ANALYSIS

The first step in analyzing a strategy is to evaluate the organization's present situation. This analysis is designed to aid the strategist in finding the best match between environmental trends and internal capabilities as they relate to the issue. An effective strategy is one that takes advantage of the organization's opportunities by employing its strengths and wards off its threats by avoiding, correcting, or compensating for its weaknesses. This analysis will focus on the factors with could influence the agency's ability to respond to the issue and sub-issues of the study.

Environmental Opportunities

Environmental Opportunities (external to the organization)
 An opportunity is any favorable situation in the organization's environment, often a trend or change of some kind or an overlooked need, that supports the demand for a product or service and permits the firm to enhance its position.

Social aspects relative to the funding issue provide some beneficial components in the development of the strategic plan that addresses funding.

Crime is considered the number one problem facing the country today; therefore there is a considerable emphasis in developing solutions to the problem.⁴² The percentage of California adults who say they are very fearful of crime has doubled since 1992.⁴³ The public's attitude toward public safety remains of concern and the desire to enhance levels of safety continues to be a priority. This focus provides an excellent set of circumstances to develop and implement desirable public safety funding mechanisms. Because of the public's desire for more safety, an alliance with the public could be established to meet these goals.

The desire to increase levels of safety has resulted in a myriad of laws demonstrating the public's "get tough" attitude. Legislators and voters have passed measures intended to satisfy the public's fervor for additional public safety. These measures, such as the "3-Strikes" law and Proposition 172, have also demonstrated the public's willingness to pay for increased safety.

The recent decreases in both the United States⁴⁴ and California⁴⁵ crime and violence rates have not diminished the public's desire for increased levels of services. This positive trend in crime statistics has been touted as the beginning of a safer environment.

Despite a dramatic setback in the perception of the police as a result of the Los Angeles Police Department officers' beating incident, the police still benefit from an overall favorable association with the public they serve.

Policy decisions can have a direct impact on the current climate that exists between the public and the police. Efforts to maintain and enhance this positive atmosphere should be addressed in the planning process. The attainment of the established goals relative to the issue, require the continued favorable association between the police and the community.

The momentum of the partnership between public safety agencies and the community that exists should be employed as a benefit in order to achieve favorable results to this issue.

Technological advances continue to expand the resource options available to officers in the field of law enforcement.

These creative tools that often enable officers to be more effective in the performance of their duties continue to be developed with increasing frequency. In addition to private sector, the military's technological development entities are providing law enforcement with extremely innovative products. Some of these products, still in the developmental and testing phase, provide the ability of officers to work with a higher degree of effectiveness while limiting risks to the officer and the community.

Information sharing technological systems are being used to link law enforcement agencies with greater frequency. Although the technology required to link agencies has been in existence for a considerable period of time; the actual application within law enforcement is increasing. Perhaps this is because of the greater sophistication of technology and the decrease in system costs. In the recent past this sharing of information has been ineffective and inconsistent. The ability to share information by using a computer or similar system can act to decrease the labor intensive nature of law enforcement.

In addition to computer linkage, a greater number of officers are relying on computer technology in all aspects of their daily duty assignments. With the predominance of personal computers, more knowledge is being gained as to the effectiveness of computerized information. Another factor could also be that the systems have become more "user friendly" both in their system development and daily use.

Technology is relevant to the issue of funding because it enhances cost effective services. Perhaps the greatest importance to the issue is the use of technology in information sharing and inter-agency communications. These information systems are currently being viewed and developed as opportunities for law enforcement. However, if some of the projected trends and events transpire (e.g., privatization) these information systems could be eliminated because of agency competition for service contracts. A reasonable assumption in response to this competitive marketplace would be the use of "closed," confidential and agency specific information systems.

Overall, the positive technological components currently in use, in addition to the many others gaining momentum, assist agencies in providing a more efficient, safe, and cost effective police agency.

Economic factors figure prominently in the development of this subject since the issue revolves around funding models and their implications.

The recession that began in California in 1990 is thought to be caused by a "confluence of forces that had been building for more than a decade."⁴⁶ This recession, coupled with fiscal policy reforms directed by the initiative process that decreased money (e.g., Proposition 13, etc.) have created substantial fiscal difficulties for local governments.

Because of these past fiscal problems and the need to continue a defined level of service, law enforcement agencies are currently using a myriad of programs designed to increase fiscal allocations. One of the prime examples of dealing with the diminished fiscal allocations has been through the contrivance of enhancing the generation of revenue.

In addition to generating additional revenue, many law enforcement agencies have also been forced to reduce the numbers of personnel and services that had formerly been available because of diminishing fiscal resources.

It is estimated that crime costs the American public \$674 billion each year⁴⁷ and "recent research by economists shows that higher levels of anti-crime spending, if well directed, can make a big dent in crime."⁴⁸

This high cost of crime and the fear of victimization has increased the public's desire for additional public safety services. Proposition 172, which was approved by fifty-seven percent of the voters in November 1993, permanently extended a statewide one-half percentage sales tax that had been scheduled to expire in 1993. This sales tax extension that was designated exclusively for local public safety programs demonstrated the public's willingness to pay for increased services.

Given these past fiscal difficulties and adaptations, the fiscal horizon is becoming brighter and public safety continues to be a concern for the public. The California economy now appears to be in a slow but steady recovery mode. This provides an excellent opportunity to evaluate the manner in which services can be provided in the future.

This public sentiment and the projected improvement in the economy present a remarkable set of circumstances that can be very beneficial to the development and success of effective law enforcement in the future.

Political impetus toward public safety has been a component in many election campaigns and legislative efforts. Because of the public's regard for safety, the endorsement of candidates and issues has often led to a successful level of voter approval. The central emphasis of many campaigns has also been directly related to public safety funding.

With the passage of Proposition 172 and the follow-up legislation, Assembly Bill 2788, the public and legislators have reaffirmed their concern for public safety funding. "Currently, there is a widespread and escalating debate concerning the underlying purpose of Proposition 172. This debate centers on the issue of whether Proposition 172 funds were intended to supplement previous levels of local support for local public safety services."⁴⁹ Despite these questions, Proposition 172 did provide a considerable amount of revenue to the counties that generally enabled public safety agencies to at least retain certain levels of services. If the measure had not passed, decreases in public safety budgets were projected to be astounding.

Assembly Speaker Willie Brown, author of A.B. 2788 that is now law, stated "It is designed to carry out the intent of Proposition 172, which extended a statewide half-cent sales tax increase beyond 1993 to raise an additional \$1.5 billion for local public safety programs." The converse opinion of Proposition 172 claims that it was placed on the ballot by the Legislature and the Governor to partially replace the \$2.6 billion property taxes shifted from local agencies to local school districts as part of the 1993-94 state budget agreement.

In a press release issued by Daniel E. Lungren the Attorney General stated, "The voters of California have approved Proposition 172 with the expectation that these funds will be dedicated to public safety as that term is commonly understood. . . .Any county which instead used these funds for purposes unrelated to public safety is tempting a justified backlash of resentment from their constituents."

The State of California ranked eighteenth in the nation with state spending on police (1991) at the level of \$1.34 per \$1,000 of personal income. The per capita yearly cost for police was \$27.39 for a total statewide amount of \$832,254,000.⁵⁰

These factors demonstrate the public's goal to enhance public safety and the allocation of the necessary revenue to accomplish this goal.

Given the current emphasis on public safety, many of the social concerns previously addressed have obvious political implications. Public safety and crime was a central issue in the recent election that involved positions on all levels of government including the governor of the state and fifty-seven (of the fifty-eight) sheriffs in the state.

The political maneuverings and focus on public safety spending continue to remain in the forefront of topical issues, this potentially offers a number of fiscal opportunities for local public safety entities.

Environmental Threats

Environmental Threats (external to the organization)

A threat is any unfavorable situation in the organization's environment that is potentially damaging to the organization and its strategy. It may be a barrier, constraint, or anything that might inflict problems, damages, or injury to the organization.

Social aspects relative to the issue of funding also provide some potentially negative components. Some of the derogatory trends and events developed represent social concerns relative to the imposition of service fees. Some of these social concerns involve ethics, equal treatment, morality, legal status, resource disbursement and the overall stated inequities of service fees.

The original premise of this study focused on the trend of imposing service fees for the purpose of increasing revenue instead of raising taxes. This topic has generally created controversy in legal circles and often resentment from the public.

An interesting example of a town taking controversial steps in the name of revenue collection involved the removal of a judge. This judge was not generating "solid revenues" in parking tickets fines, and he was replaced because "a judge with a better appreciation of the bottom line might be able to help with the township's financial problems." Members of the legal profession were outraged because, in essence, the judge was more accountable for "revenue streams than courtroom justice." In reply to this incident, the state's chief justice stated, "That reason is intolerable. It puts cash on the scales of justice. It encourages what amounts to judicial misconduct."⁵¹

Another example involves a police agency's failure to respond to an alarm because the resident had not paid the twenty-five dollar fee to register her alarm with the city. The police later responded when a neighbor reported that she heard the woman screaming. When it was discovered that the victim had been raped and required treatment at an area hospital, the police immediately changed their policy.⁵²

Fairness of fees has also been shown as a concern. A recent study concluded, "Universal enforcement of economic sanctions inherently discriminates against the poor."⁵³ It was also shown that only forty-seven percent of fees are paid when they are billed. There is also a converse viewpoint in this principle, which claims that those who have greater economic means are treated more unfairly since they absorb a greater share of the costs since there is higher rate of payment with these individuals. The European system of fine assessment (as related to the numbers of days sentenced to jail being converted to a fine) is a flexible schedule based on severity of offense, criminal history and the defendant's financial status.⁵⁴

Legal considerations can also be viewed as potential complications in the determination of fee structures because of constitutional protections. The U.S. Supreme Court ruled that a fee was a violation of free speech and therefore, unconstitutional since the amount of the fee was based on the popularity of the speech and the likelihood of attracting counter-demonstrations. The court, however, does allow only a nominal fee if the costs are based on a content-neutral structure and the actual or predicted consequences of the event are not considered.⁵⁵

One example of a dilemma involves a park district charging for helicopter costs of \$1,800 per "ride" for anyone injured who requires helicopter transportation because of the location of occurrence or the severity of injuries. This fee was designed to recover the cost of a rescue. It is assessed in each case without regard to the determination of negligence, fault of the accident, or whether the victim wanted the helicopter service. A quotation is offered by a district official that claims, "Rescues now are often covered by medical insurance, so the district will be billing insurance carriers." This seems to be an attempt to minimize or offer an explanation for the fee. Additional information offered as apparent defense states, "No person will be denied transport because of inability to pay, district officials said. And the district does not plan to send bills to a collection agency."⁵⁶

° Research in the area of criminal justice has been detrimental to the law enforcement profession since there is no accurate gauge to judge police performance or the effectiveness of specialized programs. A professor of criminal justice at Temple University feels that within the last twelve years, ". . .the amount of money devoted to police research that has not had a political agenda has been extremely limited, and there's been virtually no support to local law enforcement for anything but the war on drugs."⁵⁷ This weakness has also been apparent in other studies, it has been stated that, ". . . it is incumbent upon criminal justice professionals to understand the magnitude of economic sanctions, the criteria used to assess them, the effects of financial penalties on disadvantaged clients."⁵⁸

Technological issues are one of the factors that will either have a positive or negative impact based on the direction of public safety services in the future. Although technology continues to be a benefit to public safety agencies, the change of a system of private service providers could lead to a decreasing level of governmental support.

The possibility exists that governmental agencies such as the military would not provide the same levels of technological tools to private security entities as they do to public agencies. Since the private entities are profit driven, it is anticipated that governmental agencies would expect to recoup a large portion of their developmental costs.

Information sharing could also suffer in a private safety provider system. The competition that could exist may impair the desire for agencies to cooperate fully in the interest of one common goal independent of private profits and aspirations.

Competition instead of cooperation between service providers is felt to have negative implications for all agencies involved.

Economic conditions globally are in a state of a fundamental transformation that will have a profound impact on the well-being of people around the world.⁵⁹ World and national economic conditions do affect overall conditions; however, the state economy is causing the greatest level of concern to the issue of funding sources.

Because of the overall state of the state, economic concerns are one of the most important portions of this study. The economic recession is only a small portion of the fiscal problem facing

California. Many of the problems involve the State's restrictions and lack of flexibility in fiscal matters. The state is becoming increasingly locked into a fiscal system of government by "super-majority" vote instead of elected representation.

"Californians, pursuing visions of perfection, have attempted to replace representative government with government by auto pilot." Voters themselves have inflicted this problem on California through a number of "reforms" passed within the last twenty years. Most of these "reforms" were through the use of the initiative process that can serve to cripple state and local governments. With the increase of voter approved limits and mandates it becomes increasingly difficult for representative government to function.⁶⁰ This trend, in addition to limiting the state's flexibility, can also have negative impacts on local governmental agencies (e.g., shift of power from local to state government).

Since Proposition 13 in 1978, initiatives covering a wide range of subject areas have been enacted that have significant fiscal implications for California's state and local governments. Although judgments are not being made concerning the merit of these measures, the following is a listing of some of the initiatives that have limited the State's fiscal flexibility:⁶¹

Measure/Election

Major Provisions

Proposition 13
June 1978

- Limits general property tax rate to 1 percent and limits increases in assessed value after a property is bought or constructed.
- Makes Legislature responsible for dividing property tax among local entities.
- Requires two-thirds vote for Legislature to increase taxes.
- Requires two-thirds voter approval of new local special taxes.

Proposition 4
November 1979

- Generally limits spending of "proceeds of taxes" by the state and local entities to prior-year amount, adjusted for population growth and inflation (now per capita personal income growth).
- Requires state to reimburse local entities for mandated costs.

Proposition 6
1982

- Prohibits state gift and inheritance taxes, except for "pickup" tax June qualifying for federal tax credit.

Proposition 7
June 1982

- Requires indexing of state personal income tax brackets for inflation.

Proposition 37
November 1984

- Establishes state lottery and dedicates revenue to education.
- Places prohibition of casino gambling in State Constitution.

Proposition 62
November 1986

- Requires approval of new local general taxes by two-thirds of the governing body and a majority of local voters. Note: The courts have largely invalidated this measure.

Proposition 98
November 1988

- Establishes minimum state funding guarantee for K-12 schools and community colleges.
- Requires distribution to schools and community colleges of half of any state tax revenues in excess of the appropriations limit.

Proposition 99
November 1988

- Imposes surtax on cigarettes and tobacco products.
- Limits use of surtax revenue, primarily to augment health-related programs.

Proposition 162
1992

- Limits the Legislature's authority of PERS and other public November retirement systems, including their administrative costs and actuarial assumptions.

Proposition 163
November 1992

- Repealed "snack tax" and prohibits any future sales tax on food items, including candy, snacks, and bottled water.

Voter approval is required to amend or repeal an initiative once it has been adopted by voters, unless the measure provides otherwise. Thus, initiatives can limit the Legislature's ability to modify the fiscal environment, especially in the face of new fiscal developments, and also restrict localities' flexibility.⁶²

The following are some of the other economic concerns facing the State of California that could have an impact on local entities:

- Wall Street rating firms downgraded California's bonds -- they are now among the most poorly rated state bonds in the country.
- California's per-pupil spending is now about \$1,000 below the national average and far below that of other major industrial states. (California was in the top ten states in per-pupil spending in the late 1960s and is now in the bottom ten.)
- Many misfortunes which were beyond anyone's control, from droughts to earthquakes to fires to riots and to floods.
- Last among the states in per capita highway spending.
- Higher local fees for new developments and businesses.
- California's public employees are, except for Alaska's, the highest-paid in the nation.
- California's progress toward privatization of public services is among the slowest.
- State services become increasingly dependent on non-tax revenues.
- Unemployment rate is the highest among industrial states.
- Alleged State government corruption.
- Term limits which force representative change and shift power from the representatives to the governor.
- State budget deficit.
- Nearly ninety percent of all services run at the county level are state-mandated programs.
- Loss of California jobs through two of the state's largest industries, defense and aerospace.
- Since 1990 there has been a net gain of more than 900,000 jobs in the nation, but California has suffered a net loss of more than 600,000.

A Constitutional Revision Commission has been formed by the governor and is charged with the task of evaluating and recommending fundamental changes in the constitution in order to improve government's functions.⁶³

Political disagreements exist among many levels of government concerning the issues of funding for public safety agencies.

The intent and proper disbursement of Proposition 172 revenue continues to be debated. Although the revenues from the tax extension funds have been received by the counties and are being used, the legislators continue to wrestle over its specified purpose for allocation. (The structure of the increased sales tax revenue depending on the particular county, provides 93.9% to 95% of the total revenue be retained by the counties with the remaining percentage being divided among cities in each county.)

Legislation continues to be proposed, and frequently passed, which extends authority and peace officer powers to private security officers. According to recent studies, private security is one of the fastest growing fields in the country. These studies also raised some "troubling questions, primarily about the birth of a two-class police system." It is projected that police in the future will only provide a minimal level of public safety and all other services will be "a free-market commodity like health care and education."⁶⁴

Police agencies still have many powers, protections and resources that are not available to private entities such as powers of arrest, lethal force, liability protection and mutual aide capabilities. As yet these distinctions remain with public entities; however, legislative revisions could change these factors.

Legislative bills continue to be introduced and passed which allow for the imposition of new fees or the cost increase of existing fees in the area of public safety. Often these are initiated with the sole intent to generate revenue.

When identifying environmental opportunities and threats, often the resulting impact can be based on the long-term planning efforts in conjunction with the short-term policy decisions. The desire of this analysis is to bring forth the potential factors that could have an impact on the issue and utilize the information to alter or minimize the potentially damaging results and to capitalize on the advantageous results through the use of intelligent planning and implementation. The future study of this project forecast many trends and events that assisted in the determination and development of the analysis.

ORGANIZATIONAL ANALYSIS

The second step in analyzing a strategy is to evaluate the organizational resources. This analysis is designed to aid the strategist in identifying the organization's distinctive competencies by understanding the strengths and weaknesses. This analysis will focus on factors that are internal to the organization only as they apply to the issue and sub-issues of the study.

For the purpose of this analysis, the organization will be the Santa Clara County Sheriff's Office. However, during the transition management portion of the study there will be other organizations that will play critical functions in the implementation of the plan.

Organizational Strengths

<p>Organizational Strengths (internal to the organization) A strength is a resource or capacity the organization can use effectively to achieve its objectives.</p>
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Social aspects of the fee-for-service model and alternative funding mechanisms are important within the Sheriff's Office and the County of Santa Clara.

In Santa Clara County there is a positive relationship with all of the local agency heads. The police chiefs' association in this county has achieved several countywide policies and protocols that have resulted in positive change and consistency. This strength can have a major impact in the development and testing of fiscal plans.

The Sheriff's Office in Santa Clara County is highly regarded by the community it serves. Currently the Sheriff's Office has four contract cities and a contract with the county transit district and the county parks. There is also a high regard by the management of these entities for the quality of service they receive. In addition to the high quality of service, the cost is estimated by the cities to be lower than they could provide for themselves.

Two years ago the Sheriff's Office instituted a program to assess fees in order to generate revenue to augment a declining budget. The decision was reached to seek alternative methods to achieve the 1.5 million dollars in mandatory allocation reduction. This balance was achieved by a proposal to generate revenue in the specified amount instead of reducing the budget. This proposal to generate revenue was accomplished by developing additional sources of service fees and increasing the costs of those fees already being imposed. This proposal averted the necessity to lay-off twenty-one deputies that could have had an enormous impact on the level services that could have been provided.

Cities and unincorporated areas within Santa Clara County enjoy an excellent statistical record in all aspects within the criminal justice system. The overall quality of the public safety agencies in the county is believed to be a factor in the county's low crime rate. Although internal criminal justice organizations are important, it is recognized there are many factors that contribute to this crime record and the overall quality of life in the valley.

When considering the most appropriate allocation of additional state and federal resources aimed at targeting crime, the focus is often to the areas with high crime rates instead of those with low rates. A strength of law enforcement agencies within Santa Clara County is the apparent effective nature of the overall systems. In addition to concentrating on high crime areas, it may also be beneficial for state and federal agencies to allocate resources to low crime areas in order to study the factors present which contribute to this positive environment.

With a different mayor and police chief in Houston, Texas, community policing techniques were discontinued and a different philosophy was adopted. In three years the department expanded from 3,900 sworn officers to 4,800 sworn officers under this new leadership. During the same time period, the city's overall crime rate plummeted over thirty percent. The mayor "credits the sharp decline not to 'new-fangled ideas' such as community-based policing but to hundreds of newly hired police officers whose sole purpose is to go out in uniform every day and make arrests."⁶⁵

However, when comparing police department personnel in the City of San Jose to other large cities in the nation it is found that the low crime rate is not directly related to staffing levels. According to the 1993 Uniform Crime Reports, the national average ratio of police personnel (civilian and sworn) to 1000 population is 3.6 in sixty-four cities with populations over 250,000 who reported.⁶⁶ The same report shows San Jose Police Department's ratio as 1.97 staff to 1,000 population.

If the assumption is valid that police agencies have an impact on the crime rate, then resources should also be allocated to low crime areas to determine "why" police agencies are effective. The answer to the question of crime and violence may not be limited to putting "100,000 more officers on the street" as the federal crime bill proposes.

Technology is a term which is felt to be synonymous with Santa Clara County which is also commonly referred to as "Silicon Valley." Because of this geographical factor coupled with the evolving partnership between industry and public safety services, law enforcement has benefited from this relationship. There exists a myriad of additional opportunities which could be developed in order to benefit both the private and public sector.

Technological advancements within the Sheriff's Office have increased dramatically within the last four years. While these internal systems were being developed, lofty long-range plans were being conceptualized. One of the main components in the establishment of these goals was to provide linking systems to all other police agencies in the county. In the past, systems such as the Sheriff's Office crime analysis network were generally focused on the particular agency. There were no linkages from one agency to another in which information could be shared. Because of the long-range plan several advances in county-wide computer linking are being developed. This development is with the full support of other police agencies, the district attorney's office, the department of correction and the probation office.

Currently there are also discussions with neighboring counties proposing computer linkages through the use of existing compatible systems. There is also an influx of information being placed in these systems that have been generated from state and federal agencies.

In addition to these systems, two task forces have recently become operational in the county that are staffed by personnel from other local, state, and federal agencies. Data is being collected with the assistance of state resources, from all participating agencies to be used in these joint efforts. The purposes of these new joint ventures are auto theft and sexual "predator" pro-active enforcement.

The planning process of creating a county-wide standardized police report form is nearing completion. Although on the surface this process seems simple, it is very complex and costly because of the individual agency needs and the technological modifications that will be required. This, however, is one small step in the enhancement of an inter-agency information communication network.

Economic conditions in Santa Clara County have generally shown consistency with other industrial counties in the state. Since 1990 in this county there has been a loss of 58,000 defense related jobs, a thirty-five percent drop in annual federal defense spending in the local economy, a doubling of the failure rate of new businesses, and a fifty percent decline of new business start-ups.

Santa Clara County does compare favorably when analyzing tax revenues with other comparable sized counties in the state as depicted in the following charts⁶⁷:

Summary Of County Property Taxes Allocated And Voter Approved Taxes Levied,
Applicable To Fiscal Year 1993-94

County (L.A. County Is The Only County With Greater Population)	Population 1990 Federal Census	Total Assessed Property Valuation	Total Property Tax Allocated And Levied	Ratio of Population to Property Tax (per capita rate)
San Diego	2,498,016	143,791,261,909	\$ 300,968,049.	1 : \$ 120
Orange	2,410,556	175,974,510,566	\$ 185,401,539.	1 : \$ 77
Santa Clara	1,497,577	112,529,949,732	\$ 206,196,539.	1 : \$138
San Bernardino	1,418,380	72,849,568,366	\$ 103,800,716.	1 : \$ 73

It is interesting to note the differences between the total revenue in property taxes, the assessed property valuation and the population when comparing counties. While Santa Clara County is thirty-eight percent smaller than Orange County, Santa Clara County brings in eleven percent more money in property taxes. Also, Santa Clara County is five percent larger than San Bernardino County, yet Santa Clara County brings in almost double the dollar amount for property taxes.

This high dollar amount for Santa Clara County is because of specific county taxes levied on property, most of which has been voter approved. Only six of the fifty-eight have any revenue through these alternative county property taxes. Only two, Los Angeles and Santa Clara Counties, of these six counties levy an amount over six-hundred thousand dollars. Los Angeles County levies an additional \$8,753,087 and Santa Clara County levies \$32,219,650. The comparison of the Santa Clara County ratio with the median ratio of the counties evaluated demonstrates a forty-four percent higher property tax rate in this county.

**Summary Of All County Taxes (Including Property Taxes & Sales And Use Taxes)
For The Fiscal Year Ending June 30, 1993**

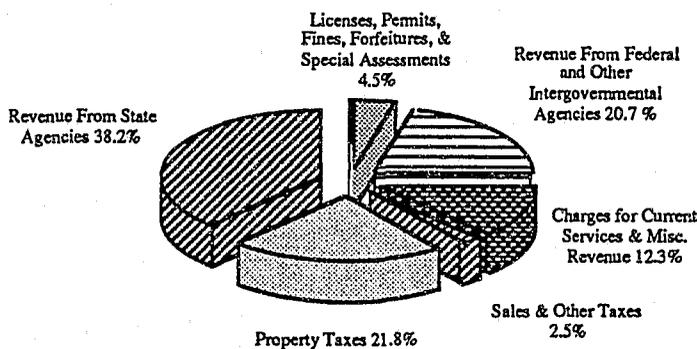
County (L.A. County Is The Only County With Greater Population)	Population 1990 Federal Census	Financing Sources Total Taxes	Ratio of Population to Tax Revenue (per capita county tax)
San Diego	2,498,016	\$ 371,895,686.	1 : \$ 149
Orange	2,410,556	\$ 350,691,113.	1 : \$ 145
Santa Clara	1,497,577	\$ 290,934,534.	1 : \$ 194
San Bernardino	1,418,380	\$ 204,636,326.	1 : \$ 144

When comparing the above counties in total taxes, there appears to be a more consistent ratio between taxes and population. The exception noted for the high Santa Clara County rate is generally because of the additional property taxes levied as explained in the property tax chart.

Nearly ninety percent of all services run at the county level are state-mandated programs. The remaining ten percent of counties' budgets allow for discretionary programs such as public safety.⁶⁸ With Santa Clara County's additional sources of property taxes and other sales tax enhancements (e.g., transportation), the county is expected to be fiscally sound.

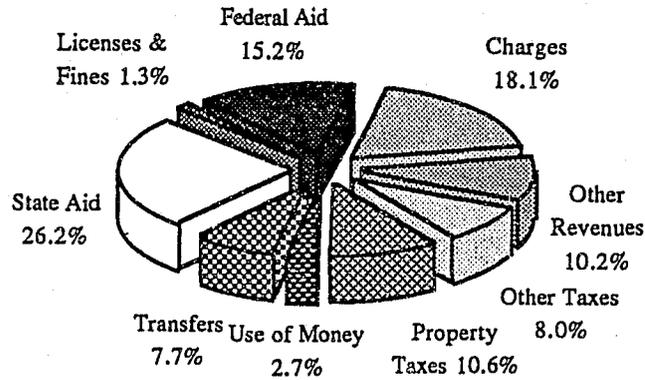
The following chart depicts the counties' financing sources (exclusive of enterprise financing sources) as computed on a statewide basis:

General County Financing Sources



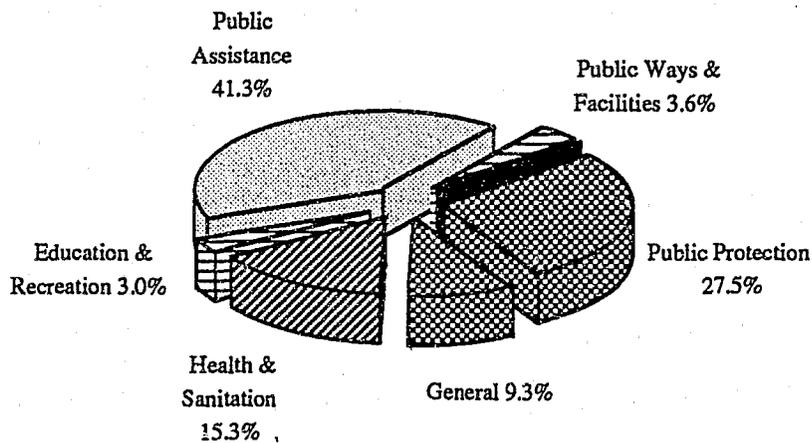
The following chart that depicts Santa Clara County's total financing sources (excluding the county transit agency) is offered for comparison with the statewide statistics:

Santa Clara County All Funds Revenues FY
1995 Resources \$1,906,987,398



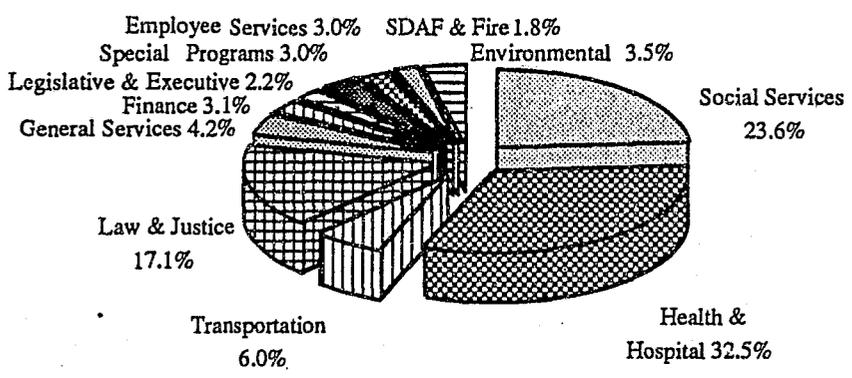
The following chart depicts the county cost-of-government financing uses (exclusive of enterprise financing sources) as computed on a statewide basis:

Cost-of-Government Financing Uses



The following chart that depicts Santa Clara County's all funds expenditures (with the exception of the county transit agency) which is offered for comparison with the statewide statistics:

Santa Clara County All Funds Expenditures FY 1995
 Total Expenditures \$1,905,987,398



In addition to the high rate of property taxes in Santa Clara County, the county also has the singular highest rate of sales tax (8.25%) of any county in the state. A portion of this sales tax revenue (.75%) provides eighty-one percent of the funding for the county's transit budget. This budget of 200 million dollars for transit is not considered a part of the county system because the agency became a separate entity.

This information demonstrates that the county has substantial revenue, and the allocation of the revenue is not necessarily in favor of public safety agencies.

Given the county's annual budget of almost two billion dollars (plus another 200 million for the county transit) and the high rate of taxes in Santa Clara County, the economic situation presents favorable conditions to address the issue of funding, particularly if it is done within the parameters of existing county resources.

Political concerns are important to the issue since the Sheriff is an elected official in all counties. Being responsive to the public and their fiscal concerns is of importance to the sheriff.

The nature of the position of sheriff is inherently political since it is an elective position. There are differing opinions concerning the value of an elected position versus an appointed position, the following is one professor's opinion:

"I had no experience with sheriff's departments and frankly I had harbored the impression that the sheriff's system was kind of an antiquated way of doing police business, and the really progressive way to get policing done was with a department with an appointed professional chief. I've come to realize over the

last five years that the sheriff's system has a lot of virtues to it, and many of them are quite in line with things that have been said about community policing. Sheriffs are inherently interested in the community that they serve. . . . Those things spring directly from the fact that the sheriff is an elected figure."⁶⁹

Throughout the state and the nation there continues to be public objections to the issue of being billed for police services that have historically been provided at no cost. With the existing rate of increase of these fees more public objections are projected. In the necessity to evaluate levels of service fees, the sheriff could take a lead role in the county.

However, if fees are decreased there will be a necessity to seek alternative funding methods to replace the lost revenue. Depending on the mechanism selected (e.g., sales tax, utility tax) to obtain this funding, the sheriff may be in a precarious position politically.

Organizational Weaknesses

<p>Organizational Weaknesses (internal to the organization) A weakness is a limitation, fault, or defect in the organization that will keep it from achieving its objectives.</p>
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Social concerns from within the county and the agency are also apparent. One of the major concerns is the widely racially and economically diverse communities served by the Sheriff's Office. The future implications of service fees as they relate to potentially disparate treatment of community members are of great concern.

With the current rate of revenue generation through the use of service fees, the concern for unequal treatment is of importance to the agency in general. The other projected long-range negative impacts are also being considered; however, the need for determining an alternative funding model is thought to be a potential solution.

The difficulties of imposition and collection of this method were soon realized. The Sheriff also received some negative attention in the form of questions from certain segments of the community. Because of these concerns, members of Sheriff's Office management have elected to take a close look at the nature of future fees and the impact on the agency.

Many of the ethical issues identified in the environmental analysis are also factors to be considered within the agency.

Technological advances that serve to provide a more effective and efficient method of providing any service, are also costly. The technological plan in the Sheriff's Office will not only be labor intensive for implementation, but it will also require the dedication of sizable fiscal resources.

These technological improvements are considered to be essential tools in the future productivity of the agency and the overall plan within the county government.

Economic issues within the Sheriff's Office and within the County are of concern because of the general state of the California economy.

When fee structures were originally established there had been no long-term planning relevant to the issue. Instead, there was the attempt to fill the void created in the allocation deficit in order to remain at the current staffing level within the Sheriff's Office. During the budgeting process a conservative estimate of \$1.5 million dollars in new revenue was projected. In reality, it appears that these revenues will fall far short of the projections by generating only about \$200,000 annually. The solution of imposing fees appeared to have a sound basis at the time the plan was proposed and implemented. Since the agency is now generating revenue in the form of service fees, it will be much more difficult to plan a reduction in those fees. For the Sheriff's Office alternative sources of revenue will be critical to the success of the plan.

Political ramifications that could be negative to the issue of service fees were specified in the futures study of this report. Because the Sheriff is an elected official, the imposition of these fees and their subsequent impacts could have a negative political impact in any future election.

The recent public vote for the one-half percentage sales tax extension specifically designed for public safety functions could further complicate the issue. The premise of operating on a fee based structure to meet public safety budget deficits within the county has already raised questions by members of the community. From a very simplistic view, the sentiment expressed involved a question of what had been done with the sales tax money that had been received, and why were additional costs were imposed. When viewing the entire county operation, the need for the sales tax extension was apparent since an amount approximately equal to the sales has had been retained by the state instead of provided to the county. However, there remains some dissatisfaction from the community concerning this issue.

The political and social implications of the fee-for-service model of funding which were developed in the futures study were the major considerations in the decision to seek an alternative funding model to be used by county law enforcement agencies in California by the year 2004.

STAKEHOLDER ANALYSIS

Stakeholder

Individuals or groups who impact, are impacted by, and/or have concern about the proposed strategy and/or implementation of the plan.

"Snail Darter"⁷⁰ (the following definition used for the purposes of this study)
Unanticipated stakeholders who can radically impact your strategy.

The Modified Delphi Process, as previously discussed, was used in the identification of any potential stakeholders. During this panel discussion, the following list of forty-five potential stakeholders (including the identification of "snail darters") was identified for the entire range of the ten alternative strategies developed:

'Abusers'/Mis-users'	District Attorney	Reporting Parties
A.C.L.U.	Federal Government	School Personnel
Alarm Companies	Governor	Sheriff
Appellate Courts	Homeowner Associations	Social Programs
Attorney General	Insurance Companies	Special Interest Groups
Attorneys	Judges	Suspects
Bail Bondsmen	Legislators	State Sheriffs' Association
City Councils	Media	Taxpayers Associations
City Managers	Other Govt. Agencies	Victims
Collection Agencies	Neighborhood Groups	Voters
Corrections/Jails	Police Agencies	
County Depts./Programs	Police Unions	
County Executive	Police/Sheriff Mgmt. Assoc.	<u>"Snail Darters"</u>
County Supervisors	Political Associations	Private Security Companies
Court System	Public Defender	Probation Officers
Deputies/Officers	Public/Community	State Government

The list of stakeholders was narrowed to eleven, including the most significant "snail darter," on the basis of those which were most important to the issue and/or those who had a strong vested interest in the issue. The following is an analysis of these ten stakeholders including some of the projected assumptions each stakeholder might have relative to the issue:

1. County Executive

The Office of the County Executive heads the administrative branch of county government. The County Executive is appointed by the Board of Supervisors and is responsible for proper administration of all affairs of the County. The issue of developing funding models either on a local or statewide level could create a major change for the county and potentially other county services. In the event that the sheriff decided to decrease the amount or number of service fees, there would be a net decrease in the amount of revenue generated. The county executive would be critical in approving the same level of allocations for the Sheriff's Office with the knowledge that revenues would be decreased. (Allocations are independent of revenue accounts, revenue accounts are expected to meet "target" projections or "adjustments" could be applied to the allocations.) Support and assistance from this position is very critical to the Sheriff's Office developing any type of strategic plan. This is primarily because the Office of the County Executive makes the major budget decisions, with offerings and final approval from the Board of Supervisors. The success of most plans would depend greatly on the level of cooperation between the agency and the executive particularly, in the area of funding.

It is interesting to note an attorney general's opinion concerning the question, "Does a county board of supervisors have the legal authority to govern the action of an elected district attorney concerning the manner in which the district attorney's budget allotment is to be spent, including the manner in which personnel will be assigned?"⁷¹ The conclusion of the attorney general was that, "A county board of supervisors is not authorized to govern the actions of a sheriff or district attorney concerning the manner in which their respective budget allotments are expended or the manner in which personnel are assigned." Even though this opinion is important, the decision does not specify the amount of funding to be provided. Realistically, it is important to maintain a cooperative relationship with the county executive because of the overall funding control.

Since the imposition of Proposition 172, there have been legislative attempts through "maintenance of efforts" plans to establish minimum levels of funding for Sheriff's Offices. This could potentially, mandate the funding levels removing some of the subjective nature of budget allocations to public safety agencies.

- Assumption a: The County Executive will be interested in the fiscal health of all county departments and will resist a larger proportion of the funds being allocated in a mandatory fashion to public safety agencies.
- Assumption b: Being appointed by the Board of Supervisors, the County Executive will only increase allocations to public safety agencies if directed to by the board.
- Assumption c: The County Executive will arbitrarily reduce budgets in order to balance the overall county budget.

2. Members of the County Board of Supervisors

The Board of Supervisors in Santa Clara County consists of five individuals who serve four year elective terms. The board is the governing body of the County. They are responsible for enactment of ordinances and resolutions, adoption of the annual budget, approval of new programs, review of existing programs and adoption of land use and zoning plans.

Because the supervisors are elected officials, many of their decisions take into consideration their constituent's views. The board has the ultimate control of all county decisions including those presented by the County Executive. Because constituent support is valuable to the board, many of the fee generation proposals are viewed on the basis of community expectations.

A favorable relationship between the Board of Supervisors and any county agency is an important element including agencies with an elective department head.

- Assumption a: If the imposition of fees for law enforcement services becomes an issue of direct public concern, then the board will be more responsive to supporting a plan to address any of these concerns.
- Assumption b: If public safety is of concern to the community, then each member of the board will vote to dedicate resources to police agencies.

Assumption c: Since only 8.6% of the total county budget is discretionary; the board will not want additional minimum funding levels established since it limits their allocation authority.

3. Sheriff

The sheriff in each county is elected in a county-wide non-partisan election to a term of four years. The sheriff is the chief law enforcement official in each county and has constitutional authority over a variety of functions. The sheriff must be responsive to the needs of the community and is a visible entity in law enforcement.

It is incumbent on the Sheriff to provide quality service in a cost effective manner. This is true for the 966 square miles of unincorporated area (total county is 1312 square miles) where he is responsible for general law enforcement and for the services provided on a county-wide basis (e.g., evictions, court security, extradition's, etc.)

The projected negative impacts of service fees could have a detrimental affect on the Sheriff and the Sheriff's Office.

Assumption a: The sheriff is concerned about diminishing allocations and the ability to provide minimum levels of service, therefore, the sheriff will actively seek additional funding mechanisms.

Assumption b: With public pressure, the sheriff will decrease or eliminate service fees.

Assumption c: The sheriff will implement mechanisms to guarantee ample minimum levels of funding for the Sheriff's Office.

4. County Departments/County Programs

If minimum funding levels are established or if fees are generated for public safety, these agencies could be greatly impacted in either a negative or positive manner. Because of this, each department has a vested interest in the structure of the strategic plan. In difficult economic times many of the non-essential social programs and assistance programs are allocated fewer resources or discontinued entirely. Often these social program supporters create a vociferous group of protesters. The method in which County revenue is distributed is of concern and interest to other County departments.

Assumption a: Most county departments are in competition for the discretionary county funds and overall county revenues have diminished in the last few years; therefore, they will oppose minimum funding levels for public safety.

Assumption b: If some county departments faced drastic fiscal reductions, then there will be public objections by interested parties at Board of Supervisor meetings.

Assumption c: It will be necessary to eliminate vital county programs if public safety services were given a sizable increase in their allocations.

5. Taxpayer Associations

Proposition 13 in 1978 was the first major event in a continuing cycle of citizen initiated governmental tax reforms in California. These reforms created tax cuts, spending limits, 2/3 votes for tax increases, and other fiscal measures that limit governmental control of resources. All state and local taxes on Californians dropped during the 1980s -- from \$148 per \$1,000 of person income to \$110 per \$1,000.⁷² The head of a taxpayers' association stated "that when fees are added to state and local taxes, California is spending as much now per capita as it did before Proposition 13, though state and local taxes are still far lower (twenty-fourth in the nation) as a percentage of per capita income."⁷³

Proposition 172 that established a permanent statewide half-cent sales tax for support of local public safety functions has not resulted in substantial increases in public safety spending. For years, state and local governments have "sold" taxpayers on new revenue sources by stating that the funds will be spent on popular, high-priority programs and activities. "Probes by suspicious tax-payer-watchdog groups or program advocates frequently reveal that there was no net gain in the amount of money spent on the program after the new tax went into effect."⁷⁴

Assumption a: Taxpayer groups will be successful in legislating a minimum percentage of overall general fund revenue to public safety.

Assumption b: Taxpayer associations will become politically active as a result of the minimal amount of additional funding actually provided to public safety agencies after the passage of Proposition 172.

Assumption c: Taxpayer associations will make a significant impact on levels of funding for public safety agencies if there were shown to be inequities.

6. Legislators

The state constitution separates the powers of state government into three main branches: legislative, executive, and judicial. The principal lawmaking powers of the state are vested in the legislature. The legislature has broad power over local governments. Counties, cities, regional agencies, and special districts may be created only in accordance with state law. The legislature controls public finances by levying taxes and appropriating funds. As part of the system of checks and balances, the legislature has statutory influence over funding, organization, and procedures used by administrative agencies of the executive branch.

Depending on the strategic plan selected, the enactment of legislation could be a necessary step in the implementation of the plan.

Assumption a: Since public safety is currently one public's greatest concerns; legislators will be responsive to desires of their constituents to provide additional funding for public safety services.

Assumption b: State legislators will not vote to impose further restrictions on discretionary spending.

Assumption c: Legislators will provide more authority to private security if sworn officers become too expensive and the community demands alternative sources of public safety services.

7. Deputy Sheriffs' Association (Labor Union)

Because community support is so critical to the positive perception of police and the implementation of any plans, the sworn personnel must be a viable representative of agency philosophies.

If fees are collected at an increasing rate, alternative service providers may be sought. Private security, a lower cost provider, will begin to secure contracts for specified functions thus decreasing the need for as many sworn officers. As additional fees are collected, the public perception of police could shift from an officer who is concerned for safety, to an officer who is concerned only about getting money.

Assumption a: Any proposed decrease in member's salaries will be opposed by the D.S.A., even if service areas or contracts will be discontinued without the reduction in pay.

Assumption b: The D.S.A. will actively support any measure that would increase levels of funding for their agency.

Assumption c: Members of the D.S.A. will be resistive of fees for services since they are the individuals in direct contact with the public from which these fees will be imposed.

8. Voters

Citizens in a representative democracy rely primarily on their elected representative to make the laws. The people of California reserve the power to initiate and annul laws using two forms of direct legislation, the initiative and the referendum process. The initiative process bypasses the legislature completely by placing a qualified measure on the ballot for decision by the voters. The referendum process uses petition reform to enable voters to demand that a measure enacted by the legislature and signed by the governor be referred to the electorate before going into effect.

Since these "direct legislation" procedures are also guaranteed by the constitution for use at the local government level, the ramifications of voter support are critical to the imposition of funding models for public safety.

Voters did approve Proposition 172 that called for the continuation of a statewide sales tax for public safety. Debate concerning the intent of the proposition continues since only a small proportion enhances public safety budgets. Many economists dislike earmarked taxes because they make public budgets less responsive as funding needs change and they limit the discretionary spending powers of policy makers. A poll found that while opinion still runs against any general tax increase, seven out of ten Californians would support higher taxes for specific programs.⁷⁵

- Assumption a: Voters will support a measure to guarantee minimum funding levels to public safety agencies due to concerns about crime and violence.
- Assumption b: If voters were aware of the small percentage of public safety budget augmentations in comparison to the amount of revenue generated by Proposition 172; they will provide assistance with any attempt to raise the funding levels.
- Assumption c: Voters will assist with the Sheriff's Office attempt to increase budget allocations on the local level if information is conveyed that demonstrates inequities in voter approved funding measures.

9. California State Sheriffs' Association (C.S.S.A.)

The C.S.S.A. is a California Corporation whose purpose is as follows⁷⁶:

The Office of Sheriff is one of antiquity and is the oldest law enforcement office known within the common law system and has always been accorded great dignity and trust. The Sheriffs of California are elected and are constitutional officers in the Constitution of the State of California.

In order to improve and provide effective service and protection to all citizens of California, the Sheriffs have joined together by forming this Association. This joining together of the Sheriffs will allow the Sheriffs to assist each other in fulfilling their duties and obligations to the people of this state as chief law enforcement officers of their respective counties.

- Assumption a: The C.S.S.A. will initiate additional legislation necessary to ensure reasonable funding levels for all county sheriff's offices.
- Assumption b: If some of the negative aspects of the fee-for-service issue are brought to the attention of sheriffs an effort to standardize fee model will be considered.
- Assumption c: Legislators who often seek political endorsements from the C.S.S.A., will assist in the achievement of an alternative funding model for sheriff's offices.

10. California State Association of Counties (C.S.A.C.)

C.S.A.C. is an association representing county governmental agencies. Although they do provide resources to sheriff's offices throughout the state, their principle allegiance is to the executive branch of county government.

C.S.A.C. was a major proponent of Proposition 172 and provided valuable assistance in ensuring its passage with the voters. Once this proposition passed, C.S.A.C. has opposed all follow-up legislation that requires minimum service levels for public safety agencies. Some of these "maintenance of effort" (M.O.E.) bills will mandate the increase in levels of public safety funding.

Assumption a: C.S.A.C. will continue to oppose any M.O.E. legislation.

Assumption b: C.S.A.C. will support any additional legislation that will ensure additional revenue to counties.

Assumption c: If fee-for-service guidelines are established which reach the state level and are restrictive to counties, then C.S.A.C. will oppose the mandatory adoption of these guidelines.

11. Private Security Companies ("Snail Darter")

As police resources and personnel levels diminish, certain non-essential functions will no longer be provided without cost to the community. Security companies will be available in increasing numbers in order to provide services on a contract basis.

In a recent *Forbes* article, the author reported that "Unimpressed by the security provided by strapped undermanned and frequently demoralized municipal police forces, frustrated citizens are increasingly turning to the private sector for their protection."⁷⁷

The manner in which law enforcement agencies are funded will greatly impact the levels of services provided by security personnel.

Assumption a: Security agencies will oppose measures that will provide higher levels of funding for public service agencies.

Assumption b: Private security will become a major political force in the state as their profits increase. This will enable them to be granted more powers and authorities through laws enacted on a statewide basis.

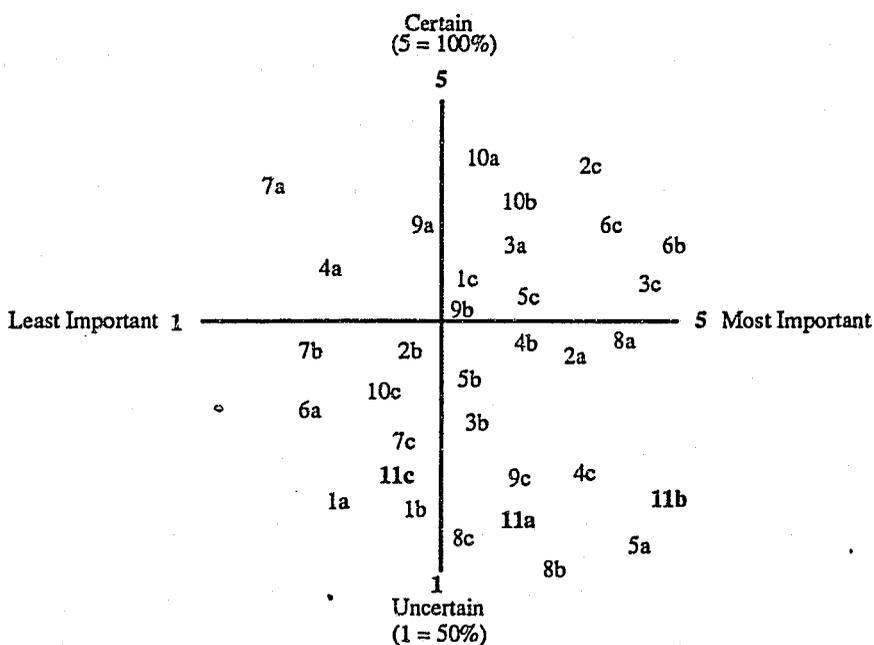
Assumption c: If competition begins between public and private security providers, then private securities will be awarded more contracts based on their lower costs.

This strategic assumption chart graphically depicts the areas in which additional information will need to be developed. Because assumption information that appears in the lower quadrants of the chart shows a high level of uncertainty (the numerical indicator of one indicates that there is as much chance of being right as being wrong in the assumption), additional information will need to be

developed. However, if additional information is needed and the assumption is not considered an important matter (i.e., those in the lower left quadrant), then it may not be of enough value to make a difference to the issue. In addition to this analysis of the assumptions, it is imperative that consideration be given to the positive or negative qualities of each of the assumptions in planning considerations.

On the basis of the relative importance of the assumption and the certainty that the assumption is correct, the following strategic assumption surfacing technique was used to plot the data:

Certainty and Importance of Stakeholder Assumptions to the Issue of Funding Models



X Axis - Level of Importance of the Assumption to the Issue
Y Axis - Certainty of Validity of Assumption

<u>Stakeholder</u>	<u>Assumption</u>
1. County Executive	a. Will resist larger proportion of funds being allocated to public safety. b. Will only increase public safety allocations if directed by board. c. Will reduce budgets to balance overall county budget.
2. Board of Supervisors	a. If public is concerned, will consider fee structures. b. If public desires, will dedicate additional resources to public safety. c. Will resist the establishment of minimum funding levels.
3. Sheriff	a. If resources diminish, will seek additional sources. b. With public pressure, will decrease or eliminate fees. c. Will get guaranteed ample minimum levels of funding.
4. County Departments/ County Programs	a. Will oppose minimum funding levels for public safety. b. If face budget reductions, will have public objections raised. c. With budget decreases, programs may be discontinued.
5. Taxpayer Associations	a. Will legislate a minimum percentage of general fund to public safety. b. Will become involved in the attempt to obtain more funding to public safety. c. If inequities are shown, will make an impact on public safety funding.

6. Legislators
 - a. Will be responsive to constituents desire to increase public safety funding.
 - b. Will not impose further restriction on discretionary spending.
 - c. If community demands will provide more powers to private security.
7. Deputy Sheriffs" Assoc.
 - a. Will oppose any reduction in salaries, even to remain competitive.
 - b. Will support any increase in agency funding levels.
 - c. If public concerns, will resist the imposition of service fees.
8. Voters
 - a. Will support guaranteed minimum funding levels for public safety.
 - b. If aware of Proposition 172 funding levels, will support higher levels.
 - c. If inequities in voter approved funding augmentations, will assist.
9. California State Sheriffs' Association
 - a. Will initiate additional legislation for funding if necessary.
 - b. If negative aspects of fees are known, will support standardization.
 - c. Will obtain legislative support for the development of alternative funding.
10. California State Asso. of Counties
 - a. Will oppose any maintenance of effort legislation.
 - b. Will support legislation that would raise revenues to counties.
 - c. Will oppose any plan to reduce levels of fees assessed by public safety agencies.
11. Private Security Companies "Snail Darter"
 - a. Will oppose measures for higher levels of public safety services.
 - b. Will be granted more powers and authorities by legislature.
 - c. If competition with public agencies, will get more contract due to reduced costs.

ALTERNATIVE STRATEGY DEVELOPMENT

During this panel process the members were instructed to explore and develop the feasibility and desirability of policy alternative to achieve the desired future state in the strategic plan. A list of ten candidate strategies and the generalized list of stakeholders were generated by the panel. Each of the proposed strategies and stakeholders was thoroughly discussed with respect to their issue relevance, advantages, disadvantages and any other identified concerns. The following strategies were proposed by the members of the panel:

- Eliminate all Fees for Services - Full General Fund Tax Based Police Services
- Charge for All Services
- Charge only the Public - No Fees to Other Police Agencies
- Allocate a Lifetime Base Level of Service - After Base Level is Exhausted a Fee is Charged
- Charge only for 'Abuses' or 'Misuses' of Services
- Establish a "Menu" of Fees for Pre-Contracted Services
- Legislate a Minimum General Purpose Revenue Percentage for Public Safety
- Geographical Area Provided Service in Proportion to the Amount of Tax Generated Revenue
- Charge Fees only to Convicted Suspects - No Fees to Victims
- Mandatory Personal Safety Insurance for Payment of Service Related Fees

After ensuring that there was a clear understanding of the nature of each of the proposed strategies, an orientation discussion of the particular agency to which these strategies were related was conducted. A detailed explanation of the analysis criteria was conducted and each panelist

independently assessed and rated each proposed strategy. A one to four (1 = least and 4 = most) rating scale was utilized to assess the desirability and feasibility of the proposed strategy based on the following established criteria:

- Short Term Desirability
- Feasibility - Ease of Implementation
- Cost Appeal Level
- Long Term Desirability
- Stakeholder Support Level
- Enhanced Level of Public Safety

After the numerical cumulative score computation for each of the proposed strategies was conducted, three specific strategies were selected for further consideration by the Delphi Process panel. The first two proposed strategies were selected as being the most feasible and desirable based on their specific cumulative ranking score. The third proposed strategy was selected because of the variance of opinion in scoring values and the obvious unique nature of the strategy.

After deciding which strategies to further explore, the panel members assisted in specifying the advantages, disadvantages and stakeholder's perceptions of each strategy.

Strategy One - Legislate a Minimum General Purpose Revenue Percentage for Public Safety

(During initial voting, this strategy received the highest number of votes by only one point. After additional discussions of only the three strategies, it still received the highest number of votes, but this time by 21 points. This strategy was selected as the preferred strategy to be used in the implementation plan. The second round vote of this strategy showed an increase of support of 12 points [10%.])

Strategy Description

Legislate and establish a minimum percentage of counties' general purpose funds to be allocated for county public safety agencies. This legislation would also specifically delineate those public safety agencies included and the specific functions each perform. The methods of establishing which funds are designated as general purpose would also be delineated in the legislation.

By establishing a yet unspecified minimum percentage of general purpose funds for public safety, a greater level of funding could be achieved which would be more consistent with the voter's presumed intent of the Proposition 172 vote.

The legislation could have a provision for adjustment, by the community in each county, of the percentage based on the increasing or decreasing desirable level of service. The public would be able to have control over their specific levels of service and potentially also have input into which services are performed by the public safety providers.

Assumptions

This strategic plan assumes the reduction or discontinuation of the broadening of fee-for-service methods of public safety funding. This strategic plan that additional allocations will provide the resources necessary to replace the potential revenue decreases.

The assumption in this strategy is also that since Proposition 172 is in effect, that there are existing revenues for public safety that could be applied to meet this minimum percentage of general source revenue funding.

Advantages

Since crime and safety are of great concern to the public, an increased level of funding provided can potentially create a positive impact. This would create a secure source of funding and remove the discretionary control from the county governing board.

With the potential of increased funding, more emphasis could be placed on research in order to determine which services would have a positive impact on the reduction of crime.

Increased funding would also have a positive impact on many internal aspects of the particular agency by providing additional resources to the agency beyond the increase in overall staffing.

Disadvantages

With public safety assured of minimum levels of funding, county agencies who also derive their funding from the discretionary funding pool could be negatively impacted by this plan. There exists the potential of resentment from other county services if there was a reduction in their funding levels as a result of this legislation.

The issue of subvention of "earmarked" funds has been debated since the passage of Proposition 172 which created additional revenue for public safety agencies. The issue of the subvention of funding is a matter that will probably require the development of stringent legislative provisions in any proposed bill.

Another difficulty can arise when an agency does receive an increase in budgetary funding, followed by the assignment of more functions and responsibilities without any funding above that specified by the law.

Stakeholder Perceptions

The most important stakeholders in this strategy are the State Legislators, since this proposal would require enactment by the legislature. This legislation could be controversial since it would limit government's spending discretion. However, support from the legislators is a distinct possibility because of the public's desire for police services. This rationale would also apply to county

administrators since this legislation would most likely be opposed by the county and any agencies who represent the counties' interests.

Another significant group of important stakeholders is the taxpayers and voters who may support or potentially vote on this legislation. There would be potential opposition from organizations whose alliance is with agencies who would be adversely impacted by this strategy.

The private security sector's profits and growth potential could be negatively impacted by the passage of this legislation. This is especially true if the underlying assumption of reducing service fees is accomplished concurrently. This group could prove to be the "snail darter" to the imposition of this strategy.

Other Potential Stakeholders

Attorney General	City Councils	Corrections/Jails	Deputies/Officers
District Attorney	Homeowner Associations	Neighborhood Groups	Police Agencies
Political Associations	Public Defender	Public/Community	Sheriff
Social Programs	Special Interest Groups	Probation Officers	State Government

Strategy Two - Charge Service Fees Only For "Abuses" or "Mis-uses" of Services

(During initial voting, this strategy received the second highest number of votes [and tied with another strategy]. After additional discussion of the three selected strategies it dropped 21 points behind the first and only was three points ahead of the very unusual and controversial strategy. The second round vote showed a loss of support of 8 points [7%.])

Strategy Description

Throughout police agencies in California, this model of generating revenue has been in existence for a considerable period of time. The most common example for which the fee is assessed is for repeated calls for service false alarms and parties. It was proposed by the panel that additional "abuses" or "misuses" could be placed in this category in order to increase the amount of revenue to the agency. Additional incidents that could be considered in these categories are repeated service for constant calls, self-imposed feuds, false or unfounded emergency calls, demands for services that are not generally provided, and controversial public events requiring preventative police intervention. The underlying premise for these fee assessments is described as services that should not require police intervention to be solved, coupled with the fact that they are repeated requests. Another premise appears to be that assessing fees for events that were created with the knowledge that there existed a high probability that active police intervention be necessary.

Another manner of increasing the levels of service fees is to consider "negligence" as another aspect in which fees for services would be required. Within the realm of public safety, the fire service has been actively engaged in assessing fees for "negligent" conduct when the conduct resulted in fire suppression services, even if the property damaged belonged only to the victim. In the area of law enforcement, this is not widely utilized as a fee generating mechanism with the exception of search and rescue costs.

Assumptions

This strategy assumes that fees will be charged in compliance with an organized plan and only under the specific provisions contained in the plan. It further assumes that other service fees currently being assessed which do not fall within the parameters of the designated plan will be discontinued. The rationale for increasing the criteria under which fees can be assessed is to replace the lost revenue when discontinuing other service fees.

The members of the panel believe that the negative aspects projected during the futures study portion of this research will be eliminated with the imposition of a specific plan establishing criteria for the assessment of fees.

Advantages

The value in the fee-for-service structure strategy is the generation of additional revenue to augment diminishing public safety budgets. It is thought to be fair because it has an impact on the service users and does not impact those who do not use the services.

The thought of targeting service "abusers," "mis-users" or those acting in a "negligent" manner has a positive impact on the community because it demonstrates an intention to curtail or limit unnecessary services. It is effective in many instances, particularly if upon initial contact a warning of having to pay is conveyed to the user.

It is of benefit to the officer because this could serve as a method of reducing the numbers of repeat calls due to a voluntary non-compliance with the police directives. If non-effective uses of officers' time in service are decreased, additional time will be able to be focused on other areas of the community.

Disadvantages

Many individuals who are assessed fees express dissatisfaction as a result of the imposition of the fee. The issue of being a person who has paid taxes and never used police services, raises objections when they are billed for requesting police services.

The subjective judgment of what constitutes "mis-use," "abuse" or "negligence" is also an objection to the system because it can be unfairly applied.

The potentially unequal treatment of community members is also thought to be a disadvantage. In the deployment of personnel, an agency could deploy more officers in an area that has the greatest

likelihood of paying for services. Personnel would be deployed on the basis of economics and not on the basis of crime related needs.

Because fees are generally assessed based on actual costs, a multitude of officers could assist on a call for service and raise the cost disproportionately with the nature of the service request. The focus on the generation of revenue could also have a negative effect on areas that are not affluent because of the under-deployment of police personnel.

Conversely, it is projected that the affluent areas could pay a greater share of service fees because of the geographic rate of fee collection based on the relative value of the homes. Since collection is "a lot of work -- for a little money," perhaps no fees will be assessed within certain lower socio-economic areas because of a high non-payment rate. This may result in more free service to lower income areas at the direct expense of the higher income area.

The public's perception of police is important to the effective nature in which the job is performed. If officers become known for their "money-grubbing" tactics instead of being professional service providers who serve the community in an equitable manner, there could be implications of a lack of trust in the police.

Ethical decisions are also very important to this strategy when considering if citizens can afford to call the police. Members of the community should not have to decide the validity of their perceived danger prior to requesting assistance because of the potential of incurring costs.

Stakeholder Perceptions

One of the stakeholders who could be most impacted with increasing service fee models is the private security company. The argument most often offered by police officers is that they are highly trained professionals and private security personnel are less than equal. This possibly arguable explanation does not include the fact that private security personnel are available at a much lower cost.

It is not necessarily correct to assume that if functions are absorbed by private companies, then it will mean fewer responsibilities for police who will maintain the same levels of staffing. There certainly is enough need for safety services to allow the expansion of both the private and public security sectors. There is an increasing desire by corporations, homeowner associations, small businesses and other entities to ensure specified levels of safety by contracting with private entities. The realistic and probable impact of the increases in private security is the decrease in public safety areas of responsibility. Agencies may not be the service provider in the future for crime prevention programs, educational programs and routine follow up investigations.

Police unions also play a key role in this proposed strategy. It is projected that police agencies may be in competition with private security companies for an increasing number of services. Unions must remain flexible in order to successfully compete with other service providers, including other police agencies.

It is the other governmental agencies that may be the "snail darter" in this proposed strategy. As the potential for the recovery of costs through the imposition of service fees increases, there may be more agencies vying for the opportunity to become the sole service provider.

Other Potential Stakeholders

Abusers/Mis-Users	A.C.L.U.	Alarm Companies	Appellate Courts
Attorney General	Collection Agencies	Court System	Media
Public/Community	Reporting Parties	Special Interest Groups	Taxpayer Associations

Strategy Three - Mandatory Personal Safety Insurance for Payment of Assessed Fees

During initial voting, this strategy received a mid-range score. When it was initially proposed it was very much of a 'joke' to the entire panel. The discussions were lively, creative and interesting. It was selected as the most controversial because of the diversity of opinion during the first round of voting and because of its inherent interest. After the secondary discussion and voting the proposal increased 12 points [11%] and a greater consistency of opinion. The original vote places it behind the second highest strategy by 23 points and the next vote decreased this separation to only 3 points.

Strategy Description

This suggested strategy involves the mandatory purchase of personal safety insurance for the payment of service fees in the event that public safety services are needed. The premise of this insurance is much the same as any insurance, in which your level of risk is researched to determine the premium cost. This premium cost can be adjusted based on the number, severity or negligence of any claims. The similarity of factors that apply to automobile insurance could be utilized. Judgments of risk could include factors such as gender, age, prior history, area of residence, smoke/drink and other applicable criteria.

Under this strategy, if you have no insurance "card" you will not be provided any public safety services. There will be an abundance of information on each individual and the suggestion of a magnetic data card was posed. The card, which would be carried on a mandatory basis, would contain your entire lifetime public safety intervention history. This card would also serve as the billing mechanism for any required services and at the time of the billing, the event would be specified. Police reports would be input into each person's card and a technological link would be provided to the law enforcement agency's records division. The officer in the field would have the right, with reasonable cause, to view the subject's entire public safety history. This would also be beneficial to access of a victim, reporting party, suspect or witness. In addition, no insurance will be available to illegal immigrants; therefore, they will receive no services.

There will be criminal sanctions applied to those who do not have this mandatory insurance and an uninsured fund will be established for those who need the protection.

These insurance companies will pay the fees once the determination is made concerning who was deemed "at fault." This will prevent an increase in an individual's personal insurance premium rate if they are not at fault.

Assumptions

This strategy assumes that all police intervention requires the imposition of a fee. Because "fault" is determined, the person requesting the service is not necessarily the one who incurs the fee.

It is also assumed that, much like automobile accidents, most people never are involved in a claim. However, this insurance is advantageous in the event that you will become involved in a catastrophic incident that requires the dedication of extremely high levels of police service hours. This plan will provide the reassurance to the policy holder that if the need for police services arises, there will be an unlimited level of service provided without any personal cost to the individual or their family.

Advantages

One of the advantages to this system is that all service providers will receive their money for cost recovery for most services. In some instances the governmental agency would be self-insured for any potential costs incurred and to establish their own profitable insurance company in which they receive the premiums from those who hold their policies.

Additionally, those individuals who never used police services could be assured of adequate levels of services if necessary.

This would also provide a mechanism in which those who accessed public safety services more often would pay a higher rate for public safety services. The cost for services would be commensurate with the level of usage or the anticipated level of usage.

Disadvantages

This system would initially be a complicated bureaucratic process during the establishment of a new governmental agency to administer the program. There would be high initial costs associated with this system, particularly if the governmental agency elected to collect its own insurance premiums.

There is projected to be major objections to this method of public safety which could appear to be reminiscent of the "big brother" type of society. There would likely be legal challenges to this plan.

The criminally sanctioned mandatory compliance would create a lucrative black market for "clean" cards and identities. Each time a technological system is created, there are individuals who can "break" the security restrictions.

Stakeholder Perceptions

The legislature would be the most important stakeholder because of the necessity of the passage of laws that would create this strategic plan. The seemingly revolutionary nature of this plan would decrease the likelihood of passing the legislature.

If the plan were implemented, there would likely be immediate legal challenges from lawyers opposing this law. The nature of potential challenges range from a simple cost issue to the constitutionality of the plan.

It is conceivable to have a positive impact on law enforcement because of the additional tools available as a result of this plan. There would be a considerable amount of information available that currently does not exist in any one accessible format. Information contained on a subject's card would currently take weeks or years of investigative time because of the number of law enforcement agencies in the state or in the nation.

Victims and witnesses to crimes would be negatively impacted by the plan. The question arises as to whether prior police contact should be judged of the victim during an investigation.

The American Civil Liberties Union (A.C.L.U.) could be identified as the obvious "snail darter" in this plan. Because of the amount of information each citizen would be required to have available at all times, this may raise some issues with the A.C.L.U.

In addition to this "snail darter" another more unanticipated group could become a force in this issue. Because taxes are imposed to ensure certain levels of public services, taxpayer groups could raise objections to this mandatory insurance to obtain a public service.

Other Potential Stakeholders

Appellate Courts	Attorney General	Attorneys	Court System
District Attorney	Federal Government	Governor	Insurance Companies
Judges	Legislators	Police Agencies	Political Associations
Public Defender	Public/Community	Reporting Parties	Sheriff
Special Interest Groups	Suspects	Victims	Priv. Security Companies
Probation Officers	State Government		

PREFERRED STRATEGY

Strategy One: Legislate a Minimum General Purpose Revenue Percentage for Public Safety

Strategy One was the strategy selected by panel members to be developed for the remaining sections of this study. In conjunction with this preferred strategy, it was recommended that certain segments of Strategy Two (Charge Service Fees Only For "Abuses" or "Mis-uses" of Services) be

incorporated into the overall plan. During the group discussions there were widely divergent opinions on this issue. However, at the conclusion of the process, there was a consensus that the strategy that was ultimately selected was the most appropriate for the issue.

The only segments of Strategy Two recommended to include in the implementation of the plan involved the establishment of policies to specify the purpose and scope of service fees.

The selection of this method for dealing with the issue is consistent with the findings of the futures study. Utilizing this strategy the goal set forth in the scenario depicting an ideal future can be accomplished.

This strategy was selected because, if successful, it would provide for the highest level of public safety services for all segments of the community in a fair and equitable manner. It would also provide the greatest opportunity for public safety entities to attain their particular goals of striving for excellence within the community.

COST-BENEFIT ANALYSIS

In analyzing this selected strategy, there are thought to be costs and benefits associated with its implementation. The greatest benefit from this plan will be the increased funding for public safety agencies. Research suggests that increased productive spending for law enforcement does have a positive impact on crime. This benefit of the plan is also thought to contribute to the greatest cost by reducing fiscal resources to other county services. Given the positive impact this plan is projected to have on the State of California the following pecuniary effects related to the plan are suggested:

Increase in Housing Prices	Ranked as Best State to Reside	Cost Effective Police Service
Increase In Property Tax Revenue	Improved Economic Conditions	Improved General Quality of Life
Increase In Sales Tax Revenue		

The following charts depict some of the real costs and benefits of the selected strategy:

Benefit	Benefit	Benefit	Benefit
<u>Direct Tangible</u>	<u>Direct Intangible</u>	<u>Indirect Tangible</u>	<u>Indirect Intangible</u>
More Police Service More Officers Increased Programs Maintain Service Areas Increased Police Budgets Local Police Services	Lower Cost of Crime Increased Enforcement Public Perception Police Agency Rapport Increased Equity Fair & Impartial Service	Safer Streets Decreased Gangs Lower Crime Rate Less Violent Crime Greater Specialization Higher Quality of Life	Public Attitude to Police Equal Services to All No Ability to Pay Needed Safer Schools Strengthened Family Better Feeling of Safety

<u>Cost Direct Tangible</u>	<u>Cost Direct Intangible</u>	<u>Cost Indirect Tangible</u>	<u>Cost Indirect Intangible</u>
Higher Police Costs Less County Programs Low Discretionary Funds Lower Revenue	Agency vs. Agency County Agency Rapport Relationship with Board	Service Calls Up Higher Jail Population Less Private Security Increased Arrests	Legislative Compromise County Services Suffer

When comparing the costs and benefits in this format, it is apparent that there are more benefits to this proposal. Also, the benefits appear to represent the projected negative trends expressed during the future study reversed to show the benefit of the development of this plan. When viewing the costs associated with the proposal it appears to be a continuation of the current direction of public safety. The costs express the projected outcome if no action is taken on the issue of public safety funding. The benefits seem to rely on the fact that public safety is a major concern of the public. Since the public is concerned about crime, the projected direction of public safety is in a positive direction. If at any time this perception changed, the costs related to this issue could easily outweighing the benefits.

The benefits in this proposal appear to have an impact on the quality of life with an increase in costs. However, this proposal does address the mechanism for ensure a higher level of allocations to public safety without increasing taxes.

The costs of this proposal appear to deal with poor economics and a lower level of police service. This is accomplished with no decreases in taxes, since this proposal does not create additional tax revenue.

When viewing the costs and benefits, many of the costs appear to occur when disregarding certain elements of the proposal. For example, the direct intangible cost shows an agency versus and agency which could indicate that there is competition for services, a contract dispute for services or the assessing other police agencies for services. This would likely occur if revenue costs were not addressed as a portion of this plan.

IMPLEMENTATION PLAN

This plan will address the issue of developing an alternative funding model by establishing a minimum percentage of the overall county's general purpose funds to be dedicated to public safety entities. As a corollary to this plan since it will be developed to increase public safety allocations, the defining and restricting of the assessment of fees will be evaluated and implemented.

Prior to implementation of this plan, consideration should be given to increasing the awareness of public entities as to the potential negative implications of the current trend of generating revenue through service fees.

The successful passing of legislation at the state level will be necessary in the implementation of this strategy. The success of this legislative effort can only be accomplished with the support of both the public and key governmental entities.

The creation of multi-disciplinary task force will be necessary in the early phases of planning prior to implementation.

A considerable amount of research will need to be conducted to meet all of the needs of any proposed legislation.

Some of the major obstacles to this strategy are inherent in nature of the plan. The designation of a specified percentage of funds for a particular purpose only further limits governments discretionary authority. The statewide legislative effort is also a major undertaking; however, public sentiment is currently favorable to public safety.

It is also difficult to establish a valid percentage of the general funds to be applied to public safety since there are so many variables. Some of the variables include crime rate, services provided by specific agencies, areas of responsibility, personnel costs, administrative overhead costs and many other issues to consider. Many specific definitions will need to be developed in order to delineate the scope of the terms "public safety" and "general purpose funds." Any proposed legislation should include a provision specifying the method of adjustment of the percentage.

The responsibility for the coordination of the legislation is of critical importance. For the purpose of this study, this responsibility will be assigned to the California State Sheriffs' Association. This organization has achieved high levels of success with other state legislation. The development and success of Proposition 172 can be credited to the C.S.S.A.

The secondary issue of developing a service fee policy can be implemented concurrently with this legislation. This policy development can be conducted by one specific sheriff's office. In addition to developing the policy, this designated agency will be tasked with local implementation of the policy in order to provide an evaluation and a final recommendation of a policy. This policy can then be recommended or mandated on a statewide basis.

The proposal of implementing state legislation is a major endeavor involving the dedication of many personal and fiscal resources. The premise of this legislation is to guarantee ongoing adequate levels of funding for public safety agencies. The issue of reversing the trend of public safety agencies in their generation of service fees is not a factor in this legislation. The reversing of this trend would not be necessary if the legislation was successful; however, the potential problems demonstrated by projections in this study could be averted. The successful passage of this type of legislation would only enable the change from a fee based funding model for public safety agencies.

The implementation of this strategy encompasses two separate processes. The most critical process involves the legislative effort necessary to establish a minimum funding level for public safety.

Concurrent to this strategy is the secondary process involving the desire to develop service fee structures. The following steps are necessary in the implementation of the preferred strategy:

Legislate a Minimum General Purpose Revenue Percentage	Establish Guidelines For Fees
Develop Statistical Funding Information	Needs Assessment
Raise Awareness of Public Safety Funding	Conduct Research of Statewide Fees
Begin Meeting with State Officials	
C.S.S.A. Establish Committees	
Meet with Key Legislators	Conduct Cost Benefit Analysis
Develop Task Force (Assistance From Other Organizations)	Develop Committee to Plan
Implement Media Informational Coverage	
Begin Lobbying Legislators	Present Plan to Other Sheriff's Offices
Introduce Bill into State Senate	Implement Plan in One County
Refer Bill to State Assembly	
Signed by Governor	Evaluate Plan
Develop Proposition for Vote of the Electorate	Establish Statewide Guidelines
Campaign for Passage of Proposition	Obtain Media Coverage of Guidelines
Enact Individual County Plans	
Vote of the Electorate	Implement Guidelines for Each County

4

Transition Management Plan

The strategic management plan was instrumental in identifying and analyzing potential methods of developing alternative funding models for public safety agencies. The strategy that was recommended for implementation involved the development of legislation that would guarantee a specified minimum percentage of a county's general purpose revenue to be applied to public safety agencies. The issue of decreasing the levels of fees for service will also be addressed since this legislation will be designed to increase the amount of allocations for public safety.

The original focus of the study involved the issue of generating revenue through the use of service fees in order to maintain adequate levels of funding for public safety agencies. Because the projected implications of service fees were believed to be primarily negative, the focus of the study changed to the development of a funding model to decrease the reliance on service fees. This transition plan will secondarily address a method to limit the imposition of service fees to mitigate any of the projected negative implications.

FUNDING MODEL PREFERENCE

The Modified Delphi group was able to identify a strategy that would conceivably result in the successful development of a model to address public safety funding in the future. However, further research was warranted to ensure that any proposal offered for the purpose of this study be of a realistic nature.

Several alternative solutions were explored which would dedicate sources of funding to public safety. Some of the options that were considered involved parcel taxes, utility taxes, taxes on bullets, taxes on attorney services, property tax override, enterprise districts, and benefit assessment districts. All of these dedicated sources of revenue were ruled out for the purposes of this study for numerous reasons. One factor considered was that although California is not considered a state with high taxes, the County of Santa Clara does have appreciably higher rates than most counties. Another factor in

ruling out some of these options was the permanently imposed one-half cent sales tax extension for public safety that was recently enacted.

Proposition 98

Article XVI, Section 8 California Constitution establishes a minimum of forty percent of the state's general fund to go to the schools. (This is the rationale offered for the property tax shift of \$2.6 billion dollars from local governments to the state "the tax money was shifted to satisfy the state's funding obligations for schools, under voter-approved Proposition 98, without widening the state's deficit.)

A funding model that dedicates a percentage of statewide general purpose revenue to a specific purpose was enacted by California in November of 1988. California Teachers' Association sponsored Proposition 98 that became State Constitutional law (Article XVI, Section 8) effective fiscal year 1990 - 91 and provided for a school funding priority. This law establishes that funding amounts shall not be less than the greater amount of two calculations as specified in detailed formulas. It also contains the specific provision that "From all state revenues there shall first be set apart the moneys to be applied by the state for support of the public school system and public institutions of higher education."⁷⁸

Proposition 98 has been widely censured for various reasons. "History may conclude that Proposition 98 . . . was the worst thing that happened to California public education in the 1980s."⁷⁹ Some of the criticisms of Proposition 98 are as follows:

"Guarded optimism . . . state and Sacramento are educators . . . one day after Governor Wilson guaranteed full funding for state schools if lawmakers support his plan to slash welfare benefits." and ". . . Wilson could be sparking a political firestorm by forcing the public and politicians to choose between welfare and schools."⁸⁰

"There have been a lot of mis-characterizations, said Maureen DiMarco, Wilson's education secretary. It is just awful, but this whole battle isn't over school funding. It is over taxes and deficit spending."⁸¹

". . . the state government's shift last year of \$2.6 billion in property tax revenue from local government to schools." and "The tax money was shifted to satisfy the state's funding obligations for schools, under voter-approved Proposition 98, without widening the state's deficit."⁸²

". . . it has singled out the schools as the focus of annual budget battles and has driven a wedge between educators and advocates of other major socio-spending programs such as health and welfare. And in periods of economic distress, Proposition 98 has proven to be, at best, a thin blanket of protection for schools."⁸³

California bonds are among the most poorly rated in the nation and "the rating agencies specifically mentioned the constraints on governmental action imposed by Proposition 13 and Proposition 98, . . . the second because it locks at least forty percent of those revenues away for . . . schools."⁸⁴

In order to determine the actual funding impact on the schools, the following individuals were interviewed concerning their opinions of Proposition 98:

School Services of California, Inc.
County Office of Education, Sacramento

Kenneth Hall
Doug Kaufman

California Teachers' Association
Sacramento Education Center
State Office of Education
California Assembly, Ways & Means Committee

Brian McKenna
Sue Burr
Nancy LaCasse
Robert Miyashiro

Proposition 98 does not seem to be a panacea for establishing funding models of the future and it has been recognized as having created difficulties within the state government. However, it has removed some of the subjective nature of the state budget and probably has demonstrated some positive value. The one major fault identified from the perspective of school personnel is that this law has developed from a minimum spending level to the school spending "cap" since the minimum has now also become the maximum. None of those interviewed ventured a guess as to what they felt would have happened to school funding if the guaranteed minimum spending limits had not been in place. The overwhelming sense was that without this provision, California schools would be in much worse condition.

Although it does not seem to be the perfect solution to the issue, the minimum funding level for public safety does offer some positive values. The transition plan proposed will impose a minimum percentage of the county's general purpose revenue to be dedicated to public safety. This plan provides for the dedication of a higher level of allocations for public safety agencies with the intent to decrease the reliance of public safety agencies on the generation of revenue through service fees. The rationale for the minimum percentage concept was the fact that additional money is coming into the counties since the passage of Proposition 172 and a greater portion should be guaranteed to public safety.

This minimum funding proposal will be imposed by enacting a constitutional amendment. The amendment will be designed to be adhered to by individual county governments in their allocations to public safety agencies. This Constitutional amendments is designed to be proposed by the Legislature require a two-thirds affirmative vote of the members of each house, and must be submitted to a direct vote of the people, and adopted and ratified by a majority vote of the qualified voters, before they become a part of the State Constitution.⁸⁵

The mechanics of this transition plan will involve the manner in which this law is enacted. This endeavor will consist of two major components:

- Phase One The process of having the law passed by both houses of the legislature and signed by the governor.
- Phase Two The process of having the proposition passed by the majority of voters.

DEVELOPMENT OF A COMMITMENT PLAN

Critical Mass Identification

Critical Mass

In any complex change process, the minimum number of individuals or groups whose active commitment is necessary to provide the energy for the change to occur.

Because the public safety funding priority plan is proposed to be applied on a statewide basis by enacting a revision to the California Constitution, the number of individuals necessary to ensure the success of the plan will be greater than normally applied. The concept of the critical mass and the identification of those individuals necessary to each component will be similar; however, different individuals may be more critical to one component or another.

During the development of the strategic plan, many stakeholders were identified. Many of the stakeholders will now play a major role in the success of the overall transition plan.

In the identification of those individuals or organizations most influential in either supporting the change or resisting the change, an assessment of the transition plan was necessary. In the identification of this critical mass group a study of the California State Sheriffs' Association model used in the passage of Proposition 172 was conducted.

It is noteworthy to realize how some individuals who supported the passage of Proposition 172 will now oppose this public safety funding priority plan. Conversely, some major hurdles in the passage of Proposition 172 will be less of an obstacle in this plan.

The following organizations or individuals have been identified as the critical mass who are crucial to the success of the public safety funding priority plan:

- | | |
|-------------------------|---|
| • Active Members | California State Sheriffs' Association (C.S.S.A.) |
| • Staff Member | Legislative Advocate - C.S.S.A. |
| • Sheriff | Chairman, C.S.S.A. Political Action Committee |
| • Governor | State of California |
| • Assembly Speaker | California Assembly |
| • Active Members | California District Attorneys' Association |
| • Active Members | California Peace Officers' Association (C.P.O.A.) |
| • Active Members | California Police Chiefs' Association |
| • President Pro Tempore | California Senate |
| • Minority Floor Leader | California Assembly |
| • Selected Member | California Assembly |
| • Active Members | California State Association of Counties (C.S.A.C.) |

Critical Mass Commitment Assessment

Because critical mass members are instrumental in the success or failure of the strategy, an assessment of the individual level of commitment is necessary. A projection of the current level of commitment and the minimum level of commitment necessary to ensure the successful implementation of the plan is conducted. This will assist in determining the magnitude of the effort required in gaining support from individual members of the critical mass: The following chart projects the current commitment level and the anticipated level necessary in the success of the plan:

Commitment Planning Chart

Critical Mass	Block Change	Let Change Happen	Help Change Happen	Make Change Happen
California State Sheriffs' Association		X	O	
Legislative Advocate - C.S.S.A.				XO
Chair C.S.S.A. Political Action Comm.			X	O
Governor - State Of California		X	O	
Speaker - California Assembly		X	O	
California District Attorneys' Association		X	O	
California Peace Officers' Association	X	O		
California Police Chiefs' Association	X	O		
President Pro Tempore - California Senate	X	O		
Minority Floor Leader - Ca. Assembly	X	O		
Selected Member - California Assembly	X	O		
California State Association of Counties	X	O		

Key

- X - Level of Current Commitment - Projected
- O - Level of Minimum Necessary Commitment

Critical Mass Analysis

California State Sheriffs' Association (C.S.S.A.)

Current Anticipated Level of Commitment: Let Change Happen

Members and the staff of the C.S.S.A. originally formulated the concept for Proposition 172, which imposed the extension of the one-half cent sales tax for public safety. This organization should be the mechanism for initiating the plan and instituting the change. Even though this sales tax revenue is being received by counties, many counties have not provided increased allocations to the sheriff's offices.⁸⁶ It is believed that the staff and members of this organization are interested in continuing to pursue alternative avenues in increasing allocations to public safety agencies if the measures are thought to be beneficial to their membership. Since this organization represents the fifty-eight sheriffs, this organization will serve as the mechanism for the sheriffs to bring about this change.

Minimum Projected Level of Commitment: Help Change Happen

Because the membership of this organization should provide the basis for the proposed change, they must provide a great amount of assistance. The level of commitment from this organization's membership will be a major factor in the success of the proposed change. This association is an influential organization with active affiliations with the California Legislature. The level of commitment from this organization should be to help the change happen.

Commitment Plan

Members and staff of this organization should plan the action steps for other members of the critical mass in order to define the type of commitment necessary in the success of the proposed change.

The membership, consisting of each sheriff throughout California, should help the change happen because the success of the endeavor will have a direct positive impact on member's agencies.

The decision to individually and personally commit adequate time and resources to this project must be agreed upon by each of the active members.

Within this organization, a committee of selected members, determined by the general membership, should be established in order to establish the overall plan and provide coordination.

An agreed upon action plan with specific duties for each of the sheriffs should be developed by the committee. Each of the sheriffs must be personally active in his respective county under the broad guidelines established by the committee. The membership must provide the political impetus necessary to create the change. This influential membership group is of political value and members are often sought to endorse other political candidates.

California State Sheriffs' Association - Legislative Advocate Position

Current Anticipated Level of Commitment: Make Change Happen

The C.S.S.A. has a full time person assigned as their legislative advocate. This position will ensure the highest level of commitment to the plan by making the change happen. If this legislative effort is agreed upon by the sheriffs of the state, this position should be assigned the responsibility of making the change happen.

Minimum Projected Level of Commitment: Make Change Happen

This person's level of commitment must remain at the highest level in order to provide an intelligent assessment on a daily basis of any necessary elements in the implementation and possible alteration of the preliminary plan. Additionally, since this person serves on behalf of the sheriffs in the state, the level of commitment will depend on the responsibility that is assigned.

Commitment Plan

The direction of the fifty-eight sheriffs throughout the state should guarantee the level of commitment from the legislative advocate. Other than the sheriffs assigning the coordinating responsibility to the legislative advocate, each sheriff should progress with the plan based on this person's advice because of the recognized expertise in the field of legislation. This person should also evaluate all aspects of this strategy in order to determine the particulars which would be most critical to success. This position should also serve to identify any potential difficulties and ensure that modifications are made to mitigate any problems. This position should serve as the major planning authority in the implementation of the plan.

Sheriff - Chairman C.S.S.A. Political Action Committee

Current Anticipated Level of Commitment: Help Change Happen

During the initial conceptual discussions of public safety funding, one sheriff should be appointed by the Executive Board of the C.S.S.A. to be in charge of planning and all overall responsibility. Because this strategy involves the enactment of a state law which will be beneficial to all sheriffs, a large time commitment will be necessary. This person should be currently committed to helping make the change happen.

Minimum Projected Level of Commitment: Make Change Happen

In order for this effort to be effective, the sheriff selected for this function must be dedicated to this overall plan. At the time of selection the sheriff who volunteers for this role must already possess the skills and knowledge necessary to be effective in the political arena. Since sheriffs are also elected officials, many have a vast range of experience and knowledge to effectively lead this political process and make the change happen.

Commitment Plan

Because many of the sheriffs have been proponents of continued legislative efforts to ensure adequate public safety funding, the sheriff selected should support this plan with a high level of commitment. In order to gain support from the sheriff selected for this commitment, it must be recognized that the basic plan is sound and all efforts will result in a high likelihood of success.

The efforts of the sheriff in this role must be supported by agreement of the entire active membership of the C.S.S.A. in order to successfully impact the proposed change. Extensive assistance from all members will also be necessary since legislative and voter participation are important elements of this plan.

Under the direction of this sheriff, four additional sheriffs are recommended to assist him in the planning process and become working portion of the Political Action Committee. This endeavor will

probably require that each of these sheriffs spend a considerable amount of time in Sacramento beginning from the inception of the concept, until it passes both houses of the legislature, and until it is signed by the governor. Once it passes the legislature then the focus will shift to individual counties in order to plan the process necessary to pass the bill with a majority of votes of the electorate.

The sheriff selected to chair the political action committee should possess a high level of concern for public safety funding should make possible his continued high level of commitment to this transition plan.

Governor - State of California

Current Anticipated Level of Commitment: Let Change Happen

The current governor has received numerous political endorsements from law enforcement organizations. Public sentiment concerning crime and the need for additional police officers will be valuable to the success of this plan. Since the state currently has a republican governor and an uncertain legislature, the likelihood of imposing an additional statewide tax is remote. This is particularly true in light of the recent passage of Proposition 172 which was imposed specifically for public safety.

Since the Governor had ultimately supported the tax extension at a time when any type of tax increase would not garner positive public opinion, there should not be a large number public objections raised in opposition to this plan. There is expected to be a considerable amount of objections by other governmental entities since it mandates funding levels for public safety.

The Governor is believed to be in the category of letting the change happen.

Minimum Level of Commitment: Help Change Happen

It would be very advantageous to have the governor in the category of helping the change happen in this issue. The governor's assistance would be very important since other political organizations are expected to provide a sizable opposition to this effort.

Commitment Plan

Because the focus of this legislation will be aimed at regulating counties in their appropriations to local public safety agencies, there is expected to be overwhelming opposition. The trend of "budgeting by ballot" has been prevalent in California for approximately 15 - 20 years and is not thought to be advantageous to the representative form of government. Voters continue to enact measures which control or mandate state spending. Since levels of discretionary spending are decreasing and this proposal would further restrict the counties' authority, objections from the counties to this proposal are expected.

The governor's support in this plan could provide valuable assistance.

Speaker - California Assembly

Current Level of Anticipated Commitment: Let Change Happen

During the proposed sales tax extension, Willie Brown was the Speaker of the State Assembly. Being an influential member of the legislature, he worked with other members of the Assembly on the State Budget and the proposed tax extension. With extensive lobbying orchestrated by the State Sheriffs' Association and with Speaker Brown's support, the success appeared possible. Senate Constitutional Amendment (SCA 1 - authored by Senator Alfred Alquist) permanently extending the sales tax for public safety passed both houses of the legislature, which then required a vote of the electorate in the form of Proposition 172. A subsequent Assembly Bill (A.B. 2788) introduced by Assembly Member Willie Brown which called for a "maintenance of effort" funding level has become law.

At the time of this project, Willie Brown was Speaker of the Assembly. Because of Speaker Brown's familiarity with the tax extension law, he would have been categorized as a person who would let this proposed change happen. However, the California Assembly has taken on an entire different complexion as a result of the recent elections and many factors are not yet known, including who will become the Speaker of the Assembly.

Minimum Projected Level of Commitment: Help Change Happen

The Speaker of the Assembly will be one of the key individuals in assisting in with the implementation of the change. It is essential that the Speaker's minimum level of commitment would be in helping make the change happen.

Commitment Plan

This position is considered of great importance since the power of the Assembly speaker is thought to be broader than that of the Pro Tempore of the Senate

Independent statistical information would be compiled which would demonstrate the actual fiscal impact of the tax extension revenue on each public safety agency budget. Currently a survey has been completed by the California State Association of Counties, which shows that within the fifty-eight counties funding has increased in forty-six sheriff's offices, forty-five district attorney's offices and thirty-eight probation offices as a result of Proposition 172.⁸⁷ (When analyzing the data obtained from Santa Clara County the reported figures are not consistent with published budgets and no considerations was given to additional service levels as specified in the M.O.E. law [A.B. 2788].) Legislators would be provided with this information as an attempt to gain their support.

As with the tax extension measure, a public awareness process must be initiated in order to garner support from the assembly members. This effort would continue to be necessary not only during the legislative process but also during the electorate vote phase.

In order to be successful in this effort, there are many tax reform associations which could provide valuable assistance.

As with any plan, the successful implementation will depend on the adaptability of those selected in key leadership roles. This plan in particular will require an assessment of the impact of the legislative changes in order to adapt the process necessary in its successful implementation.

California District Attorneys' Association

Current Anticipated Level of Commitment: Let Change Happen

During the tax extension measure, the California District Attorneys' Association worked with other law enforcement associations in assisting the C.S.S.A. with the public awareness component. Because district attorneys' offices are considered under the specified definition of "public safety" with respect to Proposition 172, their concerns should match the concerns of other agencies. Since most public safety agencies did not suffer budget cuts which had been anticipated if the tax extension had failed; therefore, often their satisfaction level remains static because of the major exertion which would need to be instituted to make this change happen. It is felt that the current level of commitment falls within the let change happen category.

Minimum Projected Level of Commitment: Help Change Happen

Because this organization is made up of agencies who receive public safety funding on a county level, they will directly benefit from the success of the endeavor. A considerable amount of time and money will be necessary to make this change happen.

Because of this, a public awareness component will require involvement by many different public safety agencies. It would be advantageous if the organization of district attorneys committed the assistance of its membership to work in conjunction with the C.S.S.A. to provide an intelligent and coordinated effort in both phases of the endeavor. In addition to this general assistance, their help would also be desirable in the fund raising portion of this plan.

Commitment Plan

The C.S.S.A. should strive to bring this organization into the plan at an early stage. The same general efforts which are used by the C.S.S.A. should also be conducted by this organization since they represent district attorneys. A statistical analysis should be conducted of the actual fiscal impact on district attorneys' offices as a result of the public safety tax extension. Because the district attorneys' offices are funded by the individual counties, they should have an intrinsic concern for the passage of this endeavor. If the membership of the organization supports the philosophy of establishing minimum funding levels and funding priorities, then their organization should join in the implementation of the proposed legislative changes.

California Peace Officers' Association (C.P.O.A.)

Current Anticipated Level of Commitment: Block Change

The C.P.O.A. is an organization representing management personnel from all types of law enforcement agencies. A large representation within their organization are members of city police agencies. Initially this organization could potentially assert their position of blocking the change as a method seeking a broadening of the proposal to include provisions for other levels of law enforcement personnel.

Although the C.P.O.A. or other police organizations would probably not actually block the change, they may wish to be included into the plan in order to set priority funding for their agencies. If the organization attempted to become part of this proposed legislation it could have the same impact as blocking the change. The number of addendums which are often attached to bills can become an issue which makes passage even more difficult. In essence any addendum which widened the scope of the measure, could serve to block the proposed change.

Minimum Projected Level of Commitment: Let Change Happen

This minimum level of cooperation is essential for the proposal to be effective. In order to have an effective plan, there should not be an attempt to block the legislation or an effort to have the cities become a part of the legislation. It would be ideal and improve the chance for success if the allied associations would support the legislation as it is planned.

Commitment Plan

Early recognition of any potential problem could possibly prevent any future difficulties. Early meeting with agencies and associations to discuss the proposal and identify any problems would be recommended. The strength of an early bond between the associations could assist in gaining support for the plan.

The minimum level of commitment necessary is for the organization to let the change happen. Any assistance beyond this minimum level would be beneficial to the success of the plan.

California Police Chiefs' Association

This association is very similar to the C.S.S.A. with association membership composed of police personnel from city police agencies.

This commitment planning would be similar to that of the C.P.O.A. because of the similarities in the organization's membership.

President Pro Tempore - California Senate
Minority Floor Leader - California Assembly
Selected Member - California Assembly

Current Anticipated Level of Commitment: Block Change

These particular positions were selected as members of the critical mass when the names of the particular person holding these positions were known. The selection of these individuals were not only based on the position they held but also on the personal traits of the individual. These personal traits involved the assessment of their political prominence, the level of support which could be anticipated, and their individual records relative to the issue and public safety in general. With the current major changes in the Legislature, the individuals who will be serving in these positions remains unknown. There is also anticipated to be major shift in power which is only speculative at this time. Once more information concerning the structure of Legislative members becomes apparent, a determination of the particular individuals necessary in this plan can be completed.

Those individuals who had originally been selected provided valuable assistance with Proposition 172 and also had a key role in the overall State budget for fiscal year 1993-94. Their efforts had provided valuable assistance to the successful implementation of Proposition 172. The initial level of commitment from these members of the Legislature will probably be to block the change.

Minimum Projected Level of Commitment: Let Change Happen

Because of the influential nature of any individuals selected to assist in this plan, each person's position must at a minimum be that of allowing the change to happen. Attempts to gain assistance from particular legislators in the form of helping the change happen would greatly increase the chances of success.

Commitment Plan

Within the plan, an attempt to contact all of the legislators will be initiated. An assessment each legislator's individual level of support will be documented. In addition to having the knowledge of individual legislator's position on the bill, this is also important in order to determine those which can also provide a level of assistance on the matter. Legislators that are not in favor of the legislation may be necessary in other areas of the overall plan. Considerations such as identifying the internal critical mass in the legislature then dealing with this internal mass in the same manner as in this overall process may also be beneficial. Because of the relative unknown nature of the structures of power within the legislature because of political changes and new members (senate: 7 new members of forty total and legislature: 28 new members of 80 total) this additional critical mass assessment process may prove beneficial.

The ability to raise the public's awareness of actual public safety funding is another method of gaining legislative support. This will also create a positive impact on the actual proposition vote necessary in the approval of this constitutional amendment addition.

This is the time when fund raising activities are necessary in order to provide an adequate amount of public awareness coverage of this issue.

County Supervisors' Association of California

Current Anticipated Level of Commitment: Block Change

Because this proposal would place restrictions on discretionary funding, it is anticipated that all attempts to block this change will occur. This organization was very supportive of Proposition 172, which provided an increase of \$1.3 billion dollars in sales tax revenues to the counties. Conversely, the association opposed all the bills designed to provide controls of the allocations. These bills were designed to mandate levels of public safety spending through maintenance of effort plans. It is anticipated that any attempt that would impose funding discretion controls will be met with resistance from this association.

Minimum Projected Level of Commitment: Let Change Happen

Ideally, the association would not be resolute in their opposition of the measure. The let change happen level of commitment is optimum. It is believed that this association will continue to block any legislation that further restricts the counties' discretionary powers.

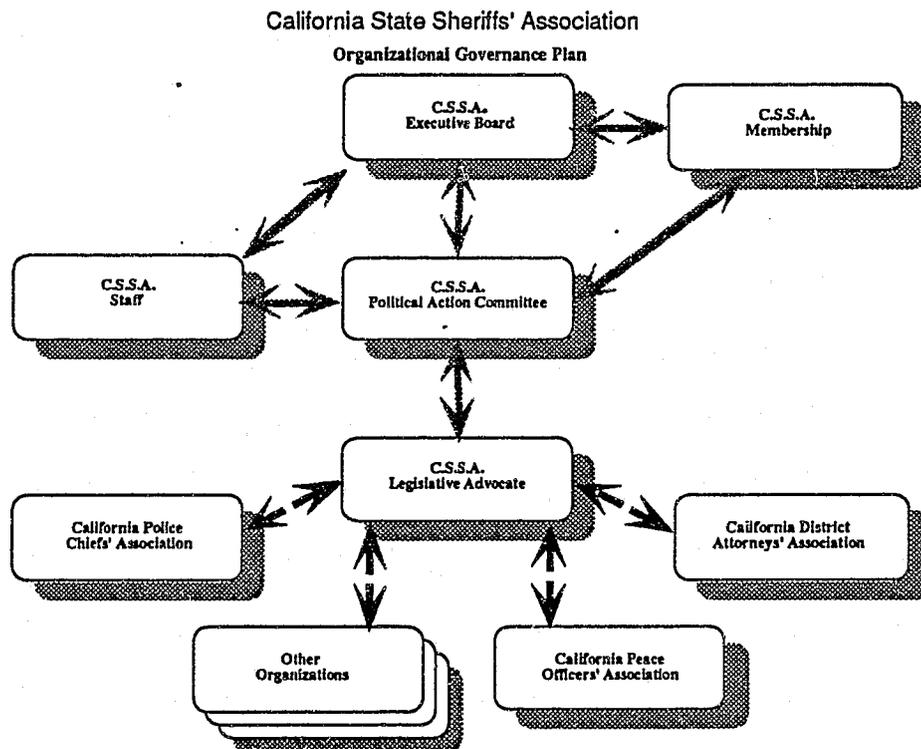
Commitment Plan

The nature of the proposed change will virtually ensure opposition. One mechanism to combat this opposition is by a concerted effort designed to call attention to the issue of public safety funding levels since the imposition of the one-half cent sales tax. The communities' concern for public safety is at an all time high. At a time when the electorate is closely controlling taxation, the vote was in favor of Proposition 172. "Since 1978 more than two out of three local tax referendums have drawn more than a 50% majority, but only about one out of six has received the necessary two-thirds "super-majority" to become law."⁸⁸ Through a public awareness campaign, public safety funding concerns can be aired.

On a minimal scale public concern for Proposition 172 revenue has already been demonstrated. With actual county public safety funding information available, the level of commitment from this association may be able to be brought to the level of "let change happen".

RECOMMENDED GOVERNANCE MANAGEMENT STRUCTURE

The selected governance plan revolves around the formation of a group consisting of representatives of constituencies involved in the change. Because this transition plan involves an effort to be conducted on a statewide scale, the necessity of having a broad range of input from many organizations is present. In addition to the involvement of other organizations, it is also necessary to appoint a project manager in order to coordinate the change. This plan also spans many labor/political organizations and individuals who do not work together in an employer/employee sense. The structure of this governance plan will be established for the purposes of this endeavor only. If the structure is found to be effective, this model can be duplicated in the future with similar efforts. The following illustration depicts the information flow and organizational breakdown:



Because the organizational governance structure will be developed for the expressed purpose of this project, specific levels of responsibilities need to be discussed and determined in the early planning stages. Traditional hierarchical structures, other than informal, are not recognized solely by a specific rank structure in this group. A process for all individuals who are initially involved in the development of the plan to establish by consensus, a specific breakdown of levels of responsibilities. Potentially this will provide a mechanism for those informal leaders to be placed in leadership roles.

The following Responsibility Chart will clearly establish each individual's role and area of responsibility:

Responsibility Chart Participating Parties (Listed Below)

Tasks	1	2	3	4	5	6	7	8	9	10	11	12
Analyze Public Safety Funding Problems & Widely Distribute & Publish Results	S	I	R	I	I	I	I	I	I	I	I	I
Present a Possible Legislative Solution & Develop a General Overall Plan	I	R	S	A	I	S	S	I	I	I	-	-
Develop Phase One Plan - Establish Legislative Funding Mechanism	I	S	S	A	S	R	S	I	I	I	I	I
Meet with California Governor - All 58 State Sheriffs	R	S	S	I	S	I	S	-	-	-	-	I
Develop Legislative Goals to be Presented to the Governor	R	S	S	I	S	I	S	S	I	I	-	-
Present Legislative Goals to Governor & Assembly Speaker	I	S	I	I	I	R	S	-	-	-	-	-
Press Conference Outlining Problem with other Public Safety Organizations	S	R	S	I	S	I	S	S	S	S	I	I
All Press Conference Participants Lobby Elected Officials for Day	R	S	I	I	S	I	S	S	-	-	-	-
P.A.C. Members Contact all Legislators Promoting Legislative Goals	I	S	S	I	I	R	S	-	-	-	-	-
Develop Legislative Bill Sponsor from a Influential Senate Member	I	S	S	I	I	S	R	I	-	-	I	I
Develop Phase Two Plan - Pass Proposition with Electorate S		S	S	A	I	R	S	I	I	I	-	-
Develop and Implement Fundraising Plan to Use in Each County	R	S	S	S	S	S	S	S	S	S	S	S
C.S.S.A. to Hire a Political Consulting Firm to Begin Campaign	A	S	S	S	S	R	S	I	-	-	-	-
C.S.S.A. to Hire a Public Relations Firm to Assist in Campaign	A	S	S	S	S	R	S	I	-	-	-	-
Enact Individual County Campaigns to Assist in the Passage of Proposition	R	S	S	S	S	S	S	S	S	S	S	S

KEY		Participating Parties											
R	Responsibility	1.	C.S.S.A. Members	5.	C.S.S.A. President	9.	Calif. Peace Officers' Assoc.						
A	Approval	2.	Leg. Advocate - C.S.S.A.	6.	C.S.S.A. P.A.C.	10.	Calif. Police Chiefs' Assoc.						
S	Support	3.	C.S.S.A. Admin. Staff	7.	Chair - Shrf. P.A.C.	11.	California Governor						
I	Inform	4.	C.S.S.A. Executive Board	8.	Calif. D.A. Assoc.	12.	California Assembly Speaker						
-	Irrelevant to this item												

This generalized recommended concept, to be further developed by the C.S.S.A. Legislative Advocate, should be presented at a regularly scheduled C.S.S.A. meeting. As mentioned earlier, this organization's membership is made up of the fifty-eight elected county sheriffs with an additional 50,000 associate members. The association is not only a politically active organization but they also have available ample fiscal resources.

The general membership of the C.S.S.A. should initially delineate the need for the development of a plan to address the funding issues. During this time there should also be a discussion concerning the amount of time, money and personnel to be committed to this plan. A general meeting should be scheduled in order to discuss the strategies and reach conclusions on this issue. The organizational structure should also be established and the authority to effectively implement the plan can be conferred on the Executive Board and the newly established P.A.C by members of the entire organization. Once these decisions are reached, overall planning and implementation of this plan can begin.

Within the C.S.S.A. there exists an established Executive Board in which the members rotate the responsibilities. The sheriffs who serve on the Executive Board make up the decision making body.

- Chief Executive Association - C.S.S.A. Executive Board

This Executive Board will serve as the final decision making authority, without actually being actively involved in this transition planning. Each Executive Board member will also have the added responsibility of performing the same functions as required by all of the member sheriffs. The Executive Board's chief role will be to establish communication of the plan and its progress to the other sheriffs throughout the State. This is particularly important since the second phase will involve the active commitment of each of the sheriffs in their respective counties, in order to provide for a successful vote of the electorate. This board is accountable to the membership as with other organizations or associations.

- Project Manager - C.S.S.A. Legislative Advocate

It is recommended that the Legislative Advocate be appointed by the Executive Board to serve as the Project Manager during the terms of this plan. As project manager this person will be accountable to the Executive Board, however, a considerable amount of autonomy will also be granted. The recognized expertise of the person serving in this capacity should assure all of the members that this is the correct person to be appointed as project manager. As project manager, the only necessary approval from the Executive Board will be for final concurrence. The main role of this position will be to coordinate the entire endeavor in both phases of the transition plan.

This person will also be heavily involved in the planning efforts and will entirely manage the communication efforts with other areas of the plan. This communication will be conducted through the use of the administrative staff of the association, including that of the executive director. This will be the one person who remains aware of all aspects of the plan and monitors its progress. This person will also be responsible for assessing the progress and altering the direction, if necessary. The project manager, in conjunction with his staff, must create an organized communications plan because the communication of information is one of the most important components of this plan.

Because of this individual's recognized expertise in the legislative field, there is a strong reliance on this from the sheriffs throughout the state. This conceptual plans developed in the past have been creative and effective; therefore, the selection of person to this role can prove to be beneficial to the organization.

- Representatives of Constituencies and Coordination - C.S.S.A. Political Action Committee

The development of a Political Action Committee (P.A.C.) within the C.S.S.A. to handle this endeavor only is also recommended. Membership on this P.A.C. will consist of approximately five of the elected sheriffs and will involve a considerable time commitment during this year. This overall

time commitment will be coupled with the necessity of spending additional time in Sacramento during the first phase of this plan. This relocation commitment will only be necessary up until the time the governor signs the legislation. The relocation time commitment will be completed, in one way or another, in early July when the legislature is in recess. The only other potential time in Sacramento will be in late August, which is the only time the legislature reconvenes prior to the November election.

This P.A.C. will also need to be comprised of sheriffs who will be capable of providing a positive political influence and the ability to assist in the planning effort. Because all sheriffs are elected officials, generally they all possess these characteristics. It is recommended that this P.A.C. be chaired by a sheriff who has established expertise in this field.

- **Final Authority - C.S.S.A. Membership**

The recommended structure will need to be thoroughly understood by each of the factions. The general association will grant exclusive planning and implementation to the P.A.C. with the caveat that final approval will be monitored by the Executive Board. However, the Executive Board has some constraints outlined within the association bylaws. One example of this involves the authorization needed to encumber certain levels of funds. A proper two-way communication plan can alleviate some of these difficulties. In viewing this as a potential problem, it must be remembered that this overall plan would be agreed upon and developed by the general membership prior to the implementation of the plan. The development of the P.A.C. and the administrative control by the Executive Board should be developed in order to "get the work done" and should be supported by the entire membership. A portion of the Transition Management Plan will outline specific steps to implementation and identify the role assigned to each individual or organization.

TECHNIQUES TO SUPPORT THE IMPLEMENTATION OF THE ENDEAVOR

One of the major tools necessary in the support of this plan will be the existence of an effective communications plan. This communication plan must include the following separate organized communication efforts aimed at a myriad of audiences:

- After gathering data of the negative impact on public safety funding, this information must be initially distributed to all of the sheriffs. The sheriffs must convey this information to members of their individual organizations so the 'rank and file' will have a clear understanding of the impact of funding concerns on their individual department and potentially their jobs. Then this information must be conveyed to members of the legislature and the governor. A planned media effort must be used to communicate this information to the general public in order to raise their level of consciousness. This

information dispersal could be conveyed through newsletters, roll-call training, media support and many other mechanisms. This effort will be the first effort at raising the level of awareness of all concerned. This will, generally, be the first time this issue has been addressed in such a comprehensive, state-wide manner.

- Through the use of communication, other organizations and associations must initially be brought into the plan in order to gain their support and stave off any potential negative impacts. This should be done by personal contact, by individuals committed to the communication of the issue, in conjunction with printed material. Special emphasis should be placed on following up this effort and providing to this organization an individual to contact with any questions, concerns or volunteer of assistance.
- As the plan progresses, a two-way communication must be developed with the other sheriffs. They must become part of the plan by providing their input and receiving information on a continual basis. Their early involvement in the plan will ensure their further assistance in the individual, phase two, county efforts. This should be done with increased numbers of meetings for planning and information dispersal. Daily information can be provided by way of the computer linkage already established between each of the fifty-eight sheriffs.
- The media must be used in each portion of the this plan in order to keep the public aware of the problems and concerns for public safety. This is also critical because the public has traditionally denied the imposition of higher taxes, yet in the case of Proposition 172 they passed a tax. This is felt to be partially due to the general concern for public safety. An entire plan should be dedicated to the gaining of media exposure. This is in part the reason for hiring a public relations firm and a campaign firm. This planning and implementation will be done entirely by these organizations hired by the C.S.S.A. Their efforts will be approved and monitored entirely by the P.A.C. A wide variety of informational sources will be utilized in this effort. As noted in the transition plan, considerable fundraising activities will be instituted throughout the state.
- Communication with legislators is critical in phase one since the entire plan is based on convincing legislators one-by-one to vote in favor of the bill. Continued communication with members of the legislature during phase two, could also provide assistance in gaining their support in working with the electorate. Prior to the election when the legislature is not in session, their support with local constituents could be valuable. When obtaining their support during the time of the legislation, they can be included in the remainder of the plan in order to retain their involvement. It will be easier to continue the communication with

each legislature after the first phase than to initiate again the contact during the next phase. This communication can be conducted through the use of E-mail, newsletters, and personal contact.

- In the development of phase two of the county plan, the communication with other yet unidentified organizations could result in a more comprehensive planning and campaign effort. A plan should be developed in which selected individuals will make contacts and attempt to gain commitment and support from a wide range of organizations. This support can be in the form of fundraising, endorsements, volunteers and other mechanisms essential in promoting the plan. Once contact is made with an organization, even if a commitment pledge is not expressed, individuals should continue to provide them with updates on the endeavor. This can be in the form of a written document, such as a newsletter, or through personal contact.

Because communication with groups and individuals is essential in both phases of this plan, there must be highly organized mechanisms established to generate the information to be released. The concern for public safety and the initial release of county statistics will only be reported by the media one time. Efforts must be undertaken to establish valid and informative new information. During phase two, much of the public awareness campaign will be paid political advertising. The more media interest that can be generated, the more exposure can be gained for no cost.

One thought for continuing media interest is through the use of personal surveys which report public opinion with respect to a number of issues. One of the major current concerns of the general public is in the area of violence and victimization. This can be used to focus on the generation of additional statistical information.

In addition to surveys, a comprehensive evaluation of existing data through research can be compiled. The release of this information can be very interesting and informative to the general public. Although crime rates are thought to be generally lower, the general public has never had such a great emphasis on the concern for personal safety. One possible explanation for this phenomena is the higher level of violence and certain violent crimes.

An establishment of a group of individuals who volunteer their time speaking at public functions could be organized. This, potentially, could be done by the rank-and-file within law enforcement organizations. This one aspect could be possible if the agency head worked with and provided information to these individuals from the inception of this plan. This could allow each individual of a police agency to actively participate in the success of this endeavor.

Another tool can be the use of polling the opinions of a target group. During the first phase, an informal poll can be conducted of the legislators. This can assist in the effort to influence the opinions of those which have yet to support the proposed bill. Polling can be very important in the phase two proposition vote. An early poll should be conducted in conjunction with a survey in order to assess

those who will vote a particular way and why. This can be analyzed by the political consultant in order to determine future campaign strategies.

In summation, the development of valid information presented in a systematic manner and widely communicated to the designated target audience will be necessary in the success of this overall state-wide endeavor. Although many facets of the plan are important, it is believed that the most critical portion needed to be successful is the communication of information.

TRANSITION MANAGEMENT PLAN

The overall goal of this plan involves the development of a law which establishes minimum funding levels for public safety agencies through general fund sources. The plan will involve two phases which must be accomplished on a statewide basis. The first phase involves the legislative passage of such a law. The second phase involves placing the passed bill on the ballot as required for all proposed constitutional amendments.

This overall plan was developed in response to the following specific two particular concern:

- Projected public safety budgets post Proposition 172.
- Projected implications of becoming a revenue based public service.

It is interesting to note that the entire concept and development of Proposition 172 were sponsored by the California State Sheriffs' Association (C.S.S.A.). The sales tax extension proposal was supported, with vigor, by the County Supervisors' Association of California. The dilemma now exists, for most of the county sheriff's offices, of how to garner greater departmental appropriations now that the money is being brought into the counties. The funds that were allocated based on the public's desire for public safety services have come into each county, it is now a matter of initiating mandatory appropriation restrictions.

Legislation (Assembly Bill 2788) recently passed and signed by the governor allows the establishment of a base year (fiscal year 1992-93) to establish a minimum funding level for public safety agencies. This legislation was enacted in order to eliminate additional budget cuts and to augment appropriations to public safety agencies consistent with the specifications of Proposition 172. In addition to this bill, there are several others of a similar nature pending in the legislature.

Although this legislation could conceivably be successful in obtaining a higher level of public safety funding, this strategic plan could provide one more alternate method of dealing with the situation. Instead of establishing a base year, this strategic plan would establish a percentage "off the top", which would automatically alter the actual dollar amounts involved based on current variables.

Some of these variables that could alter the general fund total are as follows:

- Population change impacting taxes collected.
- Economy change impacting tax revenues.
- Increased revenue sources to the county budget.
- Removing mandates from some county services which could shift the revenue from the non-discretionary classification to the discretionary classification of funds.

The process to be utilized in the successful implementation of an alternative funding model for public safety agencies is a multi-step task in this two phase plan. Each task involves intervention by many of those assisting in the implementation. The following chart depicts the recommended tasks necessary in both phases of the enactment of a public safety law which is slated to become an amendment to the State Constitution:

Task to be Completed	Start	1995												1996											
		Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan		
Public Safety Funding Law	4/12/95 8:00am	[Solid bar from Apr 1995 to Jan 1996]																							
Phase One - Legislative	4/12/95 8:00am	[Solid bar from Apr 1995 to Jan 1996]																							
C.S.S.A. Executive Board	4/12/95 8:00am	[Solid bar from Apr 1995 to Jan 1996]																							
Statistical Funding Information	4/12/95 8:00am	[Hatched bar from Apr 1995 to May 1995]																							
Publish and Distribute Informatio	1/15/96 8:00am	[Hatched bar from Feb 1996 to Mar 1996]																							
Meet with Governor	3/13/96 8:00am	[Vertical line at Mar 1996]																							
Establish Committee - C.S.S.A.	3/14/96 8:00am	[Solid bar from Mar 1996 to Jan 1996]																							
C.S.S.A. List Legislative Goals	3/14/96 8:00am	[Square symbol at Mar 1996]																							
Meet with Governor & Speaker	3/25/96 8:00am	[Diamond symbol at Mar 1996]																							
Assistance - Organizations	3/26/96 8:00am	[Solid bar from Mar 1996 to Jan 1996]																							
Press Conference	3/26/96 8:00am	[Diamond symbol at Mar 1996]																							
Lobby Effort - Elected Officials	3/26/96 8:00am	[Hatched bar from Mar 1996 to Apr 1996]																							
Continue Assistance As Needed	3/26/96 8:00am	[Hatched bar from Mar 1996 to Jan 1996]																							
Contact all Legislators	3/26/96 8:00am	[Hatched bar from Mar 1996 to Apr 1996]																							
Legislative Sponsor - Senate	3/26/96 8:00am	[Hatched bar from Mar 1996 to Apr 1996]																							
C.S.S.A. List Legislative Goals	3/14/96 8:00am	[Square symbol at Mar 1996]																							
Meet with Governor & Speaker	3/25/96 8:00am	[Vertical line at Mar 1996]																							
Assistance Organizations	3/26/96 8:00am	[Hatched bar from Mar 1996 to Jan 1996]																							
Contact All Legislators	3/26/96 8:00am	[Hatched bar from Mar 1996 to Apr 1996]																							
Legislative Sponsor - Senate	4/12/96 8:00am	[Vertical line at Apr 1996]																							
Introduce Senate	5/3/96 8:00am	[Vertical line at May 1996]																							
Pass Senate	5/3/96 8:00am	[Vertical line at May 1996]																							
Refer to Assembly	5/22/96 8:00am	[Vertical line at May 1996]																							
Pass Assembly	5/22/96 8:00am	[Vertical line at May 1996]																							
Signed by Governor	5/22/96 8:00am	[Hatched bar from May 1996 to Jun 1996]																							
Phase Two - Electorate	6/24/96 8:00am	[Solid bar from Jun 1996 to Jan 1996]																							
C.S.S.A. Executive Board	6/24/96 8:00am	[Solid bar from Jun 1996 to Jan 1996]																							
Draft of Proposition	6/24/96 8:00am	[Vertical line at Jun 1996]																							
C.S.S.A. Executive Board Meeting	6/26/96 8:00am	[Vertical line at Jun 1996]																							
Establish Committee - C.S.S.A.	6/26/96 8:00am	[Solid bar from Jun 1996 to Jan 1996]																							
Plan Used in Each County	6/26/96 8:00am	[Hatched bar from Jun 1996 to Jan 1996]																							
Political Consulting Firm	7/1/96 8:00am	[Hatched bar from Jul 1996 to Jan 1996]																							
Public Relations Firm	7/1/96 8:00am	[Hatched bar from Jul 1996 to Jan 1996]																							
Enact County Plans	6/30/96 8:00am	[Hatched bar from Jun 1996 to Jan 1996]																							
Scheduled for Election	11/12/96 8:00am	[Vertical line at Nov 1996]																							
Vote of the Electorate	11/12/96 8:00am	[Diamond symbol at Nov 1996]																							

The futures portion of this study found that the current direction of the trend could lead to negative implications. This current direction that was originally studied was the model of fee-for-service. In order to mitigate the projected negative implications, a plan would be developed which would take a rational long-range look at the issue of fees for services.

This process will be linked to the overall plan of alternative funding models; however, it will be a separate process. As the time line shows, both processes will be performed independently and concurrently. The following chart depicts the recommended tasks necessary in the development and implementation of a policy concerning an appropriate application of service fees:

Task to be Completed	Start	1995		1996		1997		1998		1999		2000		2001		20			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Law Enforcement Alternative Funding Model	5/9/95 8:00am	[Solid bar from Q1 1995 to Q4 2000]																	
Planning Team	5/9/95 8:00am	[Solid bar from Q1 1995 to Q4 2000]																	
Needs Assessment	5/9/95 8:00am	[Hatched]																	
Research Statewide	10/20/95 8:00am		[Hatched]																
Comparative Analysis	10/20/95 8:00am		[Hatched]																
Cost Benefit Analysis	11/16/95 8:00am		[Hatched]																
Executive Committee	1/31/96 8:00am	[Solid bar from Q1 1996 to Q4 2000]																	
Oversee Project	11/29/96 8:00am																		
Steering Committee	1/31/96 8:00am		[Hatched]																
Policy Development Committee	1/31/96 8:00am		[Hatched]																
Agency Implementation	4/30/96 8:00am					[Hatched]													
Evaluation of Program	7/1/96 8:00am					[Hatched]													
Countywide Adoption of Policy	1/10/97 8:00am																		
Meet with Legislators	4/3/97 8:00am																		
Meet with Attorney General	4/7/97 8:00am																		
Establish Statewide Guideline	4/20/97 8:00am																		
Establish Statewide Mandates for Serv	2/1/99 8:00am																		
Evaluate and Assess	2/1/99 8:00am																		
Development of Funding Model	7/16/99 8:00am																		

This plan will call for the development of a plan within the Sheriff's Office in Santa Clara County. During the development, discussions with other counties will enable this plan to be considered on a statewide basis. The plan will be implemented within Santa Clara County and an evaluation of the plan will be conducted.

Once the plan is tested and evaluated the effort will focus on the development of statewide guidelines for fees. It is the purpose of this plan to develop these guidelines into a mandatory statewide policy for all police agencies in the State of California. This is to ensure consistency and fairness to the community. The community will also have a clear understanding of what law enforcement service indemnification policies are and how they are applied in an impartial manner.

5

Summary

STUDY RESULTS

The original issued explored the assessment of fees-for-service by recovering the associated costs in order to generate revenue for public safety agencies. Information gathered during the N.G.T. process and the literature search resulted in primarily negative forecasts for the future.

The realization of the primarily negative nature of the trends and events first became evident while dividing the one hundred randomly generated scenarios into future states that had either positive or negative implications. When examining the scenarios, the major factor in determining the positive or negative value of the forecast was identified. The positive forecasts were apparent when a policy limiting service fees and alternative funding mechanisms was developed. The negative forecasts involved the continuation of the present direction of service fees that served to drastically alter the complexion of law enforcement.

The futures study directed further exploration of the issue of burgeoning fee assessments that are imposed without a valid evaluation system or without exploring long-range implications. Since it was determined that the development of a service indemnification model for law enforcement would be meaningless if the model had primarily negative consequences, the focus of the study became the development of alternative funding models.

FINDINGS

While the main focus of law enforcement continues to be crime and violence, the criteria for determining priorities are increasingly being dictated by economics. In the past, fees have been assessed with the intent of preventing abuses of services or curbing certain behavior that requires police intervention. Current economic conditions and diminishing public safety allocations have

expanded the extent of the use of service fees. The practice of generating operational revenues is expanding both in cost and frequency often as a "quick-fix" to off-set lost revenue.

Because of the lack of a consistent philosophy or application of service fees with long-range outlooks, negative implications are projected. Policy decisions concerning service fees can have a direct impact on the current climate that exists between the public and the police. There is a need for additional funding or more consistent funding for public safety agencies. This coupled with the public's desire for more safety, further reinforces this concept.

CHANGE OF FOCUS

Because the original issue was determined to be of little value to law enforcement because of the overwhelmingly negative implications, a new issue question was developed. Consideration was given to the most appropriate direction of the study and how the data developed could assist in the examination of another issue.

Because the positive scenarios developed during the futures study demonstrated potential alternatives to service fees, those mechanisms were explored. The study was adapted to explore the following issue:

- What law enforcement alternative funding model will be used by county law enforcement agencies by the year 2004?

Consideration was given to both of the issue questions in the development of the policies for the ideal future agency. It was recommended that the policies be adopted to ensure a productive transition into alternative funding mechanisms and to mitigate any potential negative implications of current policies. The following policy issues were essential in the evaluation of desirable funding changes:

- Development of a statewide set of guidelines for the imposition of service fees.
- Imposition of a plan to address negative consequences of current service fees.
- Establishment of alternative funding mechanisms for public safety.
- Development of a plan to address any loss of allocations prior to the implementation of an alternative funding mechanism.
- Encouragement of additional research in the area of public safety in order to more effectively manage resources.
- Enhancement of existing relationship with other public safety providers.
- Creation of alliances with the community with a strong foundation of trust.

- Development of plans to provide adequate levels of service during times of economic decline.
- Adoption of plans for enhanced effective services during time of positive economic growth.

CURRENT FOCUS

A primary consideration in the long-range planning for the establishment of alternative funding mechanisms in the future was the development of the county agency's description of the ideal future in the year 2005.

The focus presented two major factors in achievement of this ideal state:

- The existence of a policy decision concerning the structure of service fees.
- The ability to identify alternative funding sources.

The slowly recovering California economy coupled with the anticipated rate of increase of the fee-for-service trend presents a projected sense of urgency in the evaluation and implementation of an alternative process. It is not expected that the imposition of additional fees or the increase in costs of existing fees will create any immediate negative scrutiny of law enforcement agencies. However, it is expected that once fees are charged, the task of eliminating or reducing any particular fee will be much more difficult.

The high cost of crime and the fear of victimization has increased the public's desire for additional public safety services. This desire to increase levels of safety has resulted in a myriad of laws demonstrating the public's "get tough" attitude toward crime. Legislators and voters have passed measures intended to satisfy the public's fervor for additional public safety. These measures, such as the "3-Strikes" law and Proposition 172, have also demonstrated the public's willingness to pay for increased safety.

The recent enactment of a tax to be dedicated to public safety, has resulted in a large amount of revenue into county governmental agencies. There is also a considerable amount of debate concerning the appropriate application of the funds and whether it was intended to supplement public safety or if it was intended to balance county budgets as a result of the property tax revenue being retained by the state government.

Given these past fiscal difficulties and adaptations, the fiscal horizon is becoming brighter and public safety continues to be a concern for the public. The California economy now appears to be in a slow but steady recovery mode. This provides an excellent opportunity to evaluate the manner in which services can be provided in the future.

This public sentiment and the projected improvement in the economy present a remarkable set of circumstances that can be very beneficial to the development and success of effective law enforcement in the future.

The following principles, coupled with the general mission of the agency, established additional goals specific to the issue:

- Maintaining and enhancing the positive alliance with the public.
- Meeting the diverse needs of the community.
- Directing efforts to address emerging problems.
- Enhancing the quality of life in the community.
- Providing a service on an equitable and impartial basis for all members of society.
- Protecting and preserving the rights of all segments of society.
- Providing high quality service at no additional cost to those served.

The development of the operational plans for the purpose of this study addressed law enforcement services on the county level only. This focus is necessary since the revenue systems, expenditures and areas of responsibility within county and city governments are drastically different (e.g., the state property tax shift primarily impacted county revenue sources and the Proposition 172 revenue was almost entirely generated for the counties). A similar mechanism for city police agencies can be developed that has specific implications for city government.

PREFERRED STRATEGY

A group process was utilized to identify a strategy that would result in the successful development of a model to address public safety funding in the future. The overall plan was developed in response to the following specific concerns:

- Projected public safety budgets post Proposition 172.
- Projected implications of becoming a revenue based public service.

Several alternative solutions were explored which would dedicate sources of funding to public safety. Some of the options that were considered involved parcel taxes, utility taxes, taxes on bullets, taxes on attorney services, property tax override, enterprise districts, and benefit assessment districts.

All of these dedicated sources of revenue were ruled out for the purposes of this study for numerous reasons. One factor considered was that although California is not considered a state with high taxes, the County of Santa Clara does have appreciably higher tax rates than other counties. Another factor in ruling out some of these options was the permanently imposed one-half cent sales tax extension for public safety (Proposition 172) that was recently enacted.

This plan addresses the issue of developing an alternative funding model by establishing a minimum percentage of the overall county's general purpose funds to be dedicated to public safety entities. As a corollary to this plan, since it will increase public safety allocations, the defining and restricting of the assessment of fees needs to be evaluated and implemented. This transition plan

secondarily addresses a method to limit the imposition of service fees to mitigate any of the projected negative implications.

The selection of this method for dealing with the issue is consistent with the findings of the futures study. Utilizing this strategy the goal set forth in the description of the ideal future can be accomplished.

Although it does not seem to be the perfect solution to the issue, the minimum funding level for public safety does offer some positive values. The plan provided for the dedication of a higher level of allocations for public safety agencies with the intent to decrease the reliance of public safety agencies on the generation of revenue through service fees. The rationale for the minimum percentage concept was the fact that additional money is coming into the counties since the passage of Proposition 172 and a greater portion should be guaranteed to county public safety agencies.

OPTIONS

Even though one strategy was recommended by the panel, there are many different viable funding options which could affect county law enforcement agencies in the future. Each option has inherent advantages and disadvantages and no one system should be considered the only answer.

Option One

This option, recommended as the preferred strategy by the panel, imposes a percentage of the county's general purpose revenue to be dedicated to public safety as delineated above.

Proposition 98 does not seem to be a panacea for establishing funding models of the future and it has been recognized as having created difficulties within the state government. However, it has removed some of the subjective nature of the state budget and probably has demonstrated some positive value. The one major fault identified from the perspective of school personnel is that this law has developed from a minimum spending level to the school spending "cap" since the minimum has now also become the maximum. None of those interviewed ventured a guess as to what they felt would have happened to school funding if the guaranteed minimum spending limits had not been in place. The overwhelming sense was that without this provision, California schools would be in much worse condition.

Other legislative moves aimed at obtaining higher levels of public safety funding are in progress. Legislation (Assembly Bill 2788) recently passed and signed by the governor allows the establishment of a base year (fiscal year 1992-93) to establish a minimum funding level for public safety agencies. This legislation was enacted in order to eliminate additional budget cuts and to augment appropriations to public safety agencies consistent with the specifications of Proposition 172. In addition to this bill, there are several others of a similar nature pending in the legislature.

Although this legislation could conceivably be successful in obtaining a higher level of public safety funding, this option could provide one more alternate method of dealing with the situation.

The major disadvantage of this option to the governmental agency involves the mandatory designation of the funds. Nearly ninety percent of all services run at the county level are state-mandated programs. The remaining ten percent of counties' budgets allow for discretionary programs such as public safety. The County of Santa Clara has discretion over only 8.6% of the total general purpose revenues. Many economists dislike earmarked taxes because they make public budget less responsive as funding needs change and they limit the discretionary spending powers of policy makers.

This option will further restrict the governments discretionary authority by mandating another funding priority. With the increase of voter approved limits and mandates it becomes increasingly difficult for representative government to function.

Option Two

This option would involve the continuation of the current manner of funding using the fee-for-service model of generating revenue. This option assumes the inclusion of a portion of the recommended strategy in the development of a statewide guideline for criteria to establish a consistent application of service fees.

This would be advantageous to the overall county government since would serve to generate additional county revenue when compared to option one. With the establishment of the fee guidelines, there can also be consistent application in the service fees.

Although this could mitigate the projected negative implications of the fee based model since the levels of fees would be curtailed, it does not create any higher level of funding for public safety agencies. This option may serve to decrease the level of allocations by imposing cuts equal to the amount of revenue lost.

It would also not provide any additional revenue sources from public safety agencies into the county government. Currently, with the increase of public safety services for which fees are assessed the county government may recognize this as a negative implication.

The public in this option continues to be assessed fee-for-services from public safety agencies. There is a wide range of county law enforcement agency perspectives concerning the assessment of service fees. Some agencies are aggressively increasing the levels of fees, some are remaining status-quo and others are moving to decrease the levels of services for which fees are assessed. Depending on the level of fees from county to county, the greater the focus on the generation of revenue, the more important the establishment of guidelines would be to the public.

Option Three

This option would involve the continuation of the current manner of funding. This assumes that there will continue to be increases in the numbers of services for which fees are charged and the

cost for all services will increase. Unlike the other two options, this option would continue the revenue generation model with no established parameters or guidelines. This option is the current direction of county law enforcement agencies absent any type of constraints.

This model would be beneficial to the governmental agency since it would continue to increase the levels of revenue generated from fees. This could also impact the level of the law enforcement agency's level of allocations in a positive manner.

This option is the specific model used in the development of this study. As earlier discussed, the projected implications of this model were all thought to be negative with the exception of those that identified alternative sources of revenue.

The direction of the projected trends and events often demonstrated an undesirable future state for law enforcement. The future state for public safety was projected to reach a point where services would only be provided on a payment basis. Other law enforcement agencies and private security service would compete for service areas and be judged on their individual effectiveness. This system could result in a further separation between the "haves" and the "have-nots" in society. Those who have the economic means to pay for service will be provided the service and the others will not. It is envisioned that the "haves" will live in fortress-like environments while the "have-nots" will live in a state of lawlessness and complete chaos.

RECOMMENDATIONS

It is recommended that additional funding or more consistent funding for public safety agencies be developed as in the proposed minimum guaranteed funding level. As a follow-up to the enactment of Proposition 172, legislation has been enacted and additional legislation has been proposed to mandate a "maintenance of effort" to establish minimum levels for public safety funding.

This study resulted in the conclusion that recommended a firm policy for fees-for-services that would include a statewide policy that the community could understand, the determination of "why" fees would be assessed and the discontinuation of using fees as a primary mechanism for public safety allocations.

This recommendation was briefly discussed in the study as a secondary focus necessary to mitigate any identified negative implications of this current trend that is expanding in scope. The changes associated with this portion of the study will provide consistency statewide with organizational changes in potentially all public safety agencies in the state.

IMPEDIMENTS

Public safety agencies are generally non-mandated programs within county government. Because of this public safety is competing with all other non-mandated programs for only about eight percent of the county's overall revenues that are discretionary revenues. The minimum percentage for public safety proposed in this plan would place public safety into the non-discretionary revenue category of the county's budget. Granted, this serves to reduce the eight percent even further and hamper the county's discretionary powers, but it places public safety into a category that will ensure levels of funding to the community. This would also place public safety into the position of competing for resources with a different group of county agencies.

This issue of discretionary versus non-discretionary funding affects all levels of government in California. There is controversy concerning this type of proposed mandate and other citizen approved mandates that potentially cripple the representative form of government in California.

Although this may also further complicate the government's ability to provide effective leadership, it may force the review of State and Federal mandates. It may in particular force a review of those mandates that are not funded.

ISSUES FOR FUTURE CONSIDERATION

- What proposed changes in state level governmental functions would be most advantageous to local law enforcement and public safety funding levels?
- What course of action do law enforcement agencies adopt during times of poor economic conditions when allocations are decreased?
- What factors are considered in personnel and resource assignments during time of economic improvement when allocations are increased?
- What parameters should be established in the imposition of service fees?

CONCLUSION

The public's expectation of protection spans a wide spectrum. What an officer is and what they are expected to do leads, in part, to their effectiveness. No matter what their backgrounds, they must confront situations we are unsure of or afraid to confront ourselves. First and foremost, an officer is expected to be able to protect us during our most vulnerable moments. When a uniformed officer in a marked patrol car arrives at the scene, the perception is that safety and security has instantly occurred. When an officer is called for assistance it is never questioned that the person who responds

is thoroughly capable, with all of the strengths necessary to handle any situation. The level of service provided by the police generally remains unquestioned.

The public expects they will be provided with an unlimited supply of public safety manpower resources to adequately address any problem.

It is understood how to summon the police and how to get a prompt response. It is not understood that a response from the police will result in the assessment of a service fee. The momentum of the partnership between law enforcement agencies and the community should be guarded as a benefit in order to achieve a high level of public safety.

Support and assistance from the community and other governmental agencies is critical to the success of public safety agencies in order to provide a higher level of law enforcement services for Californians in the future.

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Candidate Events
(in order of initial importance rankings)

- Sheriff Refuses to Assess Fees for Services
- State Law Gives Private Security Personnel Peace Officer Status
- County Bankruptcy
- Supreme Court Rules that Public Sector Fees For Service are Unconstitutional
- County Eliminates Law Enforcement Services with the Exception of Essential Emergency Services
- Competing Law Enforcement Agencies for "Like-Services" Results in the Sheriff's Office Absorbing Calls for Services
- Local Law Enforcement Tax Passes and Goes Directly to Law Enforcement Agency
- Voters Repeal Proposition 13
- Split Roll Adopted for Proposition 13 - Industrial Properties Excluded from Limits in Assessment Growth
- Major Private Security Company Establishes in Santa Clara County and Solicits Cities for Law Enforcement Contracts
- State Mandates for Law Enforcement Services are Abolished by State Legislature
- State Supreme Court Decision - Fees for Service Violates First Amendment Rights
- Santa Clara County Policing Agencies Regionalized (13 into 1 agency)
- Major Local Earthquake
- War - International in Scope
- Word "Depression" is used by the White House during Long Term Economic Recession
- Dramatic Single Source Financial Shift - Major Electronics Company Leaves Silicon Valley
- Local Judicial Decree - Jails Are Full, Can't Incarcerate Additional Prisoners in Local Jails
- Sheriff's Office Refuses to Respond to Other County Law Enforcement Emergency Assistance Situations (Code 30s - Officer Needs Assistance - Emergency) due to Economic Concerns
- Massive Civil Disturbance - National in Scope (Riots)
- Sheriff's Office Begins Profit Operation (Memorabilia Sales)
- California Water "War"
- Two Percent Sales Tax "Earmarked" for Law Enforcement Passes
- Non-Taxpayers (Illegal Immigrants) Draw Heavily on Public Safety Services - Voters Revolt - No Police Services will be Provided

Candidate Events (continued)

- Franchising for Contracting of Police Services (McPolice)
- "Three Strikes" Initiatives are Ruled Unlawful
- State Sponsored (POST.) Training Eliminated - Law Enforcement Agencies use Private Industry Vendors
- Initiative Passes which Mandates that Police Services be Funded Through the General Fund - Fees are Eliminated
- Prominent Citizen Raises Morality of Fee Structured Police Services
- State Bankruptcy
- City Bankruptcy
- Local Law Enforcement Agencies Refuse to Assist Other Agencies
- Committee Established to Explore the Generation of Alternative Resources
- Court Forces Federal Government to Pay for Federally Mandated Programs
- Collapse of Infrastructure - San Jose Airport Inoperable - County of Santa Clara and City of San Jose Decide not to Fund Necessary Repairs
- Stock Market "Crash" - Economic Panic
- Media Exposé on Fees for Service - Law Enforcement Agency Refuses to Respond to Emergency Because of Non-Payment History
- Workers' Compensation Fiscal Collapse
- Bond Measure Passes to Double Prison Capacity in Five Years
- Election Demonstrates Wholesale Use of Propositions for Special Interest Groups
- State Constitution Amended to Limit County's Responsibility of Mental Health Offenders
- Federal "Three Strikes" Legislation Enacted
- Unionization of Agency - Deputy Sheriffs' Association Absorbed by Teamsters
- Free Federal Training Funds Eliminated
- Law Enforcement Agencies Charged with the Responsibility of Enforcing Environmental Laws (Policing the Environment)
- Media Exposé on Disparity in Services Levels for Ethnic Population
- Endowments for Special Projects - Living Trust Foundation Created to Fund Crime Prevention
- Court Forces State Government to Pay for State Mandated Programs
- Supreme Court Ruling that Public Safety Assessment Districts are Unconstitutional

Candidate Events (continued)

- Court Repeals Workers' Compensation 4850 Benefits to Safety Employees
- Federal Crime Bill Passed which Realigns Services and Delineates Responsibilities
- Political Shifting of Previously Approved State Agency Budget for Law Enforcement Operations
- Large Scale Personnel Changes Over Short Period (2-6 months) of Time - 1/2 of Sheriff's Office Personnel Retires
- County of Santa Clara Shows Radical Decline in Credit Rating - County Deemed Poor Credit Risk
- State Assumes Control of Judicial Functions
- Wholesale Paring of Bureaucracy in Fiscal Year 94-95
- Judicial Prerogative in Assessing Cost/Fee Reimbursement is Eliminated for Part I Crimes

Candidate Trends

(in order of most descriptive)

- Legal Challenges
- Economic Change
- Level of Public Tolerance for Paying for Police Service
- Electorate Attitude Toward Taxes
- Demographic Change/Level of Diversity
- Level of Crime/Crime Rate
- Public Perception of Safety
- Level of Police Service Desired by Community
- Consolidation of Agencies
- Privatization
- Shared (Inter-Agency) Services
- Significance of Formal Education
- Number of Communities Who Contract with Private Police Services
- Public Opinion of Law Enforcement
- Transfer of Traditional Law Enforcement Duties
- Number of Law Enforcement Calls for Services
- New Revenue Sources
- Significance of Training
- Regional Law Enforcement Cooperative Efforts
- Level of Violent Crime
- Public's Ability to Pay for Police Services
- Change in Local Non-Fee Revenues
- Infrastructure Change
- Traditional Revenue Sources
- Number of Inmates in State Prison System/Cost of Incarceration
- Rate of Incarceration Versus Numbers of Incarceration
- Objective Criteria for Law Enforcement
- Politicization of C.E.O. Position
- Specialization
- Number of Police Responses to Alarm Calls
- Reliance on Federal Resources
- Number of Contract Cities
- Population Rate
- Public Attitude Toward Incarceration
- Conviction Rates
- Strength of Unions
- Media Attention
- Glass Ceiling
- Number of Alarm Systems in Operation in County

Event Impacts

Negative Fiscal Impact

(agency fiscal resources decline)

3. County Bankruptcy
14. Major Local Earthquake
20. Massive Civil Disturbance National Riots
27. POST Training Eliminated
30. State Bankruptcy
42. Federal '3 Strikes' Legislation Enacted
44. Free Federal Training Funds Eliminated
45. L.E. Agencies have Responsibility of Enforcing Environmental Laws
49. Supreme Court Ruling that Public Safety Assessment Districts are Unlawful
52. Political Shifting of Previously Approved State Budget for L.E. Operations
53. Large Scale Personnel Changes Over Short Period of Time
54. County shows Radical Decline in Credit Rating - County Deemed Poor Credit Risk
57. Judicial Prerogative in Assessing Cost/Fees is Eliminate for Part I Crimes

Negative General Impact

(negative for agency)

26. '3 Strikes' Initiatives are Ruled Unconstitutional
29. Prominent Citizen Raises Morality of Fee Structured Police Services
37. Media Esposé on Fees - Law Enforcement Agency Refuses to Respond to Emergency Because of Non-Payment History
46. Media Esposé on Disparity in Service Levels
50. Court Repeals Workers' Compensation 4850 Benefits to Safety Employees

Negative Indirect Impact

15. War - International in Scope
16. Word 'Depression' used by White House during long-term economic depression
17. Dramatic Single Source Financial Shift - Major Electronics Company leaves Silicon Valley
22. California Water 'War'
31. City Bankruptcy
35. Collapse of Infrastructure - San Jose Airport Inoperable - Decide not to Fund Necessary Repairs
36. Stock Market 'Crash' - Economic Panic
38. Workers' Compensation Fiscal Collapse
43. Unionization of Agency - Deputy Sheriffs' Association Absorbed by Teamsters

Negative Impact

(agency cuts - safety related - non-equal services)

2. State Law Grants Private Security Personnel Peace Officer Status
5. County Eliminates Law Enforcement Services except Essential Emergency Svcs.
6. Competing Law Enforcement Agencies for "Like-Services" Results in S/O Absorbing Calls for Services
10. Major Private Security Company Establishes in Santa Clara Co. and Solicits Cities for L.E. Contracts
11. State Mandates for L.E. Svcs. are Abolished by State Legislature
18. Local Judicial Decree - Jails are Full, Can't Incarcerate Anymore Prisoners in Local Jails
19. Sheriff's Office Refuses to Respond to Other County L.E. Emergency Assistance Situations due to Economic Concerns
24. Non-Taxpayers (Illegal Immigrants) Draw Heavily on Public Safety Services - Voters Revolt - No Police Sv. will be Provided
32. Local L.E. Agencies Refuses to Assist Other Agencies
41. State Constitution Amended to Limit County's Responsibility of Mental Health Offenders

Negative Fiscal Impact

(positive impact if more money goes to agency)

1. Sheriff Refuses to Assess Fees for Services
4. Supreme Court Rules that Public Sector Fees for Service are Unconstitutional
12. State Supreme Court Decision - Fees for Service Violates 1st Amendment Rights
13. Santa Clara County Policing Agencies Regionalized
25. Franchising for Contracting of Police Services (McPolice)
28. Initiative Passes which Mandates that Police Services be Funded Through the General Fund - Fees are Eliminated

Neutral Impact

(possibly neutral or unknown to agency)

40. Election Demonstrates Wholesale Use of Proposition for Special Interest Groups
51. Federal Crime Bill Passes Which Realigns Services and Delineates Responsibilities
55. State Assumes Control of Judicial Functions
56. Wholesale Paring of Bureaucracy in Fiscal Year 94-95