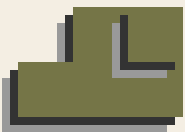


*LOCAL GOVERNMENT  
CASE STUDY SERIES*

**Waterford  
Police Department  
Dissolution**



# ***LOCAL GOVERNMENT CASE STUDY SERIES***

## **Waterford Police Department Dissolution**

***An Intergovernmental Studies Program Case Study***

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*The Intergovernmental Studies Program (IGSP) works to improve intergovernmental performance and collaborative outcomes for state and local governments. We build an understanding of effective intergovernmental practices through case research and partnership projects with state agencies and local governments. The IGSP team shares project results with government professionals to provide a fresh view of the systems in which they participate, and to support the development of a community of intergovernmental practitioners.*

## INTRODUCTION

In 2004, officials in Waterford—a town of 8,515 residents encompassing 6.6 square miles in Saratoga County, New York—attempted to dissolve its local police force and enter into a cooperative agreement with the county sheriff for police services. Cooperative agreements between municipalities are not easy to achieve. This is especially true if the agreement abridges the control of one of the jurisdiction or addresses quality of life factors, such as school options or public safety. Although records of cooperative agreements, mergers, and consolidations in New York State are spotty, we know that few cooperative efforts focused on outsourcing or merging police services led to intermunicipal agreements (IMAs). There have been fewer than two dozen successful police service consolidation efforts during the past 25 years.<sup>1</sup> Knowledgeable observers attribute the failure rate of public safety IMAs to the fact that such agreements threaten local control. Experts tend to agree that existing police departments are essentially unassailable given public resistance to dissolving them. Many can readily recount an instance when a proposal to consolidate or outsource police services deteriorated into heated public debate, characterized by hostility and hubris. Is public resistance to the dissolution of police departments simply a line of defense against infringements on local control, or is the resistance a constellation of factors not well understood? This study sought to develop a more nuanced understanding of public resistance to such agreements by examining an effort to change the provision of police services in the town of Waterford, New York.

## NOTE ON METHODS

When researching a highly contentious case, though preferable, it is not always possible to interview all participants. The research team attempted to interview all key officials in the process, and a selection of the proposal's opponents and supporters that were identified in document sources. About a third of all potential respondents, including key stakeholders, were reluctant to be interviewed on the record. These individuals cited fear of reprisals, unwillingness to dredge up a divisive and stressful episode in town history, personal distress, and concern that discussion of the proposal might signal to the community that the matter was not, as pledged, decisively settled. To minimize the likelihood that any participant would be subject to reprisals or adverse outcomes stemming from participation, we did not identify participants.

Although less than an ideal research situation, on a practical level, preserving the identity of participants provided the only means of researching the story in a reasonably balanced manner. The authors are comfortable that there was consistency across interviews on the particulars of the case, that public documents support the findings, and that the findings would withstand a replication of the study. Findings were based on analysis of meeting minutes from the relevant period, correspondence concerning the proposal, public information documents, a video record, and 16 interviews. The instructional aspects of this case made it worth the somewhat unusual methods.

## PROPOSAL REVIEW PROCESS

Officials in the Town of Waterford initiated a public forum on December 7, 2004, leading to referendum, to consider a proposal to eliminate the Waterford Police Department and contract with the Saratoga County Sheriff's Office for police services. Supervisor John Lawler announced the proposal at the town board meeting and requested that the sheriff make a presentation on the proposed contract. The supervisor distributed handouts detailing terms of the proposed agreement, but did not provide a written version of the sheriff's proposal at that time or any time thereafter. The public was invited to discuss the proposal's merits at that meeting and given similar opportunities at two additional sessions held over

<sup>1</sup> Data provided by NYS Division of Criminal Justice Services

the next four months. The first meeting grew very contentious during the public comment period and town officials established ground rules for participating in subsequent public meetings. These measures included registering in advance to make a public comment and limiting speakers to two-minute statements or questions.

Approximately 60 people spoke at the first meeting, in a serious and sometimes heated, personal exchange. Commenters included residents, members of the board, the supervisor, the sheriff, police officers, and outside-the-town supporters of the police department, such as union representatives and at least one officer from a neighboring municipality. Records show that comments ranged from testimonials in support of the police department, to anecdotes relating police assistance. Residents sought information about the proposal and frequently disputed the equivalence of the sheriff's proposed services. Some commenters questioned the need to address the issue at all, and several speakers leveled *ad hominem* attacks against the sheriff and the supervisor.

The majority of speakers wanted to maintain the police department, indicating their willingness to pay higher taxes as a result. Not a single person explicitly declared support for adopting the proposal. According to a December 11, 2004, *Schenectady Gazette* news article, approximately 200 people attended a meeting of the town board that evening, mostly expressing opposition to the plan. The article suggested that police families and friends encouraged a throng of individuals to attend the meeting, potentially delivering a first-blow great enough to overwhelm the board and force it to abandon consideration of the proposal.

Twenty-one people spoke at the January 4, 2005, town board meeting, including two police officers and a former police officer. Only two individuals expressed clear support for the proposed contract. Following a PowerPoint presentation on the proposal at the second meeting, the supervisor stated "within the next thirty days, the Town Board will consider a resolution to abolish the Town Police Department and sign a contract with the Saratoga County Sheriff's Office to provide police services to the Town of Waterford. If that resolution were passed [sic], the Town board and the Town Police Department have both agreed to submit that decision to a binding referendum of Waterford voters. The decision of the voters will be final."

At the next board meeting on February 1, 2005, council members adopted Resolution #5 stipulating that "the Town Board hereby calls for a public hearing to be held on February 10, 2005...on the issue of whether the Town Board should pass the accompanying Local Law Number 1 of the Year 2005, and if passed, a resolution submitting said local law directly to the qualified electors of the town to accept or reject the subject local law." The special session generated turnout of approximately 75 individuals on an evening characterized by a February 11, 2005, news article in the *Troy Record* as raw and icy.

We interviewed one resident, who attended the January and February public meetings, and provided this summary perspective on the process:

*The presentation delivered by the supervisor at the January meeting was professional, and focused on police budgets and expenditures (e.g., benefits and equipment maintenance). The sheriff was in attendance at this meeting but did not present any material, although he answered a few questions. His attitude was not reassuring to the public because he appeared somewhat non-committal. The presentation was followed by a 35 to 40 minute question and answer session. Individuals were provided ample time and opportunity to ask some initial questions and address*

*some concerns. Many people present seemed to be unconvinced about the quality of the services under the proposal, or expressed skepticism about the financial projections. The commitment made by the supervisor to go to referendum was well received by the audience. The meeting at moments became emotional, and the supervisor became abrasive at times.*

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

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

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

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

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

At its February 1, 2005, meeting, the town board voted to place the matter before the public in a binding referendum. The matter of dissolving a town police department is subject to a permissive referendum under town law (Town Law §150).(1, 2) Under the permissive referendum process residents who oppose the dissolution of the police department can gather signatures in support of putting such a proposal to referendum. In the case of Waterford, town officials pledged to bypass this requirement and put the proposal directly to a vote without the petition.

### **Referendum on the Proposal**

In April 2005, voters rejected the proposal in the ensuing binding referendum. Approximately 60 percent of Waterford's 5,500 eligible voters, or 3,280 people, turned out for the ballot; 1,880 voted to reject the proposal, while 1,400 voted to accept the proposal. To compare, in the 2001 municipal election approximately 2,000 residents voted, while in the 2000 gubernatorial election approximately 3,000 went to the polls.

The *Troy Record* published an editorial assessing the process in an April 14, 2004, article titled "Waterford set example for democracy at its best." The news story stated, "Supervisor Lawler and the

town board members are commended for allowing a full public discussion of the issue and for providing the people with the option. The people and officials of Waterford have given us an example of representative democracy at its best.”

## **ANALYSIS OF THE ISSUES**

Town officials stated that the purpose for the proposed transfer of policing responsibilities to the county sheriff was to reduce taxpayer costs for policing. While this was clearly the central issue for a majority of officials, it was not the only factor. The timetable for considering the proposal was tied to the expiration of the current police contract, and police performance issues.

### **Fiscal Issues Addressed**

The supervisor and town board proposed the contract for police services as fiscal stewards of Waterford. Officials wanted to ensure that essential services remained fiscally sustainable. The supervisor had been in office for more than a decade and was perceived to be a sound manager of the town’s resources. At the December 7, 2004, town board meeting the supervisor declared, “I see other, bigger municipalities being offered these contracts and I would be remiss as the chief financial officer of this Town not to at least look at this option.” Records indicate that the sheriff’s office prepared the proposal at the request of town officials after the supervisor learned of similar contracts between the sheriff and the towns of Halfmoon and Clifton Park.

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

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

Figures cited in a presentation by the supervisor at the January 4, 2005, town board meeting estimated the cost of the police department as \$1,100,000 in 2004, \$1,160,000 in 2005, and \$1,252,000 in 2006. Thus, the estimated percentage increase was eight percent from 2004 to 2005 and 11 percent from 2005 to 2006. Contracting with the sheriff’s office, in contrast, would cost \$685,000 annually under a three-year agreement, leading to a reduction in the town/village portion of the household tax bill of 25 percent.

The board considered the cost of funding the police department within the context of the total town/village budget.<sup>(3)</sup> Costs were increasing and aid was diminishing. The supervisor anticipated growth in the police services budget from \$1,063,000 in 2004 to \$1,242,000 in 2006. Coupled with diminishing state aid and only slight increases in projected tax revenues, the increases in the police services budget were a major concern.

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

### Timing Issues

Records show that the existing contract for police services was to expire on December 31, 2004, motivating consideration of the issue. In town board minutes recorded on December 7, 2004, Supervisor Lawler noted that the policemen’s contract was in negotiation and it was an appropriate time to consider the issue of contracting for police services.

### Performance Issues

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

### Opposition Perspectives

Several identifiable groups voiced opposition to the proposal during the course of public discussions. They included local police officers and dispatchers, the police unions, a neighboring police department PBA, and residents organized under, and mobilized by, the “Concerned Citizens” banner. Citizens not affiliated with any organized group also voiced myriad concerns with the proposed public safety services contract. Opponents were unconvinced that the projected savings would be realized, that the level of services would be comparable, or that the benefits of a community-based public safety unit, deeply knowledgeable about the residents and local geography, could be replicated by the county sheriff’s deputies.

### Quality of Life Concerns

The supervisor and the Saratoga County sheriff assured town residents that the scope and quality of services would not diminish, but residents were used to the services of a hometown police force. At the public meetings, and in interviews, residents raised quality of life concerns. A number of citizens had reservations about delegating a very important municipal function to an outside agency, citing the possibility of less responsive service. These individuals mentioned the importance of public access to a police substation (i.e., the sheriff’s deputies would not be accessible to the general public), the current officers’ familiarity with local residents, community policing (practices that build trust and create local crime information networks), and senior citizen assistance. Instances were cited where one or more of these features of the local police department saved lives or helped catch criminals. Some residents clearly feared the loss of the local police department, noting that Waterford is closely connected to several urban areas and is itself more urban than surrounding suburbs in Saratoga County.

## Benefits and Costs

Residents speaking at the public hearings, and a number of individuals participating in interviews, wondered why it was necessary to fix a situation that was working well for the community, especially when there was no call from citizens to improve fiscal practices or reduce their tax burden. Some opponents stated that they remained confused about the overall fiscal factors, though they were persuaded that the per-household savings of \$120 was not worth losing the local police department. Many were worried about future costs of the contract when the three-year period ended.

## Contract Disparities

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

## Emotional Arguments

Police officers representing police organizations, including the Troy PBA and Council 82, attended the board meetings and spoke against the proposal. Minutes of the town board meeting held December 7, 2004, showed that these officers debated the merits of the proposal with the supervisor. Further, the record shows that at least one officer and a few residents became abusive, profane, and threatening. One officer from a neighboring community contended that the town "would not be covered entirely" and that unpredictable dynamics, such as the effective efforts to drive out criminals from the nearby city of Troy, would increase local crime and drive up costs. He urged residents to hold onto community policing and identified it as a growing national trend.

## Process Concerns

Some residents mobilized under the "Concerned Citizens" banner told us they were opposed to the proposal on the merits and were upset with the closed-door process under which the proposal took shape. In particular, they were upset that the supervisor announced at the initial board meeting that he had already approached the sheriff's department about developing a proposal. Other opponents stated that they were dismayed because they felt decision-making on important community issues should be open and transparent.

## Proponents Perspectives

The record of public discussions shows that declarations in favor of the proposal were couched in fiscal terms. These residents stated that the financial benefits of the proposal were clearly outlined—a fixed rate contract would save nearly \$1,500,000 over a three-year period. However, interviews uncovered pockets of dissatisfaction among residents that were not voiced during the public meetings. Based on interviewee statements, some residents had qualms about aspects of the police department's performance and were afraid of retribution if they were public about their concerns. The performance concerns coupled with the potential for savings tipped the balance in favor of the proposal for these individuals. Some of the 43 percent of voters supporting the proposal appeared to view the change as a chance to increase the level of professionalism in the provision of policing services.

## Public Safety Views

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

Additionally, former Clifton Park Supervisor Marvin LeRoy authored an op-ed piece published in several local newspapers, which supported the proposal. He remarked that Clifton Park's decision to contract with the sheriff for police services under his administration is still widely acclaimed today. He had this insight on the challenges of building support for change, "With very few exceptions, my life in public office brought me in contact with people who professed to desire both efficiency and effectiveness in these local services...however, whenever proposals to reorganize regionalize, consolidate, or share services were presented, inevitably, the masses would assemble in opposition. Incredibly, included among this group of detractors would invariably be elected officials protecting their turf and every conceivable special interest group."

## ANALYSIS OF RESULTS

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

## LESSONS FROM THE CASE

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

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

### Accountability and Voice

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

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

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

### Law Enforcement Philosophy

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

Security is an enduring policy value that clearly emerged in public discussions in 2005 and throughout the case interviews. Residents expressed a basic need to feel safe and secure in their property and person. Many residents commenting for the public record, and later in interviews, stated that they could not be sure that the level of surveillance and prevention would be sustained under the sheriff's proposed contract. It was a risk that they were not willing to take, even if taxes increased as a result. Moreover, citizens consistently noted a viewpoint about public safety practices that they identified with Waterford. This viewpoint or philosophy had to do with a premium placed on keeping residents and their property safe from a variety of non-criminal hazards and incidents (e.g., saving animals from house fires, finding lost visitors), applying simple deterrents (e.g., scattering rowdy youths with surprise bike

patrols), recognizing and separating law-abiders from criminals in transactions with disputants, and resolving situations whenever possible without resorting to the full power of legal recourse. Citizen fears focused to a considerable degree on the possibility of losing their tacit agreement about law enforcement practices if the source of policing services changed.

### **Closed Process**

The process was closed up to the point that the proposal was outlined.

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

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

### **No Compelling Problem**

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

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

### **Emotional Argument**

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

Opponents of the proposal mounted an emotional campaign to trump the fiscal argument offered by contract supporters. Opponents clearly assembled likeminded residents at the first public meeting. The arguments employed by the group of opponents centered on powerful emotional threads: commitment, retribution, fear, and fairness. Policemen in attendance made moving comments about their commitment to the community and desire to continue to serve the citizens. Their supporters related moving anecdotes about assistance the police had provided and vouched for their collective service record. A few speakers argued angrily that the proposed dissolution of the police department was retribution for previous skirmishes with the supervisor. Clearly, many residents believed that services would diminish following the merger. Residents we interviewed noted that the concerted effort by the policing community to canvas neighborhoods had heightened their fears that crime would increase. On the record, residents worried that service quality would diminish and that police would not be around when needed. Fairness issues that were raised centered on the equivalence of contracts under the two policing organizations and the impact that the transfer would have on officers and their families. These emotional appeals proved difficult to surmount and neither the proposal nor the perception of problems were sufficient to counteract their effect.

## DISCUSSION

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

Citizens have a perception of the law enforcement bargain (the approach and practices in use) they believe exists and resist changes or substitutions that do not preserve the patterns, protections, and limits placed around security activities. In Waterford, the proposal addressed the structures of patrol and coverage, but did not deal with the residents' idea of policing. As such, the public did not trust that the public safety alternative provided by the sheriff was a credible substitute. In cases where a community has already thought through their ideas of policing and captured them in policy language, negotiating a change in services is a different process. If a community has not had a chance to form its preferences around a law enforcement philosophy, or done the work to capture their ideas in a set of policies, much groundwork has to be done before the public can comfortably entertain changes to an existing system of policing. One way to evaluate the readiness of a community to move forward around a police merger or dissolution may be to examine how concretely its law enforcement ideas have been established.

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

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

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

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

## END NOTES

- (1) Any town wishing to abolish a police department must subject the proposal to permissive referendum under New York State law (Town Law §150). A permissive referendum, also called a referendum on petition, requires several steps. First, when a town board adopts a resolution subject to a permissive referendum the town clerk must post a notice within ten days of the adoption. The notice must contain the date of the adoption, an abstract of the resolution that concisely states its purpose, and must specify that the resolution is subject to permissive referendum. The resolution does not take effect until 30 days after its adoption. During this time, the voters can request a referendum. They must do so by petition, which must be signed by a number equal to five percent of the total vote cast for governor in the last general election. If this step is performed, the resolution must be put to a referendum. However, a town may, on its own, submit the resolution for the approval of the electors, as was the case in Waterford. In such a case a referendum will proceed as if a petition had been filed. The results are binding. (Town Law §§ 90 – 94)
  
- (2) Legal checklist for eliminating a town police department (per Town Law §§ 90 – 94, 150):
  - The town board must notify the Commissioner of the Division of Criminal Justice Services within 30 days of adopting the resolution.
  - Any such law is subject to a permissive referendum.
  - Within ten days of the adoption of the resolution by the town board, the town clerk must post a notice containing information about the resolution, and indicating the resolution is subject to a permissive referendum. (Should a town board decide to put the resolution to referendum on its own, as happened in Waterford, a citizen petition is unnecessary. The rules apply as if a petition has been filed in accordance with the law).
  - Citizens possess 30 days to present a signed petition seeking a referendum from the date the town board adopted the resolution.
  - The referendum must be held within 60 to 75 days of the petition’s filing.
  - Objections must be filed within five days of the petition’s filing.
  - The town board can repeal its resolution at any time.
  
- (3) The Town provides police services to the Village of Waterford. The General Fund, or Fund A, is used to pay for services provided to the Town and the Village. Fund B is used to pay for services provided only to the Town. Because police services are provided to the Town and the Village, funding comes from Fund A.