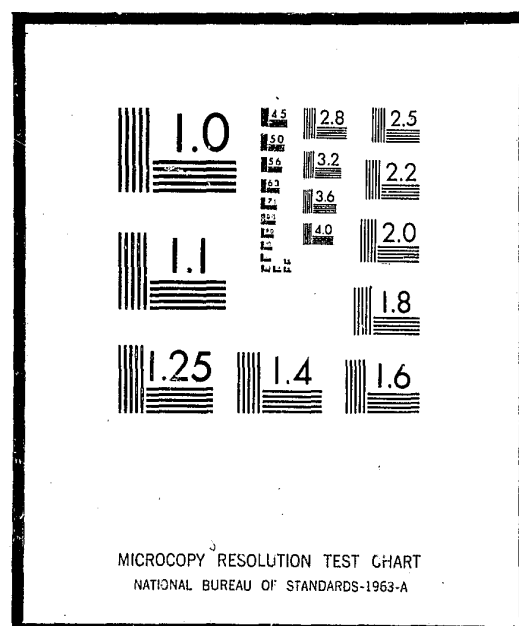


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Date filmed

5/26/76

REPORT #26

#26

INDIVIDUAL TECHNICAL ASSISTANCE REPORT
In Response to a Request for Technical Assistance by the
Governor's Planning Committee on Criminal Administration
(Region II)
State of Wyoming

SWEETWATER/TETON COUNTY - (see -
REFERENCE REPORT #11. 10/15/72)

July 6, 1972

2 COUNTY CONSOLIDATION:
TETON ~ 4,823 POP.
SWEETWATER ~ 18,391 POP.

Prepared By
Public Administration Service
1313 East 60th Street
Chicago, Illinois 60637

(Per Contract J-LEAA-015-72)

32321

I. PRELIMINARY INFORMATION

A. **Consultant Assigned:**

Jerome A. Needle
Senior Associate

B. **Date Assignment Received:**

June 1, 1972

C. **Date of Contact with LEAA Regional Coordinator:**

June 6, 1972

D. **Dates of On-Site Consultation:**

June 26, 27, and 28, 1972

E. **Individuals Interviewed:**

John Rogers
Administrator
Governor's Planning Committee on Criminal Administration
State of Wyoming

Cal Ringdahl
Chief of Police
Green River, Wyoming
Member—Governor's Planning Committee on Criminal Administration
State of Wyoming

Gene Schrader
Executive Secretary of Regions II and III
Governor's Planning Committee on Criminal Administration
State of Wyoming

Boyd L. Hall
Sheriff
Teton County

Robert B. Ranck
County and Prosecuting Attorney
Teton County

Lester May
Mayor
Town of Jackson

Tim Bommer
Deputy County and Prosecuting Attorney
Teton County

Richard Hayes
Chief of Police
Town of Jackson

William Ashley
County Commissioner
Teton County

Louis Muir
Chief of Police
Rock Springs

Robert L. Bath
County and Prosecuting Attorney
Sweetwater County

II. STATEMENT OF THE PROBLEM

A. Problem as per Technical Instruction:

The Technical Instruction specified that four days of technical assistance were authorized to assist Region II of the Governor's Planning Committee on Criminal Administration in its efforts to "determine the feasibility of a countywide police force." The Technical Instruction was not specific about the nature of the need or problem.

B. Problem Actually Observed:

The initial task was to determine how the four days allocated for technical assistance could be utilized most constructively. A number of alternative technical assistance programs were considered by, and discussed among, Administrator Rogers, Chief Ringdahl, Executive Secretary Schrader, and the consultant.

The alternatives considered were:

1. To survey the potential for some form of cooperative or consolidated police service in two counties within Region II.
2. To discuss with the public and law enforcement officials of two counties the nature, the problems, and the potential for cooperative service arrangements and the political strategies for handling the issue.
3. To identify, through question-and-answer sessions, the questions and concerns about cooperative arrangements held by public and law enforcement officials in two Region II counties. This alternative adds an element: the questions and responses would be documented so they would be available to the Governor's Planning Committee and members of the criminal justice community when cooperative arrangement issues arise in the future. Although each alternative would have served a useful purpose, Administrator Rogers decided that Alternative 3 would be most useful. The product (a written reference work summarizing significant questions and answers on topics germane to cooperative arrangements) would have more continuing and long-range value than the products of either Alternative 1 or 2.

III. FACTS BEARING ON THE PROBLEM

1. Law enforcement agencies in the State of Wyoming have had little experience with cooperative arrangements of any kind and apparently no experience with formal arrangements.
2. The Governor's Committee has not dealt to any significant degree with formal cooperative arrangement situations of any kind.

Given this lack of experience with cooperative arrangements in both the law enforcement community and the Governor's Committee, the memberships of which partially overlap, it was agreed to pursue Alternative 3. Predictable benefits would result; benefits in terms of increased understanding of the nature, potentials, advantages, and disadvantages of cooperative arrangements for police services.

IV. POSSIBLE COURSES OF ACTION

The technical assistance which was planned required consultation with members of the law enforcement community to elicit their concerns about cooperative arrangements for police service. Selection of members to be consulted with could be approached in at least two ways:

1. Select members at random hoping to obtain a representative sample of concerns and questions.
2. Select members known to hold various degrees of sympathy for, and belief in, the potentials of cooperative arrangements.

In other words, the alternatives were to use a completely unstructured, unplanned sample, or use a designed and structured one.

V. RECOMMENDED COURSE OF ACTION

Of the two alternatives, a structured sample was selected. This approach seemed clearly superior—time was limited and structuring would assure as wide a sample of opinion, questions, and concerns as possible within the time available. Random interviews could not provide a similar assurance.

Conferences were held in two counties within Region II of Wyoming—Teton County and Sweetwater County. It was known that in Teton County consolidation of law enforcement agencies is an issue being seriously evaluated—the environment there could be described as “neutral-to-pro” about cooperative arrangement. It appeared that the environment was not particularly favorable for cooperative arrangements in Sweetwater County. These two counties were selected and it was presumed that some of the conferees would represent more or less extreme positions on cooperative arrangements and some would represent the middle ground.

The appendix which follows incorporates the substance of the question-and-answer sessions. The material included does not constitute a thorough examination of each topic, nor does it encompass all issues crucial to understanding of cooperative arrangements. The material does, however, reflect the primary concerns about the subject of cooperative arrangements in Wyoming. All of the material is relevant and important. It might also be noted that the concerns expressed reflect that the understanding of cooperative arrangements among members of the criminal justice community in Wyoming is in an early stage of development.

APPENDIX

COOPERATIVE ARRANGEMENTS FOR POLICE SERVICE: QUESTIONS AND CONCERNS

The text which follows summarizes the questions asked and concerns expressed by law enforcement and local government officials during discussions of the nature, problems, and potentials for cooperative arrangements for police services. All material is in question form, although all was not originally so expressed. Much material which is of particular pertinence has been converted to question form for presentation purposes. The range of questions do not comprehend all considerations essential to the present subject, and the responses to the questions are not exhaustive---when combined they can be considered only as an initial probe into a subject which is quite complex.

1. Is consolidation the only arrangement available for joint exercise of police powers and joint provision of police services?

The question just presented was not asked or even implied by conference participants. It has been presented in order to introduce the concept of *cooperative arrangements*. It became apparent that public and law enforcement officials were not aware that many forms of joint or cooperative exercise of police powers exist and must be considered in addition to that of consolidation---the legal or structural merger of police departments.

2. What are the forms of cooperative arrangements usually considered?

Many specific cooperative arrangement forms have been widely discussed and evaluated in recent years. The President's Commission on Crime and the Administration of Justice presented a thorough examination in its *Task Force Report on the Police* (Chapter 4). The specific forms are too numerous to discuss here and the discussion could not surpass in quality that presented in the Task Force Report; thus the report should be read by those interested in further exploration of the subject. When thinking about the kinds of arrangements available, law enforcement and public officials should be cognizant of several considerations which may not be emphasized sufficiently in the Task Force Report:

- a. Most forms of cooperative arrangements are adaptable in many local government settings; the key task is to adapt the one or ones promising greatest benefit.

- b. Cooperative arrangements need *not* necessarily institutionalize the dominance of the larger governmental hierarchical unit over the smaller. For example, the county law enforcement agency need not be the pivotal organizational unit in a cooperative venture. It is often desirable that a city within a county provide services for the county. Thus in Teton County, for example, a cooperative arrangement might be concluded under which the Town of Jackson contracts for services from the County *or* the County might contract from the Town.
- c. Cooperative arrangements need not encompass *every* police service or function. For example, many effective arrangements combine only staff and/or auxiliary services, leaving field services uncombined. In these situations two units of government enter into cooperative exercise of *part* or *parts* of the total police operation.

A detailed examination of methodological considerations significant to evaluation of cooperative arrangements is contained in *Consolidation and Cooperative Arrangements for Police Services: A Methodological Approach to Study and Evaluation*, a copy of which has been presented to the Administrator of the Governor's Planning Committee on Criminal Administration.

3. How effective have cooperative arrangements proven to be?

The effectiveness of any cooperative arrangement will be determined by the soundness of organization through which police services are administered, the quality of program planning, the capabilities and dedication of operating, and management personnel. Thus it is not possible to rule upon the inherent effectiveness or lack of effectiveness of "cooperative arrangements," i.e., the arrangement does not exist independently from personnel, management, and so forth. It is nevertheless the opinion of this consultant that where organization, plans, personnel, and management are of good quality, cooperative arrangements have resulted in improved police service and have accomplished a level of service which cooperating departments could not have achieved independently.

4. Do cooperative arrangements always result in cost savings?

Cooperative arrangements may not result in absolute cost savings. Often, combining services permit elimination of a base station(s), a jail(s), automobiles, command officers, all which does definitely result in cost reductions. On the other hand, the saving may be offset because of the need to upgrade services of one or more participants in a cooperative arrangement. Under the cooperative arrangement, an increased level and number

of services will be provided to citizens of the jurisdiction formerly served by the department unable to provide adequate services. The expansion in services requires an expenditure which may equal or exceed the savings which result from elimination of duplicated costs. Thus, in the final analysis, cooperative service arrangements are frequently characterized by costs which equal or surpass the total earlier costs. There has been little if any "unit-of-service cost analysis" which reveals cost comparison of police systems under different arrangements.

It is also important to realize that absolute cost savings vary from situation to situation. Sweetwater County has two base stations and two jails; Teton County has one base station and one jail. Greater absolute cost savings may be predicted for Sweetwater than Teton. What the magnitude of offsetting increases might be cannot be judged using current information.

5. What are the potential advantages and disadvantages of cooperative systems?

Prevailing opinion holds that among the potential advantages are:

- a. Elimination of duplicated resources or facilities with resultant cost savings.
- b. Increased levels (and often range) of services.
- c. Simplification of the law enforcement system with resultant ease of identifying responsibility.
- d. Elimination of problems of coordination and friction which often occur among departments.
- e. Greater integration of the criminal justice system---prosecution agencies, for example, prefer to work with fewer police agencies.

Among the potential disadvantages are:

- a. Loss or attenuation of direct local control.
- b. Increased cost if, for example, increases in service seem insufficient to justify increased costs.

6. What size department (government) usually benefits most from cooperative arrangements?

Police departments which are unable to provide full and professional services to their clientele usually benefit most. Thus it follows that the fewer the number of specialized services provided by a department, the more it will benefit from a cooperative arrangement.

7. Must cooperative arrangements be structurally limited to the county—the "natural" governmental unit within which to work?

Although most cooperative arrangement plans assume the county as the unit within which to establish cooperating arrangements, the geographical and governmental limits of cooperative arrangements systems may, and often should, extend beyond county borders. The scope of a system should be predicated upon need and economics. The pertinent question becomes: what size service area is required to support full professional services at reasonable cost? This criterion will often suggest that service areas vary with function. For example, patrol services may quite well be administered exclusively within the county under a cooperative arrangement. A single county, however (and there are many of these in Wyoming), may be unable to justify appointment of a full-time youth specialist, and it might be more sensible for two counties to enter in a cooperative arrangement to support and utilize a youth officer. Recruitment, testing, and training are often administered most effectively and economically by a *state*. A police department's major obligation is to provide all necessary police services, regardless of frequency of need, and to provide them in a professional manner. How it obtains or provides these services is the secondary consideration. It may provide them locally or as part of a county, regional, or state system. In Wyoming, given its sparse population and widely spread population centers, a department would normally have to consider availing itself of services under a combination system: some services to be provided locally, some by county, regional, or state systems, by cooperative arrangement.

8. Is joint exercise of police powers authorized by Wyoming statutes?

A quick reading of Wyoming Revised Statutes (1957)¹ did not reveal provisions for either specific joint exercise of *police powers* or for a general joint exercise of governmental powers. However, no legal prohibition against establishing cooperative arrangements for police service was found, and, more importantly, there are both statutory provisions and actual, unchallenged *de facto* arrangements which would appear to support a conclusion that the cooperative arrangement is attainable and supportable under Wyoming law.

¹ A County and Prosecuting Attorney assisted in the examination.

Counties are empowered to enter into contracts pursuant to performance of "duties" and to "concerns." (Volume 6, Section 18-48, Wyoming Revised Statutes—1957.) Such a general provision has been interpreted in other states as sufficient legal basis for counties to enter into cooperative arrangements for police service by contract. Municipalities usually have the same contractual powers. Thus, there may well be legal basis for cooperative arrangements for police service. It is important to note that a "contract" as a legal instrument is sufficiently flexible to cover virtually any structural form of arrangement.

A statutory precedent has been established in another area of government which leads to the conclusion that cooperative police arrangements can be assumed to be a legitimate exercise of governmental powers. The Wyoming Legislature has apparently recently adopted legislation permitting counties and cities to combine efforts to provide fire protection. This suggests that legislation for cooperative police service would be in order were such legislation sought.

Adding further weight to the argument that cooperative arrangements are possible in Wyoming is the existence of a number of *de facto* cooperative police arrangements: provision of communications and detention services by the Teton County Sheriff to the Town of Jackson; and the public safety building in Casper which is jointly used by the county and city police. These activities have never been challenged and are looked upon as both legitimate and desirable.

9. Don't residents of incorporated areas usually derive financial benefits as a result of establishment of county police forces?

It has often been claimed that city dwellers pay county taxes, part of which are used to support county police operations (in Wyoming the sheriff's operations) but receive little service from the county, at the same time they pay taxes to support municipal police. The accuracy of the claim is not easily demonstrated but it is felt by many students of American government that municipal residents who support both a county and municipal police department receive a lower return from the county for their tax dollar than do residents of the unincorporated areas. Evaluation of the issue must, however, recognize another significant factor. It is usually true that county residents receive such low levels of police service that differentials in service per tax dollar invested are rendered practically meaningless.

10. Presently fines for municipal ordinances accrue to municipalities while fines for state statutes (administered by county or sheriff's police) accrue to counties. Were a county police force established how could municipalities be affected in terms of flow of revenue from fines?

In theory the flow of revenue to municipalities would be unaffected. The recipient of revenues from fines is determined by the nature or source of the violation for

which a person is found guilty. That is, if a person is convicted of violation of a municipal ordinance the fine is paid to the municipality. If violation of a state ordinance is established fines are paid to the county. Thus, elimination of municipal police would, theoretically, have no impact upon receipt of revenue. In a practical sense, however, it is likely that county police would normally bring county (state) charges. The result would in all probability be a loss of revenue to municipalities. It would be clearly possible, however, to conclude revenue-sharing arrangements to protect municipalities against loss of revenue.

11. How would county police powers be granted to municipal police who would be asked to enforce laws in areas beyond municipal corporate limits?

Municipal police would be deputized by the county just as are auxiliary policemen or city police for mutual aid situations.

12. Beyond merging police powers and expanding service areas what aspects of police activities should be made uniform when consolidating departments?

When considering consolidation the following structural and procedural systems should be made compatible:

- a. Organization.
- b. Operating procedures, rules, and regulations.
- c. Selection standards and programs.
- d. Training programs.
- e. Salaries.
- f. Fringe and retirement benefits.
- g. Uniforms.

13. Are there any objective guidelines for promoting public participation in evaluation of cooperative arrangements?

It is all too common for those examining cooperative arrangements to unnecessarily arouse negative responses from the public. This occurs most often when only the idea of cooperative functioning is raised---i.e., a suggestion or even an endorsement of cooperative arrangements is made---without a specific examination of, *and* detailed plans for, cooperative arrangements having been prepared. In order for the general public and specific interest groups to react logically they must have the opportunity to review and evaluate specific and detailed proposals.

14. What are the sources of opposition to cooperative arrangements?

Often opposition can be found among: (1) members of the government which will become part of a larger system and fear loss of direct control and prestige; (2) command officers who fear loss of jobs or status; (3) members of "economy blocs" whose decisions are often predicated upon the sole criterion of whether a proposed arrangement will result in cost savings.

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1319 EAST SIXTIETH STREET • CHICAGO, ILLINOIS • 60637

July 6, 1972

Mr. Alan M. Gibson
Police Section
Technical Assistance Division
Law Enforcement Assistance Administration
United States Department of Justice
Washington, D. C. 20530

Dear Mr. Gibson:

Submitted herewith are 15 copies of the Individual Technical Assistance Report, required by Article II-A-2 of Contract J-LEAA-015-72, of assistance provided to the Governor's Planning Committee on Criminal Administration (Region II), State of Wyoming, in response to the Task Assignment received on June 1, 1972.

Sincerely yours,

G. M. Morris

G. M. Morris
Associate Director

END