

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Authorize the City Manager to Execute an Arson Investigation Services Amendment to the Law Enforcement Services Interlocal Agreement with King County
DEPARTMENT: City Manager's Office
PRESENTED BY: Larry Bauman, Assistant City Manager

PROBLEM/ISSUE STATEMENT:

In 1999 King County announced it no longer would provide arson investigation services Countywide as a complementary service to cities. For the most part, only newly incorporated cities were affected by this change. However, for those cities that relied on King County for law enforcement services, it left a gap in a service that cities are mandated to provide by state law. The interlocal agreement with King County for law enforcement services signed in 1999 included a provision for all affected agencies (law enforcement, fire agencies, and contract cities) to develop a solution to ensure the cost-effective long-term provision of arson investigation services and service protocols.

The affected agencies have developed a long-term solution that identifies costs, costing methods and call-out protocols for arson investigation services. This proposed solution has been in use for nearly a year with good success, based on work of the police oversight group. As a result, the existing contract needs to be amended. Contract cities and King County are proposing to formally adopt the new cost allocations, call-out protocols and costs in the proposed amendment to the interlocal agreement for law enforcement services.

FINANCIAL IMPACT:

There is no immediate financial impact to this change, as these services were budgeted as part of the City's public safety budget. However, the City will commit to paying \$35,863 for services in 2002, which will be adjusted annually based on actual use in a rolling three-year average. This amount is included in the Adopted Budget for 2002.

RECOMMENDATION

Staff recommends the Council authorize the City Manager amend for arson investigation services the interlocal agreement with King County for Law Enforcement Services.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

The City is mandated to provide law enforcement services by virtue of being a City. Arson investigation is a small but important portion of the City's law enforcement program. Arson investigation generally involves the investigation of suspicious fires to determine if they may have been deliberately set. If the investigation determines that a fire was deliberately set and caused significant property damage or resulted in the injury or death of people, the investigation findings are handed over to the prosecuting attorney for charging. Arson investigation also provides vital criminal investigation to develop possible motives and suspects for further investigation.

BACKGROUND

The Council last considered this item when the interlocal agreement with King County for law enforcement services was reviewed and authorized in 1999. As part of that agreement, cities agreed to review options for providing arson investigation services, and return with a provision for providing the service, a cost allocation method and protocol for providing services.

The negotiations between the contract cities for police services and the King County Department of Development and Environmental Services (DDES) regarding arson investigation services took considerably longer than expected. This was in part due to the fact that the cities initially took the position that this service should be provided under the existing contract with the King County Sheriff's Department. This legal issue delayed the start of negotiations. Once it became clear that the language of the police contract did not ensure arson investigation services, negotiations finally began. Then, during negotiations, the contract cities insisted on several key objectives for the agreement:

1. The agreement should become an amendment to the law enforcement contract with King County (DDES initially sought a separate contract).
2. A fair system for cost allocations should be used that as much as possible follows the system used for allocating costs for police services (this took several attempts to reach a costing model that all of the parties could agree upon).
3. No more than one arson investigator position should be used to serve the needs of the contract cities (DDES initially proposed that two positions should be funded through the contract).
4. Clear call-out protocols should be established that set guidelines for when a DDES arson investigator is called in to examine a fire (these protocols went through several revisions and reviews by DDES, the cities and, in many cases, the fire districts serving those cities).
5. Cities should each have independent authority regarding how to make final decisions about when an arson investigator is called to examine a fire.

The police contract oversight cities appointed a four-city committee—represented by the city managers of Woodinville, SeaTac, Carnation and Shoreline—to negotiate a draft contract. They also appointed a subcommittee representing both city and district fire departments to develop the arson investigator call-out protocols (the Shoreline Fire Department assigned a member of its staff who participated in this process). All of the key objectives listed above were accomplished in the proposed interlocal agreement.

City staff consulted with the Shoreline Fire Department at several junctures in this process to ensure that the contract and call-out protocols would be consistent with their existing procedures and staffing responsibilities. Under the interlocal, each city will determine who is responsible for calling DDES to initiate an investigation. In our case, the Shoreline Fire Department will work closely with officers of the Shoreline Police Department, who will make the final decision about requesting a call-out. The purpose of this local protocol is to ensure that local fire officials provide their expertise regarding the potential cause and origin of fires, while the City remains in control of initiating a service call-out with King County.

The costing methodology adopted for the proposed contract is based upon historic usage of arson investigation services as measured by the number of hours for conducting investigations. The contract also includes the overhead costs for King County and the arson investigator position.

Shoreline, as the largest of the police contract cities, has also had some of the highest totals for time spent for investigations (see below for a summary of arson investigation hours for Shoreline incidents; or see Attachment A of this report showing all contract cities' hours and proposed costs for 2002).

Shoreline Arson Investigations:

1998	1999	2000	3-Yr. Average
818 hours	518.25 hours	513.1 hours	616.45 hours

ALTERNATIVES ANALYSIS

No reasonable or cost-effective alternatives could be found to contracting with King County. Staff initially investigated the possibility of contracting with another city, such as Bellevue, but it was determined that the amount of service required for Shoreline was too great to be accomplished with existing staff yet not enough to justify a new investigator position for Shoreline alone. Also, it became clear that there are occasional advantages to conducting this service regionally. Whenever a serial arsonist begins operating in a region, it is valuable to spot those similar cases as quickly as possible so that multiple jurisdictions are not duplicating efforts. It would also not be practical to contract with the Shoreline Fire Department in that adding staff to conduct criminal arson investigations would cost more than using King County Services. An added dimension to this is that arson investigation, much like criminal investigation, requires constant practice to keep skills sharp. Shoreline's number of arson investigations, though higher than some smaller cities, is still not enough to keep an arson investigator busy on a full-time basis. One clear advantage of using the arson investigation services of DDES is that their investigators conduct this work full time and receive regular training as well as valuable on-the-job reinforcement of that training.

As the costs for the arson investigations are to be added to the costs for King County police services, these new costs will also be paid from the City's General Fund. The costs have already been included as part of this contract item in the 2002 Adopted Budget.

RECOMMENDATION

Staff recommends the Council authorize the City Manager amend for arson investigation services the interlocal agreement with King County for Law Enforcement Services.

ATTACHMENTS)

Attachment A: Cost Allocations for Arson Investigation Services to Cities

EXHIBIT B
ARSON SERVICES TO CITIES
TOTAL COUNTY COST AND
ALLOCATION OF CONTRACT HOURS

CITY	1998		1999		2000		TOTALS		AVERAGE		2002	
	HOURS	% of TOTAL	HOURS	% of TOTAL	HOURS	% of TOTAL	HOURS	% of TOTAL	HOURS	% of TOTAL	COSTS	CONTRACT HOURS
BLACK DIAMOND	9	0.38	20.1	0.84	24.5	0.87	53.6	0.7	17.87	0.71	\$1,047	13
BURIEN	378	15.77	391.35	16.38	595.85	21.15	1365.2	17.96	455.07	17.96	\$26,485	333
CARNATION	0	0	98.2	4.11	31.75	1.13	129.95	1.71	43.32	1.71	\$2,522	32
COVINGTON	211.2	8.81	260	10.88	202	7.17	673.2	8.85	224.4	8.85	\$13,051	164
DES MOINES	75.75	3.16	114.35	4.79	154.2	5.47	344.3	4.53	114.77	4.53	\$6,680	84
DUVALL	3.5	0.15	1.5	0.06	4	0.14	9	0.12	3	0.12	\$177	2
KENMORE	95.5	3.99	221.35	9.27	146.7	5.21	463.55	6.1	154.52	6.1	\$8,995	113
MAPLE VALLEY	95	3.96	197.25	8.26	86.2	3.06	378.45	4.98	126.15	4.98	\$7,344	92
NEWCASTLE	0	0	1.25	0.05	4	0.14	5.25	0.07	1.75	0.07	\$103	1
NORTHBEND	153.25	6.4	114.6	4.8	247.5	8.78	515.35	6.78	171.78	6.78	\$9,998	126
PACIFIC	58.75	2.45	36	1.51	110.25	3.91	205	2.7	68.33	2.7	\$3,982	50
SAMMAMISH	0	0	35	1.47	292.75	10.39	327.75	4.31	109.25	4.31	\$6,356	80
SEATAC	412.25	17.2	269.5	11.28	145	5.15	826.75	10.87	275.58	10.87	\$16,029	201
SHORELINE	818	34.14	518.25	21.69	513.1	18.21	1849.35	24.32	616.45	24.32	\$35,863	451
WOODINVILLE	86	3.59	110.1	4.61	260.1	9.22	456.2	6	152.07	5.99	\$8,833	111
TOTAL	2396.2	100.00	2388.8	100.00	2817.9	100.00	7602.9	100.00	2534.31	100.00	\$147,465	1,853
2002 DDES hourly overtime rate is \$51.43.												