

Public Safety Committee Meeting

Date: December 20, 2016

Attendance: Toby Nixon, Penny Sweet, Dave Asher, Marilynne Beard, Kurt Triplett, Joe Sanford, Pattijean Hooper, Tom Mikesell, Cherie Harris, Michel St. Jean, George Dugdale, Kevin Raymond, Aimee Vance

Agenda Item:	Action Items:
<p>1. Topic: Fire Dashboard Review Notes: George Dugdale provided an overview of the most recent Fire Dashboard data and trends (Attachment A). The Committee asked for additional information about the location of Station 25 calls for service so they can better understand the longer travel times. They also asked for data on which Medic unit responded to each ALS incident.</p>	<ul style="list-style-type: none">• Provide data on Station 25 incident locations• Provide more detail on which Medic unit responds to calls in Kirkland
<p>2. Topic: Fire Strategic Plan Status Update Notes: Chief Sanford provided an overview of progress made on implementing the strategic plan recommendations since the last update. An annotated list (Attachment B) shows changes in red. Chief Sanford also provided highlights of completed actions. It was suggested that the report include the date it was updated.</p>	<ul style="list-style-type: none">• Add date to matrix document
<p>3. SWAT Team Purchase/Use of Drone Notes: Chief Harris discussed a proposal for the interlocal SWAT team to purchase a drone for use in certain exigent circumstances such as a hostage situation. She reviewed the main components of a policy that would govern the uses of drones for law enforcement as well as the administration of the program and records retention. For example, the policy states that the Chief of Police must approve the use of a drone if it is being deployed in their</p>	<ul style="list-style-type: none">• Complete an informational memo to Council with the draft policy attached when it is ready.• Compare the draft policy to the ACLU policy.• Develop FAQ's• Communicate with KAN

Agenda Item:	Action Items:
<p>city. The Committee also discussed potential use of drones by the Fire Department. The proposal has not received support from all of the participating jurisdictions and there are a number of questions and concerns that still need to be addressed. The Committee asked about the labor implications of the addition of drones (subject to negotiation?) and the records retention rules. Councilmember Nixon asked that the policy be compared to the ACLU's policy on drones.</p> <p>The full Council needs to be briefed on the proposal once the draft policy has been completed.</p> <p>If the proposal were to be approved, the Police Department would launch a public information campaign. The Committee recommended that the Police Department develop a "Frequently Asked Questions" document and to touch base early with KAN.</p>	

<p>4. Revision to Disorderly Conduct Ordinance</p> <p>Notes: City Attorney Kevin Raymond presented background on a disorderly conduct case which was dismissed based on an appellate court assertion that Kirkland's ordinance may be overly broad (Attachment C). Staff is still working on refining the language and will bring an ordinance for Council consideration in January.</p>	
<p>5. Other Discussion and Upcoming Topics</p> <p>Notes: Chief Harris distributed WASPC's legislative agenda (Attachment D). A final draft of the COOP will come back to the Committee at a future meeting.</p>	
<p>Future Agenda Topics:</p> <ul style="list-style-type: none"> • Fire Public Education (5/16) • What policies and training do Police officers have to deal with cultural and language differences (post-Alabama)? • Continuity of Government and Operations plans • Dashboard review • Road barrier removal/replacement on Finn Hill (1/16) • Fire Strategic Plan Update • Review of firefighter overtime (12/16) • Inmate feedback for jail (12/16) • Use of private ambulance service for non-emergent transports (12/16) • Additional medical services at Kirkland Jail (12/16) 	

Third Quarter 2016 Fire Dashboard

December 19, 2016

This report reflects January - September results for the Kirkland Fire Department. The dashboard is split into three key areas: **call volume**, which shows trends for workload and types of call; **response time**, a critical factor in containing fires and providing effective emergency response; and, **other policy issues**, focusing on areas of recent action by Council and the Department. Call volume and response time are further broken down by each station.

1. Call Volume

- In the first three quarters of 2016 Kirkland units were called out 6,505 times. Of these, 5,833 were to addresses inside Kirkland, and 672 were to calls outside of Kirkland. This is a year on year increase of 95, and is 201 calls above the average for the past five years.
- The first three quarters of 2016 had 51 more EMS calls than during the same period last year. Although year to date calls are higher, calls in the second and third quarter were slightly lower than the same period in 2015.
- There was also a small increase in fire calls during the first three quarters of 2016. This increase is partly because of an increase in the number of residential fires in 2016. Calls involving a fire will have multiple units dispatched, so a small increase in confirmed fires, results in a large increase in units dispatched.
- Station 27 remains the busiest station, with Aid Unit 27 the busiest single unit in the City. However, in September 2016 the City changed how calls to station 27 are divided between the two crews stationed there, which will likely decrease Aid 27 workload, and increase Aid 29.

2. Response Time

- Response time is broken down into three areas; dispatch time, turnout time, travel time. Turnout time targets are different for EMS and Fire calls. As EMS calls do not require firefighters to put on bunker gear prior to entering the vehicle, turnout targets are 60 seconds, rather than the 80 second target for Fire.
- Dispatch time is the responsibility of NORCOM. In the first quarter of the past three years calls dispatched to the Kirkland Fire Department have been within the target time of 1 minute, 83 percent of the time. This is down from 2015 and has
- For EMS calls, 31.8 percent of units left the station within 60 seconds, a slight increase from the same period last year. Despite a low percentage of calls that meet the 60 second target, over half of turnout times are lower than 80 seconds, meaning most units are very close to meeting the turnout target.
- For Fire calls, 29.0 percent of units turnout within the 80 second target. This number has improved over the past few years at some stations, however, numbers for the first three quarters of 2016 are lower than in the first quarter.

3. Other Policy Issues

- Beginning in August 2013 the Fire Department began placing a fourth firefighter at Fire Station 25 to enable concurrent EMS response from the Station. Since that point, there has been an increase in overall call volume from Station 25. The fourth firefighter has also enabled two aid units to respond concurrently. In the first three quarters of 2016 this has happened 92 times, which is an increase compared to previous years.

Department Wide Call Volume and Response

Units Dispatched (includes outside Kirkland)	1st-3rd Quarter 2016			1st-3rd Quarter 2015			2013-2016 Average		
	Inside Kirkland	Outside Kirkland	Total	Inside Kirkland	Outside Kirkland	Total	Inside Kirkland	Outside Kirkland	Total
KIRKLAND EMS UNITS	4,417	255	4,672	4,374	235	4,609	4,143	337	4,480
KIRKLAND FIRE UNITS*	1,416	417	1,833	1,408	393	1,801	1,407	417	1,824
TOTAL KIRKLAND UNITS	5,833	672	6,505	5,782	628	6,410	5,550	754	6,304
NON-KIRKLAND EMS UNITS		N/A	-		N/A	-		N/A	-
NON-KIRKLAND FIRE UNITS*		N/A	-		N/A	-		N/A	-
NON-KIRKLAND MEDIC UNITS	N/A	N/A	-	N/A	N/A	-	N/A	N/A	-
TOTALNON-KIRKLAND UNITS	-	-	-	-	-	-	-	-	-

* Fire call = any call NORCOM dispatches an engine to.

Kirkland Responses into other jurisdictions Jan-Sep		
2015 Kirkland Responses	2016 Kirkland Responses	
229 Redmond	211	Redmond
146 Bellevue	203	Bellevue
107 Bothell	90	Bothell
47 Woodinville	59	Other
47 Eastside	58	Woodinville
39 Other	33	Eastside
23 Northshore	18	Northshore

Percentage of Time Reaching Goal	Jan Sep 2016	Jan Sep 2015	Jan Sep 2014	Status
Dispatch Time*	83.1%	88.2%	87.3%	Yellow
EMS Turnout Time	31.8%	31.1%	30.6%	Red
Fire Turnout Time	29.0%	30.6%	26.0%	Red
EMS Travel Time	72.8%	73.9%	75.1%	Yellow
Fire Travel Time	62.7%	66.4%	66.7%	Red

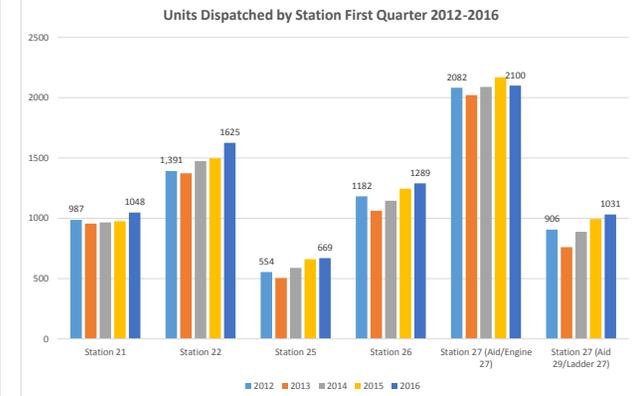
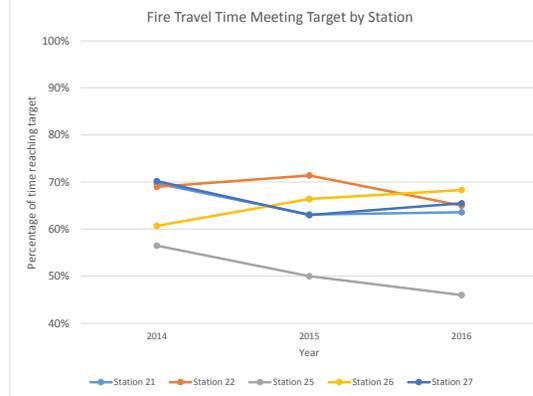
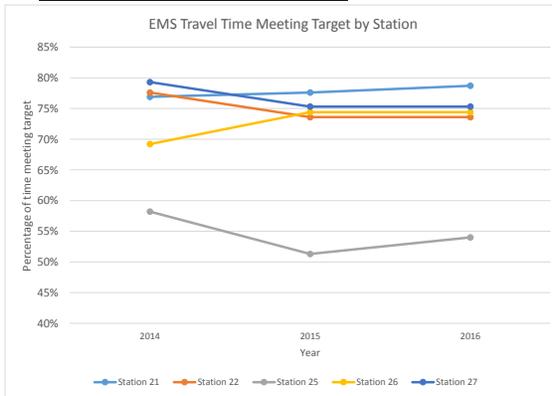
Red = target being reached less than 70% of the time
 Yellow = target being reached between 70% and 90% of the time
 Green = target being reached over 90% or more of the time

*Controlled by Norcom

Percentage of Jan-Sep Turnout Times Under			
Type	<1 min	<1:20	<2:00
EMS	31.8%	54.4%	82.1%
Fire	15.0%	29.0%	66.3%

Green = within target

Call Volume and Response by Station



Other Policy Issues

First quarter call volume from Station 25 before and after 4th Firefighter was added

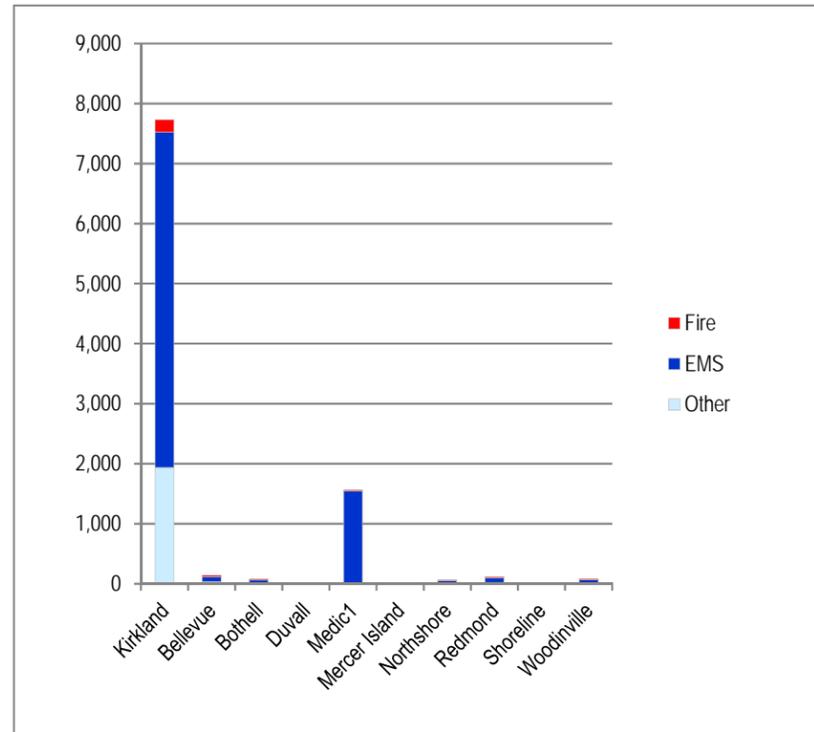
Unit	2013	2014	2015	2016
Aid Unit 25 CALLS	381	392	450	448
Engine 25 CALLS	137	136	150	129
Second Aid Unit CALLS	14	77	77	92
TOTAL CALLS	532	605	677	669

E25A and 4th Firefighter began operating in August 2013

2015 FIRE STATISTICS

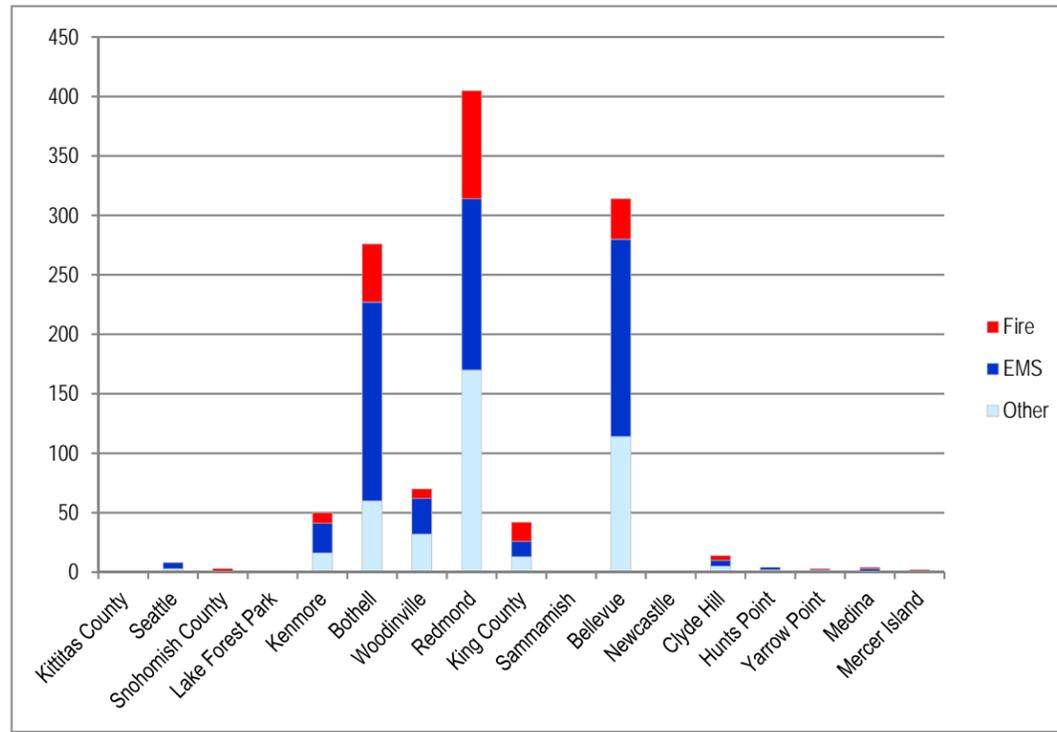
RESPONDERS*
Kirkland
Bellevue
Bothell
Duvall
Medic1
Mercer Island
Northshore
Redmond
Shoreline
Woodinville
Total

All Responses Within Kirkland			
Fire	EMS	Other	Total
210	5,585	1,937	7,732
24	78	39	141
19	42	18	79
	1		1
19	1,540	5	1,564
1		1	2
16	35	13	64
24	71	23	118
2	1		3
20	46	17	83
335	7,399	2,053	9,787



JURISDICTIONS**
Kittitas County
Seattle
Snohomish County
Lake Forest Park
Kenmore
Bothell
Woodinville
Redmond
King County
Sammamish
Bellevue
Newcastle
Clyde Hill
Hunts Point
Yarrow Point
Medina
Mercer Island
Total

Kirkland (only) Responding Outside Kirkland			
Fire	EMS	Other	Total
		1	1
	5	3	8
3			3
1			1
9	25	16	50
49	167	60	276
8	30	32	70
91	144	170	405
16	13	13	42
1			1
34	166	114	314
		1	1
4	5	5	14
	2	2	4
1	1	1	3
1	3		4
1	1		2
219	562	418	1199



* All agencies responding to calls within the City of Kirkland in 2015

** All jurisdictions, outside of Kirkland, to which Kirkland Fire units responded in 2015

Fire Department Strategic Plan UPDATE

December 19, 2016

**88% of recommendations Completed, Attempted or currently In Process.
12% not yet started.**

CONSULTANT RECOMMENDATIONS

		Percentage
Number of recommendations COMPLETED	61	69%
Number of recommendations ATTEMPTED	4	4.5%
Number of recommendations IN PROCESS	9	10%
Number of recommendations NOT YET STARTED	11	12%
Number of recommendations DISAGREED WITH	4	4.5%
Total	89	100%

DEPARTMENT RECOMMENDATIONS

Number of recommendations COMPLETE	1
Number of recommendations ATTEMPTED	1
Number of recommendations IN PROCESS	2
Number of recommendations NOT YET STARTED	1
Total	5

COMPLETED HIGHLIGHTS of STRATEGIC PLAN

Long term plans for replacement of Station 27 in process

Renovation of Station 25 and addition of new Station 24 in process

Long term plan for renovation of Station 21, 22 and 26 in process

Currently conducting two EMTG recruit academies per year

Two Water Rescue Craft deployed and in service as of April 2016

Full Time Emergency Manager hired February 2014

Half time EMS support and Half time Financial Analyst hired

Billing for EMS transport

Washington State Survey and Ratings Bureau analysis completed

Additional Fire Inspector hired for Fire Prevention Bureau

Dedicated Emergency Operations Center completed during City Hall remodel

**KIRKLAND FIRE DEPARTMENT STRATEGIC PLAN
Consultant Recommendations and Staff Response**

**RED-indicates update
from original submission
Updated for PSC on December 20, 2016**

Recommendation #	DESCRIPTION OF CONSULTANTS RECOMMENDATIONS	PRIORITY	STATUS	NOTES
48	Periodically (annually or more frequently) review minimum staffing levels and options for filling vacancies.		Complete	Reflects current practice
84	Determine the cause of the dramatic decrease in the percent of full alarm assignment deployments.		Complete	This was a data reporting issue. Added "confirmed" fires to run cards. Reduced "full" responses
87	Develop and adopt response time intervals, benchmark, and review at a minimum annually.		Complete	Is done annually
88	NORCOM – Establish communication center performance measurement benchmarks that meet national standards.		Complete	
20	Aggregate like item equipment purchases with a total value of \$5,000 or more and include in the City's annual budget.		Complete	
50	Develop an internal CIP for the maintenance and replacement of KF&BD capital equipment.		Complete	Sinking fund list is complete and updated on regular basis
52	Replace apparatus using a combination of age, mileage (for gas powered units), engine hours (for diesel apparatus) and condition.		Complete	Reflects current practice
2	Create a budget category for administrative services		Complete	
22	Establish a medical baseline for new firefighters at the time of hire/appointment.		Complete	Reflects current practice
62	Develop a consistent program for training hazardous materials technicians	HIGH	Complete	Techs receiving required minimums per year
64	Develop a joint recruit academy with other members of the EMTG.	HIGH	Complete	Completed 2014 EMTG Academy in April of 2014. Are continuing to have regular academies for new hires. Currently hosting two EMTG academies per year.

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66	In the absence of a combined EMTG training manual, KF&BD should develop its own training manual, preferably in concert with the other members of the EMTG.	MED	Complete	Training manuals have been and are currently being developed by EMTG consortium. The EMTG Training Manual is part of the "Best Practices" (BP) program. Sections completed since Strategic Plan include Extrication BP, Safety BP, Command BP, EMS BP. Additional sections are being added as a result of the EMTG Strategic Plan.
67	Refine and expand goals and purpose statements of training objectives	MED	Complete	Part of EMTG Training Manual. EMTG has also created training Vision and Mission statements to address these areas. These statements may be modified as a result of the EMTG Strategic Plan study but they currently are complete.
69	Conduct at a minimum two night drills per shift per year that involve all fire suppression personnel.	LOW	Complete	Will be incorporated into EMTG training schedule. Was incorporated into 2013 quarterly training. It has become part of annual training in Kirkland and most of EMTG agencies. Likewise, crews also conduct night drills on their own, apart from EMTG. It is not possible to include all fire personnel in the same drill but all personnel will be scheduled to complete the training. Night drills have also been added to the three year calendar of classes.
72	Include company level training activities by subject in the RMS.	HIGH	Complete	Entering in training division RMS
34	Develop and adopt a plan for the maintenance, repair, and flow testing of all fire hydrants in the City of Kirkland.		Complete	Already completed by Water Districts
37	Develop and adopt a plan to actively solicit feedback from a representative sample of recipients of KF&BD inspection and enforcement services.	MED	Complete	Done as part of Development Services Strategic Plan
71	Establish a minimum requirement for annual company and individual training evaluations. Include shift battalion chief involvement in annual evaluations.	HIGH	Complete	Required minimum competencies are established.

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61	Identify training competencies in writing, teach, train, test, and evaluate personnel regularly by the training division in concert with shift battalion chiefs.	MED	Completed	Completed annual scheduled classroom and MCO Field operations, Tech Rescue, RS I, MCI, HM performed, taught and evaluated by EMTG staff. Addressed all WAC 296-305 requirements on either bi-annual or annual basis. Includes live fire. We require SCBA donning drills four times annually (WAC requires twice only). Annual fit tests are also performed.
74	Refine and expand goals and purpose of training objectives.	MED	Completed	Same as #67
19	Develop a procedure and policy for reporting and retaining all employee exposure records.	HIGH	In Process Completed	Complete for "reportable" exposures. Working on process for non-reportable as well
9	KF&BD review and validate the mission, vision, and values following completion of the 2012 strategic plan.	HIGH	In Process Completed	Updated and validated by department members
60	Formalize the East Metro Training Group via an interlocal agreement between participating agencies.	HIGH	In Process Completed	ILA completed in 2013 for five agencies. Current ILA for eight agencies was approved and signed in 2015
31	Hire a full-time City Emergency Manager, shifting daily responsibilities from the Deputy Chief of Administration to the City Emergency Manager.	HIGH	In Process Completed	New Emergency Manager began February 16, 2014
10	Display the adopted mission, vision, and organizational values in City Hall and fire department facilities.	HIGH	In Process Completed	Adopted and displayed since 2014
59	Create a formal mentoring program for officers to use with subordinates.	MED	In Process Completed	Have started training, including management training to officers by Human Resources. Development of an Acting Officer and Fire Officer I NFPA 1021 program completed. First class held in May 2014.
49	Periodically review sick leave and work-related injuries for patterns and opportunities to reduce occurrences.	HIGH	Ongoing Completed	Current Practice. Sick leave and on-duty injuries reported and reviewed on weekly basis.
8	Add one FTE administrative assistant support for EMS.....	HIGH	Completed	Administrative support needed for EMS and billing. Staff position increased from .25 to .5 FTE to handle transport billing.
5	Annually conduct a detailed analysis of revenue verses expenditure to validate that EMS transportation activity is meeting stated goals established by the city.	MED	Ongoing Completed	Revenue currently exceeds expenditures and forecast. Have completed annual analysis since 2011. Revenue exceeded expenditures for each year 2011-2016. Included in Department Annual Report.

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7	Bill for EMS transport when responding and transporting patients outside of the City of Kirkland.	MED	Completed	Currently we bill for transport in those jurisdictions who also bill for transport. Redmond and Northshore are the only agencies that do not bill. So we do not bill for transports in those jurisdictions. We do bill in all other jurisdictions.
58	ICS training is currently at the federal minimum. Department minimum should be IS-100, IS-200, & IS-700 and IS-800b for all response personnel, and IS-300 & IS-400 for all chief officers.	HIGH	Ongoing Completed	Provided on ongoing basis - Recommend partnering with outside agencies to continue to provide ICS training. OEM will be offering to all City Employees in 2017.
54	Monitor mutual and automatic aid for equity "service impacts".	MED	In Process Completed	Remove "equity" and replace with "Service Impacts". Completed at least annually. Will be included in quarterly dashboard reports.
36	Acquire and deploy electronic tablet devices for field data entry and rapid downloading to the records management system.	MED	In Process Completed	Tablets have been purchased. RMS issues are in process with NORCOM. Tablets purchased with ESO software. Downloaded "live" to KCEMS.
53	Store PPE in a separate, well ventilated room.	HIGH	In Process Completed	Analyzed current stations for upgrades and it proved unworkable. Is included, where possible, in station renovations and in all new station designs.
55	Make upgrades to incident reporting RMS software to eliminate erroneous data entries.	MED	In Process Completed	Exploring alternatives to New World which was purchased to meet this need. Purchased ESO software and field tablets to accomplish this recommendation.
29	Develop a Hazard Identification and Vulnerability Assessment and a Hazard Mitigation Plan. Submit to King County for inclusion as an annex to the County plan.	HIGH	In Process Completed	In Process with King County Emergency Operations Center. Kirkland submitted update to King County Plan Annex in June of 2014
63	Dedicate a reserve engine to the training division, preferably a unit that can be shared by agencies.	MED	In Process Completed	Reserve engine has been identified for transfer. EMTG agencies prefer to have firefighters work off their own apparatus. As such, reserve engine not needed.
30	Involve KF&BD and other City of Kirkland employees in community-based emergency exercises at least annually.	MED	In Process Completed	To be scheduled. June 2016 regional Cascadia Rising drill involved all City employees. Scheduling annual training/drills.
8	And one FTE financial analyst to administrative support functions.	HIGH	In Process Completed	Hired half time Financial Analyst who splits time with PD
11	Outsource development and maintenance of Administrative Rules and Standard Operating Guidelines to a third party.	HIGH	In Process Completed	Outsourced to Lexipol. 48 policies have been issued with more in process.

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18	Administer a stress test at the time of hire and periodically on incumbent employees/members based on age and risk factors.	HIGH	In Process Completed	Stress test done at time of hire. Medical insurance covers almost all of industrial wellness physicals thereafter, including stress testing.
45	Update KF&BD Department Manual Directive Number 3.001 to accurately reflect current daily minimum staffing level.	MED	In Process Completed	To be included in Policy and Procedure update. Update complete.
70	Develop lesson plans for core competencies requiring instructors to follow plans when instructing.	MED	In Process Completed	Have lessons plans for recruit academy currently. Will use same format for all required training. Actively scheduling current and future company officers to attend Fire Instructor I courses. Have developed standard lesson plans for Live Fire, Fireground Communications, HM Training, Auto Extrication and more. Some of these lesson plans are taught by outside agencies.
13	Prioritize media messaging. Use "Currently Kirkland" and other media outlets as a tool to leverage the reach and impact of fire department public information and education messages.	MED	Done on Limited Basis Completed	Done occasionally as needed or requested with help of City Communication Mgr, Department is using Currently Kirkland and social media for consistent messaging
16	Develop interactive content for the fire department website: citizen training videos and downloadable documents (fire escape plans, preparedness, and self-help checklists).	HIGH	In Process Completed	Working with IT on webpage redesign. Website training set. Web redesign launched. Fire web team updating pages
12	Develop a succession plan to ensure employees are recruited and developed to fill each key role within the organization.	LOW	In Process Completed	Employees moved via Civil Service rules to fill long term vacancies. Started Leadership training on coaching best practices for all BCs and Captains. Managing for Success class for all officers. Annual Command post training. Incident Safety Officer class for all Captains completed.
82	Develop a long term plan to become a CFAI accredited fire agency	HIGH	Not yet Started In Progress Completed	High Priority. Need to find staff time to complete. Accreditation plan developed. Process underway.
85	Adopt two tiered response time objectives for fire, EMS, hazardous materials, technical rescue, and specialized rescue incidents.	HIGH	Not yet Started In Progress Completed	Currently have tiered response for Fire and EMS. To be included in Standard of Coverage Study Response time objectives recommended. Tiers for HM, TR and SR rejected.
68	Establish a minimum number of annual training hours an individual or company is required to complete.	DISAGREE MED	N/A Completed	Training is competency based not hours based. Have required minimum competencies established.

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1	Amend Job descriptions to accurately reflect roles and expectations for administration and support staff.	HIGH	In Process Completed	Restructuring the organizational chart will effectively complete this recommendation. Job expectation and Org chart updated and discussed with staff.
89	Adopt turnout time standards based on incident type and time of day.	HIGH	Not yet Started In Progress Completed	Currently have turnout time standards based on incident type. Will conduct Standard of Coverage Study re: time of day Turn out times for time of day rejected.
80	Expand the current partnership with the King County Sheriff's Marine Unit and the Seattle Fire Department to provide a joint, coordinated response to marine firefighting and rescue incidents.	HIGH	Not yet Started In Process Completed	To be included in Standard of Coverage Study. Pursue CIP & grant funding for possible off shore rescue equipment and additional partnerships with other agencies. King County Marine unable to provide 24/7 response. Seattle Fire responds as requested. Deployed two Water Rescue Craft in April of 2016 with certified pilots and certified rescue swimmers for rescue incidents. Marine Firefighting capability through Seattle or Mercer Island Fire.
83	Define and report (Response Time Objectives Report) geographic areas where response time objectives are not being met. Include information on predictable consequences and steps to achieve compliance.	HIGH	Not yet Started In Progress Completed	To be included in Standard of Coverage Study Report completed. Areas identified and steps necessary to reach goals
4	Request WSRB to conduct an evaluation of the fire and suppression capabilities of KF&BD	HIGH	Not yet Started Completed	Dept recommends this be highest priority and foundation for all other recommendations in Strategic Plan. Completed January 2014
26	Identify a location and develop a dedicated EOC; apply for a matching grant from the Washington EMD Emergency Operations Center Grant Program (requires 25% local match).	MED	Not yet Started Completed	Dedicated EOC secured at City Hall. Will be completed with City Hall remodel.
51	Perform an energy audit on all fire stations and follow recommended energy efficiency measures.	MED	Not yet Started Completed	Potential long term costs savings could offset one time costs Audit completed end of 2013. Upgrades completed in Feb 2014
79	Modify the EMS response protocol of sending three responders to medical incidents. Redeploy with dedicated staffing of two-person aid units, or single person quick response unit for low priority EMS incidents.	HIGH	Not yet Started In Process Completed	Agree with dedicated staffing of aid units. Redeployment of one person responses should be reviewed in Standard of Coverage Study. Two person aid units deployed with four person stations staffing at Station 25.
56	Track failure rate of units to respond to incidents in their first due area by fire station and apparatus.	HIGH	Not yet Started Completed	To be included in Standard of Coverage Study. Included in SOC and data pulled and updated annually.

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78	Participate in the King County Medic One Community Medical Technician (CMT) pilot.	MED	Not yet Started Completed	Request will be made when program funding becomes available. Kirkland did not participate in pilot. KCEMS may reinstate process. If so, Kirkland will participate in conversations and evaluate at that time.
65	Maintain the practice EMTG recruit training or use the practice of sending recruits to either Bates or North Bend, augmented with agency specific training.	DISAGREE HIGH	Completed	Agree w/#64. Currently hosting two EMTG recruit academies per year. Disagree with sending recruits to North Bend or Bates.
38	Adopt a local residential sprinkler ordinance for new residential construction.	HIGH	In Process Attempted	Staff is initiating process to make recommendation based on stakeholder input. Sprinkler Ordinance recommended to City Council June 2016. Not adopted.
24	Provide a fire service-related occupational and health program.	HIGH	In Process Attempted	Recommend IAFC/IAFF Wellness Fitness Initiative. In current CBA 20.3. Added to 2017-2018 budget as Service Package request but didn't make final budget cut.
6	Add a Medical Service Administrator (MSA) at the rank of division chief to manage the medical division.	HIGH	Not yet Started Attempted	Funding and regional partnerships will be pursued. Have Emergency Medical Services Officer at rank of Captain.
77	Provide Advanced Life Support services within the City of Kirkland via the King County Medic One program.	MED	In Process Attempted	Updated KCEMS language to allow Kirkland participation in next levy cycle. KCEMS conducted third party "Standard of Coverage" study for ALS in King County. Kirkland contributed and expressed desire to participate in ALS service. Study was not favorable to Kirkland position.
75	Jointly construct and staff a new fire station with Northshore FD.	HIGH	In Process Attempted	To be evaluated in Station Siting and Standard of Coverage Studies. Discussions ongoing but completion unlikely due to objections from labor.

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Updated for PSC on December 20, 2016**

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33	Conduct a fire and life-safety inspection of all inspect able occupancies in the next 12 months. If necessary use emergency services personnel to complete inspections.	HIGH	Ongoing In Process	Unable to accomplish every 12 months. Added third Fire Inspector and looking at adding fourth. Major developments have pulled inspectors into other areas, primarily plans review. Dedicated inspection software is foundational to items 33, 35, 73 & 86. These items cannot be completed without software to identify, assign, track and report on inspection activity. Development activity currently demands 70% of available staff time. Remaining time is dedicated to responding to nuisance alarms, complaints, observed violations, IFC permits and inspections, and special events. Additional inspection staff and implementation of dedicated inspection software application will be required to make material progress on this. Available staff time, for this item, is dedicated to implementing software solution, creating a catalog of inspections, and
32	Integrate KF&BD fire prevention records management with the EnerGov RMS software used by the Building Division.	HIGH	Not yet Started In Process	Looking at data transfer from New World to EnerGov and alternate software to include integrated pre fire plans with other partner agencies. Fire prevention successfully uses EnerGov for construction inspection. However, neither Zoll nor EnerGov will work for maintenance inspections. Dedicated maintenance inspection software still needs to be implemented to identify, assign, track and report on maintenance inspection activity.
81	Develop a capital plan for the rebuild or replacement of Fire Station 25 (Finn Hill South) and Fire Station 27 (Totem Lake).	HIGH	In Process In Process	Station Siting Study and Standard of Coverage Study will define plan. Renovation of St. 25 initiated and funding secured. Replacement of St. 27 looking at possible sites and discussing funding options.
35	Develop and implement a self-inspection program for light risk occupancies where the occupants have demonstrated regular code compliance.	MED	Not yet Started In Process	As staff is available to accomplish. Dedicated inspection software is foundational to items 33, 35, 73 & 86. These items cannot be completed without software to identify, assign, track and report on inspection activity. Self inspection could be used on a limited basis after a complete catalog of occupancies is established. Item 33 must be completed first.

**KIRKLAND FIRE DEPARTMENT STRATEGIC PLAN
Consultant Recommendations and Staff Response**

**RED-indicates update
from original submission
Updated for PSC on December 20, 2016**

Recommendation #	DESCRIPTION OF CONSULTANTS RECOMMENDATIONS	PRIORITY	STATUS	NOTES
86	Risk assessment RMS should be managed by the KF&BD Fire Prevention Division.	MED	Not yet Started In Process	Software system will need to be identified and purchased. Dedicated inspection software is foundational to items 33, 35, 73 & 86. These items cannot be completed without software to identify, assign, track and report on inspection activity.
3	Increase emergency operations by adding a BLS aid unit staffed for 12 hours to maintain adequate personnel for a moderate risk fire event.	HIGH	Not yet Started In Process	Are looking at other options. To be included in Standard of Coverage Study. Opted for 4th firefighter at Station 25 to provide 2nd EMS response capability.
39	Form a regional partnership to develop and deliver juvenile firesetter intervention and counseling.	MED	Not yet Started In Process	Additional resources will be required. The fire investigation unit will respond to individual juvenile firesetter activity as it is identified. Discussions ongoing.
28	Complete and publish the COOP and COG plans	HIGH	Not yet Started In Process	High priority. Has been assigned to City Emergency Manager. Draft provided in November 2016. Final draft to Council in early 2017.
14	Anticipate controversies or events which may generate media or community interest and develop a media or messaging plan in advance.	MED	Done on Limited Basis In Process	City Communication Manager assists on a limited basis.
76	Develop a comprehensive evaluation program to assess all aspects of the EMS system.	HIGH	Not yet Started	Requires Medical Services Administrator investment
27	Seek potential partner agencies to provide contracted emergency management services from KF&BD.	LOW	Not yet Started	Last in implementation order
90	Integrate the New World RMS (records management system) with emergency management plans, records, and reports.	MED	Not yet Started	Data for Emergency Management needs to be in RMS
21	Develop, validate and employ a physical evaluation process that is job related.	MED	Not yet Started	Current Physical Fitness program not job related
15	Develop a proactive message file where the subject is not time-sensitive, but timely release may position the message to its greatest advantage.	MED	Not yet Started	This is accomplished whenever possible. Insufficient staff prevents a more proactive approach as recommended
40	Develop, adopt, publish, and implement a KF&BD Public Education Plan.	MED	Not yet Started	Requires subject matter expert to initiate. Additional resources required.
41	Form regional partnerships for the development and deployment of public fire and life safety education initiatives; also rotate operations personnel to deliver a structured curriculum.	MED	Not yet Started	Additional staffing required to develop and implement.

**KIRKLAND FIRE DEPARTMENT STRATEGIC PLAN
Consultant Recommendations and Staff Response**

**RED-indicates update
from original submission
Updated for PSC on December 20, 2016**

Recommendation #	DESCRIPTION OF CONSULTANTS RECOMMENDATIONS	PRIORITY	STATUS	NOTES
43	Employ electronic information media from the United States Fire Administration and NFPA for linking or posting and making available on the Kirkland website.	MED	Not yet Started	Current staff will implement as time permits. Risk Reduction Officer needed to expedite.
44	Create partnerships with other public agencies and private sector companies to provide public education and information to the citizens of Kirkland.	MED	Not yet Started	Additional staff needed to manage program
57	Expand Chapter 21.35A of the Kirkland Municipal Code to include response by KF&BD to repeat false of malicious fire alarms.	MED	Not yet Started	Work with City Attorney to develop code
73	Integrate pre-fire incident planning of community target hazards in training activities.	MED	Not yet Started	Fire Prevention developing list of target hazards. Dedicated inspection software is foundational to items 33, 35, 73 & 86. These items cannot be completed without software to identify, assign, track and report on inspection activity.
46	Maintain a minimum per shift of two personnel (swing personnel) at firefighter EMT, two at lieutenant, and two at the captain rank with the qualifications and appropriate certifications to fill vacancies or step-up.	DISAGRE E		KFD trains and utilizes Acting Officers to fill these vacancies
47	Within the limits of the collective bargaining agreement use personnel at the Captain and Lieutenant rank to work down to fill vacancies.	DISAGRE E		Collective Bargaining Agreement would limit. Situation this deals with is rare
23	Produce a live monthly informational broadcast between the fire chief and department personnel.	DISAGRE E		Fire Chief prefers face to face visits during regularly scheduled monthly mtgs and station visits
42	Rotate emergency operations personnel to a temporary duty assignment as a public educator to deliver the public education curriculum.	DISAGRE E		Temp rotations need to be backfilled. No cost savings. Should be 3 yr rotation if implemented.



CITY OF KIRKLAND

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Cherie Harris, Police Chief
Kevin Raymond, City Attorney

Date: December xx, 2016

Subject: Proposed Ordinance Related to Disorderly Conduct and Amending KMC Section 11.84A.030

RECOMMENDATION:

It is recommended that City Council adopt the attached ordinance related to disorderly conduct, amending subsection 3 of Kirkland Municipal Code ("KMC") 11.84A.030 in order to address a potential constitutional free speech issue based on overbreadth and vagueness grounds.

BACKGROUND DISCUSSION:

King County Superior Court Judge Barbara A. Mack ruled on August 11, 2016 that subsection 3 of KMC 11.84A.030 violates federal free speech rights and is therefore unconstitutional. The appeal was considered by Judge Mack pursuant to the Washington Courts Rules for Appeal of Decisions of Courts of Limited Jurisdiction ("RALJ"). The City voluntarily dismissed its appeal of Judge Mack's decision.

KMC 11.84A.030(3) provides that a person is guilty of a misdemeanor if he or she "intentionally conducts himself or herself in a manner which disturbs the public peace, provokes disorder or endangers the safety of others." Ruling that subsection 3 is unconstitutionally overbroad and vague on its face, Judge Mack reversed a prior conviction of the Defendant/Appellant in the Kirkland Municipal Court. While legally binding only with respect to the matter on appeal, Judge Mack's decision offers an opportunity to consider and address the potential for similar rulings in the future under subsection 3.

Under an overbreadth and vagueness analysis, the actual, "as applied" conduct of a defendant is irrelevant. Instead, the challenge is to the ordinance on its face. In her opinion, Judge Mack cited prior United States Supreme Court cases striking down similar laws on overbreadth and vagueness grounds, such as a state law making it a crime to congregate with others "with intent to provoke a breach of the peace," which statute had been used to block lawful civil rights protest marches in the 1960s. Judge Mack's decision also cited a United States Supreme Court decision holding that statutes "must be carefully drawn or authoritatively construed to punish only unprotected speech and not be susceptible of application to protected expression."

Some forms of speech, such as those involving so-called "fighting words," do not enjoy free speech protection. Fighting words are those which by their very utterance inflict injury or tend

to incite an immediate breach of the peace." Similarly, conduct not that is not considered expressive does not enjoy free speech protection. Conduct is considered expressive when an actor intends through his or her conduct to communicate a message and that message can be understood in context. The honking of a car horn offers a good example of conduct that may be expressive and understandable in context. For example, the honking of a horn can be expressive if done to let a coworker know it is time to go or in response to a sign that says "honk if you support our troops." On the other hand, the honking of a horn with an intent to annoy or harass is likely not expressive conduct entitled to free speech protection.

In the case of KMC 11.84.030(3), Judge Mack ruled that prohibiting individuals from acting in a way "which disturbs the public peace [or] provokes disorder" was not carefully drawn to punish only unprotected speech, such as "fighting words." In other words, an individual intentionally exercising his or her free speech rights could be subject to unlawful prosecution of it "disturbs the peace" or "provokes disorder."

The proposed ordinance would address Judge Mack's ruling by amending subsection 3 so that it is more narrowly drawn to include only non-expressive conduct and "fighting words" under this standard for determining disorderly conduct.

ORDINANCE _____

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DISORDERLY CONDUCT.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 11.84A.030 of the Kirkland Municipal Code is amended to read as follows:

11.84A.030 Disorderly conduct.

RCW 9A.84.030 is hereby adopted by reference. In addition, a person is guilty of disorderly conduct if he or she:

- (1) Intentionally engages in a fight in a public place or way open to the public;
- (2) Intentionally uses unlawful force or violence on the person of another; or
- (3) Intentionally ~~conducts himself or herself in a manner~~ engages in conduct that fails to communicate a message that can be understood in context or uses fighting words which disturbs the public peace, provokes disorder or endangers the safety of others.

Disorderly conduct under this section is a misdemeanor.

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2017.

Signed in authentication thereof this _____ day of _____, 2017.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS

LEGISLATIVE AGENDA

As approved by the WASPC membership during the 2016 Fall Conference in Chelan

LAW AND JUSTICE DAY

FEBRUARY 7, 2017 • 9:00 AM • COLUMBIA ROOM

Re-Instate a Version of the Public Safety Education Account (PSEA)

Since the elimination of the Public Safety Education Account (PSEA) in 2009, necessary funding for important public safety programs has suffered, and continues to be subject to economic and budget pressures and competing political interests of the state legislature. While local criminal justice systems contribution nearly \$100 million per year in state general fund revenues, newly hired law enforcement and corrections officers are unable to enroll in state-mandated basic training, rapidly declining auto-theft funds are being diverted to pay for programs such as school mapping and a

jail booking and reporting system, and other important public safety programs struggle due to financial constraints.

Re-dedicating certain state revenues to support important public safety programs in a dedicated, non-appropriated account will help ensure that these essential government functions operate at an effective level.

NET FISCAL IMPACT

FY18-FY21: \$19.5M/FY

FY22 Forward: \$47.5M/FY

Provide Funding to Combat Criminal Street Gangs

In 2008, the Legislature directed that a statewide criminal street gang database be developed. Since that time, WASPC has partnered with federal agencies to coordinate and develop such a database, including strict training and operational requirements to ensure the protection of privacy and civil rights, and this database is now operational. \$500,000 in one-time funding is needed to properly review existing local and regional gang database entries for population into the new database according to these strict training and operational requirements.

Additionally, \$150,000 in one-time funding is sought for by the Department of Social and Health Services' Juvenile Rehabilitation Administration to review state and local juvenile firearm data to help identify root causes and identify protecting and predictive factors associated with juvenile firearm offenses.

Finally, \$100,000 in additional ongoing funding is sought to bolster existing criminal street gang prevention and intervention efforts by the Department of Social and Health Services' Juvenile Rehabilitation Administration.

STRATEGIC LEGISLATIVE GOALS:

- *Improve the State's Mental Health System*
- *Increase capacity for forensic DNA testing at the WSP Criminal Laboratory System*
- *Address Unintended Consequences of the Public Records Act*
- *Ensure Sufficient Funding for Statewide Law Enforcement Programs such as Victim Notification, Jail Booking and Reporting System, Sex Offender Address Verification, Uniform Crime Reporting, and Auto Theft Prevention Authority Task Forces*

James McMahan
WASPC Policy Director
Office: (360) 486-2394

