

April 4, 2016

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution No. 9084 authorizing termination of the City of Bellevue's participation in the King County Incident Response Team (KCIRT).

FISCAL IMPACT

Under the KCIRT protocol, the City would receive law enforcement resources and experts from other member agencies to investigate or to assist in the investigation of officer involved fatal or serious injury incidents that occur within Bellevue city limits. In return, the City would provide resources and experts to assist other King County law enforcement agencies in similar investigations within their own jurisdictions. Under KCIRT, the Bellevue Police Department has taken part in investigating three non-BPD related incidents and took the lead investigative agency role in two of those three incidents. The Bellevue Police Department has requested assistance on one occasion under the KCIRT protocol.

If the proposed Resolution to terminate the City of Bellevue's participation in KCIRT is adopted, the City would no longer be called upon to assume the role of investigative agency for these types of serious incidents and would not incur any additional investigative costs.

STAFF CONTACT

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Major Pat Spak, 452-4213

Melissa Chin, Legal Advisor, 452-7826

Carl Krikorian, Fiscal Manager, 452-6961

Police Department

POLICY CONSIDERATION

Should the City of Bellevue terminate its participation in the King County Incident Response Team (KCIRT) that was formed through an Interlocal Agreement (ILA) with other law enforcement agencies for shared investigative responsibilities and shared use of equipment/technology in the event of a law enforcement involved fatal or serious-injury incident?

DIRECTION NEEDED FROM COUNCIL

 X Action

BACKGROUND

Council authorized execution of the King County Incident Response Team (KCIRT) Interlocal Agreement on August 6, 2012 (Resolution No. 8433) to provide mutual aid and mobilization between the law enforcement agencies in the event of an officer involved fatal or serious injury incident.

The concept of KCIRT was initiated by former Bellevue Police Chief Linda Pillo to enhance community trust by creating an expert multi-jurisdictional team to investigate major incidents. KCIRT developed an investigation protocol that provided best practices for the investigators to follow. The ILA also allowed for the sharing of forensic and investigative resources among the members to enhance investigations. Bellevue PD was designated as the Commanding Agency for the first two-year period of KCIRT's operation. The Commanding Agency has the overall responsibility to manage and coordinate assigned incidents, as well as assure the readiness and training of KCIRT members.

KCIRT is made up of ten law enforcement agencies: the King County Sheriff's Office, the Washington State Patrol, and the cities of Snoqualmie, Black Diamond, Bothell, Issaquah, Kirkland, Mercer Island, Redmond and Bellevue. KCIRT is administered by a Board of Directors consisting of the Chief or Sheriff of each participating agency. Under KCIRT, each agency also provides at least one detective, supervisor or commander. In 2015, Bellevue Police Department had three Detectives, two Lieutenants, and one Major assigned to KCIRT for a total of six employees. In the two KCIRT cases where BPD was lead agency, the Department's Records Unit and Public Information Officer were leads on public disclosure issues.

The Bellevue Police Department has been called to assist on three Officer involved shootings pursuant to the KCIRT protocol and was assigned to be the lead agency in two of these investigations. The Bellevue Police Department requested the assistance from KCIRT on one investigation involving a Bellevue Police Department incident.

On November 2, 2015, all ten participating agencies, including the Bellevue Police Department, shared their interest in terminating their agency's participation in KCIRT. On January 22, 2016, Redmond Police Chief Ron Gibson, the current KCIRT Team Commander, sent out a letter to each participating agency that memorialized the November 2 meeting. The participating agencies agreed that the program was not achieving the goals set out in the ILA.

The KCIRT ILA states in part, "any party may terminate its participation in the Agreement by giving 60 days notice of termination to all participating parties hereto. The withdrawal of any party shall not, however, automatically result in the dissolution of KCIRT, but rather the withdrawing part shall, after the effective date of the withdrawal, no longer be considered party under this Agreement." Council approval is needed to authorize the City of Bellevue's termination of its participation in KCIRT as Council authorized the original participation.

Because the Bellevue Police Department has police powers to act within each participating agency's jurisdiction through the Police Powers Act, notwithstanding the termination of the KCIRT ILA, the Bellevue Police Department will continue providing mutual aid support to other agencies in the event that an officer involved fatal or serious injury incident requires investigative assistance. The King County Sheriff's Office has also expressed willingness to continue to provide investigative assistance to the Bellevue Police Department in the case the Bellevue Police Department needs investigative assistance in an officer involved fatal or serious injury incident.

This action follows Council discussion on consideration to terminate the City's participation in KCIRT held on March 7, 2016.

EFFECTIVE DATE

If approved, this Resolution becomes effective immediately upon Council adoption.

OPTIONS

1. Adopt the Resolution authorizing termination of the City of Bellevue's participation in the King County Incident Response Team (KCIRT).
2. Do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Option 1.

MOTION

Move to adopt Resolution No. 9084 authorizing termination of the City of Bellevue's participation in the King County Incident Response Team (KCIRT).

ATTACHMENTS

Letter from Redmond Police Chief Gibson to the KCIRT participating agencies
Proposed Resolution No. 9084

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

KCIRT Interlocal Agreement
KCIRT Investigative Protocol