



TOWN OF LA CONNER

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LAW ENFORCEMENT

SGT. JEFF WILLARD

FIRE CHIEF

AARON REINSTR

NOTICE OF AND CALL FOR A SPECIAL MEETING OF THE LA CONNER TOWN COUNCIL

DATE: Tuesday, September 28, 2021
TIME: 5:00 – 6:00 p.m.
PLACE: Lower Maple Center (104 Commercial) & Zoom Meeting

The undersigned Mayor of the Town of La Conner is hereby calling for and providing notice of a special meeting in accordance with RCW 42.30.080.

AGENDA

1. 2022 Budget Discussions:
1) Policing

Ramon Hayes, Mayor

This notice will be posted at Town Hall on September 23, 2021

Distribution:
Councilmembers

John Leaver
Bill Stokes
Marylee Chamberlain
Mary Wohleb

LC Weekly News E-mail
Town Website

**Topic: Town Council Special Meeting
Join Zoom Meeting**

<https://us02web.zoom.us/j/82523358304?pwd=QUZYUnJhVzdNRHVxc0QwRmNyMG12Zz09>

Meeting ID: 825 2335 8304

Passcode: HHPx53

One tap mobile
Meeting ID: 825 2335 8304

Passcode: 686414

Find your local number: <https://us02web.zoom.us/j/kesqEAGS3A>

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Town of La Conner

Memorandum

To: Town Council
From: Town Administrator
Date: September 24, 2021
Subject: Law Enforcement/Public Safety Services

A. BACKGROUND

On June 18, 2021 I provided a memo describing public safety services and how those services may legally be provided by a small town of La Conner's size. For convenience, a copy of that memorandum is attached. Three primary options for the provision of these services were presented in that June 18th memo: 1) continue to contract with the Skagit County Sherriff's Department ("SCSO") for law enforcement services; 2) contract with the Swinomish Tribal Community ("SPD") for law enforcement services; and 3) have police services provided in whole or in part directly by the Town of La Conner.

This memorandum is a follow-up to that earlier memo. The Town's agreement with the SCSO will expire at the end of 2021. My observation has been that over the past several months the discussion within the community has turned away from re-establishing a police department and hiring officers. For many years the Town's risk pool has advised that police liability and employment practices liability are two activities that generate the most claims, and I therefore agree that re-establishing a department is both a risky and costly endeavor. As such, I will not devote any further attention to that option. At the same time, I believe interest remains in exploring the re-establishment of a code enforcement function within the Town, and I will provide additional discussion on that topic.

B. ISSUES AND CONCERNS

1. Criminal Acts. In order to decide the amount of Town resources to dedicate to public safety, and how to allocate those resources most effectively, it is helpful to have an understanding of the nature and scope of issues and concerns. The common perception is that over the past several years La Conner has experienced an increase of unwelcome activities that have directly impacted resident's and visitor's quality of life. These activities include the merely annoying, such as parking violations and animal complaints, to criminal activities such as property crime. Different types of crimes typically occur under different circumstances, and at different times of the day, typically requiring a different allocation of resources.

According to the SPD, for the first 8 months of 2021, there have been a total of 388 total case numbers taken within the Town. In 2020 there were 508 total case numbers, and in 2019 there were 564 total case numbers.

A comparison of the 2018 and 2019 La Conner crime statistics, prepared by the SCSO, is as follows:

TOWN OF LACONNER CRIME STATS

2018 reported crimes		2019 reported crimes	
Burglary	11	Burglary	8
Theft	25	Theft	10
Malicious Mischief	10	Mal Mis	11
Trespass	9	Trespass	5
Vehicle Theft	3	Veh Theft	2
Sex Offense	2	Sex Offense	3
Assault	5	Assault	3
Domestic assault	14	DV Assault	29
Robbery	0	Robbery	0
Rape	0	Rape	0
Removal	6	Removal	13

From the above, it appears as though property crimes (burglary, theft, and malicious mischief) is the category of crimes that predominated during the 2018 – 2019 period. Except for DV, crimes of violence are less significant. Similarly, the annual total number of incidents has remained relatively constant.

2. Traffic Control. Traffic safety areas of concern primarily include North Third Street, Maple Street, and the streets surround the school campus. North Third Street and Maple streets carry both commercial and residential traffic; the streets surrounding the school campus carries significant traffic when the schools are in session. All of these streets are within residential areas, and all carry significant pedestrian traffic in close proximity to vehicular traffic. As such, there is a need for adequate and safe conditions.

La Conner has installed automated traffic speed signs on Maple and on 3rd recently, and it is unclear at this time what long-term impact those devices will have. Additional traffic calming measures may be implemented as funds allow, and as necessary.

3. Civil Code Enforcement. La Conner has employed a part-time code enforcement officer for a number of years; the position is currently vacant after the last code enforcement officer was offered a full-time position with another jurisdiction near the start of the pandemic, and the Town decided not to fill the position because of budgetary concerns. Historically, code enforcement has been comprised of three primary elements: zoning code enforcement, parking enforcement (including unauthorized camping) and animal control. The number of enforcement issues and complaints is not available at this time. Nevertheless, because enforcement has fallen to me the past two years, I think it would be accurate to say that zoning and parking enforcement issues have ramped up significantly during the past year as we have come out of the pandemic. In addition, new legislation passed during the past year and a recent decision of the Washington Supreme Court have dramatically altered how government interacts with citizens having a mental health crisis on the one hand, and with homeless individuals living out of their vehicles on the other.

C. COMMUNITY GOALS

A typical strategy to enhance community safety is to prevent crime from occurring, as it is usually more effective to prevent crime than it is to put law enforcement resources to work after the crime has been committed. Preventing crime would tend to result in an improved quality of life for La Conner residents, and a reduction in fear generated by both the reality and the perception of crime. Fortunately, there are several different methodologies that have been utilized in other communities.

1. Additional Police Presence. Research has demonstrated that an increased law enforcement presence demonstrably reduces crime, but the question remains - how many officers are enough? The number of sworn police officers per thousand population is a common measure of police staffing, but I would be cautious about drawing any conclusions about whether a community has too much or too little police protection based on this measure. Factors such as geography, the nature of the population served, and others play an important role in determining adequate staffing levels. Skagit County's 2007 County-wide Planning Policies, adopted pursuant to the Growth Management Act, established a minimum of one commissioned law enforcement officer per 1,000 in population for urban growth areas (such as La Conner), but that provision was repealed as being unworkable in 2016. The City of Burlington conducted a study that concluded that the city should employ a total of some 33 commissioned officers for that city's population of less than 8,000, but the study was based on a daytime population estimated at over 30,000.

For La Conner, an additional law enforcement presence in the form of additional patrols would likely be beneficial. This would be particularly true if law enforcement officers were more likely to be present during evening and night-time hours, when at least some of the property crime takes place.

2. Officer Response Time. There are several factors that influence the priority and police response time for emergency calls for service. When a caller contacts Skagit 911, a call taker will speak with the individual and try to determine the nature and scope of the emergency. Call takers are trained to take different factors into consideration, such as whether a violent crime or a property crime has been committed or is being committed,

the seriousness of the crime, whether anyone at the scene is in danger, whether anyone needs medical attention, whether any weapons are involved, whether an offender is still at the scene, whether the incident is domestic in nature, and whether anyone involved is experiencing a mental health crisis. Emergency calls are not necessarily dispatched on a “first-come, first-served” basis. Police, fire, and medical personnel will be dispatched sooner to an unfolding or more severe incident than to lower priority incidents. Response times are also based on the number of pending calls. Because all law enforcement agencies throughout Skagit County mutually support each other, this will always be the case. That being said, an additional law enforcement presence in town will likely reduce response times.

3. Community Based Crime Prevention. Community based crime prevention includes volunteer programs in which citizens participate in neighborhood activities, in cooperation with law enforcement, in an effort to identify, prevent, and cope with crime. Neighborhood Block Watch Programs organizes residents to solve problems at the neighborhood level, and can be effective although they must be repeated on a routine basis to remain effective.

4. Commercial Education and Security. These programs provide loss prevention ideas and training for commercial enterprises, and assist businesses in asset protection planning.

5. School Safety. These provide instruction to children on such topics as pedestrian and bicycle safety, gun safety, and drug and alcohol awareness.

6. Community Education. These programs teach children and adults the role of the police in the community.

7. Reward Fund. RCW 10.85.030 specifically authorizes offer and pay a suitable reward to any person for information leading to the arrest of a person convicted of or charged with any criminal offense. Although I am unaware of any reward funds being established by local governments in Skagit County, other cities and counties have done so. Rewards seem to run in the range of \$500.



Town of La Conner

Memorandum

To: Town Council

From: Town Administrator

Date: June 18, 2021

Subject: Options for Public Safety Services

I have been asked to provide an overview of public safety services, and how those services may be provided by a local government of La Conner's size. The purpose of this memo is to facilitate a discussion by the council on options that you may wish to consider to improve those services for town residents, businesses and guests, and will concentrate only on law enforcement and related services. I use the phrase "public safety services" herein, and not "law enforcement services," because public safety encompasses services such as code enforcement which are frequently considered separate and distinct from law enforcement. This memo will not discuss fire, emergency medical, or emergency management services. This memo is not intended to be a comprehensive examination of every aspect of every feasible option for the provision of public safety services. Moreover, some options are clearly unacceptable, and so I will not invest an inordinate amount of time researching and discussing options that appear wholly unworkable (although I will mention each particular option, and why I view it as being an unlikely alternative.) Ultimately, the provision of public safety services is a policy decision for the council to decide, and so if you want additional information on any topic, please so advise.

There are at least two different methods of categorizing public safety options. The first method is to characterize the option as being either proactive (i.e., attempting to prevent crime, for instance) or reactive. The second method is to characterize a method as being provided directly by government, or provided by private citizens and encouraged by government.

A. Law Enforcement Service Delivery Options.

A city or town may provide law enforcement protection in a number of different ways. Neither the state constitution nor state law mandates a specific number of law enforcement officers or level of law enforcement services. This is primarily a policy decision for the city or town council to determine.

One way is to establish a municipal police department under the direction of a locally appointed marshal. For many years, La Conner provided public safety services in this way.

Another option is to enter into an interlocal agreement with another jurisdiction (typically the county or a neighboring city or town) to provide public safety services. The level of service and cost must be negotiated between the jurisdictions. If a town contracts for police protection, it is not necessary to appoint a city employee or officer to serve as chief law enforcement officer. Rather, one of the officers from the jurisdiction being contracted with can serve in that capacity. In Skagit County, all of the towns receive law enforcement services by the Skagit County Sheriff, although the Town of Hamilton is currently taking steps to appoint a town marshal.

1. Delivery of services by the Skagit County Sheriff. In 1990, Washington's Attorney General issued an opinion that concluded that a county sheriff's duty to enforce state law applies equally in incorporated and unincorporated areas of the county. AGO 1990 No. 4. If a city or town is unable to provide for adequate police protection, the county sheriff must take this factor into account in allocating the resources of the sheriff's office, without the city or town providing payment. However, the AG's opinion went on to conclude that Washington law does not obligate the sheriff to provide a city or town with a specific number of police officers or a specific level of police services. In addition, and unless the city has an interlocal agreement with the county which grants such authority for enforcement to the county sheriff, city and town police departments have the exclusive power to enforce violations of local ordinances within their jurisdictions that are not also violations of state law. This means that criminal violations such as assault and thefts, and state traffic infractions such as speeding (all codified in state law) may be enforced by a county sheriff. Local ordinances that are not a part of state law, such as noise, land use (including sign code violations) and animal control must be enforced by the city or town.

As a practical matter, even without a contract sheriff's deputies will respond to serious crimes such as felonies within the city or town, but they may not provide patrol or take any action for certain types of less-serious violations even if the authority exists; whether or not any response is provided would likely be determined on the availability of deputies, and the nature and number of other types of calls the sheriff's office is working on at any given moment. Thus, the only way a city or town can assure a level of service above the bare minimum is to have its own police force, or to contract with the sheriff or another agency for the required services.

La Conner has contracted with Skagit County for law enforcement services since 2001. Beginning in 2017, the Town negotiated a change in the contract resulting in a reduction in services from a Sergeant and two full time deputies assigned to the town to 80 hours of patrol services within a 10 minute response area of town limits. For calendar year 2021, the Town pays \$331,097 for public safety services. Under the current agreement, the Town receives services at the same level and as is customarily provided to the surrounding unincorporated area. The services include both a reactive response to calls for service, proactive patrol to deter criminal activity, and traffic patrol. Code enforcement and animal control are not included in the services provided by the sheriff.

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The agreement also obligates the County to provide special services, such as sex offender registration, marine patrol, and K-9 patrol, and criminal justice services. Criminal justice services includes prosecution, defense, courtroom services (including judge and clerk services), and jail/probation services. I will elaborate on these additional services below.

As of 2018, the La Conner Detachment had an average of approximately 650 calls for service annually. The most frequent calls for service typically are alarm calls, alcohol violations, civil cases and citizen assists.

The Town previously discussed an increase of services, and sharing the costs with the La Conner School District. For its part the school district would receive additional services, perhaps in the form of a school resource officer. It is unclear if the school district remains interested in this type of arrangement, or what the costs would be.

2. Delivery of services by the Swinomish Police Department.

Pursuant to RCW 10.92.020, tribal police officers are recognized and authorized to act as general authority Washington peace officers. Thus, tribal police officers have the same powers as any other general authority Washington peace officer to enforce state laws in Washington, including the power to make arrests for violations of state laws.

The Town has informally discussed having the Swinomish Police Department provide law enforcement services previously, and considered a proposal from the Department in 2013. That proposal, in the amount of \$248,900/year, included routine patrols, traffic enforcement, animal control, records and evidence, and jail costs in the proposal. Not included in the proposal were civil code enforcement, court costs, and prosecution and defense costs.

3. Delivery of comprehensive law enforcement services by Town staff.

If a town elects to provide law enforcement services through its own forces, the town is required to appoint a town marshal. RCW 35.27.070. The town police department must be under the direction and control of the town marshal. Approximately 20 Washington towns have provisions in their municipal codes that provide for a town marshal, although some of these towns have abandoned that method of providing law enforcement services, and left their code provisions on the books. Because I think it unlikely that the Town will decide to appoint a marshal and the necessary officers to staff a police department, I will address this option on briefly.

First, if a city or town has more than two full-time law enforcement officers, including the chief of police, it is required by state law to establish a police civil service system, unless it has provided for civil service in the police department by a system which substantially accomplishes the purposes of the state provisions. Secondly, RCW 43.101.200(1) requires all newly hired peace officers, except volunteers and reserve officers, to engage in basic law enforcement training which complies with the standards adopted by the Washington Criminal Justice Training Commission. Persons hired as peace officers have six months from the beginning of employment to commence basic

law enforcement training. Because of these minimum criteria, qualified law enforcement officers are in demand, and salaries must therefore be competitive.

With a marshal and an additional officer (2 person department), approximately 10% of the calls (65) would occur when no one is on duty which would require 4 or more hours overtime per call; an estimated 45 court cases would also require 4 or more hours overtime each. Special events would require overtime although some could be handled through scheduling and with Reserve officers. The Town would be obligated to cover uniform and equipment costs. Startup costs would include a vehicle equipped for law enforcement use (radio, siren, light bar, divider, rear seat, mobile data terminal, etc.); vests, tasers, hand guns, computers, radar devices, Spillman licensing, and office equipment. It would also be necessary to hire a full-time records clerk/evidence tech., and provide uniforms and equipment.

4. Delivery of limited public safety services by Town staff.

a. Appointment of town marshal. As a variation on the theme, it is possible to appoint a town marshal and continue to contract for law enforcement services with Skagit County, or another entity. A town marshal would have the authority of a law enforcement officer, but would focus primarily on quality of life problems (noise control, land use violations, traffic control, etc.) A marshal would likely be detailed to routinely interact with merchants and residents, and focus on crime prevention. Additional officers would not be hired. Under this scenario, the town marshal would be on duty for a limited amount of time, and would not provide coverage 24/7/365.

It would also be possible to have the Skagit County Sheriff appoint a deputy as a town marshal.

b. Re-appointment of code enforcement officer. The Town has historically employed a part-time code enforcement officer. That position has been vacant for over a year, and code enforcement duties have fallen to me. The Town elected not to budget for a code enforcement officer in 2021, as a consequence of the anticipated lack of resources due to the pandemic. Retaining a code enforcement officer on a part time basis, without benefits, is challenging. Increasing the position to a full time position would allow the Town to modify the job description to include other duties, such as crime prevention.

c. Appointment of outreach worker. Many cities have recognized that an inordinate amount of minor crime results from people with drug and/or alcohol addiction issues, and mental health problems. La Conner has intermittently observed the same thing. Skagit County and some larger cities are beginning to discuss county-wide options for providing social services in conjunction with law enforcement services. On the private side, faith communities have historically been involved with similar efforts.

5. Additional criminal justice services. Under the current agreement with the Skagit County Sheriff, the County is obligated to provide prosecution, defense, and court services for misdemeanor crimes and for those traffic infractions created by state law. In the event the Town elects to provide law enforcement services itself, or contract with the

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Swinomish Tribal Police for services, it will also be necessary to provide criminal justice services. This will include prosecution, defense, and judicial services. At one time it would have been possible to contract with Skagit County for judicial services, provided through the Skagit County District Court. However, the legislature removed that option several years ago. Anacortes, Mount Vernon, and Burlington currently contract for court services with Skagit County, and are thus unable to provide those services to La Conner by contract. Those cities, and Sedro-Woolley, contract for defense services, and either contract for prosecution services or provide those services with in-house counsel.

B. Additional Proactive Crime Reduction Options.

1. Place-Based Situational Crime Prevention. As a study on crime prevention conducted by the John Jay School of Law observed, “Crimes are more likely to occur when suitable targets and motivated offenders converge in time and space in the absence of capable guardians. Street robberies, for example, are more likely to occur on dark streets that allow easy access to users of cash machines in locations offering other advantages—e.g., bad lighting or easy egress.”

Security cameras and lighting have been found to deter crimes of opportunity, such as burglary and robbery. The La Conner Town Council has recently discussed installing security cameras at various locations, although we have not studied the issue in detail so as to develop a plan as to the placement of cameras. Similarly, the locations for cameras that have been discussed are predominantly in commercial areas, and include the ability to record the license plates of vehicles entering or leaving Town. As of this time, there has been no discussion of the desirability of installing cameras in residential areas, or the impact of having public records consisting of a digital record of all vehicles coming or going from town.

A related option would be the encouragement of the private sector, including businesses and homeowners, to install security cameras.

2. Neighborhood watch programs. The council has recently discussed neighborhood watch programs, and indicated interest in restarting them. We anticipate doing that later this summer or fall, as COVID restrictions make that possible. At the same time, neighborhood watch training must occur on a regular basis, as residents move. In addition, these programs are less effective for commercial areas.

3. Citizen patrols. The Council has largely rejected this method, and so I will not address it further.

cc: Mayor