



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	November 10, 2022
Originating Department	Executive
Contact Person	Phillip Hill, City Administrator
Title	Resolution 1868/Authorizing the Mayor to sign an Interlocal Agreement for the Regional Crisis Response Agency

Legislative History

- First Presentation – May 7, 2022, City Council Retreat
 - Second Presentation – May 26, 2022, City Council Regular Meeting
 - Third Presentation – September 22, 2022, City Council Regular Meeting
 - Fourth Presentation – October 27, 2022, City Council Regular Meeting
 - Fifth Presentation – November 10, 2022, City Council Regular Meeting
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Attachments:

1. Resolution 1868
 2. Interlocal Agreement
 3. Articles of Incorporation
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Executive Summary

At the May 7, 2022, City Council Retreat, the Administration introduced the concept of expanding the North Sound RADAR (Response, Awareness, De-escalation, and Referral) program to a Regional Crisis Response Agency (RCR).

Interlocal Agreement Updates

The City Council was initially briefed on the ILA elements at the September 22nd meeting. Since then, the member jurisdictions updated the draft after receiving governance feedback from the City Councils

of Bothell, Kenmore, Kirkland, Lake Forest Park, and Shoreline. What follows is a quick summary of the updates to the ILA after this feedback:

- **Agency Name:** The Agency name has been updated from the draft name of Community Mobile Crisis Response Agency to Regional Crisis Response Agency.
- **Agreement Term:** Four (4) years instead of six (6) years; still aligned with biennium budget process of all initial Principals.
- **Agency Goals:** Updated goals to align with the intent for police to no longer be the primary responder on behavioral health calls, intent for agency to reduce strain on first responders of repeat calls, and to attract and retain highly qualified staff.
- **Organization Chart:** Added the initial staffing and organizational chart for the Agency.
- **Executive Board:** Allowed for public comment at the Executive Board meeting; allowed for adopting and revising performance metrics and targets for the Agency.
- **Voting:** Recommend a possible alternative by the 2025-2026 biennial budget to the Weighted Voting system that could consider factors such as program usage rather than only accounting for the proportion of the Principal's Budget Share.
- **Meetings:** Executive Board meeting agendas shall include reports from the Operations Board and Community Advisory Group as needed.
- **Public Disclosure Requests:** Kirkland (or future fiduciary agent) will be responsible for responding to public disclosure requests.
- **Operations Board:** The number of Police Chiefs shall not exceed the number of other representatives on the Operations Board; Operations Board shall meet as often as necessary and not less than six (6) times per year.
- **Summary Minutes:** Operations Board and Community Advisory Group shall keep summary minutes that protect the sensitive operational information of the Agency as well as the privacy of those served.
- **Principals Assembly:** Principals Assembly shall occur three (3) times per year in the first biennium of the Agency, and at least once a year after that; two legislative bodies of two or more Principals shall be able to vote to convene a Principals Assembly.
- **Executive Director Duties:** Updated to include reporting to the Executive Board on metrics and other performance targets as well as submitting an Annual Report to the Executive Board and Principals Assembly.
- **Adding Principals:** Added intent that pre-existing Principals should not experience any material reduction in service due to a new Principal; no additional principals in the first year of Agency operations.
- **Added Section on Merger, Consolidation or Sale of All or Substantially All Assets:** Approval of such shall require a Supermajority Vote.

Background

North Sound RADAR is a collaboration between the police departments of Kenmore, Shoreline, Lake Forest Park, Bothell, and Kirkland. The program addresses the rights and needs of individuals with behavioral health issues and/or developmental disabilities (BH/DD). The purpose is to decrease use-of-force incidents between police and individuals with BH/DD and to reduce the repeated and inappropriate use of emergency services. It uses community-policing strategies to achieve these objectives.

RADAR encourages the building of relationships between police and the populations they serve and the sharing of information among first responders to allow for a more effective and safe response during a time of crisis. Through communication and collaborative planning, RADAR seeks to reduce the use of force incidents engendered by fear or misunderstanding. It began in the City of Shoreline as a pilot program funded by the United States Department of Justice through the Bureau of Justice Assistance Smart Policing Initiative. The program went into effect on January 1, 2017 and was evaluated by researchers at George Mason University and the Police Foundation in 2018. It is staffed

by a Program Coordinator, several mental health professionals (RADAR Navigators) and specially trained patrol officers.

When the program was first envisioned, the overall goal of RADAR was to enhance community and first responder safety through relationship-based policing, community care-taking, and procedural justice. The RADAR program was designed as follows:

1. Identify, assess, and establish cooperative relationships with individuals at risk of violence due to mental health issues, cognitive deficits, or substance abuse.
2. Engage in a cooperative alliance with these individuals and the “circle of support” (family members and friends).
3. Establish safety protocols, de-escalation techniques, and voluntary strategies to remove weapons prior to crisis events.
4. Share accurate and updated de-escalation information with first responders to ensure a safe and consistent response.
5. Evaluate the effectiveness of RADAR using a rigorous program evaluation process.

RADAR provides police officers with response plans designed to assist in the field with de-escalation and crisis intervention response. It also provides resources for officers to follow up with a Mental Health Professional (MHP) Navigator for at-risk individuals in the community.

Maximizing the North Sound RADAR Service Delivery Model

In 2019, the cities of Bothell, Lake Forest Park, Kenmore, Kirkland, and Shoreline entered into an Interlocal Agreement for the North Sound RADAR Navigator Program. The purpose was to provide the member cities with an economical mechanism for the efficient administration and coordination of a RADAR program to be used in the event of a behavioral health crisis. The goals were to strengthen community/police partnerships, to increase the connection of at-risk individuals with effective behavioral health services and treatments, and to enhance community and first responder safety by reducing the potential for police use of physical force. The Interlocal was for a 3-year period. Bothell agreed to serve as the lead agency, which included the responsibility to hire the Program Manager and serve as the Program Manager’s employer along with providing finance and accounting services. The program was to be funded with a King County Mental Illness and Drug Dependency (MIDD) Grant, along with any other investment that the individual cities wanted to make independently of each other. As other granting sources became available, different cities, became the fiduciary lead for individual grants.

While RADAR’s goals have remained the same, the program has expanded to include the ability for co-response – meaning Police and MHP Navigators respond to an incident together – to persons in mental health crisis during a RADAR shift and for follow-up response by RADAR Deputies and MHPs for willing individuals. RADAR MHP Navigators currently spend roughly 25% of their time responding to in-progress calls with Police across the five cities. This will likely increase as staffing improves and when Navigators can be deployed without an officer.

A longer-term goal of RADAR is to serve as both a co-responder and alternative responder program. When acting as an alternative responder, RADAR navigators would be directly dispatched by the 911(or 988) dispatch service without a police officer. This would require the creation of a ‘decision tree,’ new dispatch protocols, potentially different staff training, and the use of RADAR-specific vehicles.

RADAR Expansion

In alignment with the City’s goals, the North Sound RADAR cities have been planning the expansion of the RADAR program to become a Regional Crisis Response Agency. The goal is to have MHP Navigators available to respond 24/7 to people in crisis across the five-city geographic region. This expansion would build off of the 2019 North Sound RADAR program and allow for the merger of the

2021 Kirkland Community Responder Program. This will provide for expanded crisis response coverage in the five jurisdictions and align the five-city coalition efforts to site a crisis stabilization facility in north King County. To facilitate the expansion, the five RADAR cities have developed a program model, budget and funding structure, and governance model through the creation of a new regional entity. The new regional entity would further the goals of all five partner cities and consolidate the region's crisis response programs under one entity, while also allowing for future expansion.

Proposed Program Model: Providing 24/7 crisis response requires having adequate staffing and transportation plan to respond. The projected staffing level to provide the desired 24/7 coverage is projected at 13 individuals. This will provide for an Executive Director, an administrative support position, a non-field scheduled Lead, and ten (10) in-field Community Responders (Navigators). This level of staffing will provide an average of 16-hours per day/7 days per week of scheduled coverage. Non-scheduled coverage, primarily from 11 pm to 6 am will be covered through on-call/call-out practices.

The planning cities modeled multiple staffing scenarios and are recommending a budget that would support a hybrid model of response. Some MHP Navigators would be paired together and respond as a team of two in their own vehicle, which would allow them to potentially respond without first responders when it was deemed safe to do so. Some MHP Navigators would respond in their own vehicle and always meet a first responder at the call. Regardless of the configuration, the intent is for the MHP Navigators to take the lead on the call if determined safe to do so by the responding police officer. Overnight responses may still be done by one MHP Navigator who is either on-call or on-shift, depending on the need, and would meet a first responder at the call.

In addition to creating a program model that meets the community needs, the cities have worked to address the stringent background check, part-time hours, and insurance requirements that have been barriers to hiring until this point. The background check process has eliminated some of the previous requirements thanks to the Bothell Police Chief's review of what is necessary for the position and what is needed for MHP Navigators to have uncontrolled access to workspace within the police departments and potentially riding from time to time with officers. Positions funded by MIDD have transitioned to full-time hours with City of Bothell benefits.

The cities have petitioned the Washington Cities Insurance Authority (WCIA), which is the liability insurance pool that all the participating cities have membership, to change their coverage restrictions to cover mobile crisis response programs. WCIA's Liability Coverage Document defines the terms and conditions of coverage provided to the membership, and currently, medical malpractice and healthcare services as defined by or subject to Chapter 7.70 RCW are excluded from coverage with some limited exceptions. MHP's are currently covered by WCIA for negligence. Any changes in coverage provided by WCIA must be first voted on and approved by the WCIA Full Board. Recognizing that this is an expanding role WCIA members are undertaking, WCIA is working with their Counsel on language to expand the current coverage and provide additional protection for these behavioral health programs. They intend to bring language to amend the malpractice exclusion to the membership for approval at the October 21, 2022, Full Board Meeting, which would then be included in the 2023 coverage. WCIA believes this will close the coverage loophole that could have occurred if a plaintiff alleged malpractice. Without this change, the individual insurance requirements would continue to be necessary, however, the cities are proposing that the program, not the individual staff, pay this cost to ensure this is not a barrier to qualified applicants and staff.

These changes have had a positive effect on recruitment, with an initial estimate that RADAR would hire one person for a full-time position every 90 days. Currently, there are two full-time MHP Navigators and three people continuing to contract part-time as MHP Navigators, which is funded by the Washington Association of Sheriffs and Police Chiefs (WASPC) grant. Staff anticipates there will be a third MHP Navigator hired by the end of the year. Based on the anticipated merger with the Kirkland program (see below), it is anticipated that there will be an Executive Director, Program Supervisor, and

seven of ten responders (MHP Navigators) as of the new entity's anticipated start date of January 1, 2023.

Merge with Kirkland Program: The staffing plans above both rely on merging the current RADAR program and funding with the City of Kirkland's alternative responder program and funding, as well as additional funding from each of the participating cities. In 2021 the City of Kirkland created its own alternative response program. The goal of the program was to reduce the overreliance on the police for behavioral health-related calls. The original vision was to have three first responder specialties respond together: police, fire/EMT, and an MHP. Once on scene, at least one of the three specialties could back off, with the intent of the MHP taking the lead if safe to do so. Due to current dispatch limitations and concerns for MHP responder safety, the Kirkland program has not yet been able to direct dispatch MHPs as intended.

Kirkland has six funded positions as part of its program, and one of the positions is intended to become the Program Supervisor in the new entity. There are currently three MHPs filled in Kirkland, with the intent to fill a fourth by the end of 2022. Merging the two programs will create a more robust program with significant funding from Kirkland for the 2023-2024 biennium. More information on how this merging impacts the services offered will be discussed in subsequent sections.

Create regional entity: Going forward, the cities are proposing creating a separate non-profit regional entity to oversee the program and have one city/entity hire the staff and loan them to the regional entity and provide all the fiduciary responsibilities for the regional entity. Other services used by the cities use this type of model, including NORCOM, a consolidated 911 call-taking and dispatching communications center founded in 2007 by 20 public safety organizations in the northeast region of King County. The cities are recommending that the City of Kirkland fill this role. As such, the employees of RADAR who are currently City of Bothell employees would transfer to the City of Kirkland and would be subject to the City of Kirkland's policies and bargaining agreements. The City of Kirkland would also charge an administrative fee for the services provided.

Regional Entity Interlocal Agreement

In response to the interests of the five RADAR cities to enhance the existing co-response/alternative response programs, staff is recommending the creation of a non-profit regional entity for the operation of the Regional Crisis Response Agency. The member agencies (initially the five RADAR cities) would jointly control and oversee the program. The nonprofit is legally separate from the member agencies and bears primary responsibility and liability for the program.

As such, the member agencies, through their representation and participation as the Executive Board, will set the annual budget, hire the executive director, make operational policy and procedure decisions, and oversee the day-to-day operations of the program.

Funding: The cities have established the following budget estimates for the new agency for the 2023-2024 biennium, January 1, 2023, through December 31, 2024.

Budget Estimates

City	2023 One-Time Costs	2023 On-going Costs	2024 On-going Costs	2023-2024 Total	Preliminary ¹ 2025-2026 Total
Bothell	\$82,412	\$265,509	\$312,532	\$660,454	\$896,013
Kenmore	\$40,566	\$130,693	\$153,839	\$325,099	\$441,049
Kirkland	\$157,567	\$1,070,865	\$1,107,700	\$2,336,132	\$1,713,116
LFP	\$22,935	\$73,891	\$86,978	\$183,804	\$249,360
Shoreline	\$101,575	\$327,248	\$385,205	\$814,029	\$1,104,362
Total	\$405,055	\$1,868,206	\$2,046,255	\$4,319,518	\$4,403,900

¹The preliminary 2025-2026 budget is based on current service levels and may be subject to change.

Kirkland has agreed to pick up the larger share of costs for the first biennium (2023-2024), given that the Kirkland Community Responder program had a higher level of service than the initial plans by the other participating cities. Although this is the case, the cities all want to strive for the multiple scheduled shifts, and 24/7 coverage and therefore have anticipated that for the next biennium (2025-2026) that the budgetary costs will be shared on a per capita basis. If Kirkland was not picking up a larger share during the upcoming biennium, and using 2023 dollars, Lake Forest Park's per capita allocation (5.66%) would be approximately 30% higher (2023 Total operations = \$1,868,206 * 5.66% = \$105,740) than the 2023 costs (\$73,891). The Mayor's Proposed 2023/2024 Biennial Budget recommends Lake Forest Park offset the anticipated program costs with American Rescue Plan Act funds (ARPA).

Articles of Incorporation

The purpose of the Articles of Incorporation (Articles) is to incorporate the Agency as a nonprofit organization for purposes of Washington State law. The document, and much of its contents, is required under Chapter 24.06 RCW and the Washington Secretary of State. References in the Articles of incorporation mean the Regional Crisis Response Agency (Agency), and to the Board of Directors means the Executive Board. As a nonprofit organization, a large portion of the Articles is dedicated to prohibiting members from benefitting financially from the organization, limiting the scope of the activities of the organization to those expressly provided for or related to, and limiting the liability of the members. For practical purposes, the Interlocal Agreement provides the framework and specific terms related to the operations and governance of the Agency.

Fiscal & Policy Implications

There is no financial impact based on tonight's discussion. However, the City's portion of the Regional Crisis Response Agency (RADAR expansion) is expected to cost \$73,891 in 2023 and \$86,978 in 2024 with a one-time start-up cost of \$23,000. This budget request is included in the Mayor's Proposed 2023-2024 biennial budget. The Mayor's proposed budget recommends the use of American Rescue Plan Act funds (ARPA).

Staff Recommendation

Consider the updates to the Interlocal Agreement and provide the Administration with any requests for additional information or clarification. The Interlocal Agreement and Articles of Incorporation are scheduled for the November 10, 2022, Regular City Council Meeting, where the Council will consider the adoption of a Resolution authorizing the Mayor to execute those documents.