City of Culver City

Staff Report Details (With Text)

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Title:	CC - (1) Introduction of an Ordinance Repealing and Replacing Culver City Municipal Code Chapter 11.04, Alarm Systems; and (2) Adoption of a Resolution Establishing Various Fees Relating to Alarm Systems, Alarm Permits and Responses to False Alarms by the Culver City Police Department.				
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Date	Ver.	Action By	Action	Result
8/8/2016	1	City Council Meeting Agenda		

CC - (1) Introduction of an Ordinance Repealing and Replacing Culver City Municipal Code Chapter 11.04, Alarm Systems; and (2) Adoption of a Resolution Establishing Various Fees Relating to Alarm Systems, Alarm Permits and Responses to False Alarms by the Culver City Police Department.

Meeting Date: August 8, 2016

Contact Person/Dept: Lt. Sam Agaiby/Police Department
Phone Number: (310) 253-6251

Fiscal Impact: Yes [X] No [] **General Fund:** Yes [X] No []

Public Hearing: [] **Action Item:** [X] **Attachments:** [X]

Commission Action Required: Yes [] No [X]

Public Notification: (E-Mail) Meetings and Agendas - City Council (08/02/16); (Publication) Culver City News (07/28/16)

Department Approval: Chief Scott Bixby (07/26/2016)

RECOMMENDATION

Staff recommends the City Council: (1) introduce an ordinance repealing and replacing Culver City Municipal Code (CCMC) Chapter 11.04, Alarm Systems; and (2) adopt a Resolution establishing various fees relating to alarm systems, alarm permits and responses to false alarms by the Culver

City Police Department.

BACKGROUND

The purpose of an alarm ordinance is to encourage alarm system users and alarm companies to properly use and maintain the operational effectiveness of alarm systems, and to eliminate the occurrence of false alarms. The City's Alarm Ordinance (set forth in CCMC Chapter 11.04) has been in effect since at least 1967, with periodic amendments enacted since then; the current version has been in effect since 2002. Over the years, both residential and commercial alarm systems have become more common, which has resulted in an increased demand for police services.

City records indicate that in 2015, the Culver City Police Department (CCPD) responded to 2,529 calls for alarm activations; out of these calls, approximately 87% (2200) were false alarms. Additionally, 10% of the currently "known" alarm population (permitted and un-permitted) represent "repeat offenders" (repeat offenders being locations with three or more false alarms in a year). The repeat offender group accounted for 1,096 false alarm calls last year, which is approximately 50% of the total annual false alarms responded to by CCPD.

The current Alarm Ordinance allows three free false alarm responses in a 12-month period. Responses to false alarms may endanger the public by preventing, diverting, or delaying police officers from patrolling a neighborhood, responding to legitimate calls for police services, or investigating and solving crimes. Also, continued CCPD response to false alarm activations may be hazardous and unnecessarily put police officers, residents and visitors at risk. Furthermore, the costs associated with responses to false alarms by CCPD constitutes a waste of tax dollars; taxpayers who do not own alarms, or those who operate their alarms in proper order, are forced to subsidize the costs of responses to false alarms.

Many of the false alarms are caused by user error, poorly maintained alarm systems, power outages, or environmental factors such as wind and rain. Officer-safety protocols require dispatching at least two officers to all alarm calls; and at night or on weekends when responding to businesses, schools and churches, officers must often wait for a representative to respond from home with access keys. Once the representative arrives, the officers must conduct a time-consuming interior search of alarmed structures. Thus, a single false alarm call takes roughly one hour of time for at least two officers.

On occasion, the subscriber information is incorrect or not known. If these problems are not addressed by the user or alarm company, they often reoccur. Additionally, when the subscriber information is unknown, staff spends added resources and time attempting to locate the information. Clearly, responding to alarm calls is time intensive for the police officers and involves a significant amount of CCPD resources.

In 2015, CCPD staff began a comprehensive review of alarm system administration, industry regulations and other cities' alarm ordinances. Staff found that other local agencies have been able to realize false alarm reductions by implementing similar changes in their ordinances to those proposed here, which establish more owner accountability. Additionally, through enhanced owner/occupant data collection, police staff was able to develop closer relationships with alarm users in order to facilitate educational efforts with regard to false alarm reduction. Staff believes that these efforts, if applied here, will reduce the number of false alarm responses and will free officers' time to

focus on higher priority issues.

Staff also worked closely with the Security Industry Alarm Coalition (SIAC), a non-profit organization providing services to law enforcement, citizen groups and the alarm industry. SIAC has been in existence for 12 years, but prior to that they existed as the Model States Project and the Coordinated Alarm Reduction Effort. Their efforts have been supported by the International Association of Chiefs of Police (IACP). Through their close working relationship with law enforcement agencies across the country, SIAC has been able to compile some interesting facts.

Although alarm ordinances are not new and have been around for 50 or more years, much has changed as to how these ordinances work. As an example, the first ordinances allowed a large number of free responses for false alarms. Today the industry knows that an ordinance should allow no more than two false alarm responses each year where no consequences are passed on to the alarm user. There are even some examples of ordinances that do not allow any free responses.

SIAC has found that when an ordinance is in place and fully enforced for several years, 85% of all registered systems have no dispatches in any 12 month period. More impressive is that 7% of the users have only one dispatch annually. Thus, approximately 7% of the alarm system users represent the false alarm habitual offenders. This also means that the target list of abusers is much smaller and thus easier to address.

Throughout its history of working cooperatively with law enforcement, SIAC has reviewed and written many ordinances for different jurisdictions, helped amend hundreds of documents, and developed a “Model Ordinance” that is endorsed nationally by Chiefs of Police. They have found that those agencies that follow this “Model” and include all of the “Best Practices,” experience drastic reductions in false alarm incidents.

For example, in the City of Los Angeles, all alarm subscribers are required to maintain an alarm permit. Subscribers are allowed two unverified alarm calls per 365-day period; however, all responses to false alarm calls by officers are billed to the alarm subscriber, including the responses to the first two unverified calls. There are no “free” responses to a false alarm. Upon the third alarm call after two false alarms, verification will be required before a patrol unit is dispatched. Absent verification, the alarm call will be subject to “broadcast and file,” which means the 911 operator will broadcast the call and officers will respond, if available. The cost of an alarm permit and the fees associated with false alarms are analyzed each year to recover the actual cost to the City of Los Angeles to provide this service. The Los Angeles City Ordinance change of 2004 served to reduce false alarms in the City from 95.2% in 2003 to 79.2% in 2011.

The most logical conclusion is that implementation of a “Model” alarm ordinance and recommended “Best Practices” has caused alarm users to use their alarms more carefully. Perhaps more importantly, alarm companies have risen to the occasion and now work more closely with their customers to ensure alarms are better maintained, thus improving protection and safety for alarm users.

DISCUSSION

The Proposed Ordinance

The purpose of the revisions to CCMC Chapter 11.04, as set forth in the proposed Alarm Ordinance, is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems. Additionally, it provides minimum operating standards for alarm companies to operate in the City of Culver City. These are typical standards of reputable alarm businesses and require alarm companies to notify the police department when installing alarms in the City.

The proposed Alarm Ordinance will not change how officers respond to alarm calls. Alarm companies will still be required to attempt to contact the responsible person for the alarm and verify if the alarm was caused by user error or another unintentional reason. The Police Department is not advocating a revised alarm response policy where officers will not respond unless the alarm company first verifies a crime is in progress. CCPD will continue to respond to all alarm calls for service.

The proposed Alarm Ordinance substantially mirrors a “Model Alarm Ordinance” and industry “Best Practices,” which includes alarm registration; enhanced call verification; progressive fines for all false alarms, beginning with the second false alarm each year; and an educational tool to help citizens prevent/reduce false alarms.

The following highlights the provisions of the new Alarm Ordinance:

1. The definitions are more comprehensive in description of alarm-related terms;

2. The duties of Alarm Users and of Installation/Monitoring Companies are more clearly detailed and defined;

3. Permit holders will only be allowed one false alarm during any 12- month period, whereas in the prior ordinance three false alarms were permitted;

4. In addition to false alarm fees, both civil and criminal remedies for negligent use are included as enforcement tools;

5. Generally, the new Alarm Ordinance uses current terminology, is comprehensive, and more user friendly;

6. The alarm user will have the opportunity to attend virtual Alarm School on the internet to have one false alarm fee waived per 365-day period, which will ultimately serve as an educational tool to help citizens prevent/reduce false alarms.

7. Alarm users may appeal the suspension or revocation of their alarm permit, or a false alarm charge if they believe it to be erroneous. These due process procedures are similar to those used in other cities.

In sum, the proposed Alarm Ordinance allows CCPD to perform alarm responses in the City in a way that meets the needs of the citizenry and businesses, provides the needed resources to respond to alarms, and maintains the City’s obligations to the taxpayers of the community by utilizing a cost

recovery effort to provide the necessary personnel and staff time to respond to false alarms.

Service Charges and Fees

The changes to CCMC Chapter 11.04 will necessitate the revision of the current fee and service charge schedule. The Police Department has prepared an alarm systems fee resolution for City Council consideration. The schedule increases fees to a level that is equivalent to both local and comparable jurisdictions (see Attachment No. 3 - Resolution establishing Alarm Systems Fee and Charge Schedule). Under the proposed Alarm Ordinance and the accompanying fee resolution, the first false alarm incident does not result in a penalty, the second incident requires a $120 fee, and a $235 fee is charged for the third incident and each false alarm thereafter (in a 12-month period).

The majority of municipalities surveyed allow for 1-2 false alarms a year from registered locations; whereas, unregistered locations do not receive a free false alarm response unless the resident registers the alarm within 30 days after being notified. CCPD recommends reducing the “free” false alarm response limit in the current ordinance that allows three false alarms prior to a service charge being billed, to a limit of one false alarm per calendar year, with the option of waiving the first charge if the alarm user completes the alarm school. There is no reason for a subscriber not to be able to correct the problem causing the false alarm after two false alarms.

The following is the recommended fee schedule for registered and unregistered alarm users:

- NO ALARM PERMIT ON FILE - First false alarm, and any additional false alarms, is charged to the responsible party at the full fee. If the responsible party pays the alarm permit fee within 30 days of receiving the first invoice, the fee is waived and the first false alarm is counted as the allowable non-chargeable response. After the permit fee is paid, any second false alarm is charged to the responsible party with an option of waiving the fee if the alarm school is completed. A third false alarm, and any additional false alarms, during the 12-month permit period would be charged at full fee, according to the proposed fee schedule.

- WITH A CURRENT PERMIT ON FILE - The first false alarm response is free during the 12-month permit period. A second false alarm is charged to the responsible party, with an option of waiving the fee if the alarm school is completed. A third false alarm, and any additional false alarms during the 12-month permit period, are charged at full fee according to the proposed fee schedule.

The intention of the proposed Alarm Ordinance ultimately is to reduce false alarms through educating the public on how to avoid these violations and by imposing progressively higher fees for repeat violators.

The proposed Alarm Ordinance is a fair and reasonable approach to help significantly reduce the undue burden of false alarms on police resources. The proposal strategically outlines a solution to a citywide problem while protecting the interests of the community and providing effective police services.

FISCAL ANALYSIS

Fees collected for alarm permits and excessive false alarms in FY 2015-2016 were approximately $207,000.00. Staff estimates the projected revenue in FY 2016-2017 might slightly increase then level off as the community becomes accustomed to the new Alarm Ordinance and are educated on the prevention of false alarms. The increased amount is unknown at this time. Staff will educate and work with non-permit holders, habitual offenders and the alarm companies to obtain compliance with the Alarm Ordinance. With that in mind, future fiscal year revenues may decrease, and then level off as the community becomes accustomed to the Alarm Ordinance.

ATTACHMENTS

1. Proposed Ordinance
2. Current CCMC Chapter 11.04
3. Fee Resolution

MOTION

That the City Council:

1. Introduce an ordinance repealing and replacing Culver City Municipal Code Chapter 11.04, Alarm Systems; and

2. Adopt a Resolution Establishing Various Fees Relating to Alarm Systems, Alarm Permits and Responses to False Alarms by the Culver City Police Department.