



**COMMISSION
AGENDA MEMORANDUM**

Item No. 8d

ACTION ITEM

Date of Meeting September 28, 2021

DATE: July 19, 2021
TO: Stephen P. Metruck, Executive Director
FROM: Michael Villa, Acting Chief of Police
SUBJECT: Sea-Tac Municipal Court ILA

Amount of this request: \$1,500,000
Total estimated project cost: \$1,500,000

ACTION REQUESTED

Request Commission authorization for the Executive Director to approve the Sea-Tac Municipal Court Interlocal Agreement 2021-2024. This will allow the Port of Seattle to utilize City of Sea-Tac court and prosecutorial services.

EXECUTIVE SUMMARY

The purpose of this Interlocal Agreement is to make necessary arrangements for the prosecution and adjudication of misdemeanor offenses and civil infractions filed by the Port of Seattle Police that occur on Seattle-Tacoma International Airport (SEA) property within the boundaries of the City of Sea-Tac.

The Port will pay Sea-Tac \$376,240 plus additional service contract fees estimated at no more than \$10,000 in 2022. The Port will pay a service fee based on actual costs in 2021 for high repeat offenders referred to the Sea-Tac Prosecutor. Annually, the parties shall engage in a financial analysis to ensure that the City’s costs are fully recovered, and no additional revenues accrue from the Port to the City for providing court services, as required by State Law.

The Port will hire public defender law firm Stewart MacNichols Harmell, Inc., PS to represent a defendant when a prosecution occurs. Stewart MacNichols will cost approximately \$75,000 per year. That amount is not budgeted in the \$376,240 above and is not part of the ILA with SeaTac. However, funds are included in the 2022 Police Department budget for the public defender. Under the Delegation of Authority (dated June 13, 2017), the legal department has the authority to execute a contract for public defender services for the police department under Section 9. Legal Services, Claims and Other Representation.

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JUSTIFICATION

The Interlocal Agreement supports the Century Agenda goals:

1. Goal 2, objective 3: Continuously improve the operational efficiency and customer experience at SEA.
2. Goal 6, Objective 16: Advance the Port’s dedication to employee safety.
3. Goal 6, Objective 18: Partner and engage with external stakeholders to build healthy, safe, and equitable communities.

The Port of Seattle presently adjudicates misdemeanor cases and infractions utilizing King County Prosecuting Attorney’s Office (KCPAO) and King County District Court. By state statute we can adjudicate misdemeanor and civil infraction cases through the county court system or may do so through a municipal court where the offense occurred. The King County Prosecutor’s Office has continued to decrease the number of cases they will file due to decreased capacity and prioritization of violent crimes over property and disorder related crimes. Most crimes committed at SEA properties are property crimes such as thefts or disorder crimes such as trespassing. In 2019, pre-COVID, only 48% of cases referred to KCPAO were filed. In 2020, only 21% of cases were filed. As of June 30, 2021, 199 cases were referred to the KCPAO. Only 26 cases, 13%, have been filed to date. We do not expect these numbers to improve.

Additionally, when referring in-custody cases to KCPAO we are required to book the defendant into the King County Jail. Due to King County Jail policy changes during 2020 and 2021, we are severely limited in when we can book an in-custody arrest. Therefore, many offenders at SEA are arrested, escorted off property, released, and return soon thereafter to the airport. Some offenders have over 40, 50 or even 60 trespass admonishments. Some have returned after leaving and have committed more serious crimes.

An interlocal agreement with Sea-Tac Municipal Court will enable the Police Department to refer misdemeanor cases for prosecutorial and court services and will enable the department to book in-custody arrests into South Correctional Entity (SCORE).

Sea-Tac contracts with SCORE. The Commission approved a contract with SCORE in 2020. Unlike King County Jail, SCORE will accept and then hold most defendants until their first appearance, and officers will not have to release arrestees where they can walk right back onto Port properties.

Safety and security of all those at the airport is a high priority. This recommendation aligns with and compliments strategies being implemented by SEA Cares and is thus supported by the Steering Committee and Aviation Director Lance Lyttle.

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DETAILS

Beginning at the execution of the ILA, misdemeanor cases will be referred and reviewed by the Sea-Tac Prosecutor and filed if appropriate into the Sea-Tac Municipal Court. The Port is securing a contract with a Public Defender who will defend these cases. That contract is not part of this Interlocal Agreement. The court will provide all other services required for adjudication.

The Interlocal Agreement has been reviewed and approved by Legal and is supported by Executive Director Metruck. Funding for the ILA has been approved. Expenditures for 2021 will be absorbed in the Police Department budget. Funding has been approved and included in the 2022 budget.

Scope of Work

Scope of work is included in the ILA and includes the following:

- (1) Filing, processing, adjudication of misdemeanor offenses
- (2) Adjudication of traffic offenses
- (3) Processing and tracking fines, payments, bail and other forfeitures
- (4) Issuance of summons and notifications and subpoenaing of witnesses and parties
- (5) Maintenance of court cases
- (6) Probation services including overseeing community service work
- (7) Domestic Violence Advocate as required
- (8) Provide monthly case load report

ALTERNATIVES AND IMPLICATIONS CONSIDERED

The alternative is to continue to refer cases to the King County Prosecuting Attorney’s Office. This alternative is not recommended and does not further the Century Agenda and Aviation Division Goals regarding customer experience and public safety.

Alternative 1 – Continue utilizing King County Prosecuting Attorney’s Office

Cost Implications: There is no budgetary cost to this alternative.

Pros:

- (1) No cost

Cons:

- (1) Low rate of prosecution
- (2) Limited ability to book in-custody and repeat offenders
- (3) Less officer productivity as they continue to respond to repeat offenders
- (4) Higher rate of criminal activity at SEA properties
- (5) Decreased Customer Experience
- (6) Decreased safety at SEA

This is not the recommended alternative.

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Alternative 2 – Enter into an ILA with Sea-Tac for prosecutorial and court services

Cost Implications: Increase of approximately \$400,000 per year

Pros:

- (1) Higher rate of prosecution
- (2) Ability to book in-custody misdemeanor offenders into SCORE
- (3) Reduction of repeat offenses from the same offenders
- (4) Increase in officer productivity
- (5) Improved customer experience at SEA
- (6) Improved public safety at SEA

Cons:

- (1) Cost of services

This is the recommended alternative.

FINANCIAL IMPLICATIONS

The 2021 costs will be based on actual cost and dependent on the number of referrals made. The costs will be absorbed within the Police Department budget. It is estimated at \$20,000. The 2022 cost is estimated at \$386,240. The 2023 and 2024 costs will include cost of living and may be adjusted based on usage analysis. An annual reconciliation will ensure Sea-Tac has full cost recovery and the Port is not overcharged. We are therefore requesting authorization for \$1,500,000 for three (3) years to ensure sufficient funds for services.

<i>Cost Estimate/Authorization Summary</i>	Capital	Expense	Total
AUTHORIZATION			
Current request for authorization	0	1,500,000	1,500,000
Total authorizations, including this request	0	1,500,000	1,500,000
Remaining amount to be authorized	\$0	\$1,500,000	\$1,500,000

Annual Budget Status and Source of Funds

The funds for the services have been approved in the 2022 budget.

ATTACHMENTS TO THIS REQUEST

- (1) Interlocal Agreement Between the Port of Seattle and the City of Sea-Tac for the Provision of Municipal Court and Prosecutorial Services

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

None