

**King County Department of Development & Environmental Services
Fire Investigation Unit Safety Review**

On July 2, 2007 and July 9, 2007, Stephanie Warden, Director of the Department of Development and Environmental Services (DDES), convened a panel to analyze safety issues associated with the King County Department of Development and Environmental Services Fire Investigation Unit (FIU). Specifically, there had been a request by members of the Fire Investigation Unit for a “job hazard analysis” to determine the appropriateness of Investigators possessing weapons. Presently, members of the Fire Investigation Unit are required to successfully complete the approved basic Law Enforcement Academy for Fire Investigators and receive a Fire Investigation Commission from the Sheriff’s Office, but are not armed. The duties of the position include investigating origin and causes of fires in unincorporated King County and 14 contract cities, including interviewing, detection, apprehension and prosecution of arson suspects.

The following panel members were invited to attend, based on their particular expertise:

- Greg Dymerski, Chief, Criminal Investigations Division, King County Sheriff’s Office
- Jennifer Hills, Risk Manager, Risk Management Division, King County Department of Executive Services (DES)
- Jill Hendrix, Senior Deputy Prosecutor, King County Office of the Prosecuting Attorney
- Tim Drangsholt, Safety and Claims Manager, Human Resources Division, King County DES
- John Klopfenstein, King County Fire Marshal, Department of Development & Environmental Services

The Fire Investigation Unit submitted a package of materials at the July 2nd panel discussion and was represented at both meetings by Dustin Fredrick, Local 519 Business Representative. The written materials described the job responsibilities and risks of the FIU and also addressed history of weapons in the FIU, violence against Law Enforcement Officials, and provided a comparison with other County functions and jobs. There were also back-up materials included.

There were two questions presented to the panel:

1. Based on the nature of the FIU’s job responsibilities and duties, is the possession of weapon’s necessary for safety reasons?, and
2. If the answer to question #1 is in the affirmative, should the FIU be organizationally located in the King County Sheriff’s Office rather than the Department of Development & Environmental Services?

Dustin Fredrick presented on behalf of the Fire Investigation Unit and briefly reviewed the materials submitted by the FIU. He indicated that arsonists are dangerous criminals who are not afraid to confront law enforcement personnel. Mr. Fredrick stated that the FIU investigated 660 fires in 2006 and over one-half (approximately 362) were believed to be arson fires. He also indicated that the King County FIU was armed up through 1993 and there were no incidents when the unit possessed weapons. He indicated that it was his understanding that the FIU was

disarmed when the duties of the Sheriff's Office to conduct criminal arson investigations was transferred to the FIU, who previously had only conducted origin and cause investigations. This sever in ties between the Sheriff's Office and the FIU resulted in a disarming of FIU personnel.

Mr. Frederick argued that the FIU staff duties differ from DDES Code Enforcement staff in that the FIU staff may be required to conduct solo investigations in remote areas late at night in order to preserve a chain of evidence. Conversely, Code Enforcement staff typically conducts their field visits during normal business hours. Mr. Fredrick concluded that the FIU is seeking weapons for defensive use only and that they need adequate training and tools to do their jobs.

Jim Schaber presented information on behalf of DDES and reviewed the budget and management implications of arming the FIU. The initial costs for weapons, holsters and training was not significant, but it was difficult to ascertain the full budget implications of the on-going training requirements. Mr. Schaber indicated that DDES was not set-up to handle armed staff, for example there were no secure areas for storing weapons.

Jill Hendrix indicated that if the FIU were armed, they would need to adhere to the same standard of care as armed Police Officers. In the case of an accidental shooting, the line of defense would be whether the FIU was trained to the same standard of care.

Jennifer Hills spoke to the continuum of force that Police Officers are trained to; (walking sticks, tasers, guns, etc.). Her question was whether it would be necessary to have the same standard for armed FIU staff.

Tim Drangsholt indicated that he researched the number of assault claims against the FIU since 1972 and found none. He questioned the need for weapons when there was no evidence of any safety concerns encountered by the FIU in the past thirty-five years.

Both Mr. Drangsholt and Ms. Hendrix commented that the concerns with lack of infrastructure and training opportunities at DDES would be eliminated if the FIU transferred to the Sheriff's Office.

Greg Dymerski commented that weapons safety training is incorporated into the daily routine for all armed Sheriff's Office employees. Typically there is a minimum of 10 minutes of safety training that takes place during the daily role call meetings at each Police Precinct. He acknowledged that having a built in infrastructure for weapons storage and training at the Sheriff's Office was a huge advantage over the total lack of such infrastructure at DDES.

The panel concluded that they needed to do some further research and analysis and agreed to reconvene the following week.

On July 9th, the panel wrapped up their discussion and recommendation. Greg Dymerski was unable to attend, but left word that the Sheriff only supported arming the FIU if the unit was organizationally moved to the Sheriff's Office. Jill Hendrix was also unable to attend but called

during the meeting and stated that if a decision was made to arm the FIU, she recommended that the unit receive the identical level of training as the armed Sheriff's Office personnel.

Jennifer Hills looked at the claims history from cities with armed fire investigators and could not find any claims for improper use of weapons. She indicated that based on her conversation with several of these cities, that these cities have been able to provide adequate training for armed fire investigation staff. She also indicated that if the decision was made for the FIU to carry firearms, they should be for defensive purposes only. Based on her analysis, Ms. Hills believed it is reasonable to authorize Fire Investigators to carry firearms to increase the level of safety in the performance of their duties.

Tim Drangsholt indicated that the Safety Office would only consider supporting weapons if the FIU was part of the Sheriff's Office, but at this point in time, was not taking a position on whether weapons were necessary for safety purposes.

Stephanie Warden argued that DDES is not set-up for the FIU to have weapons and based on her area of expertise (land use planning) she is not in a position to determine whether weapons are necessary for safety purposes. She believes that is a decision the King County Sheriff would need to make if the FIU organizationally moves.

John Klopfenstein indicated that he believed weapons were necessary for safety purposes due to the remoteness and late night hours of some of the work, but conceded that this department was not set-up for armed personnel.

In conclusion, the panel was unable to reach consensus on whether weapons were necessary for safety purposes. There was consensus, however, that if a decision was made in the affirmative, that the FIU would need to be organizationally associated with the King County Sheriff's Office.

Attached are additional e-mails sent from Jennifer Hills and Tim Drangsholt after the conclusion of the two panel meetings. Thank you to the panel members for taking the time to participate and to the FIU for their significant efforts in preparing materials and presenting information.

Warden, Stephanie

From: Drangsholt, Tim
Sent: Monday, July 09, 2007 4:50 PM
To: Warden, Stephanie
Cc: Hills, Jennifer-Risk Mgt; Hendrix, Jill
Subject: Providing guns to Fire Investigators

Safety and Claims Management recommends supporting Ordinance 2007-0354 which transfers the Fire Investigation Unit from DDES to the KCSO. The arson criminal investigation work this unit performs is more closely aligned to the Criminal Investigation Division of the KCSO. If the Sheriff finds it appropriate to arm these employees, she has the authority and the resources to do so.

Tim Drangsholt
Manager, Safety and Claims Management
6-0502

Warden, Stephanie

From: Hills, Jennifer-Risk Mgt
Sent: Thursday, July 12, 2007 12:16 PM
To: Warden, Stephanie; Schaber, Jim
Cc: Hendrix, Jill; Drangsholt, Tim
Subject: Fire Investigation Unit Safety Issues

Stephanie:

Thank you for asking me to be part of the DDES review panel for Fire Investigation Unit safety issues. The materials provided by the union and DDES management helped me gain a better understanding of the factors prompting the discussion of whether or not to arm the Fire Investigation Unit. It is my understanding that the Fire Investigators complete the basic law enforcement academy, go through background and polygraph testing, are outfitted with bulletproof vests, carry handcuffs and have the powers of arrest. They conduct investigations and have the power to arrest individuals who have committed crimes of arson and/or other fire related activity. From my perspective, based on the assigned duties of this position, it is reasonable to authorize Fire Investigators to carry firearms to increase the level of safety in the performance of their duties.

As a prerequisite, any Fire Investigator who carries a firearm would need ongoing training including regular weapons qualification, defensive tactics, shoot/don't shoot situational training, de-escalation techniques, policies and procedures, and case law updates. The Sheriff's Office currently provides such training for its commissioned officers. I am concerned about whether a regulatory/administrative department such as DDES can provide the foundation and infrastructure needed to support the Fire Investigators' firearms training needs.

Let me know if I can be of further assistance on this issue. Thanks.

Jennifer

07/13/2007