



Item No. 16 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: STEVEN D. MCCULLEY, CHIEF OF POLICE

DATE: APRIL 18, 2018

**SUBJECT: REVIEW OF PROPOSED MODIFICATIONS TO THE TOWN'S
FALSE ALARM RESPONSE ORDINANCE AND PROVIDE
DIRECTION TO STAFF REGARDING THE ORDINANCE**

RECOMMENDATION

Review proposed modifications to the Town's False Alarm Response Ordinance and provide direction to staff regarding the ordinance.

BACKGROUND

In 2003, the U.S. Department of Justice, Office of Community Oriented Police Services, conducted an extensive study on false alarm responses by Police Officers across the United States. The study found that in 1998, Police Officers in the U.S. responded to approximately 38 million false alarm activations at an estimated annual cost of \$1.5 billion dollars (adjusted for inflation, \$2.25 billion dollars in 2018). The study also found the vast majority of alarm calls to police, between 94 and 98 percent are false. This is a major drain of limited police resources and a source of real officer safety concern. For details see the attached link to the full COPS/DOJ study.

As a free service to our residents, our dispatch center monitors approximately 2,000 residential burglary alarm systems.

Alarm responses require at least 2 officers to respond, and it can take officers between 10 minutes and a half an hour to determine whether or not the alarm is false. In the last 10 years, our officers responded to 9 alarms which were true alarms resulting in a burglary investigation. The last real alarm we responded to was in July 2015.

The Police Department responded on scene to over 700 false alarms in 2017 and over 500 in 2016. If each false alarm response only took 30 minutes of an officer's time (and that is a very low estimate), that's 600 hours (30 minutes x 2 officers per call) spent at false alarms in 2017. This represents a significant amount of time for officers to be taken off the street in response to a false alarm.

| # of Property False Alarm Calls to Same Address | 2016 | 2017 |
|--|-------------|-------------|
| 1 False Alarm Only | 152 | 201 |
| 2 False Alarms Only | 130 | 183 |
| 3 False Alarms Only | 75 | 80 |
| 4 False Alarms Only | 40 | 55 |
| 5 False Alarms Only | 33 | 60 |
| 6 False Alarms Only | 30 | 43 |
| 7- 10 False Alarms | 25 | 46 |
| 10+ False Alarms | 15 | 32 |
| TOTAL | 500 | 700 |

The current response to unchecked and unrestricted false alarm impacts the efficient operation of our police department.

Preventing False Alarms

There are a number of ways to prevent false alarms in your home. The most common reasons for false alarms are:

- User errors, such as entering incorrect key pad codes
- Leaving a door or window open when activating the alarm
- Inadequate employee training on alarms
- Poor installation of motion detectors
- Poor quality alarms

Other Agency Fees/Permitting

Below is a table depicting local agencies fees for annual alarm permit fees and how many responses before fees are generated along with dollar amounts.

| AGENCY | ALARM PERMIT FEES / ANNUAL | FALSE ALARMS | FEES |
|--------------------|-----------------------------------|----------------------------|-------------|
| BELMONT | \$50 | First and Second Responses | \$0 |
| | | Third Response | \$100 |
| | | Fourth Response | \$200 |
| BURLINGAME | \$0 | First and Second Responses | \$0 |
| | | Third – Fifth Responses | \$50 |
| | | Sixth Response | \$100 |
| FOSTER CITY | \$0 | First Response | \$0 |
| | | Second Response | \$55 |
| | | Third Response | \$111 |
| | | Fourth Response | \$111 |
| | | Fifth and after | \$200 |

| AGENCY | ALARM PERMIT FEES / ANNUAL | FALSE ALARMS | FEES |
|----------------------------|--------------------------------------|--------------------------------|-------|
| HILLSBOROUGH | \$60 + \$24 per month monitoring fee | First and Second Responses | \$0 |
| | | Third – Fifth Responses | \$200 |
| | | Sixth or more | \$300 |
| MENLO PARK | \$25 | First Response & after | \$175 |
| | | Per Incident | \$350 |
| PACIFICA | \$85 / \$45 | First Response | \$0 |
| | | Second through fifth responses | \$129 |
| | | Six or more | \$202 |
| REDWOOD CITY | \$0 | First and Second Responses | \$0 |
| | | Third and more | \$100 |
| SAN BRUNO | \$0 | First and Second Responses | \$0 |
| | | Third Response | \$100 |
| | | Fourth Response | \$125 |
| SAN CARLOS | \$0 | Second and more | \$183 |
| SAN MATEO | \$0 | First Response | \$0 |
| | | Second and more | \$104 |
| SOUTH SAN FRANCISCO | \$25 | First and Second Responses | \$0 |
| | | Third – Fifth Response | \$50 |
| | | Six – Eight Response | \$100 |

ANALYSIS

The proposed response to mitigate excessive false responses includes an integrated response of community outreach/education, revision to the false alarm ordinance, enforcement, and an enhanced residential alarm permitting process. The outreach/education will take place using Town resources, local media as appropriate, community meetings and other resident education opportunities. The current Town false alarm ordinance provides for a penalty service charge for more than one false alarm in a calendar year. It does not specify what the service charge is and the Town’s fee resolution does not set a fee.

Staff recommendation is for residents to receive a warning letter for the first and second false alarm responses during a 12-month period – calendar year. For the third false alarm in a calendar year, staff recommends a \$200 service charge, \$300 for the fourth alarm, \$400 for the fifth, and \$500 for each additional false alarm beyond the fifth in the calendar year.

Currently, residents are charged a one-time alarm registration fee of \$61. This payment includes free monitoring of their alarm system by the Police Department if the resident chooses this option. The revenue received from the false alarm response services fees and annual alarm registration fees can be utilized to continually upgrade our monitoring and response equipment. The new fee would be \$25 for the initial alarm permit fee and a recurring annual \$25 alarm service fee.

The proposed timeline is to continue to perform the community outreach/education during May, and June of 2018 and complete updates to the false alarm ordinance and permitting process by June 30, 2018. Since February 1, the department has sent out 66 letters to residents who have been

advised of their false alarm activation and have provided solutions to help remedy the situation. It is anticipated the enforcement/service charge program would begin on July 1, 2018.

Staff also recommends language be added to the current ordinance to allow for administrative appeal of the service charge, and a section to require private monitoring after excessive false alarms.

POLICY FOCUS

The purpose of the Town's alarm ordinance is to encourage alarm users to maintain the operational reliability and proper use of alarm systems and to reduce or eliminate false alarms. False alarms require a considerable amount of time, resources, and expenses each year to the Town. They can also pose a safety hazard to police officers and the general public.

The ordinance governs alarm systems intended to summon a police response, requires the acquisition of a permit, establishes fees, outlines the penalties for violations of false alarms, and establishes a system of administering the program.

FISCAL IMPACT

| Number of False Alarms | Action Taken | Fines |
|-------------------------------|---------------------|--------------|
| 1 | Warning Letter | None |
| 2 | Warning Letter | None |
| 3 | Written Notice | \$200 |
| 4 | Written Notice | \$300 |
| 5 | Written Notice | \$400 |
| Each Additional Alarm | Written Notice | \$500 |

Staff time to monitor false alarm repeat offenders can easily be accessed through our RIMS database where invoices can be generated by the Town's Finance Department.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

Sample - False Alarm Warning Letters (2)
Amended Alarm Ordinance

Dear Resident:

This letter is to notify you that officers responded to your home on the following alarm activation:

Alarm Type:

Date of occurrence:

Upon arriving, it was determined to be a false alarm.

False alarm responses limit police resources and can impact officer safety. Your help and cooperation are needed to assist our officers with mitigating false alarms. Please ensure that you, your family members, staff and employees, are all very familiar with the operation of your alarm system.

Should your alarm be activated accidentally, it is important for you to call our dispatch center immediately at (650) 688-6500, in order to report the activation and stop a police response to your residence.

Additionally, please contact the Atherton Police Department at your earliest convenience to confirm that our records show accurate information for your premises. Having the most updated information enables us to contact you, or someone who can locate you, in the event of an emergency at your home.

Sincerely,

Steven D. McCulley

Steven D. McCulley
Chief of Police

Date

Resident Name
Address
Atherton, CA 94027

Dear Resident:

On **DATE** our officers responded to a second report of a Panic/Residential/Audible alarm at your address. The alarm was determined to be false. This letter serves as notice of the Town's Alarm Ordinance with specific information regarding false alarm responses. A copy of the updated ordinance is attached for your review and education. Should we respond to your address for additional false alarms in the one year period, the following are the fees that will be imposed: 3rd false alarm @ \$200; 4th false alarm @ \$300; 5th false alarm @ \$400; and \$500 for each additional false alarm after the 5th alarm.

False alarm response impacts limited police resources and can impact officer safety. In 2016, our police officers responded to approximately 500 false alarms. On a very low-end time estimate, the 500 false alarm responses equal 500 patrol hours. This is almost 4 months of one full time police officer doing nothing but responding to false alarms at an approximate cost of over \$33,000. In the last 10 years, our officers responded to 9 alarms which were true alarms resulting in a burglary investigation. The last real alarm our officers responded to was in July 2015.

Your help and cooperation are needed to assist our officers by mitigating false alarms. Please ensure you, your family members, and staff/employees are very familiar with the operation of your alarm system.

Should your alarm be accidentally activated, it is important for you to call our dispatch center immediately at 650-688-6500 in order to report the activation and stop a police response to your residence.

Sincerely,

Steven D McCulley
Chief of Police

RESOLUTION 18-

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING THE TOWN’S MASTER FEE SCHEDULE TO ADD AN ANNUAL
ALARM PERMIT FEE AND OTHER FEES ASSOCIATED WITH FALSE ALARM**

WHEREAS, the Atherton Municipal Code authorizes the City Council to establish fees for alarm systems by resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ATHERTON THAT:

SECTION 1. The City Council of the Town of Atherton in the State of California hereby establishes the following alarm system fees:

| Description | Fee |
|--|------------|
| Initial Alarm Set up Fee | \$25 |
| Annual Alarm System Service Fee (Jan. 1) | \$25 |

| False Alarm Fee Service Charge – One year period (12 months). | Fee |
|--|------------|
| 3 | \$200 |
| 4 | \$300 |
| 5 | \$400 |
| Each additional false alarm above 5 | \$500 |

SECTION 2. That this resolution shall become effective thirty (30) days after passage and shall take effect on May 18, 2018.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 18th day of April 2018, by the following vote:

*AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:*

Cary Wiest, Mayor
Town of Atherton

ATTEST:

Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney

ORDINANCE ____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
AMENDING CHAPTER 8.04, ALARM SYSTEMS

WHEREAS, current Chapter 8.04 of the Atherton Municipal Code establishes a system of regulation of Alarm Systems in private properties; and

WHEREAS, that Chapter is outdated and requires revision and amendment; and

WHEREAS, staff recommends adoption of the following revised sections of Chapter 8.04 as set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:

SECTION 1: Current sections of Chapter 8.04, ALARM SYSTEMS, are revised as set forth following:

A. The title of current section 8.04.020 is revised to read as follows: “8.04.020 Business license required for Alarm System businesses.”

B. The title of current section 8.04.070 False alarms is amended to read as follows: “8.04.070 False alarms and fees.”

C. Section 8.04.070 A. is amended to read as follows: “A. In the event of a false alarm received on any alarm system monitored by the Police Department, the Department shall issue a warning letter for the first and second false alarm responses, and a false alarm response fee for each additional false alarm received in a 1 year period as set forth in Section 8.04.070 C. shall be charged.”

D. Section 8.04.070 B. is amended to read as follows: “B. The term “false alarm” is defined as when an alarm signal is activated intentionally or inadvertently which results in a Police response when there is no need for such response. If the alarm system owner contacts the Police Department prior to the arrival at the location of the alarm by a dispatched unit, the alarm system response shall not count as a false alarm.”

E. Section 8.04.070 C is deleted in its entirety, and a new section C. is added to read as follows: “C. The first and second false alarms within a 1 year period shall result in a warning letter, but shall not incur any fee or charge for the response. Any third or subsequent false alarm within a 1 year period shall result in assessment of a fee as set forth by resolution of the City Council.

F. Sections 8.04.070 C., D, E, are deleted.

G. Section 8.04.070 F is renumbered 8.04.070 C. and is amended to read as follows: “C. Appeals. Any determination of a false alarm may be appealed by the alarm owner to the Chief of Police or such person as he or shall delegate. Within five days of receipt of a written appeal, the Chief of Police or his authorized delegate shall set the time and place for the hearing of the appeal within 30 days unless mutually extended, and give the appellant written notice thereof by United States mail, postage prepaid, to the address given in the appeal. The owner of the alarm system may appear at such hearing and testify if he or she desires, or may submit their appeal in writing ahead of time. An appeal for financial hardship in paying accrued false alarm fees may be appealed in this manner. The decision regarding the appeal shall be final, and the alarm owner shall be notified of the decision by regular United States mail, postage prepaid.

H. Section 8.04.070 G. is renumbered 8.04.070 D. and is amended to read as follows: “D. Excessive false alarms. In the event of receipt of more than 12 false alarm activations in a 1 year period, such alarm system monitoring shall be suspended and the owner notified that the Town will not continue to monitor their alarm system although the Police Department will continue to respond to outside monitoring calls for response or direct calls for service; however, false alarm fees in such cases will still be charged.”

SECTION 2: Remaining provisions of Chapter 8.04 shall remain in full force and effect.

Introduced this _____ day of _____, 2018.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the _____ day of _____, 2018, by the following vote:

| | |
|----------|-----------------|
| AYES: | COUNCILMEMBERS: |
| NOES: | COUNCILMEMBERS: |
| ABSENT: | COUNCILMEMBERS: |
| ABSTAIN: | COUNCILMEMBERS: |

Cary Wiest, Mayor

ATTEST:

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney