

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
February 17, 2009 12:00 p.m.
Minutes**

Members Present: Bruce Snead Barry Wilkerson
Mark Hatesohl Mike Kearns
Gail Urban Connie Casper

Absent: Al Johnson

Staff Present: Director Schoen AD Doehling
Captain Hegarty Captain Hooper
Captain Nelson Cpt. Grubbs

I. Swear in Law Board Member: Riley County Clerk Rich Vargo swore in newly appointed Law Board member Connie Casper for the 2009/2010 term.

II. Establish Quorum: Established at 12:00 p.m.

III. Pledge of Allegiance: Led by Director Schoen.

IV. Consent Agenda:

- A. Approve January 20, 2009 Minutes
- B. Approve 2008 & 2009 Expenditures
 - a) 2008 Budget Expenditures
 - b) 2009 Budget Expenditures
 - c) Facilities, Maintenance & Repairs Expenditures
 - d) Juvenile Transports
 - e) Seizure Expenditures
- C. County Inmate Medical Expenditures- (*Review*)
- D. 4th Quarter Reports- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 1.3.13 Use of Force 4th Quarter/Annual Report
 - c) 52.1.5 IA/AA 4th Quarter/Annual Report
 - d) 61.1.1 A&C Traffic Accident & Enforcement Analysis

Kearns wished to make two corrections to the Law Board meeting minutes. Kearns stated that page 8 of the January 20, 2009 minutes should read “Kearns feels they should remain mindful of that, and keep in touch with the local ~~legislatures~~ **legislators** to keep them informed of the problems at the local level.” Secondly, page 11, paragraph 5 should read “At

1:45 p.m. Johnson moved to return to executive session until 2:10 p.m.” Kearns noted that the time was missing from the minutes.

Further, in reviewing the packet, Kearns noted that overtime continues to be an issue. Last year the Department was substantially over in the overtime budget line. Though he understands that overtime is difficult to control, he noticed this year RCPD is starting toward that trend. He asked Director Schoen to comment.

Schoen said Kearns is correct in his assessment. Last year the Department was considerably over in the overtime budget line, and has been each year. However, towards the end of last year RCPD got a better handle on it. He has placed an emphasis on this matter and reiterated to staff to keep overtime under control as much as possible. Part of the reason for the overtime is simply due to the nature of the work. Further, some of the overtime is reimbursed to the Department at the end of the year. When looking at the annual figure at the end of the year, some of that comes back to the Department in the way of grant funding or expenses associated for things such as KSU football traffic assistance, and the Country Stampede, etc.

Wilkerson said that officers who work the midnight shift are also paid overtime when required to testify in court.

Schoen confirmed that the Department has to pay overtime for daytime or after hour court appearances.

Doehling added that the monthly budget status report on page two shows the 2007 actual for overtime at \$618,242.31. The year to date figure for 2008 is \$534,103.24 which is a savings of roughly \$80,000.

Urban said in looking at the 2009 expenditures, RCPD is paying Manpower for temporary services for the position of Jail Cook. She asked if the Department is having difficulty filling the position.

Schoen said yes. There have been three temporary employees in that position thus far. It was his hope that one of them would fill the position, but it hasn't worked out yet for a variety of reasons. The Department is currently beginning a hiring process to find someone qualified to fill the full time position.

Urban asked if the Department is recruiting somewhere other than Manpower to fill the position.

Schoen said yes, however if a temp from Manpower can do the job, and is interested in the full time position, it would be offered to them.

Hatesohl moved to approve the consent agenda with the requested amendments to the minutes. Kearns seconded the motion. The motion passed 6-0.

V. General Agenda:

E. Additions or Deletions: None.

F. Public Comment: None.

G. Approval of General Order (GO 2009-01 Use of Force/ECDs): Director Schoen explained that the General Order included in the packet is the Department's current Use of Force policy with respect to less lethal weapons. Highlighted are the additions to the policy dealing with Electronic Control Devices (ECDs), more commonly known as tasers.

Schoen said when reviewing past workers compensation and use of force claims, it was discovered that a number of employee injuries, as well as injuries to the public occur when officers have to engage problematic individuals in physical confrontations. The Department cast about looking for a way to try to address that in a manner that was acceptable to RCPD, mainstream law enforcement, and the public. Tasers have been around for a number of years and the Department has now elected to purchase them. Training has already begun with respect to their use. The acquisition of tasers will allow police officers to better deal with problematic individuals in the field more safely and risk less injury.

Schoen said he recognizes the need for Law Board to review such changes to policy. Moreover, he wants to make the public aware of the Department's plan to place the tasers in the field relatively soon. Members of the Department will be working with the media in an effort to get the information out to the public.

Urban asked Schoen to share the background of this policy. She assumes RCPD is using standards that meet other law enforcement agencies and legal thought went into the development of the policy.

Schoen said once the need was identified, a couple employees were sent to taser instructor training. The employees successfully completed the training and returned with a few model policies. Policies from other law enforcement agencies were also reviewed. Once RCPD drafted a policy that fit the Department, it was submitted for legal review to Attorney Michael Gillespie. Schoen said he is confident that the policy has been vetted sufficiently and that it is appropriate.

Urban inquired if the use of tasers is common in most law enforcement agencies.

Schoen said anecdotally yes. Use of tasers is fairly widespread. To the best of his knowledge both the Pottawatomie County Sheriff's Office and Junction City Police Department have them. Tasers are certainly not unheard of in the Midwest. In fact, some RCPD police officers have been engaged in incidents wherein they had to rely on officers from other jurisdictions to use tasers.

Snead said he appreciates the efforts of the Department to raise awareness with regard to the change in policy. Certainly there is risk with any potential use of force, but the advantages of this approach have been well demonstrated and overall reduce the Department's risk.

Kearns moved to approve General Order 2009-01 Use of Force/ECD. Wilkerson seconded the motion. The motion passed 6-0.

H. Mental Illness Transports: Director Schoen said that at the January 20, 2009 Law Board Meeting administration had not yet had the opportunity to meet with Administrative District Court Judge Miller to discuss the issue of mental illness transports. Director Schoen and Assistant Director Doehling have since met with Judge Miller, Mr. Gillespie and Mr. Wilkerson. It appears that that this is a problematic issue and it will remain that way. Future conversations involving the County Attorney's Office and RCPD regarding drafting of the orders and the possibility of getting someone else involved in the transports may be held. The long and the short of it is, if there is a price to be paid in terms of staffing or direct costs associated with the transport, RCPD is probably going to be responsible for them. With that said, the Department is looking at what can be done to reduce those costs. Assistant Director Doehling and Captain Grubbs have had conversations about whether it would be fiscally prudent to pay a third party to conduct the transports.

I. RCPD Citizens' Police Academy: Director Schoen invited members of the Board and public to attend the RCPD Spring Citizens' Police Academy. Over the past few years participation in the academy has greatly decreased. As a result the Department was forced to cancel the last two sessions. The Department has since revamped the format of the academy. The 2009 RCPD Spring Academy is scheduled to begin on March 5, 2009 and meets from 7:00-9:00 p.m. on Thursday evenings. Anyone interested in participating is encouraged to contact RCPD's Community Relations Officer Brian Swearingen.

J. 2009 Enforcing Underage Drinking Laws Grant: Cpt. Hooper informed the Board that the Riley County Police Department has participated in the Enforcing Underage Drinking Laws Grant for the past several years. The grant is designed to allow funding to place officers on special detail to enforce underage drinking, minors in possession and parties. There are no matching funds and the Department anticipates receiving \$9,330.16 for 2009.

Urban moved that the Board support the application for the 2009 Enforcing Underage Drinking Laws Grant. Wilkerson seconded the motion. The motion passed 6-0.

K. 2010 Budget Preparation: In keeping with the budget timeline previously provided to the Board, Director Schoen wished to set the first Special Law Board/Budget Work Session for early March. In the past, there have been various approaches to scheduling budget work sessions. Last year only one special meeting was needed. There have been occasions in the past where multiple special meetings were needed. He suggested the Law Board schedule one meeting at this time. If it is later apparent that additional meetings are necessary then they could be scheduled.

Snead felt it was a reasonable approach. The Board concurred. The Board will look for communications from RCPD to establish the meeting date and time.

L. 2009 Proposed RCPD Goals & Objectives: Chairman Snead requested Director Schoen provide a brief explanation for each of the 2009 proposed RCPD goals and objectives.

1. Develop and recommend to the Board a strategic, multi-year plan for the Department's future facility, personnel, equipment and budgetary needs.

Schoen explained that a number of current issues have the capacity to significantly impact the Departments' overall operations in coming years. Among them are the arrival of NBAF; opening of the new jail expansion and use of E-Pod along with requisite staffing/supervision; technology needs including IS infrastructure, tasers, etc.; possible consolidation of services specifically with respect to Dispatch operations; recurring equipment needs such as weapons, RADAR, jail kitchen equipment, etc.; and the personnel and methods by which RCPD provides services to the public. Given current economic conditions it will be important that the Department identify and prioritize programs and expenditures.

Hatesohl asked if Lidar is different from regular radar.

Schoen said Lidar is a speed measurement device for use in traffic enforcement. The Department has a number of the older Doppler radars. Officers are beginning to find that in areas of town such as K-18 and Seth Childs, the laser version (Lidar) works best. Therefore, the Department will be acquiring additional Lidar's in the near future.

2. Develop and implement procedures and staffing plans intended to control overtime and limit liability while preparing the Jail Division for approved expansion of the facility.

Schoen said that Jail overtime has been the biggest contributor to the Department's overtime budget line as of late with a significant portion of that overtime being a direct result of inmate transports. These transports are required by the court, are increasing as the number of inmates housed in the jail increases, and are something over which the Department has no control. However, this is not to say that the Department can't take steps to mitigate their impact. The Department will undertake a cost analysis to determine if the hiring of part time staff (Police Service Aids) might give the Department the flexibility to control, and be less expensive than, overtime costs.

On a different note, staffing issues related to expansion of the jail will require budgetary commitments in 2011 and likely 2012. Further, additional jail staffing may be required if recent trends of inmate population increases continue. As a practical matter, it will be impossible to address these staffing needs at the same time address supervisory staffing issues related to the expansion of line staff. The Department will be reviewing potential "fixes" for this problem to look to make change in the jail's supervisory organizational structure during 2009 in order to prepare for staff additions in out years.

Finally, the Department should address the current process by which it deals with inmate prescriptions and matters generally related to inmate health. The Department will prepare and recommend to the Board changes designed to protect the Department by reducing the potential for errors and omissions in this critical aspect of the care and treatment of inmates housed in the jail.

Kearns asked if there are any jails in the United States that contract out to other companies for correction officers at a fixed fee.

Schoen said there are some who do, and possibly one in Kansas. The Department has discussed with the Geary County Sheriff's Office the possibility of contracting out for health care, but not operation of the jail. It is certainly something he can review further if the Board desires.

Kearns said it is important to have a comprehensive review done and he would like the Department to look into the matter further to determine if it is a viable option.

Schoen said he would do so and include his findings when reporting back to the Board.

3. Develop and present to the Board a cost/benefit analysis comparing the cost of law enforcement services in Riley County to those of other comparable counties in Kansas.

Schoen explained that the Department has, in the past, conducted such studies and they have consistently shown RCPD to be a good per capita investment for taxpayers. However, these studies are dated, and given today's economic climate as well as on-going discussions concerning consolidation of other governmental services, a fresh look at this issue could provide important information with respect to whether RCPD continues to conduct business in an efficient and fiscally responsible fashion.

Snead asked if an in house study is planned or if the Department intends to use a consultant.

Schoen replied that it would be an in house study.

4. Work with the community to create a Community Advisory Board which will serve to facilitate two-way communication between the public and the Department on issues of local concern.

Schoen explained that two factors: good business practices and upcoming legislative changes; dictate that the Department make every effort to understand, as well as to be understood by, the community it serves. The Department will facilitate the creation of a Community Advisory Board (CAB) for these purposes. As a method of engaging the community, the CAB will be a diverse group of individuals serving as a conduit to provide input to the Director, thus giving the Director an "ear to the ground". Via their respective personal contacts, they will also serve to provide the community a broader perspective of the Department's operations and purpose. While Director Schoen has envisioned the CAB serving the aforementioned functions for some time now, current indications are that

legislative changes to the racial profiling statute will soon mandate a similar set-up for any department with more than ten full-time personnel.

Snead said it is important to make sure that a clear charge is provided to the Community Advisory Board so they know what their responsibilities are. The Law Board would be open to working with its members in terms of integrating work and input as appropriate.

5. Work with the Riley County Board of County Commissioners to facilitate significant progress toward successful completion of the RCPD jail expansion.

Schoen said with construction of the jail expansion to commence in early 2009, Department staff will expend considerable time and energy addressing issues surrounding the coordination of work required to successfully conclude the project. He explained that no organization undertakes significant alterations to an occupied facility without some effect on the organizations operations. RCPD will prove to be no different. The Department's goal in this regard is to work with contractors to facilitate successful completion of the project while minimizing the projects impact on operations. Though the project will likely not be completed during calendar year 2009, he anticipates considerable progress.

Kearns recommended Riley County Engineer Leon Hobson as a point of contact for the Department as he will oversee the project for the County.

Schoen said that with the Law Enforcement Center flooding incident he cannot say enough good things about Mr. Hobson. While he does not anticipate any adversarial relationships anywhere along the lines, he does anticipate employees experiencing some difficulty in terms of operations due to the construction or interruptions.

Snead requested the Department provide an update at each monthly Law Board meeting on the progress of the jail expansion until completion.

6. Work with line, supervisory and command staff to create a working group intended to facilitate communication between administration and employees of the Department.

Schoen explained that lacking within in the formal organizational structure of the Department is a means by which administration can communicate directly with line, supervisory, mid-level management concerning issues of import to the Department. Schoen plans no changes to the formal organizational chart, rather he will recruit an informal group with a diversity of opinions intended to foster open dialogue concerning issues vital to the Department. These issues may include fulfilling the Department's Mission Statement, implementing Department values in a meaningful way, fostering development of new employees, changing the organizational culture, etc. The group will have no decision making authority and exist solely to provide the Director divergent views on various topics. As such it will have the capacity to clarify his thinking on topics of interest, solicit meaningful input from all levels of the Department, and build on what he perceives to be an upswing in morale.

Urban asked if there has been any post communication with individuals who have been incarcerated in the jail. She realizes that it is a tough population to have provide feedback, but thought it might prove beneficial to ask them what improvements could be made within the jail.

Schoen said no. Honestly the thought had never occurred to him, but it is a good idea and one worth exploring. He would suspect that the Department may want to be a bit judicious about which inmates are asked because there are certain individuals who would take advantage of it.

Urban added that asking for feedback does not commit the Department to implementing the suggestions.

Schoen agreed. However, the inmates might be able to point something out that could have otherwise gone unnoticed. He will have Captain Grubbs give the matter some thought and see what he comes up with.

Kearns followed up with comments made by Chairman Snead concerning the Community Advisory Board. Kearns thought it would be a good idea to run the Department's Special Operating Procedures (SOP) for the Advisory Board past the Law Board. He would like the SOP to be specific as to the delineation of what is expected of them so it is clear that they are not part of the Law Board.

Schoen said he does not have a problem with that and had already planned to run it past the Board. He does not have it all ironed out right now as he would like to allow the Advisory Board an opportunity for input. Having said that, there are certain non-negotiables, one being that they are not a decision making body. His vision is that the Board function in strictly an advisory capacity.

7. Work with emergency service Directors of the Manhattan Fire Department, Riley County EMS, and Riley County Emergency Preparedness to develop and recommend to local governing bodies methods and procedures by which Dispatch operations for all emergency service agencies can be consolidated.

Schoen explained that in keeping with recent discussions at Law Board meetings, comments made by elected officials of both the City and County, and recommendations contained in the Flint Hills Regional Growth Plan regarding consolidation for services; he believes consolidation of Dispatch operations for all emergency services in Riley County would provide the most bang for the buck. The County has grown considerably in recent years, and while there is merit to all manner of consolidation issues one of his primary areas of concerns is that of Dispatch operations. He will work with other emergency service Directors to develop a plan for presentation to local governing bodies.

Snead commented that this has been a long time goal and it would be great to have a plan even if it cannot be implemented in the near term.

8. Develop means by which to institutionalize the Department's new Mission Statement and Values.

At the October 2008 Law Board meeting the Board approved recommended changes to the Department's Mission Statement and Values. Schoen said the challenge for this coming year is to look for ways to implement the Mission Statement and Values and make them meaningful to employees in the course of their day-to-day activities. Absent continued emphasis designed to institutionalize them and place them at the fore of what everyone does the Mission Statement and Values will be nothing more than words on paper. A variety of possibilities are currently under consideration. They involve everything from training to a complete review of the means by which RCPD provides services and determining which of those services are in keeping with the mission statement.

Kearns moved to approve the 2009 proposed RCPD Goals and Objectives as presented. Wilkerson seconded the motion. The motion passed 6-0.

M. Executive Session: At 12:56 p.m. Urban moved to go into executive session for the purpose of discussing attorney client privilege, non-elected personnel matters and FOP contract negotiation issues until 1:10 p.m. Wilkerson seconded the motion. The motion passed 6-0.

At 1:08 p.m. Hatesohl moved to return from executive session. Wilkerson seconded the motion. The motion passed 6-0.

N. Affirmation or Revocation of Discipline: Hatesohl moved to affirm the Director's disciplinary actions. Urban seconded the motion. The motion passed 6-0.

O. Adjournment: The February 17, 2009 Law Board Meeting adjourned at 1:08 p.m.