

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
January 20, 2009 12:00 p.m.
Minutes**

Members Present: Mike Kearns Bruce Snead
Al Johnson Barry Wilkerson (left at 1:19 p.m.)
Tom Phillips Mark Hatesohl (left at 2:00 p.m.)
Gail Urban

Absent:

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

I. Quorum Established: By Chairman Mike Kearns at 12:00 p.m.

II. Swear in Law Board Members: District Court Judge Meryl Wilson swore in the appointed Law Board members for the 2009/2010 term to include: Mike Kearns, Alvan Johnson, Barry Wilkerson, Mark Hatesohl, Bruce Snead, Tom Phillips and Gail Urban.

III. Pledge of Allegiance: Led by Director Schoen.

IV. Reorganization/Election of Officers: Wilkerson moved to appoint Bruce Snead as Chair of the Riley County Law Board. Phillips seconded the motion. The motion passed 7-0.

Wilkerson moved to appoint Alvan Johnson as Vice Chairman of the Riley County Law Board. Hatesohl seconded the motion. The motion passed 7-0.

Snead moved to appoint Barry Wilkerson as Secretary of the Riley County Law Board. Johnson seconded the motion. The motion passed 7-0.

Snead recognized Kearns for his exceptional leadership and service as Chairman of the Law Board for the 2007/2008 term.

Snead thanked the Board and expressed his appreciation for being given the opportunity to serve as Chair. He recognizes the balance of interests represented by members of the agency, however his primary task as Chair will be to work with the Board and RCPD administration to serve what is in the best of the Riley County Law Enforcement Agency, citizens of Riley County and communities therein. He is open in the future to meet with local media and anyone who wishes to provide input.

V. Consent Agenda:

- A.** Approve December 15, 2008 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
 - f) Justice Assistance Grant Expenditures
- C.** County Inmate Medical Expenditures-(*Review*)

Johnson moved to approve consent agenda items A and B as presented. Kearns seconded the motion. The motion passed 7-0.

VI. General Agenda:

D. Additions or Deletions: None.

E. Public Comment: None.

F. Smoking Ordinance Update: Director Schoen explained that the Department had been waiting to hear back from the City's Attorney Mr. Frost with respect to how the city envisioned dealing with the new ordinance. A preliminary meeting with Mr. Frost was held, but the specifics were not provided. Director Schoen has since seen a letter drafted by Mr. Frost to City Commissioners emphasizing the importance of educating the public with regard to the smoking ordinance. Information pertaining to how to deal with complaints concerning the ordinance has been distributed to all Riley County police officers. In addition, officers have visited with local bar owners to ensure they understand the expectations placed on them. To date, the Department has not received very many complaints with regard to the ordinance. Of the few calls that were received, the individual who violated the ordinance ultimately vacated the premises prior to the arrival of law enforcement officers. Director Schoen is relatively pleased with the lack of action needed by law enforcement so far. He opened for questions from the Board and received none.

G. BZPP Grant: Director Schoen informed the Board that the Riley County Police Department satisfied the application requirements and has been awarded the Buffer Zone Protection Program (BZPP) and Vulnerability Reduction Purchasing Plan (VRPP for the Tuttle Creek Dam) Grant. RCPD was awarded \$101,253.68. There are no matching funds. The only requirements are that the funds are obligated by July 31, 2011 and the MDT's be placed in primary responder patrol units around the Tuttle Creek Dam or lake. As a result the Department will be equipping supervisor and north county units with 100 watt radios with frequency extenders and MDT's will be placed in six of the units. He recommended the Board authorize the Chair to sign the grant.

Kearns moved to authorize Chairman Snead to accept and sign the BZPP Grant. Urban seconded. The motion passed 7-0.

H. Mental Illness Transport Update: Previous discussions concerning mental illness transports took place at the December 15, 2008 Law Board Meeting, at which time, questions arose regarding reimbursement for non-police initiated mental illness transports. A meeting with District Court Judge Paul Miller has been scheduled for January 27, 2009 to discuss the matter in greater detail. Additional information will be provided to members of the Board subsequent to the meeting.

Johnson commented that he has asked the Riley County's counsel to determine, as a matter of law, those transports that are the obligation of government so that any reimbursement from the county in connection with this matter is consistent with state statutes. That opinion should be forthcoming in the near future.

Schoen requested that he also attend the meeting to ensure that everyone is on the same page.

Snead agreed that it would be advisable to have the Director or his designee at the meeting and asked that the information obtained be shared with the Board.

I. Jail Population Update: Cpt. Grubbs reported that the Riley County Jail has experienced a significant increase in inmate population from 2000 to 2008. In 2008, two records were set for offender bookings. Since 2000, offender bookings have never exceeded 3,749. That was, until 2008 at which time offender bookings rose to 4,164.

Since 2000, the average daily inmate population has also been steadily increasing. The average daily population for 2000 was approximately 47 inmates. In 2008, the average daily population had risen to 82 inmates. While the escalated average daily inmate population did not present any significant management issues, for the latter seven months of 2008 the population increased to an average of 90 inmates. Further, the jail has maintained over 100 inmates for seventeen of the first twenty days in 2009.

In order to gain a better perspective, the Department conducted a housing snapshot for January 11, 2009 which was one of the busiest days in the jail. At that time, the jail had a total of 110 inmates in custody, which consisted of 103 males and 7 females. Of the 110 inmates, 58 were Caucasian, 38 African Americans, 11 Hispanic and 2 were of other nationality. Seventy-six of the inmates were being held for county offenses, 11 had been sentenced to prison, 15 were being held for city offenses and 8 were held for a combination of city and county offenses. Fifty-three of the total inmates were awaiting court cases and 57 had been sentenced. Fifty-one of the crimes were felonies, 50 misdemeanors, 1 juvenile and 9 were parole or probation violations.

The average stay for an inmate averages to about 67 days. With the population trend averaging between 90-100 plus inmates, the staff is managing the population increase with the usage of E Pod for minimum security inmates. The jail has also furnished portable bunks in A Pod for minimum security inmates. Cpt. Grubbs opened for questions from the Board.

Snead asked that with the anticipated jail renovation, how the Department will manage the population size, and what will be the impact on the capacity during that phase.

Schoen said the first and most critical element that the Department will face first deals with E Pod. As Cpt. Grubbs mentioned, the Department is currently beginning to make use of E Pod. Those members of the Board who have been around for awhile understand that the Department has not hired the corrections officers to staff E Pod at this time. The Department will need to hire about five or six corrections officers to appropriately staff E Pod.

As the Board may recall, the expansion was primarily maximum security and special needs cells, so the Department is not going to be able to rob from Peter to pay Paul when it comes to keeping E Pod open. The main reason he wanted Cpt. Grubbs to address this issue is to inform the Board that the Department is going to have some budget issues with respect to staffing the jail. Secondly, if the population continues to increase prior to the time the new portion of the facility is opened, then the Department might be in a position similar to that of the old facility. The Department will either have to pay overtime for corrections officers to staff E Pod 24 hours, 7 days a week or house inmates outside of the Riley County Jail until staffing needs are addressed. Clearly those all will have an impact on the budget.

Schoen explained that it was not his intention to discuss the matter and have the Board render a decision at this time. He just wanted to let the Board know that this is an issue and the Board can anticipate hearing about it over the course of 2010 and 2011.

In review of the population demographics, Snead asked if the Department has seen any particular sources of inmates that have increased appreciably or if they are fairly consistent with the distribution in terms of city and county.

Grubbs said the distribution has been pretty well balanced. Most are of the felony nature and a low percentage is city. There are those inmates that are facing charges for either city or county which would vary somewhat. By and large, the trend is felony arrests and felony inmates.

Snead wished to confirm that the Department has not seen any particular source of increase for the inmate population other than general population increases. It is simply a matter of the nature of crimes being committed and prosecuted.

Grubbs confirmed that was correct.

Kearns referred to the 2008 breakdown of expenditures from the county for inmate prescriptions in the amount of approximately \$52,000. In speaking with the County's Budget Finance Officer much of the expenditures can be attributed to psychotropic medications which dovetails with previous discussions concerning mentally ill inmates. This begs the question, how do we get a handle on the cost of those medications. Another area that will need to be addressed is the issue of dealing with those who are mentally ill in the criminal justice system which is a state level issue. Further, the Board should be aware that as the

states budget gets tighter, the state is going to try to figure out how to pass down the cost of doing business to the local city and county level. Kearns feels they should remain mindful of that, and keep in touch with the local legislators to keep them informed of the problems at the local level. Lastly, the same situation that RCPD is experiencing is happening in Geary County. In speaking with the Geary County Commissioners it is obvious that their jail population needs are also increasing. So it is a regional issue that the Board and RCPD are facing.

Johnson expanded on the comments made by Kearns and added that he would like administration to keep track of any new bill that is introduced that might tend to increase the jail population and report back to the Board in regular intervals throughout the course of the next legislature.

Schoen stated that the Kansas Association of Chief's of Police (KACP) regularly sends out emails concerning that about which the Board inquired. He routinely reviews new bills as they are proposed. If he runs into concerns pertaining to any particular bill he will not hesitate to bring them to the Board.

Schoen said he shares Mr. Kearns concerns with regard to the state's tendency, especially with respect to individuals suffering from mental illness. However, having seen this occur over the past 10-15 years, he does not see it changing any time soon. He does not anticipate the state getting back into the business of caring for the mentally ill. Law Enforcement is going to be left with that responsibility.

Another topic that Schoen has discussed internally is the possibility of contracting out the provision of medical services within the facility entirely. Larger institutions are already doing it. There might be some short term increase in costs, but he suspects there would eventually be long term savings.

Phillips asked Cpt. Grubbs to share his assessment on the safety of inmates and corrections officers due to the growing inmate population.

Grubbs stated that the jail operates off of a classification process to identify inmates who would be considered minimum, medium or maximum security. The correctional staff meet with each inmate, consider the crime that was committed and review his/her past history. Thus far, the jail has completely eliminated the predator victim type of inmate incidents. Very seldom does the jail have any physical confrontation between the inmates and staff.

Grubbs said with regard to the issue of mental illness inmates, Sedgwick County has instituted a grant funded program by which they have separated those with mental illness from the criminal court procedure. That might be something worth looking into. Also, due to the influx in inmate population, Geary County has established a full time professional nurse to oversee all inmate medical needs. Grubbs said he believes that with the increased inmate population receiving prescription medications, a professional nurse really should be the one to handle that.

J. 2008 RCPD Goals & Objectives Update: Included in the Law Board packet was a review of the progress concerning the 2008 departmental goals and objectives. Each goal was listed along with a description of the progress that has been made. The 2008 Departmental goals & objectives are as follows:

1. Review and prepare recommendations to the Law Board (as necessary) for revisions to the Department's Mission Statement and Values.
2. Research and prepare recommendations to the Law Board regarding development and funding of a Capital Improvements Program (CIP) for the Riley County Police Department.
3. Research, prepare and implement a plan to improve recruitment of staff.
4. Research and prepare recommendation for multi-year implementation plan to place Mobile Data Terminals (MDTs) in front-line vehicles.
5. Work with the Riley County Board of County Commissioners to obtain approval for the RCPD jail expansion project.
6. Work toward a more cooperative, mutually beneficial relationship with sworn and non-sworn staff in an effort to improve morale department wide.
7. Develop and implement means and/or programs by which the RCPD can become more open and transparent to the public.

Schoen asked the Board how they would like to approach the report on the 2008 goals. He indicated that the information had been included in the Law Board packet, but he could summarize them if needed.

Snead and Kearns agreed that the information provided in the packet was very thorough and there was no need to go through each goal one by one. If the Board has a specific question on any particular goal or objective they could address it.

Phillips referenced the memo on the Capital Improvements Program (CIP). Understanding that the Department runs into some legislative constraints, he asked if administration could still estimate future CIP projects.

Schoen said if the Board recalls, the addition of a captain position was built in the budget for 2009. One of the functions of that captain will be to oversee future CIP projects. Absent a means by which the Department can squirrel away money to help pay for those projects, RCPD is still reduced to using funds from other line items that are left over at the end of the year. That is the mode he is trying to get the Department out of. It will take some legislative action to be able to do it. He asked if this is an issue the Board would care to address on an individual basis or if they would prefer to wait until the Department has a chance to take a look at the statutes in general.

Johnson commented that prior to 2000 the Department conducted five year projections in all areas of the budget, including CIP projects. That practice was discontinued in 2000 or 2001. It might be a good idea for the Board to consider going back and not only budgeting for the following year, but project requirements for the succeeding four years.

Kearns stated his opinion on the need to have the Board and Department continue to look for ways to do things smarter and cheaper, specifically with regard to purchases. It was suggested at a recent City/County meeting that a working committee be put together to determine how the city and county can work together in a unified fashion to save money. He recommended that RCPD be a part of the committee to see if there are ways to work together and cut expenses. This has been a topic that has been broached in the past, but not much has come from those discussions. One example would be to work with surrounding law enforcement agencies in exploring the possibility of bulk purchasing for items such as guns and ammunition.

K. 2010 Budget Preparation Timeline: Chairman Snead read the 2010 budget development timeline. It is as follows:

Director Schoen reviewed the statutory provisions pertaining to time frames, public notices and hearings related to the budget process. The statutes call for final budget certification no later than the First Monday in July. As a result Director Schoen is recommending the following:

At the January 20, 2009 meeting the Board should approve the 2009 budget development schedule as outlined in this memo.

At the February 17, 2009 regularly scheduled Law Board meeting provide the Board with an update on the final 2008 budget.

During the month of March, schedule requisite special budget workshops during which the Board can consider various options for the 2010 budget and provide guidance with respect to development of the 2010 budget.

At the April 20, 2009 regularly scheduled Law board meeting update the Board on budget development and provide a draft of 2010 budget expenditures. The Board may then determine the need for additional budget workshops.

At the May 18, 2009 regularly scheduled Law board meeting approve a budget of expenditures for publication prior to the mandatory public hearing.

No later than Jun 5, 2009 publish the proposed 2010 budget of expenditures in the Manhattan Mercury.

At the June 15, 2009 regularly scheduled Board meeting conduct a public hearing on the 2010 budget of expenditures and formally adopt the budget.

On or before July 6, 2009 certify to the Riley County Board of County Commissioners a budget of expenditures for the 2010 operation of the Riley County Law Enforcement Agency and Riley County Police Department.

L. Executive Session:

Kearns said it has been an excellent experience serving as Chairman of the Riley County Law Board and working with Director Schoen, Assistant Director Doehling and RCPD staff. The Department has a great team in place right now and he deeply appreciates the assistance provided to him while serving as the Chair.

Phillips announced that he will be stepping down at the end of the January Law Board meeting to allow for another citizen to serve on the Law Board. He wanted to take the opportunity to show his appreciation to the Director, Assistant Director and men and women of the Riley County Police Department. It has been very rewarding to have gained insight into the Department and truly see the dedication, compassion and devotion to protecting and serving the community.

At 12:45 p.m. Kearns moved to go into executive session for the purpose of discussing attorney client privilege, non-elected personnel matters and FOP contract negotiation issues not to exceed 1 hour. Urban seconded the motion. The motion passed 7-0.

At 1:45 p.m. Johnson moved to return from executive session. Kearns seconded the motion. The motion passed 6-0.

At 1:45 p.m. Johnson moved to return to executive session until 2:10 p.m. Kearns seconded the motion. The motion passed 6-0.

At 2:09 p.m. Johnson moved to return from executive session. Phillips seconded the motion. The motion passed 5-0.

M. Affirmation or Revocation of Discipline: Johnson moved to affirm the Director's disciplinary actions. Kearns seconded the motion. The motion passed 5-0.

Kearns moved to extend the Directors contract of employment to December 31, 2011. Phillips seconded the motion. The motion passed 5-0.

Kearns moved to set the Directors salary in 2009 consistent with the salary adjustments of other administrators of 3.8% Cost of Living Allowance (COLA) and a 2% merit increase for a total salary of \$100,510.00. Urban seconded the motion. The motion passed 5-0.

Kearns moved to have the attorney for the Law Board to reduce the changes to writing in the contract with the Director and authorize the Chair to so sign. Urban seconded the motion. The motion passed 5-0.

N. Adjournment: At 2:12 p.m. Kearns moved to adjourn the meeting. Phillips seconded the motion. The motion passed 5-0. The January 20, 2009 Law Board meeting adjourned at 2:12 p.m.