

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
February 21, 2012 12:00 p.m.  
Minutes**

**Members Present:** Karen McCulloh Jim Sherow (arrived at 12:05 p.m.)  
Barry Wilkerson Loren Pepperd  
Dave Lewis Wynn Butler

**Absent:** John Matta Captain Fink

**Staff Present:** Director Schoen Assistant Director Doehling  
Captain Hooper Captain Hegarty  
Captain Moldrup Captain Nelson

**I. Establish Quorum:** By Chairman McCulloh at 12:00 p.m.

**II. Pledge of Allegiance:** Led by Director Schoen

**III. Consent Agenda:**

- A. Approve January 17, 2012 Law Board Meeting Minutes
- B. Approve 2011 & 2012 Expenditures
  - a) 2011 Budget Expenditures
  - b) 2012 Budget Expenditures
  - c) Juvenile Transports
  - d) Seizure Expenditures
- C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)
- D. 4<sup>th</sup> Quarter Reports- (*Review*)
  - a) 82.1.4 Crime Statistics
  - b) 1.3.13 Use of Force 4<sup>th</sup> Qtr./Annual Report
  - c) 52.1.5 IA/AA 4<sup>th</sup> Qtr./Annual Report
  - d) 61.1.1 A & C Traffic Accident & Enforcement Analysis
  - e) 84.1.8 Seizure & Forfeiture Report

Director Schoen noted that 2012 expense voucher 2078 in the amount of \$152,799.00 payable to Shawnee Mission Ford Inc. will be discussed as part of agenda item I., 2012 Vehicle Purchases. Should the Board decide not to approve, or wish to delay the recommended vehicle purchases the Department will not make the expenditure despite the fact that it was included in the 2012 budget expenditures.

Pepperd said according to the 4<sup>th</sup> Quarter & Annual 2011 Use of Force Report officer use of force has steadily declined over the last 2 years. He wished to know if the decrease is attributed to the Department's acquisition and use of tasers.

Schoen explained that from 2009 to 2011 the Department experienced a 41% reduction in officer use of force. While there is no scientific proof that the reduction is due to tasers, anecdotally there are a number of police reports in which officers have noted that individuals are complying more because they do not want to be tased. Schoen said it is his belief that tasers are having some impact on officer use of force.

McCulloh asked if the statistics provided in the 4<sup>th</sup> quarter reports are made available to the public online.

Schoen stated to the best of his knowledge some information from the Uniform Crime Report is made available to the public, but not the Use of Force Report. That is certainly something he can look into.

Lewis moved to approve the consent agenda as presented. Sherow seconded the motion. The motion passed 6-0.

#### **IV. General Agenda:**

**E. Additions or Deletions:** None.

**F. Public Comment:** None.

**G. Crisis Intervention Team (CIT) Program:** At the January 17, 2012 Law Board Meeting Manhattan resident Carroll Hess briefed the Board on the Crisis Intervention Team (CIT) Program. Following some discussion Director Schoen suggested Pawnee Mental Health Service Executive Director Robbin Cole attend the February Law Board Meeting to provide additional information on CIT Programs, issues and needs within the local community with respect to mental health care, and resources available to address that need.

Cole explained that the topic of CIT Programs is timely given that the House Committee on Corrections and Juvenile Justice recently passed House Concurrent Resolution No. 5032 commending the positive approach and best practices of the Crisis Intervention Team Program and encouraging the development of active Crisis Intervention Team Programs state wide. The Committee also passed out of Committee, House Bill No. 2498 which is the Mental Health Diversion Authorization Act authorizing the development of mental health diversion programs for certain offenders who have been charged with a crime after July 1, 2012.

According to an article from Behavioral Healthcare entitled "Up to one in four incarcerations should be prevented," the American Psychiatric Association (APA) estimated in 2000 that 20% of people in prisons and jails have a serious mental illness. The article states that one of the main reasons is deinstitutionalization - with nothing in the community to take the place of hospitals. In 1955 there were 500,000 psychiatric beds in the United States. The number of psychiatric beds in the United States has been reduced to 40,000 and there are 550,000 people in prisons and jails who have mental illness.

Cole said there is a funding policy problem which reinforces that mental illness is a problem of law enforcement rather than the problem of the mental health industry. The CIT Program is a pre-booked jail diversion program designed to improve the outcomes of police interactions with people who have mental illness. The premise behind CIT is that using incarceration as a substitute for

mental health treatment is ineffective and increases the risk for future criminal involvement. Incarceration is harmful and exacerbates mental health conditions. The key is diversion and treatment rather than diversion into a local jail or prison. CIT is designed to improve the outcomes of police interactions with people who have mental illnesses. It is designed to provide community collaboration between mental health, law enforcement, the courts, and consumer and family advocates. It provides officers with options other than arrest and incarceration. It improves officer safety through the use of de-escalation techniques, and frees up public resources by diverting people who have severe mental illness from jails and prisons. CIT Programs have been adopted by more than 35 states in the United States, and 6 communities in Kansas.

Cole provided a summary of funding cuts made to community mental health services in the State of Kansas over the past 5 years. Funding for Pawnee Mental Health to provide non-institutional community based services for the uninsured mentally ill has been cut by 68% in the last 5 years. In fiscal year 2007 Pawnee's grant allocation from the state was a little over 1.7 million dollars. In the last 5 years they had almost 1.2 million dollars removed from state grant funding. Additional cuts have been made to funding for pre-admission screening, and the Family Centered Systems of Care which provides funding for children and families who have serious emotional disturbances. The impact of the cuts locally is that Pawnee's overall operating budget has shrunk by 8% in the last 5 years; however, the number of people they serve has increased by the same amount.

Pawnee Mental Health would like to be a partner in responding to this problem. They would like to play a role in both pre-booking and pre-conviction diversion to mentally ill individuals who would benefit from that kind of service. However, in order to do that it would require staff, a location to provide the diversion services, transportation for those that need to be hospitalized, and funding for medication for those individuals who do not have the financial resources to pay. Potential methods to offset the cost of such a program include applying for grants, offering program participation to surrounding counties, as well as third party reimbursement through Medicaid.

Cole said there are individuals in Kansas who could serve as consultants should elected officials wish to establish a CIT Program for the city of Manhattan. Depending on the outcome of House Bill 2498, and the sentiment of the County Attorney, Riley County Law Board and Director of RCPD, Cole said she believes they could be sitting on an opportunity to find mental health supporters on both the pre-booking and pre-sentencing basis in the community. There would be a lot of work to be done to include time and research before they would be in a position to provide the services, but it is definitely worth looking into further.

Pepperd asked if a facility would be needed for individuals with mental illness to remain overnight.

Cole said she believes such a facility would be needed. There are occasions when law enforcement comes into contact with individuals who, depending on the circumstance, require supervision rather than be returned to the community or their home.

Pepperd asked if the facility would need to be staffed 24 hours a day, 7 days a week.

Cole responded that more research needs to be done, but based on her preliminary assessment the facility would need to be staffed 24 hours a day, 7 days a week.

Sherow thanked Cole for her thorough presentation. He inquired as to the number of personnel cuts Pawnee has endured over the last 5 years.

Cole said in fiscal year 2009 Pawnee employed 320 employees. Pawnee currently has 250 employees to cover the 10 counties they serve. They have reduced their staffing levels by 25% since fiscal year 2009.

Sherow said prior to going forward with something like that of a CIT Program, he would like additional information. He would like to know the percentage increase of mentally ill individuals incarcerated over the past 5 years and the costs that have arisen as a result. Additionally, he would like to know how the implementation of a CIT Program might alter those costs and number of mentally ill individuals incarcerated.

Pepperd suggested the topic be addressed at a future Joint City/County Meeting.

McCulloh suggested the development of a Task Force to gather additional information, and report to the Law Board on the need of a CIT Program and associated costs. She recommended dialogue be reopened with Mercy Hospital, and participation be extended to neighboring counties such as Pottawatomie and Geary County as previously recommended by Commissioner Lewis.

Schoen agreed that the formation of a Task Force would be beneficial in researching and providing a recommendation to the Board and community. He would be happy to provide input to the Task Force in order to facilitate the conversation, but a lot will boil down to cost, which the Board as elected officials is going to want to have more information. It might be a good idea to add the topic to a Joint City/County Meeting agenda to begin the discussion, see if there is a consensus regarding the formation of a Task Force, and if so, how it should be comprised.

Wilkerson stated that there are measurable costs associated with implementing a CIT Program. There are also immeasurable costs to the community when an individual with mental illness is able to receive the necessary treatment rather than commit a crime. The state is not going to fix the problem. It is now incumbent upon local communities to try to identify solutions to fix the problem that the state has passed down.

Lewis suggested the topic be presented at a future Joint City/County Meeting. He asked Director Schoen and Robbin Cole to attend and participate in the discussion if available.

McCulloh asked Schoen to research how the former Domestic Violence Task Force was formed and report back.

**H. Award Presentation:** Citizens Jeffrey Koenig and Aaron Apel were present to receive a Certificate of Appreciation on behalf of the staff of Big Poppi Bicycle. Director Schoen presented the certificate in recognition of their assistance in the recovery of multiple stolen bicycles in the Manhattan and Riley County area. The actions of these two individuals and the staff of Big Poppi Bicycle led to the arrest of the thieves, return of the stolen bicycles to the rightful owners, and successful clearance of numerous larceny cases being investigated by the Riley County Police Department.

Director Schoen presented citizen Dawson Adams with a Life Saving Award in recognition of his efforts while providing critical life saving assistance. On December 31, 2011 Dawson pulled a young, motionless child out from the bottom of the swimming pool at the Clarion Hotel in Manhattan. Assisted by Sandra Vidal, the water was expelled from the child's lungs and the child

began breathing again. Dawson's quick thinking and willingness to help resulted in the saving of the child's life.

**I. 2012 Vehicle Purchase:** Assistant Director Doehling said that typically the Department waits until the end of the year to submit the vehicle purchase proposal. In 2011 the Department submitted the request early due to the fact that Ford decided to cease production of the Crown Victoria, and the Department wanted to purchase them before they were no longer available. This year the state contract will be renegotiated for the fall of 2012. There is a good chance that there will be increases on the cost of vehicles. To avoid possible price increases when the state contracts are renegotiated he is recommending the Department purchase 7 new vehicles for the fleet during 2012. The purchase will include 1 new training van, 3 Ford Taurus Interceptor Sedans, and 3 Ford Explorer Interceptor SUV's.

Butler recalled an article he read in the Wichita newspaper citing several instances in which police vehicles had been broken into. As a result, the Wichita Police Department is contemplating installing car alarms. He asked if RCPD has experienced similar issues with their police units.

Doehling remembered reading the same article. He said that RCPD has not had issues with individuals breaking into police units. He suspects that the vehicles referred to in the news article were take home vehicles, and perhaps they were broken into while parked at the employee's residence. The Riley County Police Department has a very limited number of take home vehicles and they have not sustained many damages or losses in that regard. If it were a problem for the Department he would surely look into installing car alarms.

Lewis moved to approve the purchase of 1 training van, 3 Ford Taurus Interceptor Sedans, and 3 Ford Explorer Interceptor SUV's. Wilkerson seconded the motion. The motion passed 6-0.

**J. Review of 2011 RCPD Goals:** Provided as part of the Law Board packet was a memo outlining the 2011 RCPD goals and progress indicators. Director Schoen provided a brief overview of each of the goals.

Lewis addressed the following goals: Improve traffic safety on our roadways (A Safe Community). Progress Indicator 2: Increase the number of Driving While Intoxicated (DUI) arrests by 10% during the period January 1, 2011 through December 31, 2011 as compared to the period January 1, 2010 through December 31, 2010. He expressed interest in receiving data on DUI arrests, and how RCPD efforts in the impact zone might compare to similar college communities, particularly those in the Big XII. He would also like to know the number of DUI's on a per capita base. It would be interesting to see if some of those communities also have an effort like that of RCPD's impact zone.

Increase Public Satisfaction (Responsiveness). Progress Indicator 1: Establish a baseline of public satisfaction with Department employees and services through Quality of Service audits conducted from January 1, 2011 through December 31, 2011. Lewis said he would like a breakdown of the responses in each patrol area (utilizing the same 6 areas outlined in the 4<sup>th</sup> Quarter UCR Report).

Schoen said that the information requested is not currently being captured, but the Department can look at doing that for 2012. A question could be added to the survey inquiring about the particular part of the community the respondent resides.

The Board took a brief recess from 12:55 p.m. to 1:00 p.m.

**K. 2012 Proposed RCPD Goals:** Director Schoen provided the Board with the proposed 2012 RCPD goals and progress indicators. Following review, and at the direction of the Law Board, the below RCPD action items were added.

Action Item #1: Develop and implement position(s), methods, policies and procedures to further the objective of more effectively disseminating information to the public and increasing community awareness of the Department's overall mission, objectives, and practices.

Action Item #2: Ascertain the costs associated with housing individuals with mental health issues in the Riley County Jail in light of the state's declining fiscal contribution to local mental health care. Such costs to be provided to interested parties, as identified by City and County governing bodies, in furtherance of a larger discussion concerning possible changes to the provision of mental health care services locally.

Action Item #3: Examine the possibility of using analytic constructs known as "control charts" as both a measuring tool for evaluating, and an aid in establishing, Department goals.

Lewis moved to approve the 2012 RCPD goals as amended. Sherow seconded the motion. The motion passed 6-0.

**L. Schedule March Budget Workshop:** Director Schoen proposed scheduling two Special Law Board/Budget Meetings for the month of March. This would allow the Department to prepare an initial budget narrative and budget options for Law Board review prior to the regularly scheduled March Meeting. If it is determined that two meetings are not needed, the second can be canceled at any time. Riley County Police Department Executive Secretary Nichole Glessner will contact the members of the Board to schedule the meetings.

**M. Executive Session:** At 1:55 p.m. Lewis moved to go into executive session for the purpose of discussing attorney client privilege and non-elected personnel matters until 2:15 p.m. Butler seconded the motion. The motion passed 6-0.

At 2:15 p.m. Pepperd moved to return from executive session. McCulloh seconded the motion. The motion passed 6-0.

**N. Director's Contract:** No action was taken.

**O. Affirmation or Revocation of Discipline:** Sherow moved to affirm the Director's disciplinary actions. Lewis seconded the motion. The motion passed 6-0.

**P. Adjournment:** Wilkerson moved to adjourn the meeting. Sherow seconded the motion. The motion passed 6-0. The February 21, 2012 Law Board Meeting adjourned at 2:17 p.m.