

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
March 24, 2014 12:00 p.m.  
Minutes**

**Members Present:**

John Matta	Dave Lewis
Wynn Butler	Ron Wells
Robert Boyd	Richard Jankovich (arrived at 12:26 p.m.)
Barry Wilkerson	

**Absent:**

**Staff Present:**

Director Schoen	Assistant Director Doehling
Captain Hegarty	Captain Hooper
Captain Moldrup	Captain Nelson
Captain Fink	

**I. Establish Quorum:** By Chairman Matta at 12:10 p.m.

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

**III. Consent Agenda:**

- A. Approve February 18, 2014 Law Board Meeting Minutes
- B. Approve 2013 & 2014 Expenditures
  - a) Seizure Expenditures
  - b) Edward Byrne Justice Assistance Grant (JAG)
  - c) 2013 & 2014 Budget Expenditures/Credits
- C. Juvenile Transport Reimbursement
- D. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)
- E. Riley County Jail Average Daily Inmate Population- (*Review*)

Lewis moved to approve the consent agenda as presented. Wells seconded the motion. On a roll call vote, motion carried 6-0.

**IV. General Agenda:**

**F. Additions or Deletions:** None.

**G. Public Comment:**

**Rusty Wilson- Manhattan Resident and Member of Citizens Assuring Transparency:** Wilson briefed the Board on events that transpired since the March 17, 2014 Special Law Board Meeting. He first wished to address the letter authored by Helen Roser that was presented to the Board at the March 17<sup>th</sup> meeting. According to Wilson, approximately ¾ of the room snickered because they all know Helen has been very vocal in her many years in Manhattan. Wilson said that RCPD Detective Brian Johnson chose to turn around and glare at him twice, singling him out as one who had

snickered. He stated that for Johnson to glare at him during the meeting was an example of the intimidation that he has been speaking of when people speak out.

Wilson went on to explain that officers are now conducting bar checks in his business during lunchtime. Officers informed him that they are allocated 28 hours a week to check 4 bars in Aggieville that serve lunch. Wilson said that if RCPD is to conduct bar checks at lunchtime, he feels that they should check all restaurants that have a bar (e.g., Olive Garden, Applebee's, Chili's and La Fiesta). He said that he does not need to be singled out because of his location or his abilities to market his business aggressively. In addition, a smoking ordinance is now being aggressively enforced that has not been brought to his attention in 7 years.

Wilson stated that on Saturday, while taking pictures in his truck of different marquees in town, an off-duty RCPD officer took a photo of his license tag. He indicated that the officer was present at the meeting today. Wilson said that he was uncertain why the officer took the picture, but he believes it is just another form of the intimidation that people are scared to talk about in regard to improprieties at the police department. He for one is not because he cannot sit back and be shoved around anymore than he has been.

On Saturday night Officer Ryan Doehling came into Wilson's establishment and saw a group of people sitting at a table. Wilson said that when one of the young men folded his arms Doehling rushed to the table and asked for an ID. Doehling took out his flashlight and searched under the table. The group was extremely livid after the officer had left. Wilson said that this is just one story of which he has dozens more of the young officer doing similar things.

Wilson said that in 2013 his businesses paid back 1 million dollars in taxes to the community and State, which is significant. For individuals in the room to say that he is irrelevant is wrong because he is relevant. He should have a voice and be treated fairly. Wilson said that he knows what selective enforcement and targeting are. He is simply asking that everybody follow the same rules, and get him on a level playing field as everybody else. He added that everyone should be able to admit when they have made a mistake, and he will be the first to admit when he has made a mistake.

Wilkerson asked Director Schoen for a response with respect to the investigation into Mr. Wilson's complaints.

Director Schoen addressed Mr. Wilson's concerns in the order in which they were voiced. He explained that the Department received a grant from the Regional Prevention Council to purchase equipment. As part of the grant, the Department is required to allocate 28 hours a week for Minor in Possession (MIP) enforcement. Schoen stated that not all of that enforcement occurs in Aggieville nor does it all occur over the lunch hour. He made it clear when accepting the grant that officers were going to conduct MIP enforcement during the normal course of their duties. A large portion of that enforcement happened during Fake Patty's Day weekend.

Schoen clarified that the plan has been to have officers conduct MIP checks in establishments during the colder weather months, then refocus their efforts to residential parties during the warmer months. To his knowledge officers conducting this enforcement entered Mr. Wilson's establishments 3 times since the grant was accepted in March. To date, the Department has not cited an individual for MIP as a result of the checks that were done over the lunchtime period.

In an email, Mr. Wilson commented that following the March 17, 2014 Law Board Meeting police began aggressively enforcing the smoking ordinance at his establishment. He went on to write that this is the type of retaliation that others fear and why they do not come forward. Schoen stated that the smoking ordinance has been in place since 2009. At the time the ordinance was passed the Department made it known that they did not want to become the smoking police, but that they would enforce it when necessary. The Department has enforced the ordinance 17 times since it was passed.

Lieutenant Steve Boyda was present and recounted the most recent incident involving Mr. Wilson's establishment in which he observed a number of individuals standing near an entrance smoking and a couple of people with alcohol attempting to walk out the door. Boyda explained that he approached the individuals and asked to speak with a manager. Boyda advised the manager of what he had seen and asked him to inform Mr. Wilson that this would be the last warning. Boyda went on to tell the manager that if the employees are not going to try to enforce the law then officers would begin issuing citations for the violations. Boyda said he asked that the owner and employees at least try to make an effort. That evening a warning was given, no citation was issued. He added that RCPD has met with Aggieville bar owners and they know what the expectations are. Officers are more than willing to work with the bar owners who try to enforce the law in their establishments by checking IDs, not serving to minors, etc.

Schoen said that of the various things that could have happened which would have reflected poorly on Mr. Wilson's establishment Lieutenant Boyda selected the least serious and issued a warning rather than a citation.

Schoen read an email in which Mr. Wilson stated that he was in Westloop taking a picture of the front of buildings when an off-duty policeman pulled behind him and took a picture of the back of his truck, probably the license tag. Wilson stated that he did not believe the officer knew he noticed because he was looking in his rearview mirror and had sunglasses on. He said that he recognized the officer from the meeting the other day, but did not know his name. Schoen presumed Mr. Wilson was referring to the March 17, 2014 Special Law Board Meeting. According to Wilson, the off-duty officer was driving a black 4 door Nissan or Ford midsize pickup.

Schoen said it was fairly simple to identify exactly which officers attended the Special Law Board Meeting. Captain Moldrup contacted each of the officers and determined that none of them had been in the vicinity of Westloop or had taken any pictures of Mr. Wilson's vehicle. Further, none of the officers own a vehicle that matched the description provided by Mr. Wilson, save 1 that has been disabled and inoperable for a number of months. Schoen said that if Mr. Wilson believes the individual is in the room today he would be more than willing to investigate the matter further. He asked Mr. Wilson to provide the name of the officer to Mr. Gillespie following the meeting.

Schoen briefed the Board on the investigation into the incident involving Officer Doehling. Schoen explained that while conducting a routine bar check, Doehling observed a patron in Mr. Wilson's establishment place his hands below the table and appear to do something with his hoodie. Doehling did not approach the individual right away. Doehling stood to the side for a bit to see what would develop. When nothing further developed Doehling walked over to the individual and asked what he had in his hands. The individual responded that he did not have anything. Doehling said okay, thanked him and walked away.

At that time, one of Mr. Wilson's managers approached Doehling to ask what was going on. Doehling explained to the manager what he had observed. The manager asked Doehling if the individual was over 21. Doehling stated that the individual had not done anything wrong; therefore, there was no reason to him to ask for an ID. The manager approached the individual, obtained an ID and determined that he was of age.

Schoen stated that Doehling did flash his flashlight under the table when he first approached the individual so see if the he had ditched a drink or something under the table. When Doehling concluded that was not the case he walked away. The incident was fairly low key. The officers eventually left the bar after the discussion with the manager.

Schoen explained that Mr. Wilson made the assertion via email that an off-duty officer leaving (presumably the March 17, 2014 Special Law Board Meeting) waived at he and his friend. Wilson was later told that the officer was reprimanded for this. Schoen said that he was able to establish that the officer in question was Captain Nelson. The only two individuals who can reprimand Captain Nelson are Assistant Director Doehling and Director Schoen. Schoen said that he and the Assistant Director were not aware that Captain Nelson had waived at Mr. Wilson until they read the email. Schoen asked Captain Nelson if he had been reprimanded as Mr. Wilson described.

Nelson said no.

Moldrup addressed Mr. Wilson's statement that at the March 17<sup>th</sup> Special Law Board Meeting Detective Johnson glared at him twice and singled him out as one who had snickered when Helen Roser's letter was provided to the Board. Moldrup met with Johnson and asked him if he recalled glaring at Mr. Wilson. Johnson said no. Johnson stated that he had glanced back where he had heard most of the snickering, not looking at anyone specific, but happened to catch the eye of a blonde gentleman. Johnson stated that he did not know which individual was Mr. Wilson. Moldrup said that there is video of the meeting and Johnson maintained the same serious look the entire time that he spoke.

Schoen noted that the incident that remains unresolved pertains to the claim of an off-duty officer taking a photograph of Mr. Wilson's vehicle. He said that if Mr. Wilson could provide some specifics regarding the officer, date and time of the incident it should be fairly easy to resolve.

Butler said that when looking at what transpired, in terms of legality, the Department did not do anything illegal. However, some would say that perception is reality. There appears to be a perception of overzealous enforcement, and that the level of enforcement has changed for some reason since the last Law Board Meeting. The question that remains is, has enforcement changed since that time or does it just appear that way?

Schoen responded that the Department has already undertaken a 5 year review to examine enforcement. Once the review is complete he will report back to the Board. Schoen said that he has had conversations with members of staff regarding some of the complaints and Senate Bill 436. He informed the staff that officers are to continue to enforce the law as they have been and they are to remain fair and equitable in doing so.

**Steve Tucker- RCPD Employee and Manhattan Resident:** Tucker expressed his opposition to Senate Bill 436. He stated that prior to working for RCPD he served 22 years with the Greenlee

County Sheriff's Office in Clifton, Arizona. Eight of those years he served as the elected sheriff of Greenlee County.

Tucker shared with the Board the benefits of having a Director who is appointed by the Law Board. He explained that unlike an elected position, the Director is held accountable every day for his actions, not only near election time. Tucker worked under three different sheriffs prior to running for the position himself. He stated that politics require politics. As the sheriff Tucker was approached regularly by bar owners who said that if he continued enforcement in their area they would get the money to ensure he was not reelected. The Director does not have the same political pressures that come with an elected position.

Tucker explained that the public does not always understand how relevant law enforcement experience is when looking for a Director or how important it is for that person to know the needs of the community. The Law Board knows that need and has appointed a Director based on his skill and ability to understand the community. Members of the Law Board are the elected officials who represent the community. The community has a voice through the Law Board. Clearly there are avenues for citizens to voice their concerns because they are being heard today.

**Rusty Wilson- Manhattan Resident and Member of Citizens Assuring Transparency:** Wilson clarified that earlier he was referring to the taxes he brings back to the community and the 227 individuals he employs as being relevant. He was not talking about his personal standings or the money that he makes to get rid of someone who is elected.

The reprimanding of the officer on the motorcycle was overheard in the courthouse and told to him by a lawyer in town. Wilson said that he was simply passing that on to the Board. He went on to state that he works great with Lieutenant Boyda. The smoking ordinance was brought up on Thursday, and had never before been brought up. That is what surprised him. Wilson said that he would gladly meet with someone privately and provide them with the person who took the picture of his tag. He said that he misspoke previously. The individual was not in the Board Meeting on Monday, but he is in the room today.

**H. National Public Safety Telecommunications Week Proclamation:** Chairman Matta read the National Public Safety Telecommunications Week Proclamation proclaiming that all citizens of Manhattan and Riley County observe the week of April 13<sup>th</sup> through April 19<sup>th</sup>, 2014 as National Telecommunications Week, in honor of the men and women whose diligence and professionalism keep the city, county and citizens safe. Dispatch Supervisor Tyler Siefkes and Dispatchers Aaron Abbott, Patricia Noriega and Maggie Rath accepted the proclamation on behalf of the Department.

**I. Community Advisory Board Update:** Riley County Police Department Community Advisory Board (CAB) Chairman Corey Leavell briefed the Law Board on CAB activities to date. He provided the Law Board with a review of guest speakers and topics discussed at the January and March CAB Meetings. Recent guest speakers include RCPD Assistant Director John Doehling, Captains Tim Hegarty, Jeff Hooper, Hank Nelson, Kurt Moldrup, Richard Fink and Ft. Riley 1<sup>st</sup> Infantry Division Health Promotion Officer Judith Woodward. Leavell noted that due to inclement weather a meeting was not held during the month of February.

Current members of the CAB are Corey Leavell, Kevin Peirce, Scott Emley, Chad Joyce, Carl Friedrich, Michele Jones, Gina Scroggs, Michelle White-Godinet, Don Slater and Mark Johnson.

Newly appointed members of the CAB include Edward McNamara and Steve Logback. Leavell reminded the Board and the public that the meetings are held on the first Tuesday of each month at 11:30 a.m. at Bluestem Bistro in Aggieville. The primary purpose of the CAB continues to be to serve as a liaison between the community and RCPD, as well as to act as a sounding-board for the Department regarding community concerns.

Lewis asked if the CAB offers the public the opportunity to comment at the monthly meetings. If so, have many taken advantage of the opportunity to address the CAB?

Leavell said that a public comment session is offered at each meeting. There have been a few occasions in which members of the public have provided comment.

Butler stressed the importance of publicizing the monthly meetings of the CAB. The CAB is a very diverse group that may be able to help resolve some of the community's fears, animosities or mistrust that might be present at some level. He asked that links to the CAB website be placed on the City, County and RCPD websites.

**J. Approval of General Order 2013-036 Special Events:** The Board discussed in depth the possible implications of General Order 2013-036 Special Events. Attorney Michael Gillespie requested additional time to review the General Order prior to the Board taking action.

Lewis asked for a brief report on the number of profit and nonprofit events for which the Department has provided law enforcement assistance over the last year or two. He also would like information on the number of employee hours dedicated to the events.

Lewis moved to postpone action on this item until it is brought back to the Board with the requested information. Jankovich seconded the motion. On a roll call vote, motion carried 7-0.

**K. Fake Patty's Day Review:** Captain Moldrup briefed the Board on the total arrests made during the 2014 Fake Patty's Day event. He stated that attendance was down compared to 2013 possibly due to the weather. He noted that there was a fairly significant decrease in the number of violent offenses this year when compared to 2013.

Schoen stated that invoices have not been received from all of the agencies that assisted RCPD with the event. Once they are received, he will provide the Board with the final costs. He anticipates an increase in expenses this year simply due to the fact that more agencies will likely invoice the Department for their services.

Butler requested RCPD Administration obtain tax receipts from the City of Manhattan for Fake Patty's Day weekend. It would be interesting to know what the true cost of the event is when the tax receipts are taken into consideration. In an effort to put things into perspective, he would also like to compare the true cost of law enforcement during Fake Patty's Day to that of a typical weekend.

Butler said that he had the opportunity to observe officers at the event. In his estimation there could have been more arrests made if the officer elected to. Instead the officers defused a number of the situations rather quickly. He was pleased with the way the officers handled the large crowd.

**L. 2015 Budget Development:** At the March 17, 2014 Special Law Board Meeting Commissioner Butler requested information regarding consolidated dispatch, specifically with

respect to how the shifts are staffed and scheduled. He wished to know if there is a way to make consolidated dispatch more efficient. At the same meeting, Commissioner Lewis expressed his preference to add only 1 dispatcher to the Department's authorized personnel for 2015 if it was thought to be a workable solution. Director Schoen met with RCPD Communication Center Manager Diane Doehling regarding the matter. Through their discussion Schoen was able to ascertain that 8, 10 and 12 hour shifts, combinations of each, and flex scheduling were considered during the time of consolidated dispatch. The current 12 hour shift schedule was deemed to be the most efficient.

He and Communication Center Manger Doehling also reviewed calls for service for the past 14 months in an effort to determine the busiest day and time of the week, with the implication that perhaps staffing could be altered to deal with those peak call times. Their review revealed that the peak call times varied from day to day, with the exception of Monday. Sometimes the busiest days of the week were Friday and Saturday. Other times the busiest days of the week were Wednesday and Thursday. For that reason, it would be difficult to allow the calls for service to drive the train with respect to staffing in dispatch.

Wilkerson moved to approve RCPD Budget Draft 3A for publication. Boyd seconded the motion. On a roll call vote, motion carried 7-0.

**M. Executive Session:** It was determined that an executive session was not needed.

**N. Adjournment:** Lewis moved to adjourn the meeting. Wells seconded the motion. On a roll call vote, motion carried 7-0. The March 24, 2014 Law Board Meeting adjourned at 1:49 p.m.