

H. National Correctional Officers' Week Proclamation: Chairman Matta read the National Correctional Officers' Week Proclamation declaring that all citizens of Manhattan and Riley County observe the week of May 4th through May 10th, 2014 as National Correctional Officers' Week, in honor of the men and women whose diligence in supervising incarcerated individuals and effectively providing custody and care ensure our public safety. RCPD Correction Sergeant Jayme Klym, Correction Officers Brandi Gehlen, Alexandra Kline, David Russell, Antoinette Smith and Adam Waggoner accepted the proclamation on behalf of the Department.

I. National Police Week Proclamation: Chairman Matta read the National Police Week Proclamation declaring that all citizens of Manhattan and Riley County observe the week of May 11th through May 17th, 2014 as National Police Week in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty. RCPD Lieutenant Jay Mills, Sergeant Daryl Ascher, Police Officer Brandon Tapp and Detective Calvin Sanders accepted the proclamation on behalf of the Department.

Members of the Law Board and the public were encouraged to attend the Law Enforcement Memorial Ceremony on Friday, May 16, 2014 at 11:00 a.m. at the Riley County Law Enforcement Center. A barbeque will immediately follow the ceremony and it is open to all who wish to attend.

J. Public Hearing for 2015 Budget: At the March 24, 2014 Law Board Meeting the Board approved RCPD Budget Draft 3A for publication. The budget, which represents a 2.802% increase from the 2014 approved budget when the 2013 carryover is applied, was published on April 9, 2014. Following the public hearing the budget can be formally adopted by the Law Board.

Lewis moved to open the public hearing for the 2015 RCPD budget. Wells seconded the motion. On a roll call vote, motion carried 6-0.

No comments were received from the public.

Lewis moved to close the public hearing for the 2015 RCPD budget. Wells seconded the motion. On a roll call vote, motion carried 6-0.

K. Approve 2015 Budget: Wilkerson moved to approve the 2015 RCPD budget as published. Lewis seconded the motion. On a roll call vote, motion carried 6-0.

L. Tracking Program for Children with Autism: The Riley County Police Department received an email from Ms. Amy Rich, a service provider for children with Autism in Manhattan regarding a tracking program for children with Autism. The program involves electronic tracking devices that can be worn as bracelets or sewn into clothing to be used to locate children with Autism who are prone to wandering. According to Rich, in January U.S. Attorney General Eric Holder determined that the Justice Department's Byrne funding could be used to purchase these tracking devices. It is her hope that the devices will be made available to the public through a locally developed police program.

Captain Moldrup informed the Board that the Riley County Police Department has applied for and been awarded the Edward Byrne Memorial Justice Assistance Grant (JAG) for a number of years. The Department has used past funds to purchase the DeskOfficer Online Reporting System (DORS)

from Coplogic, Inc., and officer safety related items such as mobile police radios, tasers and patrol rifles.

Captain Moldrup's explained that the tracking program is available to families of children with Autism. Similar programs have also been used for caregivers of individuals with Dementia or Alzheimer's. Project Lifesaver is one company that works with public safety agencies to administer the program. There are startup costs associated with the program, though not all are clear at this time. Preliminary research indicates that it would cost approximately \$4,000 to train 6 officers. The certification is valid for 2 years, after which officers would need to recertify. Should the Department participate in the program there would exist the need to certify more than 6 officers. There would be additional expenses related to transportation and housing for instructors to come to RCPD to train officers, as well as the electronic devices themselves. Ms. Rich plans to survey the community to determine the level of interest and need for the program.

M. Evidence-Based Policing at Work in Smaller Jurisdictions: Director Schoen brought to the attention of the Board an article in the Spring 2014 issue of Transitional Criminology, The Magazine of the Center for Evidence-Based Crime Policy, George Mason University titled "Evidence-Based Policing at Work in Smaller Jurisdictions" authored by RCPD Captain Tim Hegarty and Kansas State University Associate Professor of Sociology L. Susan Williams. Schoen noted that the Department continues to be recognized for receiving the IACP/Sprint Excellence in Law Enforcement Research Bronze Award for police research. This article is just an example of the type of things that the Department is doing that are garnering national attention.

N. 1st Quarter Activity Snapshot: Provided to the Law Board was a quarterly snapshot and five year comparison of part I crime, violent crime, property crime, accidents, and DUIs as of April 1, 2014. Lewis suggested and the Board agreed that the report be provided on a monthly basis as part of the consent agenda.

O. Department Response Concerning Mr. Wilson's Complaint of Intimidation & Improprieties by RCPD: Director Schoen briefed the Board on the Department's investigation into Mr. Wilson's complaints of harassment by the Riley County Police Department. At the March 24, 2014 Law Board Meeting Mr. Wilson stated that while in Westloop an off-duty RCPD officer took a photo of the license tag on his truck. The individual ultimately identified by Mr. Wilson as being the officer who took the photos was Sergeant Bradley Ingalls. Immediately following the meeting Director Schoen had the Department's Internal Affairs Lieutenant Tim Schuck open an investigation into the matter.

Upon hearing of the claim, Sergeant Ingalls also requested that a thorough investigation be conducted, and that the results be aired publically as were the accusations. Schoen explained to the Board that it is uncommon for the Department to address personnel matters publically as they are typically discussed in executive session. However, given the nature of this particular complaint Sergeant Ingalls recognized that not only was his integrity being called into question, but that of the entire Department when Mr. Wilson asserted that "this is just another form of the intimidation that people are scared to talk about in regard to improprieties at the police department."

Schoen stated that during the interview with Mr. Wilson he alleged that the off-duty officer took the photo of his vehicle tag with a cellular telephone. The Department seized Sergeant Ingalls work and

personal cellular telephones. Information from both phones was downloaded to include GPS data, texts, current and prior existing photographs. Suffice it to say, nothing was found to substantiate Mr. Wilson's claim. There was no GPS data showing that Sergeant Ingalls had been in the area in question. Additionally, there were no photographs of Mr. Wilson's vehicle ever having been on either of the phones.

The internal affairs investigation revealed that not only had Sergeant Ingalls not been in the Westloop area that day, but that he had been in Wamego where he resides with his family watching the NCA tournament on television. This information was also confirmed by Sergeant Ingalls' wife. In addition, Ingalls does not own a vehicle matching the description provided by Mr. Wilson nor could he recall the last time he had borrowed a vehicle.

Schoen said that Mr. Wilson was asked during the internal affairs investigation if this could have been a case of mistaken identity. At that point, Mr. Wilson affirmed that it could have been mistaken and that he was not 100% sure who took the photograph. Schoen said that given the totality of the information, the internal affairs investigation was concluded, and the complaint was unfounded. Schoen clarified that the term "unfounded" does not mean that the Department was unable to prove the claim, but rather that it did not happen.

Schoen said that given Mr. Wilson's statement that it could be a case of mistaken identity, along with his assertion during an interview that if he was wrong he would be the first to say he is sorry, at this point Sergeant Ingalls, his wife and the employees of the Riley County Police Department would be pleased to hear that apology, but that is entirely within Mr. Wilson's purview.

Rusty Wilson- Manhattan Resident and Member of Citizens Assuring Transparency: Mr. Wilson publically apologized to Sergeant Ingalls and his wife, and stated that he was mistaken in who he saw take the photograph. He admitted that with everything that has gone on there exists a bit of paranoia. He assured the members of the Law Board that the incident did happen. He certainly does not want to cause any more effort on the part of the police department. However, the fact still remains that someone did take the photo and he still does not know who it was.

James "Bud" Valerius- Manhattan Resident: Mr. Valerius recounted a couple of incidents in which he was very displeased with the manner in which RCPD handled the situation. One such incident involved an investigation into his son's activities which resulted in a search warrant of Mr. Valerius' place of business. Mr. Valerius expressed his frustration with the way the search warrant was conducted when officers did not allow him access to his business prior to and during the search.

Mr. Valerius inquired about the current composition of the Law Board. To his knowledge, there should be four citizen at-large positions on the Law Board. Presently the Board is comprised solely of commissioners. He wished to know how it came to be that the citizen at-large positions are being filled by elected officials.

Attorney Michael Gillespie responded to Mr. Valerius' query. He explained that the only position on the Law Board that is not appointed by the City or County Commission is the County Attorney position. Mr. Wilkerson serves in that capacity by state statute. The City and County Commissions appoint the remaining members to the Board.

The statutes state that there shall be, on an alternating basis, a certain number of people on the Board who are citizens of the city of Manhattan and citizens of the County of Riley. At some point, the City and County Commission began appointing only members of their commissions. An opinion from the State Attorney General was sought regarding the matter. It was the Attorney General's opinion that no matter the initial intent, the fact is that a member of the Manhattan City Commission is at the same time a citizen of Manhattan. Likewise, a Riley County Commissioner is by definition a citizen of Riley County. As long as the citizen at-large positions are filled by the respective commissioners there is nothing illegal occurring.

Butler said that according to statute there should be three commissioners on the Board. There should be one from the County and two from the City. Per statute the County Attorney also serves on the Board which technically leaves three citizen at-large positions available; one to be appointed by the County, one by the City and one to rotate every two years. In his opinion, the logic behind having City and County Commissioners serve on the Board has to do with the budget. The RCPD accounts for a very large portion of the City's budget and mil levy. It is believed that the Commissioners know quite a deal about the budget and the overall process.

Lewis added that it is a matter of accountability in many respects. If there is opposition to the budget, as elected officials, the commissioners are held accountable either on a two or four year basis depending on the position.

Butler added that in January 2015 the City will reappoint members to the Law Board. If there is interest among the community to serve on the Board they will need to complete the appropriate interest form. Once received, nominations will be vetted to ensure the right individuals are chosen to serve on the Board. He clarified that he is not certain anything will change, but the possibility is there and as the Mayor he is definitely open to it.

Johnny Holle- Manhattan Resident: Mr. Holle stated that he was instrumental in obtaining the opinion from the Attorney General many years ago. He has applied multiple times to fill the citizen at-large position on the Board for Riley County, and has been turned down every time. It is his opinion that when legislative intent can be determined it should be followed. He believes that the City and County Commissioners are violating legislative intent by appointing themselves to those positions on the Law Board.

P. Citizens Assuring Transparency: Rusty Wilson addressed the Board and emphasized the importance of all components of the community working together to make Manhattan and Riley County the best it can be. He stated that he is grateful to sustain the Kite's and Rusty's culture as part of the fabric of Aggieville, K-State and Manhattan. While he appreciates and respects the challenge the police department faces when providing services and protection for all people, he feels that not all establishments are being treated fairly. Since he challenged an officer in 2012 things have gotten progressively worse and he believes he is being targeted by law enforcement.

Mr. Wilson went on to explain that there is no formal training made available for to his staff on how to identify fake IDs. Often time's minors will enter the establishment using a fake ID, but when questioned by the officer they do not show it to them for fear they will get into more trouble. Wilson said that there are times when an MIP is cited and as the owner he does not find out about it until several months later. He and his staff are not permitted to be present when officers are

questioning minors. It makes it very difficult to fix a problem when they are unaware that it happened.

Police officers utilize their own discretion when issuing citations to establishments. If the officer feels that the establishment did a good job trying to keep the minor out, they do not have to cite the bar. Wilson said that in 2012 and 2013 he spent in excess of \$300,000 in security measures and wages for doormen in an effort to prevent MIPs in his establishments. Most will admit it is nearly impossible to keep every minor out. The minor can go to the Department of Motor Vehicles with their sibling's birth certificate and obtain an ID with their photo. They then have a fake ID issued by the state of Kansas. Wilson said that the minor can then use the ID to enter his establishment and he can be punished for it, which is not right.

Mr. Wilson wished to provide the Board in private with additional documentation and individual statements that he believes may corroborate some of his complaints.

Lewis wished to know if Citizens Assuring Transparency have been working with a lobbyist toward other statutory changes with respect to the legal process involving MIPs.

Mr. Wilson said yes. He and the lobbyist have had discussions regarding the way the law reads which is "the licensee knowingly or unknowingly permitted the possession or consumption of alcoholic liquor or cereal malt beverage on the license premises by a person under twenty-one years of age." He explained that if an individual steals a polo from Dillard's, the store does not get a ticket because they unknowingly knew someone took something from the store. He and the lobbyist have been working tirelessly to get an amendment to the law.

Melodie Pooler- Manhattan Resident: Mrs. Pooler shared with the Board her personal experience involving the suicide and unfortunate passing of her son Matthew Tessorf in November 2009, and the frustration she and her family felt with the Riley County Police Department regarding the way they dealt with their loss.

Mrs. Pooler explained that two years following the incident, with the help from an out of state friend, she was able to obtain a copy of the complete police report concerning the events surrounding her son's death. Upon reading the police report the family learned that the police department had destroyed personal property belonging to Matthew that was in their possession. The family was not told about the property or asked if they would like it returned. In addition, they learned that Matthew had written a suicide note which was never shared with the family. Mrs. Pooler said that they discussed the issue with Director Schoen who stated that the police are not always sure how best to address suicide notes with families. She suggested that every family who loses a loved one to suicide should be informed at least in a general sense of the circumstances surrounding the death. The family owns the right to decide what they do or do not want to know. In her meeting with Director Schoen he agreed that RCPD could improve in this regard.

Mrs. Pooler added that with the passage of time she and her family have learned that there is healing in the fond memories that were built throughout the years, but greater healing can happen when good is born out of tragedy. She said that building a strong community requires a clear awareness of the experiences of our neighbors and the understanding that what happens to one, happens to each of us. She thanked the Board for allowing her the time to share her story. She

voiced her personal desire and that of her family to be a part of the process to improve the quality of life for all members of the community.

Lewis thanked Mrs. Pooler for sharing her story with the Board.

Boyd said that RCPD has a position on the Mental Health Task Force and is very involved in the process. The Task Force is looking at expanding the reach and capabilities of Pawnee Mental Health Services. The Task Force is aware of the shortcomings that currently exist and they are working to improve.

Billy Porter- Manhattan Resident: Mr. Porter provided an account of his personal experiences as an Aggieville bar owner with the Riley County Police Department. He stated that he has a good working relationship with the Department. He added that the police officers sometimes get a bad rap for doing their jobs. He has been issued citations by police officers, and in his twenty years as a business owner he has never felt targeted by the Department.

Brett Allred- Manhattan Resident: Mr. Allred, owner of several bars in Aggieville including Johnny Kaw's and Shot Stop briefed the Board on the efforts that are taken in his establishments to self-police and prevent underage drinking. He explained that training is provided to staff internally on how to identify fake IDs. He also pulls information from courses provided annually by RCPD on the subject. Mr. Allred said that he has a positive working relationship with the Department. He is happy with the way things are going; however, he and his staff are constantly working to improve.

The Board took a five minute recess and reconvened at 2:05 p.m.

Director Schoen provided a PowerPoint presentation containing an analysis of alcohol violations from January 2010 through March 2014. Schoen explained that the primary job of the officers in Aggieville is to ensure the safety of those who choose to frequent the area. With that, the Department has zero tolerance for fighting and violent crimes. Subsequently, the Department begins focusing on coordinating with drinking establishments to ensure they are abiding by city and state alcohol laws. A large part of that is providing training to bar staff and managers to equip them on how to deal with issues facing their establishment, which has been offered by RCPD for a number of years. Bars are encouraged to police themselves and call the police when they have identified violators. Schoen said that RCPD works with the establishments and advises management of issues that arise and makes suggestions to correct the issues. If the issue is reoccurring and management has not made an effort to fix the problem enforcement action is taken as a last resort. If an establishment is able to show due diligence in identifying violators and a demonstrated ability to self-police the officer will use discretion when issuing citations and forwarding citations to the Kansas Division of Alcoholic Beverage Control (ABC).

Schoen stated that in summation, when viewing how Kite's and Last Chance stack up against the other establishments in Aggieville they have more citizen generated calls for service, they are 1st in part I crime, 1st in violent crime, 3rd in the number of citations issued within the establishment, 1st in reports referred to ABC, and they are tied with 1863 in regard to self-policing of MIPs.

Schoen addressed a comment made by Mr. Wilson in the newspaper wherein he inferred that he had come to the Law Board, and things have changed and were better now. Schoen wished to clarify that nothing has changed. The officers are not doing anything differently. The rules are still in place

and still being enforced as they were. To the extent that it created the impression that any individual Law Board member pressured Director Schoen to change things that did not happen. He has not had a conversation like that with any member of the Board.

Mr. Wilson stated that he was not the owner of Last Chance in 2010. He took over ownership of the establishment in 2012. Some of the numbers provided in the PowerPoint presentation were under the previous ownership. He wished to see new numbers reflecting the change.

Vice Chairman Lewis extended his appreciation to those who attended the meeting and provided comment. He stated that the Law Board encourages public participation. He understands that there are some concerns that may not have been addressed at this meeting. The opportunity will continue to be offered to individuals to come before the Board and express their concerns. There are some situations that absolutely need to be addressed. In his opinion, it is the nature of the Law Board to make sure some resolution is reached in regard to those concerns.

Q. Executive Session: Due to time constraints, matters that were scheduled to be discussed during executive session were postponed until the regularly scheduled May Law Board Meeting.

R. Adjournment: Boyd moved to adjourn the meeting. Wilkerson seconded the motion. On a roll call vote, motion carried 4-0. The April 21, 2014 Law Board Meeting adjourned at 2:49 p.m.