

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
August 18, 2014 12:00 p.m.
Minutes**

Members Present: John Matta Dave Lewis
 Robert Boyd Ron Wells
 Wynn Butler Richard Jankovich

Absent: Barry Wilkerson Captain Fink
 Captain Hooper

Staff Present: Director Schoen Assistant Director Doehling
 Captain Hegarty Captain Moldrup
 Captain Kyle

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

II. Pledge of Allegiance: Led by Director Schoen.

III. Consent Agenda:

- A. Approve July 21, 2014 Law Board Meeting Minutes
- B. Approve 2014 Expenditures
 - a) Seizure Expenditures
 - b) 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*)
- F. Monthly Crime Report- (*Review*)
- G. 2nd Quarter Reports- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 61.1.1 Traffic Accident & Enforcement Analysis
 - c) 84.1.8 Seizure & Forfeiture Report

Chairman Matta commented that although he is not in favor of the term “procedural justice” he was pleased with the information contained in the Traffic Accident & Enforcement Analysis report and process review that was conducted.

Director Schoen stated that the concept of procedural justice is coming into vogue in terms of law enforcement and training.

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

IV. General Agenda:

H. Additions or Deletions: None.

I. Public Comment: None.

J. Board Member Comments: Butler called to the attention of the Law Board letters that were included in the packet from members of the public expressing appreciation to Riley County Police Department employees for their assistance and a job well done.

Lewis requested RCPD Administration update the Board concerning the investigation into the complaint of Ms. Sophia Starks.

Director Schoen stated that he was not present at the July 21, 2014 Law Board Meeting at which Ms. Starks voiced her concerns to the Board regarding the treatment of her son Darreen Starks by RCPD. However, since the meeting he met with Assistant Director Doehling and reviewed the minutes of the meeting. Schoen said it is his understanding that at the conclusion of the meeting Assistant Director Doehling had a brief opportunity to meet with Ms. Starks at which time he asked her if she had an interest in coming to the police department to discuss her concerns. Ms. Starks stated that she did not.

Sophia Starks- Memphis, Tennessee Resident: Ms. Starks explained that following the meeting she was approached by Assistant Director Doehling who asked if she wanted to make an appointment to speak with someone at the Department regarding her concerns. She responded that she would not meet without her attorney present. According to Starks, it was at that time that Assistant Director Doehling stated that she could not have the meeting with her attorney present. Ms. Starks wished to know why she could not have an attorney present while speaking with RCPD staff concerning the shooting of her son.

Schoen explained that when an individual mentions obtaining an attorney and gives the implication of a lawsuit against the police department, generally speaking when that occurs they do not have any further discussions.

Starks asserted that she did not make mention of a lawsuit. She went on to express her distrust in the police department given the handling of her son's case. She feels that the Riley County Police Department continues to treat her son and family as if they were the perpetrators in the case and not the victim. She added that the individual who shot her son was released on a \$50,000 bond for aggravated battery and she was not notified by the victim advocate.

Schoen clarified that the County Attorney's Office makes the formal criminal charge and handles communications with victims and their families through their victim witness coordinator.

Starks stated that the County Attorney's Office has not told her anything either.

Schoen said that the County Attorney's Office is likely not discussing the matter with Ms. Starks because it is a criminal case that is still under investigation. He clarified that if Ms. Starks has a complaint about how the officers conducted themselves, she can discuss those with the Department's Internal Affairs Lieutenant. If she has questions or concerns regarding the criminal case, she would need to contact the County Attorney's Office.

Schoen stated that the Department has received requests in the past to meet with an individual and his/her attorney to discuss what is in essence an internal affairs complaint. The Department's standard practice for reasons related to the potential filing of lawsuits is not to do that. If an individual is contemplating filing suit and he/she wishes to bring an attorney to the meeting, the time for communication in terms of attempting to resolve the questions has ceased because it has the potential to impact the Department down the road should a suit be filed. The inclusion of the attorney alone is sufficient for the Department not to conduct the interview.

Schoen noted that Ms. Starks met with the Department's Internal Affairs Lieutenant some time ago and the interview was recorded. At the time Ms. Starks did not want to file a formal complaint. Since Ms. Starks is uncomfortable meeting with RCPD staff absent her attorney, Director Schoen proffered using the recording from the interview to file a formal complaint on her behalf.

Starks stated that she knows how to write and Director Schoen does not need to use the tape to file the complaint.

After some discussion, Butler asked Ms. Starks to articulate her concerns in writing regarding how the officers conducted themselves and/or any department procedures that she believes were violated. He asked that she then provide it to the RCPD Internal Affairs Lieutenant so that a formal investigation may be conducted.

Starks asked Butler if it is correct to state that she cannot have an attorney present when speaking with members of the police department concerning her son.

After briefly consulting with legal counsel, Director Schoen stated that if Ms. Starks wishes to have an attorney present at the meeting she may, and RCPD staff will take her complaint. He noted that the Department's Attorney Michael Gillespie would also be present at the meeting.

Schoen asked Ms. Starks to communicate her attorney's name to Attorney Michael Gillespie so that the two can schedule a meeting.

Starks stated her preference to obtain Mr. Gillespie's information and have her attorney contact him.

Schoen was agreeable to the arrangement.

K. Promotion Announcement: Assistant Director Doehling announced the promotion of Lieutenant Joshua Kyle to the position of Captain. Josh Kyle was accompanied by his wife Erin and parents Dana and Ada Kyle. Erin assisted Assistant Director Doehling with the pinning.

L. Award Presentation: Director Schoen presented Citizens Donald Taylor and Jayson Werner each with a Life Saving Award in recognition of their role in the rescue and recovery of victims of a boating accident on May 18, 2014 in the Tuttle Cove Park area of Tuttle Creek. Due to their actions two lives were saved.

Director Schoen presented Riley County Police Department Officer Adam Peterson and Dispatcher Anna Sharp each with a Life Saving Award in recognition of their role in the rescue of an individual involved in an ATV accident on April 22, 2014. Their actions contributed significantly to the saving of the man's life.

M. RCPD/KSUPD Memorandum of Agreement: Director Schoen explained that the Memorandum of Agreement between the Riley County Police Department and Kansas State University Police Department recognizes the need for the two agencies to work together. Although both agencies have jurisdiction, the agreement details which agency has primary enforcement responsibilities on roadways that border the university. He noted that the agencies have had entered into similar agreements in the past.

Butler moved to approve the Memorandum of Agreement between the Riley County Police Department and Kansas State University Police Department. Jankovich seconded the motion. On a roll call vote, motion carried 6-0.

N. Hearing Officer Selection for Disciplinary Appeal: It was moved by Matta and seconded by Boyd that Wilkerson be appointed to serve as the hearing officer for the disciplinary appeal hearing of RCPD Officer Carla Swartz. On a roll call vote, motion carried 6-0.

O. Executive Session: At 12:27 p.m. Jankovich moved to go into executive session for the purpose of discussing non-elected personnel matters and attorney client privilege not to exceed 10 minutes. Lewis seconded the motion. On a roll call vote, motion carried 6-0.

At 12:35 p.m. the open meeting reconvened.

P. Affirmation or Revocation of Discipline: Lewis moved to affirm the Director's disciplinary actions. Boyd seconded the motion. On a roll call vote, motion carried 6-0.

Q. Adjournment: Jankovich moved to adjourn the meeting. Lewis seconded the motion. On a roll call vote, motion carried 6-0. The August 18, 2014 Law Board Meeting adjourned at 12:36 p.m.