

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
November 17, 2014 12:00 p.m.
Minutes**

Members Present: John Matta Robert Boyd
Wynn Butler Ron Wells

Absent: Barry Wilkerson Dave Lewis
Richard Jankovich

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

I. Establish Quorum: By Chairman Matta at 12:02 p.m.

II. Pledge of Allegiance: Led by Director Schoen.

III. Consent Agenda:

- A. Approval of October 20, 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. 3rd Quarter Reports- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 61.1.1 Traffic Accident & Enforcement Analysis
 - c) 84.1.8 Seizure & Forfeiture Report

Wells moved to approve the consent agenda as presented. Boyd seconded the motion. On a roll call vote, motion carried 4-0.

IV. General Agenda:

H. Additions or Deletions: Director Schoen requested that the Memorandum of Understanding between the Riley County Police Department and the U.S. Department of Homeland Security for police response to the National Bio and Agro-Defense Facility (NBAF) be added to the general agenda for possible action by the Law Board.

The Board agreed to take up the item as M2 on the general agenda.

I. Public Comment: John Ball- Manhattan Resident: Mr. Ball informed the Board of the Thank a Cop (TAC) program that is under development. He explained that TAC would be a non-profit community based program designed to encourage the public to express appreciation to law enforcement personnel for their service. Ball said that police officers work hard and in many cases put their lives on the line to protect the community. This program would be a great way to show appreciation to those officers. It is hoped that the program will kick off in 2015. TAC bumper stickers will also be made available to the public for purchase as another way of showing their support.

The Board thanked Mr. Ball for the information.

Roger Seymour- Riley County Resident: Mr. Seymour briefed the Board on three separate incidents wherein he believed the Riley County Police Department failed to take appropriate action. The first incident involved a tenant who suffered from mental illness and caused significant damage to Seymour's rental property. The responding RCPD officer informed Seymour that it was a civil matter rather than a criminal matter. Seymour contacted a member of the Law Board who in turn spoke with Director Schoen. Subsequently, Seymour received a response from RCPD indicating that they would act on it as a criminal matter. Seymour stated that although he is pleased with the outcome, he felt that he should not have had to contact the Law Board for the appropriate action to be taken.

The second incident transpired a number of years prior and involved the loaning of Seymour's tractor to a local resident. The individual stored the tractor in his barn with the intention of doing some mechanical work. The tractor was never returned to Seymour. The individual denied police access to the property. Seymour stated that he had to file a lawsuit in order to find out the status of the tractor. Ten months following the initial call to RCPD it was determined that the individual had sold the tractor. Seymour stated that his case was not treated like a crime by RCPD. He encouraged the Law Board to direct RCPD to review the case to see if it warrants theft charges.

The third incident involved a tenant who abandoned one of Seymour's rental properties. Seymour asserted that per Kansas Statutes (Landlord Tenant Act) as the property owner he may retain the individual's personal property until rent, storage fees and damage to the property is paid. Seymour stated that on three occasions he has seized property and an RCPD officer informed him that if the property is not returned to the individual he could be charged with theft. Seymour feels that the RCPD is choosing to throw out the abandonment clause and telling individuals that they have to go through an eviction process when the person leaves the property. He said that landlords have rights and he believes they are being denied those rights by local law enforcement.

Seymour addressed the Board concerning the current lease for the RCPD range facility. The Department has a twenty-five year contract with his brother for use of the facility which is to expire in approximately five years. Seymour said that he has met with two of the County Commissioners and his brother has met with the County Counselor. Somewhere there is a disconnect. It is his understanding that that RCPD officials have told the Law Board that his brother does not want them as a tenant. That is an untrue statement. His brother would be more than willing to negotiate a fair lease, long-term or short-term for the use of the facility. However, if the Department does not want to continue the lease his brother should be notified as soon as possible as other people have expressed interest in using the facility as a private shooting range. In addition, the public should be told what it will cost to build a new facility and not hide it in a budget. It could cost several hundred

thousand dollars if not millions of dollars to build an appropriate facility, when for a modest sum they could rent the facility long-term.

Schoen responded to the incidents cited by Mr. Seymour. He explained that with respect to the case involving the loaned tractor, a criminal case was filed. The case was sent to the County Attorney's Office and prosecution was declined. In short, officers responded three times to talk to Seymour about the incident. The individual to whom the tractor was loaned claimed storage fees were due to him. It was in essence a civil agreement between the two for the loan of the tractor. Eventually the tractor was sold to a salvage yard. Upon receiving the serial number from Seymour RCPD officers contacted the salvage yard, confirmed that they had received the tractor and that it was scrapped for parts. All of the information was compiled, which was no short process, and it was forwarded to the County Attorney's Office.

With respect to the incident involving a tenant who caused damage to Seymour's rental property, the broad general rule under which RCPD operates is that officers have to be able to show that the individual intended to damage the property in order to determine that there was a crime. Intent becomes complicated to prove when the individual suffers from mental health issues. As one can imagine, this puts the officer in a difficult position. In this particular instance, a relatively senior officer responded to the call and did not think that it met the criminal requirements. Seymour then called the Department to speak with a supervisor. The supervisor reviewed the case, sent another officer to speak with Seymour and consequently criminal report was filed.

Concerning the incident involving the tenant who abandoned one of Seymour's rental properties, generally speaking the Landlord Tenant Act is something RCPD attempts to stay out of because it is not criminal law. Schoen said that on the other hand, he can envision a responding officer telling the landlord that while the officer understands what the landlord is doing, they want to make sure it is done the correct way. If the landlord does not do it the right way they could be held accountable.

Seymour said that the law allows the landlord to retain the individual's personal property. He feels that he is being forced or coerced under duress from the police department to release the personal property when under normal circumstances the law would not require nor compel him to do so.

The Board deferred to RCPD Attorney Michael Gillespie for comment.

Gillespie said that he would like to have Director Schoen extract some information out of the system to see how officers have handled reports of a similar nature. He would then be in a better position to address to the Director whether he believes Mr. Seymour is correct and whether any officer training needs to be conducted on the subject.

Matta concurred. He and the Board simply wanted to make sure the Department is handling calls of this nature the correct way.

Schoen obtained from Seymour approximate dates and locations of three rental abandonment calls with which he was involved. Only one call was relatively recent. The other two dated back several years at minimum. Schoen agreed to follow-up on the cases, contact Seymour regarding the specifics, and report back to the Board in general on how the cases were handled by the Department.

Lastly, Schoen explained that the range is, statutorily, a County responsibility. In December 2013 the Law Board issued a certificate of need to the Board of County Commissioners for a range training facility. It is likely that the Board will not hear anything back for a while until some movement is made by the County.

Butler stated that the Law Board had a very extensive conversation about the range facility and possible site development to relocate and expand usage of the range beyond what the current facility can offer. It really boils down to whether the current facility is adequate for what the Department wants to do in the future. That is where the discussion concluded. A decision has not yet been made with respect to investing funds for the project.

Schoen added that Seymour intimated that a proposed new range was being hidden in the budget. There have been at least three public meetings in which the topic was discussed, and potential costs and timelines were laid out. It is not a cheap project. The Department felt it was important to get the information out and begin discussions in advance so that everyone would have plenty of time to provide input.

Seymour pointed out that there are an additional ninety acres that can be leased at the existing range location.

J. Board Member Comments: None.

K. RCPD Jail & Restoration Center Inc. Substance Abuse Program: The Riley County Police Department Jail has partnered with several community organizations to provide social services to those incarcerated. One such organization is Restoration Center, Inc., which has provided substance abuse treatment services to Riley County Jail inmates since May 2014. The program continues to gain interest and credibility among the jail population. Captain Moldrup reported that Restoration Center, Inc. has helped a number of inmates improve their lives both inside and outside of the facility.

L. Health Insurance Update: Captain Hegarty reported that overall the Departments experience with Blue Cross/Blue Shield of Kansas has been very positive, and the renewal for 2015 will involve no rate increase for employees or retirees. Overall, employees are very happy with the service provided by Blue Cross/Blue Shield of Kansas.

M. IT Requirements/Impact on Budget: Director Schoen briefed the Law Board on the significant computer upgrade and change necessitated by factors that were beyond the Department's control and were not made known until after the 2014 budget was set. He explained that Microsoft made the decision to stop supporting Windows XP. This change meant that Microsoft would no longer provide security guarantees or patches for Windows XP. Since the Kansas Criminal Justice Information System (KCJIS) is charged by the Federal Government (FBI) with monitoring security of all law enforcement connections to KCJIS statewide, they announced that in order to remain connected, all law enforcement agencies had to move from XP to a supported Microsoft platform prior to the end of 2014. The Riley County Police Department's records management system Spillman made a similar decision for the same reason.

The aforementioned has necessitated the replacement of two of the Department's main servers, computers in the building and Uninterruptible Power Supply (UPS) systems. Schoen said that there is more to spend on this project than what is available in the 2014 budget. Hence, there will be a

very tight end of year budget scenario. In addition there are some expenses associated with the project that the Department will not have sufficient funds to cover which will have to come out of the 2015 budget. In an effort to comply with KCJIS regulations and meet the January 19, 2015 deadline he recommended the Board authorize the Department to make use of the Emergency Reserve Fund in the neighborhood of \$125,000 to \$150,000 to complete the project.

Gillespie stated that traditionally he has taken a fairly conservative approach on interpreting the term "emergency." He believes that the monies in the Emergency Reserve Fund can be accessed only for an emergency. An emergency by legal definition is something that is unforeseen, unplanned and occurs fairly quickly for which the entity does not have any specific options to select from. Given that which was described by Director Schoen, and the fact that the issuance of no-fund warrants is not a viable option, Gillespie agreed that use of the Department's Emergency Reserve Fund for the previously stated purpose would be appropriate.

Butler stated that prior to making such a large expense he believed it would be prudent to research the possibility of consolidating Information Technology (IT) services with either the City or County (preferably the County). There are a number of reasons why people say consolidation of IT services cannot be done. He would be interested in someone truly investigating the possibility and providing reasons why it can be done.

Schoen responded that the Department has researched the possibility on two prior occasions. The last time consolidation of IT services with the County was proffered RCPD met with County staff and then GIS Director Robert Nall. At that time, everyone expressed a genuine interest to see if it could be done. It was determined that it could be done. However, Nall stated that additional staff would be required and in the end it would cost more to consolidate than it would to remain independent of one another.

Butler explained that many businesses are using Cloud services to store and access data. Businesses are getting rid of the physical, in some cases antiquated servers, which is what he is talking about. He would like to have someone stand back and take a hard look at the IT infrastructure. He wished to know if the vendor responsible for the storage of FBI data could be used by RCPD.

Schoen said that there exists at the federal and state level databases which to access one must meet certain security requirements. One of the things that the Department cannot do is use the Cloud to store data that contains criminal history record information.

Schoen said that with respect to using the same vendor as the FBI to store data, the FBI is only interested in certain information. The Riley County Police Department obtains and stores information which allows for specific analysis to be performed (e.g., identifying top accident locations). The FBI is not interested in all of the information that is captured by RCPD.

Butler asked the Director if he believed there were any vendors that could provide data storage for RCPD.

Schoen responded that there probably are.

Butler reiterated that instead of stating the many reasons why it cannot be done, he would like someone to look at it from an IT perspective and provide reasons it can be done. He fully agreed that if it is going to cost more money it should not be done. Businesses have made some huge leaps

in the past two years and technology has changed. He believes there are ways to save money, which should be researched. With that said, if it is the decision of the Law Board to move forward this year with the replacement of the Department's servers, computers and UPS, he would be in support of using the Emergency Reserve Fund to complete the project.

Boyd noted that the County's current system could not accept the data from RCPD. However, the County has a new, extremely innovative Director of IT. Boyd said he would be agreeable to have the individual contact Director Schoen to conduct some type of analysis if desired.

Schoen was amenable to the suggestion.

Boyd moved to authorize the Riley County Police Department use of the Emergency Reserve Fund up to \$150,000 to complete the IT system project. Butler seconded the motion. On a roll call vote, motion carried 4-0.

M2. Memorandum of Understanding between the Riley County Police Department and the U.S. Department of Homeland Security: Copies of the Memorandum of Agreement (MOU) between the Riley County Police Department and the Department of Homeland Security (DHS) on providing patrols and law enforcement to the National Bio and Agro Defense Facility (NBAF) property were provided to each member of the Law Board. Director Schoen stated that RCPD has been asked to be the primary responders to calls on NBAF property. The MOU will remain in effect until around 2019/2020 at which time it is envisioned that significant revisions will need to be made. He recommended the Board authorize Chairman Matta to sign the MOU.

Butler moved to authorize the Chair to sign the MOU between RCPD and DHS. Boyd seconded the motion. On a roll call vote, motion carried 4-0.

N. Executive Session: At 1:17 p.m. Boyd moved to go into executive session for the purpose of discussing non-elected personnel matters and attorney client privilege not to exceed ten minutes. Wells seconded the motion. On a roll call vote, motion carried 4-0.

At 1:27 p.m. the open meeting reconvened.

O. Adjournment: Boyd moved to adjourn the meeting. Wells seconded the motion. On a roll call vote, motion carried 4-0. The November 17, 2014 Law Board Meeting adjourned at 1:27 p.m.