

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
February 17, 2015 12:00 p.m.
Minutes**

Members Present: Craig Beardsley Robert Boyd
Wynn Butler Karen McCulloh
Usha Reddi Ron Wells
Barry Wilkerson

Absent: Assistant Director Doehling Captain Fink

Staff Present: Director Schoen Captain Hegarty
Captain Hooper Captain Moldrup
Captain Kyle

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

II. Pledge of Allegiance: Led by Director Schoen.

III. Consent Agenda:

- A. Approve of January 20, 2015 Law Board Meeting Minutes
- B. Approve 2014 & 2015 Expenditures
 - a) Seizure Expenditures
 - b) Edward Byrne Justice Assistance Grant (JAG)
 - c) Emergency Reserve Fund
 - d) 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. 4th Quarter Reports
 - a) 82.1.4 Crime Statistics
 - b) 52.1.5 IA/AA 4th Qtr./Annual Report
 - c) 61.1.1 A & C Traffic Accident & Enforcement Analysis
 - d) 84.1.8 Seizure & Forfeiture Report
 - e) Alcohol Enforcement Semiannual Report

McCulloh moved to approve the consent agenda as presented. Reddi seconded the motion. On a roll call vote, motion carried 7-0.

VI. General Agenda:

H. Additions or Deletions: Butler inquired about the process for adding items to the monthly Law Board Meeting agendas. Chairman Boyd responded that the topic would be discussed following item N. 2015 Proposed RCPD Goals.

I. Public Comment: James “Bud” Valerius- Manhattan Resident: Mr. Valerius recounted a telephone call received by his wife from the Riley County Police Department stating that their son, a resident of Wichita, Kansas was not in compliance with state statute because he failed to register in Manhattan as a condition of his offender registration. Valerius explained that his son was in compliance as he had registered in Wichita. His son had been granted permission to return to Manhattan on a number of occasions and he never stayed longer than 48 hours. Mr. Valerius stated that the police department does not have anything better to do than to follow his son and place him in noncompliance. He went on to state that in 2008 a news article was published in which Director Schoen attributed a high percentage of crime being committed to those who had committed crime in the past, and that the Department intended to follow those individuals. Mr. Valerius said that he is tired of being harassed. He asked that the Board take a look at how the police department deals with individuals who have been in trouble with the law in the past.

Director Schoen stated that he was not aware of the circumstance of which Mr. Valerius spoke, but he would certainly look into the matter. He added that the Department does not have a compliance officer so to speak. However, the Department is required by law to verify the information of those who register in Riley County.

Chairman Boyd requested the Director research the matter further and report back to the Board.

Butler requested that the Director also provide information on the Department’s policy pertaining to tracking prior offenders.

Schoen stated that he believes Mr. Valerius is referring to the Department’s Repeat Offender Program (ROP) which has been discussed with the Law Board on a number of occasions. He does not believe that Mr. Valerius’ son was on the list at that time, but he will definitely check and report back.

Calvin Sanders- RCPD Detective: Detective Sanders addressed item K. Approval of General Orders on the general agenda. He wished to note that the changes to the policies were not limited to movement of language to another section. He asked that the Law Board read the policies in their entirety to have a clear vision of what is being changed, specifically with respect to the physical agility test and employee fitness for duty.

Brian Johnson- President, Fraternal Order of Police Lodge #17: Brian Johnson introduced himself to the Board. He explained that an objective of the Fraternal Order of Police (FOP) continues to be to have an open dialogue between not only the FOP and the Director, but the Law Board as well. To assist with facilitating that dialogue, Johnson provided each member with his contact information.

Johnson added that there have been a number of policy changes and programs implemented at the Department over the past year such as the police officer body-worn camera system and physical agility test. There has also been discussion concerning the possibility of switching sworn officers to 10 or 12 hour shifts. In addition, the FOP is in the process of establishing their goals for 2015. He encouraged members of the Law Board to contact him to provide input on these matters or items they feel are of import.

Johnson said that on occasion he likes to share what the FOP is doing within the community with the members of the Law Board and public. During the past year, the FOP has participated in a number of charitable causes within the community to include Cops and Kids (formally Shop with a Cop) and events benefiting the Special Olympics. They have also teamed with organizations on K-State campus and participated in a sporting event which raised funds for the Crisis Center in Manhattan. He noted that the Special Olympics Polar Plunge and Polar Strut 5K are scheduled for Saturday, February 21, 2015 for those who wish to participate or attend.

The Board thanked Sanders and Johnson for their comments.

J. Board Member Comments: Reddi said that she had the pleasure of attending the 22nd Annual RCPD Awards Banquet this past weekend. She enjoyed observing employees of the Department and other agencies in a fun, relaxing atmosphere. It was nice to view how respectful they are to one another and how they celebrate. Boyd and Beardsley echoed the comments made by Reddi.

K. Community Update: Riley County Police Department Community Advisory Board (CAB) Chairman Corey Leavell briefed the Law Board on a citizen's proposal from Kansas State University Associate Professor Dr. John Exdell for ending racial disparities in Riley County Marijuana Arrests dated January 5, 2015. The proposal from Dr. Exdell concludes that the law prohibiting marijuana possession is enforced unequally in Riley County. The letter goes on to declare that African Americans in Riley County are three times more likely to be arrested for this crime than Caucasians, even though studies (from the American Civil Liberties Union report) show that use of this drug by the two populations are roughly the same.

The Community Advisory Board presented the citizen's proposal to RCPD and requested an official response to Dr. Exdell. On January 12, 2015 the Department provided a very detailed response. The members of the CAB were very satisfied with the response, but all agreed that both the citizen's proposal and RCPD response should be presented to the Law Board since the intent of the citizen's proposal is to change RCPD policies. The Department's response and recommendation of the CAB was briefed to Dr. Exdell on February 3, 2015.

Leavell said that the Community Advisory Board will take lead in a different direction than the Citizen's Proposal from Dr. Exdell. Instead of allowing a national report, such as the ACLU, state that there is a problem in Riley County, the CAB would like members of the local community to state whether or not there is actually a problem. There are currently 8 different methods a citizen can use if they have a positive or negative encounter with the RCPD and need to report it. The goal of the CAB is to make sure that all citizens are aware of these methods. Lastly, members of the CAB ask that the Law Board review Dr. Exdell's proposal which recommends changes to RCPD policies.

Reddi said that it is easy to say that one group is right and the other is wrong. She is pleased that the RCPD and CAB are pursuing conversations with various members of the community. She is glad that they are working toward that process and that members of the public have brought their concerns to the CAB, which is the correct path.

Butler wished to know if the CAB had a specific recommendation.

Leavell responded that the CAB will encourage members of the community who have been arrested and unjustly treated, stereotyped or harassed to come forward. The CAB wants to make sure that there is a good relationship between the RCPD and community members who wish to obey the law. Additional Citizen Forums will be scheduled at which the public can share positive or negative comments about the police department. The CAB will explain the 8 different methods for reporting complaints to the Kansas State University Black Student Union (BSU), which may make people more comfortable with coming forward. The BSU has indicated that they intend to survey their community and provide feedback as well.

Reddi stressed that the sole focus cannot be on marijuana arrests. There are residents of Manhattan and Riley County who come from different cultures and were raised not to trust the police. Some people confide in their ministers. Members of the church may not be able to provide names, but they might be able to say how many people feel that they are being treated unfairly by the police. That information may provide some insight as to whether there is an issue locally.

Beardsley said that he applauds the approach of the CAB. However, as the environment changes there becomes a need to reexamine policies and the way employees are trained. He views this as an opportunity for Director Schoen to reexamine those policies.

Boyd said that he too applauds the efforts of the CAB. He encouraged wide advertisement of the next Citizen Forum. Formerly, Richard Jankovich served as a representative of the Law Board at the Citizen Forum. Boyd solicited interest from current Board members to fill the now vacant position.

Reddi volunteered to represent the Law Board at the Citizen Forum.

L. Approval of General Orders: Provided to the Law Board as part of their packets were General Orders 2014-031- Other Personnel Programs and 2014-099 Military Deployment and Reintegration. The Board discussed in brief the proposed modifications to the policies.

Reddi sought clarification as to how the Department arrived at 3 minutes and 34 seconds as the minimum standard for the physical agility test.

Captain Hegarty explained that the Department contracted with ARC Physical Therapy, a consulting firm in Kansas City that has experience in developing physical standards for public and private entities. Riley County Police Department Administration began rebuilding the job descriptions by way of a job task analysis. That information was then used to build a physical agility test course utilizing equipment already owned by the Department. Police and correction officers took the test twice, and were asked if the test accurately reflects what they do on a routine basis. They were also asked if they had any recommendations/changes to the test. Their input was gathered and analyzed by ARC. The observations made by RCPD Administration very closely matched the data from ARC and in their opinion it was a reasonable time.

Wilkerson wished to know the difference between the PT and PCP.

Schoen stated that the Physical Capacity Profile (PCP) is an isometric test that gauges an individual's range of motion and force, and it is used for workers compensation related injuries. The Physical Agility Test (previously Physical Test) is designed to show that the employee can meet the essential physical functions of his/her job.

Wilkerson explained that as a prosecutor he is more interested in an officer who can complete a well written report than he is in how fast he/she can run a 40.

Hegarty said that the Department is incorporating additional testing into the police officer hiring process which will hopefully address any concerns regarding the applicants speaking, writing and reading levels.

Schoen noted one correction to General Order 2014-099. Section 1. Military Deployment and Reintegration, paragraph B. should read *“Prior to deployment and before the beginning of their leave of absence, the employee shall meet with the Director or designee as part of out-processing to ensure that the policy is fully understood by the employee and to establish the most efficient means of communication during deployment between the employee, the employee’s family, and the Department.”*

McCulloh moved to approve the General Orders with the above noted correction. Reddi seconded the motion. A roll call vote was taken and the results are as follows:

Craig Beardsley	Yes	Usha Reddi	Yes
Robert Boyd	Yes	Ron Wells	Yes
Wynn Butler	Yes	Barry Wilkerson	No
Karen McCulloh	Yes		

The motion passed 6-1.

Wilkerson wished to see the policy pertaining to the Physical Agility Test requirements.

Boyd requested an update at the September Law Board Meeting regarding the implementation of the PCP and employee feedback received.

Schoen said that the actual results of the PCP will not kick in until early 2016, but he would be more than happy to provide the Board with a snapshot in September.

M. Fake Patty’s Day Celebration: Captain Kyle explained that the plan to handle Fake Patty’s Day this year will be very similar to that in 2014 with only a few minor changes to staffing. The event is scheduled for Saturday, March 7, 2015. Representatives from area law enforcement agencies have agreed to send representatives to assist with the event. In addition, Aggieville Business Association Executive Director Rod Harmes has discussed the possibility of having non-alcohol related activities during the event such as a band.

McCulloh noted that over the past few years activity from Aggieville has spread into the neighboring areas.

Kyle said that is correct. Activity has extended further north which will be an additional patrol area this year.

Reddi asked if the Department has reached out to Student Body President Regan Kays in an effort to get information to the student population regarding expectations, how to make the event safer, and the available alternate modes of transportation, etc.

Butler wished to know if the Department makes the information available via social media.

Schoen stated that the Department began utilizing social media a couple of years ago to post information about Fake Patty's Day. The information will be made available again this year.

N. 2015 Proposed RCPD Goals: Provided as part of the Law Board packet was a memo outlining the proposed RCPD goals, progress indicators and action items for 2015. Following review, the below suggestions were offered by members of the Law Board.

Beardsley explained that it is important to be flexible with the goals. If the Department is unable to provide the data or information to show what the goal is really doing, then administration should be in a position to adjust it. If a goal is to be measured it needs to be realistically established.

Schoen responded that previous Law Board members have taken different approaches with respect to the Department goals. Some preferred that the Department set more aggressive goals with the understanding that not all would be met. Others were in favor of more conservative goals. With respect to the latter, what the Department ended up with were goals that were essentially purchase driven.

Butler reiterated the significance of control charts when attempting to establish, evaluate and measure the goals.

Schoen stated that the information is provided to the Law Board in the Monthly Crime Report. However, he could revise the goals and include the requested control charts if that was the desire of the Board.

The Board agreed that no change was necessary to the 2015 goals, but asked that Director Schoen include the control charts when establishing the goals for 2016.

McCulloh moved to approve the 2015 proposed RCPD goals as presented. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

O. Procedure for Requesting Law Board Agenda Items: Chairman Boyd proposed a Special Law Board Meeting be held on Friday, March 13, 2015 at 4:00 p.m. to discuss applicable Kansas Statutes, and the vision, goals and policies of the Law Board. Boyd said the he would like to have more public involvement at the Law Board Meetings, as well as input from the Board when setting the monthly meeting agendas. Members who wish to add an item to the agenda are to contact Chairman Boyd or Director Schoen directly. Boyd said the he would prefer the Board contact him, allow him the opportunity to succeed or fail, and he would then coordinate with Director Schoen. He added that the larger question pertains to how the Board wants to lead in Riley County public safety. These are all questions that he would like to take up at the Special Law Board Meeting.

The Board voiced no objections to the proposed meeting date and time.

Butler explained that the City of Manhattan has a process in place for establishing agenda items. He originally raised the question because he was uncertain how items were added to the Law Board Meeting agenda and who had veto power. He has a few items he would like to discuss at a future meeting and he is curious who decides what items are added to the agenda.

Boyd responded that the purpose of the special meeting is to address these questions and formalize the procedure.

P. Executive Session: At 1:49 p.m. McCulloh moved to go into executive session for the purpose of discussing non-elected personnel matters and attorney client privilege not to exceed 15 minutes. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

At 2:05 p.m. the open meeting reconvened.

Wilkerson moved to return to executive session for the same purpose stated above not to exceed 15 minutes. Wells seconded the motion. On a roll call vote, motion carried 7-0.

At 2:20 p.m. the open meeting reconvened.

Reddi moved to return to executive session for the same purpose stated above not to exceed 15 minutes. Butler seconded the motion. On a roll call vote, motion carried 7-0.

At 2:35 p.m. the open meeting reconvened.

Wilkerson moved to return to executive session for non-elected personnel matters not to exceed 10 minutes. Butler seconded the motion. On a roll call vote, motion carried 4-0 (Wilkerson, Butler, Beardsley and Boyd were present for the vote).

At 2:45 p.m. the open meeting reconvened.

Q. Director's Contract: McCulloh moved to extend the Director's contract of employment at step H. on the 2015 salary schedule and authorize the Chair to sign the contract. Butler seconded the motion. On a roll call vote, motion carried 7-0.

R. Affirmation or Revocation of Discipline: Butler moved to affirm the Director's disciplinary actions. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

S. Adjournment: Wilkerson moved to adjourn the meeting. Wells seconded the motion. On a roll call vote, motion carried 7-0. The February 17, 2015 Law Board Meeting adjourned at 2:47 p.m.