

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
September 21, 2015 12:00 p.m.
Minutes**

Members Present: Craig Beardsley Robert Boyd
Wynn Butler (arrived at 12:02) Karen McCulloh
Ron Wells Barry Wilkerson

Absent: Usha Reddi

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

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

II. Pledge of Allegiance: Led by Director Schoen.

III. Consent Agenda:

- A. Approve August 17, 2015 Law Board Meeting Minutes
- B. Approve 2015 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*)

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

IV. General Agenda:

G. Additions or Deletions: Riley County Police Department Community Advisory Board (CAB) Chairman Corey Leavell was unable to attend the Law Board Meeting due to a last minute commitment. Director Schoen requested item J. Community Advisory Board Update be removed from the general agenda.

H. Public Comment: Jon Held- Manhattan Resident: Mr. Held addressed the Board once again concerning the thefts that have occurred at his residence since 2013. Held stated that he continues to wait for a response from Law Board Vice Chairman McCulloh concerning his allegation that RCPD detectives are not doing sufficient investigative work with respect to personal property crimes.

Held explained that he previously asked Riley County Attorney Wilkerson to respond to an open records request for statistics regarding the number of personal property crimes that he prosecuted and total convictions. To date, Held has not received a response. Therefore, he has filed an open records complaint with the Kansas Attorney General's Office.

Butler felt that Mr. Held's complaint was outside the realm of the Law Board's charter. It is a judicial matter. Butler heard Held's concerns a year ago. He understood Held's complaint, wishing that the police department would do a better investigation. At that time, Butler spoke with Director Schoen concerning the matter. In his estimation, the Department did everything it possibly could with respect to the case. Held's issue is with the judicial system.

I. Board Member Comments: None.

J. Community Advisory Board Update: This agenda item was removed.

K. 2015 Police Vehicle Purchase: Captain Hooper stated that the Riley County Police Department utilizes the City of Manhattan's Vehicle Replacement Index (VRI) rating scale for vehicles. Vehicles with a score of 25 or higher on the VRI scale qualify for replacement. The Department sought official quotes from Dick Edwards Ford, Shawnee Mission Ford, Lenexa Ford and Hanson Ford in Abilene. The quotes received could not beat the price provided by Shawnee Mission Ford.

Captain Hooper explained that the 2015 budget remains a little tight especially in the vehicle line. This is largely due to the fact that the 2014 vehicles were not delivered until the first quarter of 2015. The costs to change over the equipment to the new vehicles came out of the 2015 budget. In addition, Ford stopped offering the Crown Victoria police package and switched to Taurus. The Department is also in the middle of that switch, which has led to increased change over costs because the equipment (cages, mobile data terminal mounts, etc.) do not fit the Taurus.

The Department is seeking Law Board approval to purchase of 7 Ford Interceptor Sedans, 1 Ford Interceptor SUV and 2 Ford Transits to replace aging fleet vehicles for a total expenditure of \$244,037. However, the Department intends to replace the top 6 vehicles now, and add to the initial purchase if year-end funds are available.

McCulloh inquired about the state contract prices for the requested vehicles.

Hooper responded that Shawnee Mission Ford is a state contract authorized dealer and they are offering the vehicles for \$1,000 less than the state contract.

Butler wished to know if a couple of the vehicles could be eliminated.

Schoen stated that the VRI scores are driven primarily by mileage. If the Department were to eliminate vehicles, the result would likely be higher mileage and VRI scores on the remaining fleet. Though only a conjecture, it is possible that the Department would need to replace more vehicles per year because there would be fewer vehicles to spread the miles over.

Butler asked if the administrative take-home vehicles could be eliminated.

Schoen explained that he was the last Division Commander to be assigned an administrative vehicle. The year prior to being assigned a vehicle he placed 6,000 miles on his personally owned vehicle which he did not charge the Department. During that time, they were in the construction phase of the Law Enforcement Center which necessitated a number of trips to the facility. He submitted to the Board that if a Division Commander is in the position of donating even 3,000 personal vehicle miles conducting police department related business per year, it is probably not appropriate. That is why they are assigned administrative vehicles.

Butler stated his belief that the matter has been studied hard enough. Mileage by itself as a standard for replacement might not be valid. Butler said that he keeps hearing the phrases from RCPD Administration "our perceptions are" and "we have a feeling this works" but he has not seen any hard data. He is convinced of the need to replace at least 3 vehicles, but he is not sure of the need for 6.

Butler and Boyd suggested that the Department look at the possibility of staggering vehicle purchases over a period of time. Butler said that it might be the case that the Department has to replace 2-3 vehicles each year then tweak the replacement schedule so that it falls into place and prevents massive purchases in the future.

Schoen responded that if the Department were to replace 2-3 vehicles per year, within 2-3 years a number of vehicles will be literally falling apart. The Department would then be facing a significant purchase that will quite frankly be outside of any budgetary ability to conduct.

Schoen added that the officers could drive a vehicle for 110,000 or 120,000 miles. They have not attempted that with the Tauruses because they are new. For safety reasons the Department has not elected to do that. Emergency service vehicles are, at times, driven under unique conditions and speeds. Emergency service providers need to know that the vehicle under them is reliable and solid. In the past, the Law Board has been in favor of replacing vehicles with 100,000 miles. That was the deciding factor for replacement. At some point in time, the Board became uncomfortable with that. The Department researched the matter and eventually adopted the City of Manhattan's VRI rating scale which takes into account mileage, age and repair history.

Butler wanted to know how many Tauruses there are currently in the fleet.

Schoen replied that he was not certain off the top of his head how many were purchased.

Hooper said that he believed there are 6.

Butler said that he does not have a good feeling that they truly know what is going on with the vehicles. He is hearing, "I think we have 6." When running a motor pool one should know how many, and what type of vehicles they have. This is a large budget item. From what he is hearing, he is not convinced that they have a real solid handle on it.

Schoen stated that the Department does have a pretty solid handle on it. Had he known that there would be questions specifically about how many of which type of vehicle, he would have had the employee who manages the motor pool present to answer them. The Board hasn't elected to go into that sort of detail with respect to questioning in the past. However, if the Board would like the employee who manages the motor pool attend a future meeting to speak with the Board it can be arranged. Schoen was open to receive direction from the Board.

Butler said that he was not interested in speaking with that particular employee. He was simply saying that the individuals managing the budget have got to understand how all of it works in order to make a recommendation. That is not the employee who handles the motor pool. It is the administrative staff.

Hegarty said that prior to Captain Hooper he was the Support Division Commander who oversaw the 2014 vehicle purchases. With respect to a couple of the vehicles, the Department elected to hold on to them even though their VRI score was a bit higher. Hegarty was informed by the drivers that the vehicles were still functional and they wished to hold on to them. It was an attempt to stretch the dollar. Of course, it is one of those situations where you either pay now or pay later. Those vehicles now appear on the replacement list.

Hegarty explained that last year he began looking at vehicles under 100,000 miles as potentials for replacement. There has been a significant increase in vehicle mileage over the past year. The Department does have a fleet maintenance employee who, at any time, can state how many vehicles there are, their mileage, etc. Hegarty said that he and Captain Hooper have not committed that information to memory, but the data is certainly available.

Hegarty added that as far as the VRI score is concerned, it does take into account mileage, age and repair history. Those are some pretty hard data points. The Department can provide the Board with additional information at a future meeting to include an analysis of how many cars are needed based on hard data, and how many cars need to be readily available to officers; factoring in how many cars are down at any given time.

McCulloh commented that the Department spent over \$20,000 in repairs in 4 years on unit 518, and \$13,000 in repairs in 4 years for unit 507. It seems that they are being penny wise and pound foolish. She said that there is no use in spending a substantial amount of money on maintenance to repair a vehicle that may not be as safe as it should be. She was agreeable to the recommendation provided by Captain Hooper to replace the aging vehicles. However, she urged RCPD Administration to be as frugal as possible when making the purchases.

Beardsley moved to approve the purchase of 6 vehicles at this time. Law Board authorization to approve the remaining vehicles will be revisited at a later date. Butler seconded the motion. On a roll call vote, motion carried 6-0.

L. Shift Differential Pay: In an effort to improve employee satisfaction, compensate those who are required to work the least desirable and most physically and mentally demanding hours, and apply current policy more fairly across all classifications and positions, a per-hour shift differential pay is recommended for all employees who are scheduled to work a shift that includes the midnight and early morning hours. Director Schoen explained that currently, shift differential pay is being given only to Correction staff. If the Law Board were to approve of the Department's recommendation, shift differential pay would be extended to Police Officers and Dispatchers.

Assistant Director Doehling recommended the Law Board approve a policy change to increase the shift differential pay amount from \$39 per month to \$52 per month and apply that differential pay to all employees who work a shift that spans the midnight hours. (Increase the pay amount and expand the application of the benefit: a financial impact of approximately \$10,000 in 2015 and approximately \$24,000 in subsequent years).

Butler asked if employees are permanently assigned to a shift or if there is a rotation schedule.

Doehling replied that there are no permanent shift assignments. Dispatchers rotate shifts on an annual basis. Other shifts rotate as the need arises. Division Commanders take into account a number of considerations when making shift assignments. They attempt to keep a balance of employee experience on each shift as well.

Wilkerson voiced his preference to expand the application of the benefit to Detectives who are often called to return to work in the evening and early morning hours. Like that of the patrol, investigations is critical to public safety.

Doehling said that the current system compensates employees who are called in through overtime. The Department cannot force an employee to flex time.

Schoen said that if they were to draft a policy that expands the application of shift differential pay to employees who are called in to work, it would have to be done carefully and fairly narrowly. If not done correctly, an officer who is called in to correct a report or to attend court could qualify for shift differential pay. The Department can certainly explore the option suggested by Wilkerson. He simply wants to make sure that they do not inadvertently open the door to other issues that may result in more money being spent than what was intended.

Boyd stated that conceptually he was in support of the shift differential pay. However, he believes that the matter bears further study, and he is not willing to commit additional funds this year to accomplish the task. In his estimation, the costs should be included as part of the budget. If the Department wanted to expand shift differential pay in 2016, the only way to accomplish it would be to reduce the employee Cost of Living Allowance (COLA) from 1.5% to 1%. The 2016 budget has already been approved.

Doehling clarified that he is not asking for an increase to the RCPD budget. Generally, money is leftover at the end of the year from unused salaries. He firmly believes that the savings from employee salaries can cover the financial impact on the last quarter of 2015 and all of 2016. The Department can then plan for the increase during 2017 budget discussions.

Butler agreed that employees who are called in to work are compensated correctly through overtime. Given that there are no permanent shift assignments, he does not believe that shift differential pay should be offered as an add-on, but rather it should be included as part of the general salary scheme.

Butler said that extending shift differential pay to Police Officers and Dispatchers would result in an increase in salary, which was not planned for in the budget. He has heard Administration state that it is not a problem, and there is a lot of extra in the budget. Butler explained that he has always thought that the budget was too high. Comments such as those confirm his belief.

Doehling wished to be clear that he did not say that there is extra in the budget or that the Department budgeted extra. What he said was that there has always been leftover money especially in the salary line due to employee turnover throughout the year.

Butler pointed out that the proposed shift differential pay will impact all future budgets. He reiterated his desire make it a part of the total compensation package and include it in the budget. He said that he was not in favor of it as an add-on; therefore, he would not support it.

McCulloh felt it would be only fair to extend the benefit to Police Officers and Dispatchers. She did not feel that the budget had been padded excessively, and she supported the proposal.

Wilkerson moved to table the agenda item until RCPD Administration has had the opportunity to research the possibility of extending the benefit in an effort to treat all employees equitably with respect to shift differential pay. Butler seconded the motion. On a roll call vote, motion carried 6-0.

Schoen agreed to conduct the requested research, determine what it would cost, and come up with an arrangement to include it as part of the employee's pay and budget. He cautioned that the danger of including the shift differential as part of the employee's pay is that over time the employee tends to lose track of it. When it is an add-on it is easily identifiable and the employee knows that it is tied to their pay for a specific reason (e.g., shift differential). He will report back to the Board once the above has been completed.

Boyd requested that the Director also report back with hiring data, specifically with regard to total number of applicants, employee turnover, and number of officers previously employed by the Pottawatomie County Sheriff's Office.

M. Report on Physical Capacity Profile: At the regularly scheduled February Law Board Meeting the Board requested an update be provided in September regarding the implementation of the Physical Capacity Profile (PCP). Captain Hooper explained that the PCP is not to be confused with the Department's Physical Agility Test (previously Physical Test). The PCP is a comprehensive musculoskeletal assessment for postural, biomechanical, strength and flexibility measurement. The profile is used in pre-employment testing to determine if a candidate has the physical capacity to work within the job classification he/she has applied for. It is also designed to be used for employees who have been absent from work due to a physical injury. The test evaluates their physical capacity to return to work within their assigned job classification.

Hooper stated that since the inception of the PCP the Department has tested 86 applicants. Of the 86 applicants, 5 failed to meet the standard requirements and were eliminated from consideration for hire. To date, the test has not been used for any employee returning to work from injury because the situation has not yet arisen.

Schoen noted that the PCP is a relatively recent program. The Department does not have a baseline for many current employees. Sending an employee for whom there is no baseline to be tested before they return to work is really of nominal value. As time progresses the Board will see more employees being subject to the PCP when they return to duty.

N. Public Access to Law Board Videos: New Boston Creative Group is making the necessary modifications to the Riley County Police Department website which will allow the public to view Law Board Meetings online. Captain Hegarty anticipates that this option will be fully functional and available to the public next month.

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

P. Adjournment: The September 21, 2015 Law Board Meeting adjourned at 1:04 p.m.