

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
October 19, 2015 12:00 p.m.
Minutes**

Members Present:

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

Absent:

Staff Present:

Director Schoen	Assistant Director Doehling
Captain Fink	Captain Hegarty
Captain Hooper	Captain Moldrup
Lieutenant Breault	

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

II. Pledge of Allegiance: Led by Director Schoen.

III. Consent Agenda:

- A. Approve September 21, 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. Reddi seconded the motion. On a roll call vote, motion carried 7-0.

IV. General Agenda:

G. Additions or Deletions: None.

H. Public Comment: Marie Bovee- Manhattan Resident: USD 383 Migrant and Native American Educational Coordinator, and Hispanic Family Liaison Marie Bovee briefed the Law Board on the collaboration between USD 383, Douglass Community Recreation Center, and Riley County Police Department for an Afterschool Leadership Academy. She explained that the goal of the Academy is to help students achieve higher grades in school, have better awareness of fitness and health, and gain life skills from educational leaders. The Academy will be accepting up to 25

middle and high school students (7-12 graders). USD 383 has asked RCPD to assist with the fitness aspect of the program twice a week with the focus on building relationships with the youth.

Brian Johnson- President, Fraternal Order of Police Lodge #17: Johnson explained that on occasion he likes to share what the Fraternal Order of Police (FOP) is doing within the community with the members of the Law Board and public. In 2015 the FOP has participated in a number of charitable causes within the community to include the Special Olympics Torch Run, and fundraisers for the Riley County Senior Service Center and Manhattan Art Center. In addition, they have donated funds to Pawnee Mental Health, Big Lakes, and the Crisis Center in Manhattan. Upcoming events include the Special Olympics Polar Plunge, and Cops ‘N Kids (formerly Shop with a Cop).

Johnson said that the Cops ‘N Kids program has supported lower income families in Manhattan and Riley County for 27 years. Each December a group of police officers, detectives, and correction officers take several children, who would not otherwise be able to afford holiday presents, shopping. However, recently fund-raising has fallen short of the demand and the FOP would not be able to continue the Cops ‘N Kids program much longer without efforts like “Hair for the Holidays.” With approval and support from Director Schoen, officers will be allowed to forgo shaving for the month of November in exchange for a \$100.00 donation to Cops ‘N Kids. Residents and visitors of the area can expect to see officers sporting facial hair for the very worthy cause.

Johnson extended his appreciation to the 30 officers who are currently participating in Hair for the Holidays, and Commissioner Beardsley who, without hearing the promotion on 1350 KMAN, approached the FOP and said that he wanted to support the Cops ‘N Kids program. Lastly, Johnson thanked a 9-year old boy by the name of Mason who also contributed to the program.

I. Board Member Comments: Reddi expressed her appreciation to Public Information Officer Matthew Droge for providing USD 383 teachers with a tour of the police department in September as part of their professional development.

Over the weekend Reddi attended the National Alliance on Mental Illness (NAMI) Conference. Some of the topics discussed during the conference focused on law enforcement and how they work closely with those who suffer from mental illness. Reddi said that there are a number of communities using grants for facilities and/or staff to work with mentally ill community members. McCulloh, who serves on the Riley County Mental Health Task Force, has established a subcommittee that is discussing how to find a place more suitable than the jail for individuals with mental health issues.

Reddi asked Director Schoen to briefly comment on the Fair & Impartial Policing training that was held last month.

On September 24th and 25th RCPD facilitated a training session titled Fair and Impartial Policing: A Science-Based Approach instructed by Dr. Lorie Fridell. A number of community stakeholders were invited to attend the training session. The training focused on human biases (implicit and explicit) and provided guidance for promoting fair and impartial policing in the areas of policy, training, supervision/accountability, leadership, recruitment/hiring, operations, outreach, and measurement.

Schoen said that those who attended appeared to be very open and upfront in their discussions and perceptions concerning fair and impartial policing. The community members asked some rather

insightful and at times probing questions concerning how RCPD handles complaints and employee training. The questions were perceived to be purely inquisitive in nature by RCPD Command Staff, and those asking the questions seemed to be satisfied with the answers they received. Many expressed gratitude that the training was held and that everyone was willing to talk about the issues, which was the purpose of the day and a half training.

Assistant Director Doehling has already begun revisions to the Department's policy with respect to bias-based policing so that it is more in line with a circle two policy. However, state law is fairly restrictive on the definition of fair and impartial policing. Therefore, Doehling intends to use the state definition and expand upon it. Once the language has been finalized the policy will be provided to the Law Board for approval.

Butler commented on a letter from the News Director of KCLY-FM in Clay Center that was included in the Law Board packet. In the letter the author states that RCPD is head and shoulders above the rest in communication with the media. Butler thanked the Department and added that it was a nice, unsolicited endorsement from a member of the media.

Beardsley addressed issues with motorists in transitional speed zones, specifically in the area of Hudson and Kimball. He also expressed concern with speeding and inattention in school zones and pedestrian crossings. He would like the Department to look into the matter a little further to determine what additional traffic safety measures can be taken, if any.

Beardsley made an observation concerning the RCPD budget process. He suggested that the Board recognize the professionalism in which RCPD administration manages the budget within the organization, and provide them with a figure for the budget rather than focus on individual line items. The Board would still have the obligation to review and approve monthly expenditures. He simply wished to offer the suggestion to the Board for consideration and future discussion.

McCulloh, along with the Manhattan Area Chamber of Commerce, visited the Columbia Police Department in Missouri. She said that the Columbia Police Department is taking strides towards becoming an accredited agency. They were very impressed with the accomplishments of RCPD in the area of accreditation.

Schoen informed the Board that the Riley County Police Department underwent a mock on-site assessment on October 5th and 6th, 2015. Assessors from the Commission on Accreditation for Law Enforcement Agencies (CALEA) and professionals in their field conducted off-site review of files, and while on-site, inspected the Department and interviewed employees. The actual on-site assessment is scheduled for mid-December.

Boyd recognized Riley County Attorney Barry Wilkerson for being named Prosecutor of the Year by the Kansas County and District Attorney's Association on October 12, 2015. The Prosecutor of the Year Award is presented annually to a prosecutor for his or her outstanding prosecution of a case or cases throughout the year. Wilkerson was recognized for his excellence in the prosecution of Howard Barret who was charged in February 2008 for murder. Wilkerson navigated the case through significant obstacles involving competency and claims of mental illness or defect before finally securing a conviction against the defendant in November of 2014. Boyd said that Riley County is very fortunate to have Wilkerson as a prosecutor and member of the community. He congratulated Wilkerson on the noteworthy accomplishment.

Wilkerson said that the recognition is truly a reflection on the community as a whole, not a single individual. He receives tremendous support from the Board of County Commissioners, City Commissioners, Law Board, RCPD, and County Attorney's Office. It is not an individual achievement, but rather one that belongs to everyone who helps contribute to bringing people to justice and funding the police department.

Schoen addressed the accusations made at recent Law Board Meetings by a member of the public concerning Mr. Wilkerson. He explained that the opinion of the Attorney General was sought concerning Wilkerson's decision not to prosecute the case in question. The Attorney General provided their response in letter form which stated that in their opinion, after applying the national standards that prosecutors use to determine whether it is appropriate to proceed with a case, they too would not have filed on the case. In essence, the Attorney General's Office affirmed Wilkerson's decision. Schoen added that this is just one more affirmation of Wilkerson's decision making ability as a local prosecutor which has been acknowledged by his peers around the state. In his opinion the matter is closed. However, that does not guarantee that the individual may not show up at a future Law Board Meeting.

Schoen noted that the public can now access videos of Law Board Meetings on the RCPD website (www.rileycountypolice.org). Riley County Police Department Information Technology staff will coordinate with the City and County to ensure they have the correct links to the website.

J. Retirement Recognition Auxiliary Lieutenant Jerry Beihl: Jerome "Jerry" Beihl was presented with a plaque in recognition of over 2000 hours of community service as a member of the Riley County Police Auxiliary Unit. Auxiliary Unit Lieutenant Beihl dedicated much effort to recruit and grow the Auxiliary Unit during his tenure and has left a legacy of service and pride. For over 13 years of dedicated service and upon his retirement the men and women of the Riley County Police Department express their heartfelt thanks, sincere best wishes, and hardy congratulations to Lieutenant Jerry Beihl for a job well done

K. Update: Partially Self-Funded Group Health Insurance Plan: In 2012 the Riley County Police Department moved to a partially self-funded group health insurance plan intended to give the Department some control over its health care expenses. Schoen said that the plan is markedly similar to that of the City. However, there are some variations because the City and RCPD are different organizations, but the principle is the same.

When the Department moved toward a partially self-funded plan, one of the projected benefits was that the usage as a group would largely determine the rates. In 2014 the Department experienced a good year and the rates remained unchanged. Schoen said that the Board may recall that when the 2016 RCPD budget was approved the line item for health care expenses was reduced significantly to the tune of \$144,000. Given that, one of the goals was to identify a way to acknowledge the employees who are plan participants. Administration met with the plan consultant concerning the matter, and the Department was able to give plan participants a holiday from their December monthly health insurance/dental premiums.

Schoen explained that the reserve fund for health insurance has grown to a level that he is able to once again provide participants with a "health insurance holiday." This means that for the months of October, November and December 2015 there will be no deductions from plan participants for health/dental insurance. In January 2016 they will begin paying their share of health insurance costs once again.

Butler said that many times employees receive the short end of the stick. This is an instance in which the Department was able to save the taxpayer money and take care of the employees which is good budget management and is to be commended.

L. Partially Self-Funded Workers Compensation Plan: Director Schoen explained that when the Department began looking at a partially self-funded health insurance plan Assurance Partners expressed concerns regarding workers compensation insurance. At that time, the Department and Assurance Partners had to decide which battles to fight and the order to fight them. That said, and now having now been successful on the side of health insurance, Schoen feels that it is time to begin down the path of a partially self-funded workers compensation plan with some of the same goals in mind.

Jim Wilson, President and CEO of Assurance Partners of Salina, KS and Business Analyst Leslie Webb provided the Board with a workers compensation self-insurance overview. Wilson explained that their approach to risk management and financing is to work with their clients toward a zero loss culture. Wilson said that much like success, it is a journey, not a destination. It is a continuum of refinement of policies, procedures, and systems that improve the chances of having a descending claim activity. In search of a zero loss culture Assurance Partners would like their clients retain as much risk as possible and transfer the catastrophic events away from them so that their budget is always protected.

Wilson provided the Board with a comparison of RCPD claims experience from 2010 to 2016 (projected costs) to a guaranteed cost premium of \$695,412. Wilson said that had RCPD been in a self-insured environment and purchased excess reinsurance third party claims administration, the Department would have done very well and experienced substantial savings. It is understood that the Department could have a catastrophic event or series of accidents which could eliminate that savings. However, if Assurance Partners and RCPD put in place all of the risk management programs that they have been working on together over the past 4 years, based on actual claims performance, there is a high probability to be very successful in a self-insured arrangement.

Beardsley and Butler wished to know what the maximum risk would be to the Department for any single claim.

Wilson responded that the Department is exposed up to \$400,000 on any single claim, whether there is 1 or 20 of them. There is no risk beyond that amount up to the statutory limits in place by the state of Kansas.

Webb briefed the Board on occupational accident coverage. She said that anytime they work on an alternative risk financing program with a client that has exposure to a catastrophic event or multiple employee injuries in a single event, they look for a way to reinsure the client past the \$400,000 attachment point. An occupational accident policy is much like a policy that an individual would purchase. There is a per claim or principal sum and an aggregate for the year.

Schoen explained that if the Law Board were to authorize the Department to proceed with a partially self-funded workers compensation plan, a reserve fund will need to be established and allowed to grow, much like that of health insurance reserve. In the furtherance of that, and with assistance from Assurance Partners, the Department has made application to the state of Kansas to proceed down the path of a partially self-insured workers compensation plan. The state requires 4

weeks from receipt of application to respond with a decision. Once approved, a Security Bond would be obtained, a loss fund down payment would be made, and the move to a self-insurance program would be effective January 1, 2016. Schoen said that naturally none of the above can be completed until the Law Board gives their approval.

Butler asked if the package and prediction provided by Assurance Partners was reached through statistical analysis.

Webb said that she used standard actuarial principles and effectively indexed 10 years of historical losses, patterned claim activity, and inflated medical expenses in order to develop a pattern and a subsequent projection.

McCulloh moved to authorize the Department to proceed with a partially self-funded workers compensation plan. There was also the intent on the part of the Board to express its desire to make sure that they adequately fund a reserve for the plan. Reddi seconded the motion. On a roll call vote, motion carried 7-0.

- M. Executive Session:** It was determined that an executive session was not needed.
- N. Affirmation or Revocation of Discipline:** None.
- O. Adjournment:** The October 19, 2015 Law Board Meeting adjourned at 1:08 p.m.