

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
September 19, 2016 12:00 p.m.
Minutes**

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

Absent: Wynn Butler Captain Hooper

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

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 15, 2016 Law Board Meeting Minutes
- B. Approve 2016 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 inquired about the results of the focus group study conducted by Kansas State University (KSU) Associate Professor of Sociology Dr. Sue Williams and her team. It was stated at the August Law Board Meeting that the results would be made available to the public early September.

Kyle said that the final report, executive summary and press release authored by Dr. Williams and her team have been completed. It is up to KSU to decide when they want to release the documents to the public. The Riley County Police Department drafted a press release intended to be complimentary towards theirs which can be released separately, but it would be slightly awkward to do so.

Schoen said that while the Department is not at liberty to release the documents publically without authorization from KSU, it might be possible to provide copies to the Law Board.

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

IV. General Agenda:

G. Additions or Deletions: Boyd wished to move item I. Board Member Comments after item S. Affirmation or Revocation of Discipline on the general agenda.

Schoen requested the removal of item L. Community Advisory Board Update from the general agenda. Riley County Police Department Community Advisory Board (CAB) Chairman Edward McNamara was unable to attend the Law Board Meeting for unanticipated reasons. Vice Chairman Steve Logback was also unable to attend as he was scheduled to be in meetings all day.

H. Public Comment: Leia Kanost, Manhattan Resident- Ms. Kanost shared her concerns with the Law Board regarding alcohol consumption by minors and overconsumption of alcohol administered to individuals by certain bars in the Aggieville district resulting in disruptive behavior, violence, blackouts, vomiting, and drinking and driving. Her brother was the victim of these destructive behaviors on September 23, 2006 when his life was taken by a drunk driver who was overserved by multiple bars in the Lawrence, Kansas area. She feels that since that time, little progress has been made to stop drinking and driving and consumption of alcohol by minors.

Kanost explained that she has been made aware of a recurring problem in Manhattan, Kansas, especially in the Aggieville bar district. Aggieville has become a dangerous place filled with many belligerent and drunk individuals. She has been told that there is a particular bar owner who places a lot of trust in his employees and assumes that they are doing the right thing. Those who formerly and presently work at that establishment have been told that if you are an employee or a friend of the establishment they will not check their ID. Further, if an individual is attractive or a KSU athlete they will be allowed into the establishment regardless of their age.

Kanost said that the Riley County Police Department has a good standing relationship with the Aggieville bar district and security guards, which only adds to the problem. Police officers trust security personnel to do their job and not allow minors into their establishment. She explained that does not always occur.

This past Friday and Saturday evening, Kanost sat in her vehicle and observed the Aggieville area. She noticed that the majority of the parking lots were full, to include those at City Park. She estimated that 70% of people who go to Aggieville are driving, and nearly 90% of those individuals are drinking. She simply wanted to bring these concerns to the attention of the Law Board.

Chairman Boyd thanked Kanost for her comments. He stated that the RCPD Community Advisory Board would be a great avenue for her to expound on this issue. Perhaps the CAB can discuss the matter and make a recommendation to the Law Board on how to address the issue going forward. He noted that should she be interested, the Community Advisory Board is presently looking for additional members.

I. Retirement Recognition Auxiliary Captain Chris Hunter & Sergeant Karen Hunter: Chris and Karen Hunter were each presented with a plaque in recognition of their service as members of the Riley County Police Department Auxiliary Unit.

Karen Hunter began her volunteer service with the Riley County Police Auxiliary Unit in August 2001. She devoted her time to the Riley County Police Department, Auxiliary Unit and community, and was promoted to the position of Auxiliary Administrative Sergeant. In her capacity as Sergeant, she tracked member training and service hours, maintained the Auxiliary Unit roster, and kept Unit members abreast of current events. During her tenure, Sergeant Hunter volunteered over 1,000 hours of

community service. Her leadership and enduring commitment to the Auxiliary Unit was apparent as she spent numerous hours training volunteers thus ensuring their safety. She performed all of her duties to the highest standards with true enthusiasm and professionalism.

Chris Hunter began his volunteer service with the Riley County Police Auxiliary Unit in March 1997. He devoted his time to the Riley County Police Department, Auxiliary Unit and community, and was promoted to the position of Auxiliary Captain. In that capacity, he orchestrated meetings and training opportunities, organized volunteers for events, and kept the Auxiliary Unit both well staffed and on task. During his tenure, Captain Hunter volunteered over 1,800 hours of community service while continuing to recruit and grow the Unit. He served as a mentor to members of the Auxiliary Unit; teaching, encouraging and challenging new officers. In all of this, he created a legacy of selfless service, leadership and pride to which future members can aspire.

For over their years of dedicated service, and upon their retirement, the men and women of the Riley County Police Department express their heartfelt thanks, sincere best wishes, and congratulations to Sergeant Karen Hunter and Captain Chris Hunter for a job well done.

J. FBI Hazardous Devices School- Officer Brian Swearingen: Director Schoen wished to publically recognize Officer Brian Swearingen for his outstanding performance while attending the six week Federal Bureau of Investigation (FBI) Hazardous Devices School in Huntsville, Alabama. Officer Swearingen was selected as a Bomb Technician in 2013 after successfully completing an internal selection process meeting the specifications set by the National Bomb Squad Commander Advisory Board and the FBI's Hazardous Devices School. He passed the background and physical examinations and was selected as the fifth officer to ever attend the Hazardous Devices School from the Riley County Police Department (RCPD). While attending the school he was challenged both physically and mentally, and finished with an overall average score of 96%.

K. 2015 RCPD Audit: Carol McCullough, CPA of Reese & Novelly, P.A. referred to the Independent Auditors' Report. It is their opinion that the financial statements included in the report present fairly, in all material respects, the aggregate cash and unencumbered cash balances of each fund of the Riley County Police Department Financial Reporting Entity, as of December 31, 2015, and their aggregate receipts and expenditures for the year then ended in accordance with the financial reporting provisions of the Kansas Municipal Audit and Accounting Guide. The auditors found no statute violations, budgetary or cash violations, nor did they find deficiencies in the area of internal controls.

McCullough briefed the Law Board on a new note disclosure pertaining to deferred compensation. The Department allows employees to participate in a salary deferral plan that covers all full-time employees. All contributions to the plan are made by employees through payroll withholding. She stated that the Department does not contribute to this plan.

Reddi wished to know if the audit report is made available to the public online.

Schoen responded that the report would be posted to the RCPD website following the Law Board Meeting.

L. GAAP Waiver: Director Schoen explained that since the Department chooses to prepare the books as required by Kansas statutes rather than the Generally Accepted Accounting Principles (GAAP), each year the Board must waive the GAAP method.

Wilkerson moved to approve the GAAP waiver. Beardsley seconded the motion. On a roll call vote, motion carried 6-0.

M. RCPD, PTSO & KSUPD Jurisdiction: Director Schoen received inquiries from members of the Law Board regarding the relationship between the Riley County Police Department, Pottawatomie County Sheriff's Office (PTSO) and Kansas State University Police Department (KSUPD), specifically as it related to jurisdiction. Included in the Law Board packet was a Memorandum of Understanding between RCPD and PTSO, Memorandum of Agreement between RCPD and KSUPD, and applicable state statutes. Schoen explained that the documents outline which agency has authority where and what authorization they have to exercise that authority within those jurisdictions.

The Kansas State University Police Department is in the process of drafting a new Memorandum of Understanding (MOU) with RCPD. Schoen said that he has not seen the MOU in its final form; however, he is given to understand that the proposed changes would expand KSUPD jurisdiction possibly beyond that which is statutorily described in the documents provided to the Law Board.

Wilkerson wanted to know if the confidentiality of sexual assault victims is being taken into consideration when drafting the new MOU.

Schoen said that as an arm of the University, KSUPD is required to notify the Title IX Office of any sexual assaults involving students. The Riley County Police Department is not obligated to do so.

Fink added that victims of sexual assaults who are affiliated with the University are asked by the RCPD investigating officer if they wish to report the crime to the Title IX Office. If the victim says no, the officer will not report it to the Title IX Office. If the victim says yes, the officer will assist him/her with contacting the office where the report can be made. Fink said that he has drafted a MOU between RCPD and the Title IX Office to specifically address Title IX investigations, which is different from other criminal investigations. The MOU is currently being reviewed by legal counsel.

Beardsley recommended the Department and Law Board carefully review the MOU when it is completed. There are provisions which allow KSUPD temporary jurisdiction when traveling from one property of KSU to another. He stated his preference to maintain jurisdictional boundaries in accordance with state statute.

Riley County Law Enforcement Agency Attorney Michael Gillespie wanted to ensure that the public was clear regarding what was being discussed in terms of granting and expanding jurisdiction. He explained that RCPD, PTSO and KSUPD jurisdiction is controlled by statute. Any agreement that the entities would enter into among themselves that would expand jurisdiction beyond that prescribed by statute would be void at its inception. The purpose of the MOU is to simply set forth which agency will be the primary and secondary responder in a given area where there is concurrent territorial jurisdiction.

Schoen said that once completed, and following discussion with legal counsel, the MOU will be brought before the Law Board for review.

N. Self-Funded Workers Compensation: Director Schoen explained that the Riley County Police Department with the assistance of Assurance Partners has worked to attempt to manage risk and

control workers compensation expenditures. Having realized the potential for fairly significant savings, in 2015 the Department recommended to the Law Board moving to a partially self-funded workers compensation program. Following Law Board approval, the Department made the same request to the State of Kansas.

Schoen explained that according to the State of Kansas, RCPD is not a “traditional” governmental entity. Due to this, the State requires the City of Manhattan and Riley County to indemnify RCPD’s workers compensation fund in order that, should the Department be unable to pay claims, the City and County could provide necessary funds. In addition, RCPD must establish a Workers Compensation Loss Fund or “risk pool” in the amount of \$1.1 million to provide capital for excess claim payments.

It is the recommendation of RCPD, City and County staff for RCPD to pursue an independent self-funded workers compensation program effective October 2016 when RCPD’s workers compensation plan year is scheduled to renew. It is further recommended that RCPD contribute \$300,000 from the 2016 budget to the loss fund and set aside \$350,000 of the Departments current Emergency Reserve Fund to supplement the loss fund. The City and County would set aside \$360,000 and \$90,000 respectively (an 80/20 split of \$450,000), as their portion of the loss fund. However, their financial obligations to the risk pool would diminish over time as RCPD grows its portion of the risk pool funding with an eye toward relieving the City and County of all obligations to the risk pool.

Schoen stated that the three entities have drafted resolutions describing their commitment of funds to be used solely for workers compensation cost overruns during the development phase of the project. All of the documents are currently under review at the State. Once the Department has heard back from the State, a Special Law Board Meeting may be needed at which the Law Board can vote to authorize the Chairman to sign the resolution and funding agreement.

To demonstrate to the State that there is a commitment locally to the process, Schoen asked that the Law Board vote to authorize the creation of a RCPD Workers Compensation Reserve Fund and the transfer of \$300,000 from the 2016 RCPD budget into said fund.

Wilkerson moved to approve the transfer of \$300,000 from the Department’s 2016 budget to the RCPD Workers Compensation Reserve Fund with the caveat that should the State disapprove of the request for self-insurance, the money may be taken out of the fund. McCulloh seconded the motion. On a roll call vote, motion carried 6-0.

McCulloh offered Tuesday, September 27, 2016 at 5:00 p.m. (prior to the City Commission Meeting) as a potential date to schedule a Special Law Board Meeting.

O. Strategic Multi-Year Plan: Assistant Director Doehling presented the Department’s Strategic Multi-Year Plan for years 2016 through 2020 to the Law Board. Included within the plan were anticipated personnel needs, capital improvements and cost projections. Doehling explained that in the furtherance of the overall mission of the Department and to facilitate accomplishment of goals and objectives, certain concepts and ideas have been established as initiatives, which also drive division action plans. Principal initiatives the Department intends to undertake, continue, or consider through the next five years include (but will not be limited to):

- The Citizen Advisory Board
- Intelligence Led Policing and Smart Policing Initiative
- Repeat Offender Program

- Fair and Impartial Policing
- Technology Integration
- Employee Wellness and Fitness
- Mental Health Crisis Response Team
- Traffic Plan

McCulloh addressed the employee wellness and fitness initiative. She asked if there have been any instances in which an employee was unable to successfully complete the physical agility test, and as a result, is no longer employed with the Department.

Doehling responded that the physical agility test is designed for police and correction officers. To date, of those physically able to take the test, everyone has been able to successfully complete it.

McCulloh inquired about the status of the RCPD firing range project.

Schoen explained that discussions regarding the firing range are ongoing. Fort Riley has prepared a rather general MOU with RCPD, which does not specifically address some of the operational issues that will be necessary to figure out if the arrangement is to work. At this point, he is still trying to digest how the Department might make some of the restrictions that are required to function on Fort Riley work for RCPD.

Boyd said that they recognized there would be significant savings should RCPD share facilities on Fort Riley. They also recognized that it would be somewhat cumbersome. It does absolutely no good to have a range available to the police department on a part-time basis when there are ongoing needs. The Department may end up with law enforcement officers being unable to qualify and consequently unable to perform their job. There are some management and coordination issues that still need to be addressed.

Reddi expressed her appreciation of the work that was put into the development of the Strategic Multi-Year Plan. She suggested the inclusion of a chart below each initiative/goal describing who it impacts, if it is mandated, and what the anticipated timeline and funding sources will be. In addition, the chart on page 58 of the Law Board packet appears a bit busy and difficult to understand. She asked if the chart could be simplified.

Doehling replied that the chart is intended to be conceptual to illustrate the relationship between the Department's goals, mission statement, values and objectives, etc. He said that he would take the suggestions under advisement when the Strategic Multi-Year Plan is revised next.

P. Executive Session: At 1:55 p.m. Beardsley moved to go into executive session for the purpose of discussing non-elected personnel matters not to exceed 20 minutes. Wilkerson seconded the motion. On a roll call vote, motion carried 6-0.

At 2:15 p.m. the open meeting reconvened.

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

R. Board Member Comments: In the interest of brevity, Reddi did not go into great detail; however, she informed the Board that Pawnee Mental Health Services Executive Director Robbin Waldner Cole and RCPD Captain Josh Kyle recently conducted a site visit at Johnson County, and updated the Riley County Mental Health Task Force on the progress that has been made with respect to the mental health co-responder position. They continue to work out the details.

S. Adjournment: The September 19, 2016 Law Board Meeting adjourned at 2:16 p.m.