

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

**Members Present:** Craig Beardsley Robert Boyd  
Wynn Butler Karen McCulloh  
Usha Reddi (arrived at 12:02 p.m.) Ron Wells  
Barry Wilkerson

**Absent:**

**Staff Present:** Director Schoen Assistant Director Doehling  
Captain Fink Captain Hegarty  
Captain Hooper 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 November 21, 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 moved to approve the consent agenda as presented. Beardsley seconded the motion. On a roll call vote, motion carried 6-0 (Reddi was not present for the vote).

**IV. General Agenda:**

**G. Additions or Deletions:** None.

**H. Public Comment: Brian Johnson- President, Fraternal Order of Police Lodge #17:**  
Mr. Johnson thanked everyone who participated in the "Hair for the Holidays" event which raised nearly \$10,000 for the Cops 'N Kids program. This year the program supported fifty-six lower income families in Manhattan and Riley County who otherwise would not have been able to afford holiday presents.

Johnson discussed proposed changes to the Riley County Police Department (RCPD) body-worn camera policy. He explained that the policy is still in draft form. However, FOP membership has a few concerns with the proposed changes, specifically with regard to when an officer may review body-

worn camera (BWC) recordings. It is suggested that BWC recordings made during a use of force incident not be reviewed by the involved officer prior to or during the documentation of the incident. It is believed that viewing the video of the incident prior to the preparation of a written report concerning the use of force may influence the officer's representation of his or her perspective of the event at the time the force was used.

Fundamentally, the aforementioned appears to be a legitimate approach, Johnson said. However, it does not take into account the role trauma can play on the officer's ability to recall information. Trauma can lead to tunnel vision, impact the way the brain communicates, and how memory is stored both short-term and long-term. The officer may not recollect all of the facts and circumstances that they perceived at the time the force was used. Permitting the officer to view the BWC recording would allow the officer to recall things that he/she may have forgotten.

Johnson addressed the Department's appeal procedures for employee disciplinary actions. Per policy, the Director reports employee suspensions or dismissals to the Law Board. The Law Board reviews the matter and either affirms or revokes the suspension or dismissal. Should the Board affirm the suspension or dismissal, the employee may appeal to the Law Board for a hearing on the matter. Johnson said that unfortunately, if an employee disagrees with or has concerns related to his/her suspension or dismissal he/she typically has to address the matter before the board publically. Johnson believes that holding the hearings in a public forum, whether intentional or unintentional, discourages employees from the appeal process.

**I. Board Member Comments:** Beardsley spoke on behalf of a citizen who is concerned with traffic enforcement along Anderson between Wreath Avenue and Anneberg Park, which is a heavily traveled area with numerous pedestrians. Motorists do not always pay attention to crosswalks or the speed limit. The citizen felt that more could be done not just at the city, but the law enforcement level as well to correct driver behavior.

Beardsley said that his term as a member of the Law Board is scheduled to expire at the end of the year. Serving on the Law Board has been a great experience. He is truly appreciative of the citizens of Manhattan and the employees of the City, County, and Riley County Police Department.

McCulloh visited San Francisco, California over the Thanksgiving holiday. During her visit, she came across an article on traffic cameras. For various reasons, the cameras were not working as originally intended and the city of San Francisco planned to remove them. She found the article interesting because the Law Board and RCPD had several discussions regarding similar traffic enforcement in the recent past.

Butler clarified that he is in favor of limited electronic traffic enforcement, not red light traffic cameras at every intersection. Over the next year, he would like the Law Board to explore other traffic enforcement options for areas in Manhattan that have proven to be problematic.

**J. Community Advisory Board Update:** Community Advisory Board (CAB) Chairman Edward McNamara briefed the Board on CAB activities to date. Since the last update to the Law Board the CAB has discussed a number of topics to include the RCPD budget, partially self-funded workers compensation program, fair and impartial policing, and mental health co-responder project.

Most recently, the CAB discussed the outdated Manhattan/Riley County Emergency Services radio infrastructure. McNamara explained that over the years, the police department has experienced issues

with the system to include dropped calls for service between officers and dispatch personnel. Since mid-October RCPD, Emergency Medical Services, and Fire personnel had thirteen calls in which poor communication hindered emergency responders. The CAB views the radio infrastructure and communication issues to be high priorities that should be addressed sooner rather than later.

Boyd commented that the Riley County Commission has put together a plan to address the communication issues resulting from the Federal Communications Commission narrowbanding of frequencies.

Schoen informed the Board that Pawnee Mental Health Services advertised for the two mental health co-responder positions. Pawnee had a pool of three applicants, one of which withdrew from the selection process. Schoen stressed the importance of filling the positions with the right individuals. Therefore, the hiring process has been delayed. He noted that the funds received from the Federal Edward J. Byrne Memorial Assistance Grant Program intended to be used to fund the salary and benefits of one mental health crisis response professional needed to be expended by September. It is unfortunate that the funds are no longer available, but it is a byproduct of hiring the right person for the position.

**K. RCLEA 2017 Meeting Resolution:** A resolution establishing the dates for Law Board Meetings in 2017 was provided to the Board as part of their packet. Following a brief discussion, the Board expressed a desire to hold future Law Board Meetings during the evening hours with the hope of increasing public attendance. The Board directed Riley County Police Department Administration to research possible meeting dates, times, and locations to schedule the evening meetings, and return to the Board in January with the various options.

Reddi made a motion to schedule the next meeting of the Riley County Law Enforcement Agency (Law Board) at noon on January 17, 2017 (Tuesday) in the City Commission Chambers. McCulloh seconded the motion. On a roll call vote, motion carried 7-0.

**L. McGrath Consulting Group Inc. Salary Survey:** In 2008 the Department contracted with McGrath Consulting Group Inc., for the purpose of conducting a comprehensive salary and benefit survey of all positions at the Riley County Police Department. As a result of the survey, modifications were made to the Departments salary schedule which is still used today.

Captain Hooper explained that there are a number of new positions in the agency, as well as positions that have changed significantly with respect to job requirements. Riley County Police Department Administration believes that those positions were placed correctly on the salary schedule, but thought it prudent to reach out to McGrath Consulting Group Inc., to ensure that those positions are being adequately compensated. The Department is committed to maintaining the integrity of the salary schedule and understands that doing a survey of select positions could skew some of the numbers. The Department trusts that McGrath will take that into consideration when conducting the survey of the select positions.

Reddi inquired about the cost of the survey.

Hooper responded that it will cost approximately \$6,000 to have McGrath conduct the survey.

**M. KPERS Employer Contribution Rates:** Director Schoen explained that beginning January 2019 employer contributes to the Kansas Public Retirement System (KPERS) will increase. At a recent meeting, the Board of Trustees decreased KPERS' long-term assumed investment rate of return from 8% to 7.75%. Employer contribution rates will increase to make up for the lower estimated returns over time. The change will affect rates starting with 2019. Those rates will be available in July for budgeting purposes.

**N. 2016 Police Vehicle Purchase:** In October, Assistant Director Doehling went before the Board with a plan to purchase eight police vehicles; six of the vehicles to be purchased immediately with budget funds and two as year end funds allow. Doehling updated the Board that the funds were available and the remaining two vehicles were purchased. There are currently fifty-eight vehicles in the fleet.

**O. Hearing Officer Selection:** Butler moved to appoint Wilkerson as the Hearing Officer for RCPD appeals of employee discipline for 2017. McCulloh seconded the motion. On a roll call vote, motion carried 7-0.

**P. Executive Session:** At 12:45 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 20 minutes. Beardsley seconded the motion. On a roll call vote, motion carried 7-0.

At 1:08 p.m. the open meeting reconvened.

Beardsley moved to return to executive session for the purpose of discussing non-elected personnel matters not to exceed 15 minutes. McCulloh seconded the motion. On a roll call vote, motion carried 7-0.

At 1:29 p.m. the open meeting reconvened.

Wilkerson moved to return to executive session for the purpose of discussing non-elected personnel matters not to exceed 20 minutes. Beardsley seconded the motion. On a roll call vote, motion carried 7-0.

At 1:59 p.m. the open meeting reconvened.

McCulloh moved to return to executive session for the purpose of discussing non-elected personnel matters not to exceed 15 minutes. Beardsley seconded the motion. On a roll call vote, motion carried 7-0.

At 2:23 p.m. the open meeting reconvened.

**Q. Director's Contract:** Beardsley moved to extend the Director's contract of employment with the term of January 1, 2017 ending no later than December 31, 2019. Beardsley directed Legal Counsel to change the date under "Annual Performance and Compensation Review" to January 1, 2020.

McCulloh seconded the motion. On a roll call vote, motion carried 7-0.

Beardsley made a motion to amend his original motion to include the Director's step increase from current pay grade I. to J. McCulloh seconded the motion. On a roll call vote, motion carried 7-0.

**R. 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 7-0.

**S. Adjournment:** The December 19, 2016 Law Board Meeting adjourned at 2:24 p.m.