

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
March 27, 2017 12:00 p.m.
Minutes**

Members Present:

Craig Beardsley
Usha Reddi
BeEtta Stoney
Ben Wilson

Mike Dodson
Marvin Rodriguez
Barry Wilkerson

Absent:

Staff Present:

Director Schoen
Captain Fink
Captain Hooper
Captain Moldrup

Assistant Director Doehling
Captain Hegarty
Captain Kyle

- I. **Establish Quorum:** By Chairman Beardsley at 12:00 p.m.
- II. **Pledge of Allegiance:** Led by Director Schoen.
- III. **Consent Agenda:**
 - A. Approve February 21, 2017 Law Board Meeting Minutes
 - B. Approve 2016 & 2017 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. 1.3.13 Use of Force 4th Qtr./Annual Report- (*Review*)

Reddi sought clarification on the 4th Quarter/Annual Use of Force (UOF) Report. According to the year to date figures, there were 39 UOF incidents involving white males and 32 incidents involving black males, which seem to be disproportionate to the population for Riley County (83.7% white persons and 7.1% black persons).

Schoen explained that each UOF incident results in a written report that is reviewed by the line level supervisor, lieutenant, division commander, assistant director, director and training function to determine if the UOF was appropriate and within policy. There is some distinction to be drawn between the figures when viewing only the breakdown of the raw numbers. What the numbers do not take into account is the behavior that leads up to the UOF. Generally speaking, most of the UOF incidents result over the weekend in the Aggieville area. The officers view what happens in front of them and take enforcement action.

Reddi commented that 32 incidents involving black males seem a bit high given the population. She would like the Department to take a deeper look. On the surface the numbers do not represent the population.

Schoen recognized that what might be causing Reddi some discomfort is the notion that the numbers should reflect the community population in terms of race. He stated that the officers do not make the decision based on race, but rather the actions of the individual. For example, when an officer observes a fight in Aggieville he/she takes enforcement action. The officer gets what he/she gets in terms of the parties involved.

Schoen said that if there is interest among the Board, he would be happy to schedule a time for them to visit the Law Enforcement Center to view the individual UOF reports. It may help to alleviate some of their concerns. He will speak with Internal Affairs Lieutenant Mark French to see if the incidents could be broken down by the activity that the individuals were engaged in which led to the UOF. He will also take another look at the UOF reports just to be certain, but having previously looked at each one, he is relatively comfortable that the officer's actions were appropriate given the circumstances they faced.

Stoney asked if the charts to the right of the data could be setup differently. The bar charts appear off which could be misleading.

Schoen responded that he and RCPD staff will determine if there is a better way to organize the data that is currently represented in the bar chart.

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

IV. General Agenda:

G. Additions or Deletions: None.

H. Public Comment: Ron Wells- Riley County Commissioner: Commissioner Wells referred to an article published in the Manhattan Mercury on March 23, 2017 titled "Ron Wells jokes about beating suspects with a hose." Wells stated that the headline was simply sensationalism in an attempt to sell newspapers and it had nothing to do with the actual topics that were on the agenda for the meeting. Wells mentioned the urban legend of using a rubber hose as a reference to the changes to police accountability in law enforcement. He has never, nor would he ever, condone any method of extracting an involuntary statement through some method of physical or verbal violence. The sole purpose of referencing the urban legend of rubber hoses was to contrast the increased accountability on the part of law enforcement through body-worn cameras. Wells said that he did not want something that was printed incorrectly about him to reflect poorly on the Riley County Police Department (RCPD).

I. Fraternal Order of Police Lodge #17 Comments: Fraternal Order of Police (FOP) Lodge #17 President Brian Johnson thanked the Law Board for being given the opportunity to speak and share the perspective of the lodge. Johnson shared with the Board statistics that he obtained over the weekend concerning law enforcement officers. Johnson reported that on average, 18% of police officers develop work-related Post Traumatic Stress Disorder. In addition, police officers are 69% more apt to commit suicide.

Johnson said that Manhattan is a relatively safe community. However, the officers are not immune to these statistics. Throughout their career, police officers see and hear very disturbing things. Johnson said that he could not count how many infant autopsies and suicide calls he has responded to, or how

many rape victims he has tried to console over the years. As terrible as those calls are, the job is increasingly difficult when assigned to the midnight shift, which to a degree, isolates the officer from his/her family and support network of friends.

Johnson explained that the statistics are applicable to the discussion that the Law Board and RCPD Administration will have regarding the 2018 budget. He urged the Board to consider the proposed Cost of Living Allowance (COLA), education incentive and shift differential pay for employees. A large portion of the budget consists of employee salaries. The community has a very good police department with good employees. One way to keep those employees is to compensate them for their knowledge, expertise and abilities.

J. Board Member Comments: Reddi thanked RCPD, Riley County Emergency Medical Services (EMS) and all of the other regional government agencies that were involved in the recent Fake Patty's Day event. Everyone did an outstanding job to contain the event. She was glad to see a decrease in the number of calls for service and offenses for 2017 compared to previous years. Reddi complimented Public Information Officer Alexander Robinson on his ability to engage the public via social media during the event.

Reddi provided an update on the mental health co-responder project. She stated that the first co-responder has been hired and is currently being utilized by RCPD. According to Pawnee Mental Health Services Executive Director Robbin Waldner Cole, interviews for a second co-responder have been conducted and an offer of employment has been offered. Funding for the co-responder project comes from the RCPD budget as well as the City of Manhattan's special alcohol tax dollars. This is a great step, but it is just a Band-Aid for the crisis as far as mental health needs in the community.

Kansas Department for Aging and Disability Services (KDADS) Behavioral Health Commissioner Susan Fout was recently in Manhattan, Kansas. Several commissioners, hospital staff and community members were able to meet with Ms. Fout. Reddi said though not all of it was positive, they had a great discussion. She went away feeling optimistic knowing that the Riley County Commissioners, Manhattan City Commissioners, Via Christi, Geary County Hospital and RCPD are all on board. It speaks well to the partnerships that are in place.

Beardsley stated that the success of Fake Patty's Day was largely due to the planning that was involved as well as the partners inside and outside of the community who assisted with the event.

K. Award Presentation: Director Schoen presented Dispatcher Mary Gorman with a Life Saving Award in recognition of her role in saving an individual's life. On May 31, 2016 Dispatcher Gorman received a 911 call from a distraught subject who told her that his mother had been involved in an accident with a golf cart. The caller told Dispatcher Gorman that his mother was unconscious and not breathing. Dispatcher Gorman followed the ProQA protocol and began instructing the caller in using the proper CPR technique, counting along with him to both keep him focused on the task at hand and to ensure that compressions were being done properly. As his mother's condition changed, Dispatcher Gorman made the proper adjustments to the instructions that she was giving. Dispatcher Gorman continued to assist the caller in providing his mother with life-saving care until the arrival of Emergency Medical Technicians, and with the help of all involved, she was able to survive her injuries.

The actions of Dispatcher Gorman contributed significantly to saving the life of a member of the community. She responded to the incident with professionalism and performed in a manner that exemplified the Department's training standards.

Director Schoen presented Police Officer Garrett Lloyd with a Commendation Award in recognition of his actions on January 3, 2017 when the Riley County Police Department became aware of a person who was distraught and possibly in route to Manhattan to harm family members. Officer Garrett Lloyd took the initiative to contact the person in question and establish a rapport. Officer Lloyd then learned that the suspect was indeed in Manhattan, armed, and intended to harm himself and/or others. Follow-up investigation revealed that the man was at his parent's vacant house. As patrol officers set up a perimeter on the house, negotiations were turned over to the Emergency Response Unit. After some negotiation the suspect agreed to come out and surrender, but insisted that he do so to Officer Lloyd due to the rapport which had been established. The suspect was then taken into custody without incident. Officer Lloyd's initiative in this matter is a testament to the professionalism of the officers of the Riley County Police Department.

L. National Public Safety Telecommunications Week Proclamation: Chairman Beardsley read the National Public Safety Telecommunications Week Proclamation proclaiming that all citizens of Manhattan and Riley County observe the week of April 9th through April 15th, 2017 as National Telecommunications Week, in honor of the men and women whose diligence and professionalism keep the city, county and citizens safe. Communication Center Manager Diane Doehling, Dispatch Shift Supervisor Patricia Noriega, and Dispatchers Mary Gorman and Kylee Filley accepted the proclamation on behalf of the Department.

M. Community Advisory Board Update: This topic was postponed until the regularly scheduled April Law Board Meeting.

N. Fake Patty's Day Review: Captain Kyle extended his appreciation to the Aggieville Business Association (ABA) and the many organizations/agencies that assisted RCPD during Fake Patty's Day. He also thanked the City of Manhattan for use of the pavilion which has been an ideal location to coordinate police response.

Kyle provided the Board with a summary of calls for service, reports filed, citations issued, and arrests made during the 2017 Fake Patty's Day event compared to that of previous years. He advised the Board that the Department has yet to fill the Crime Analyst position; therefore, he was unable to provide an analysis of peak time periods, call locations and comparative weekend data. Statistics from EMS are also not available at this time.

Kyle reported that this year, the Department experienced a decrease in citizen generated calls for service. Additionally, there were fewer noise complaints in 2017 compared to previous years, which may be the result of the new noise ordinance. The ABA also worked with the business owners to keep the noise level low. Likely due to the weather, rooftop parties were not a prevalent issue.

Total reports filed in 2017 were comparable to previous years. 2017 set a new low in disorderly conduct and Driving Under the Influence (DUI) reports. However, reports for marijuana possession tied 2016's high. Kyle noted that there were also fewer citations written in 2017 compared previous years. Arrests for DUI and Minor In Possession (MIP) hit a record low this year, and officers saw approximately half the disorderly conduct arrests from what was experienced in 2013-2015.

Kyle sought input from internal and external stakeholders regarding how the plan to manage Fake Patty's Day could be improved upon. It was the general consensus that the current plan worked well. One officer safety issue was raised concerning communication. Due to fires near Hutchinson, RCPD was unable to obtain 800MHz radios and supporting equipment. Officers working during Fake Patty's Day reported difficulty communicating with partners from other jurisdictions. Kyle intends to include the input that he receives in the final after action report. It is his recommendation that the Department maintain the current deployment levels for Fake Patty's Day 2018.

Beardsley said that he would be very interested in Fake Patty's Day statistics from EMS when they are available. He thanked everyone who volunteered during Fake Patty's Day. He commented that while in Aggieville, he observed a number of Uber vehicles offering rides to Fake Patty's Day participants which cut down on the number of individuals driving.

Reddi said that she too would like to view the statistics from EMS. She was pleased to see one nearby residence offer free food to Fake Patty's Day participants. On a couple of occasions she viewed people hanging around small fires in their front yards. She asked Captain Kyle if the owner/tenant must obtain a permit to have a fire in their yard.

Kyle said that he needed to be careful because he was going to be outside of his level of expertise rather quickly. There are regulations that must be met. Essentially, it boils down to a reasonableness of the containment. To his knowledge, an individual may have an open fire outside as long as there is a pit.

Reddi asked if ATA Bus was involved in Fake Patty's Day this year.

Beardsley responded that ATA Bus did not participate this year due to a funding issue.

Dodson spoke with ABA Executive Director Linda Mays regarding the possibility of drawing people out of the neighborhoods into Aggieville by offering various activities, food and hydration.

Kyle was approached by the ABA a couple of years prior regarding the possibility of roping the area off and providing different activities. The Riley County Police Department is neutral on this subject. The Department neither endorses nor discourages special provisions in the Aggieville area or any other district. They simply need to apply for a permit with the City.

Dodson said that Mays will develop the concept with the business district. Once the initial plan is received it will be shared with RCPD.

O. Year End Budget Update: The Department will return \$19,999.30 in carryover for 2016 which may be used to offset the 2018 budget. Director Schoen reported that \$400,000.00 of year end budget funds was transferred to the RCPD workers compensation fund, placing the Department one year ahead of schedule in terms of where they thought they would be relative to growing the fund. This is good news for all parties. The City and County is responsible for \$40,000 and \$10,000 respectively (an 80/20 split of \$50,000), as their remaining portion of the loss fund.

P. 2018 Budget Discussion: Members of the Law Board were provided copies of the 2018 budget narrative, budget draft 1 as part of their packets. Assistant Director Doehling explained that draft 1 includes necessary funding adjustments to the part time and overtime accounts, a 0.8% COLA for all personnel, the expansion of shift differential pay to all employees who regularly work a shift

that starts or ends during, or encompasses the hours of 12:00 a.m. to 6:00 a.m., and the expansion of education pay in the amount of \$250.00 a month for those who qualify. These options represent a 2.304% (\$402,947) increase over the 2018 base personnel budget.

Doehling briefed the Board on each of the personnel related budget options (A through G) under consideration. A concise description of each option to include the percent increase over the 2018 base budget (personnel only), are depicted in the chart below.

A full budget narrative which includes non-personnel related line items will be provided to the Law Board in April. Doehling mentioned that discussion regarding funding options, either by way of the RCPD budget, City of Manhattan’s special alcohol tax dollars, and/or grant funds for the mental health co-responder program will also take place next month.

			<i>Option A</i>	<i>Option B</i>	<i>Option C</i>	<i>Option D</i>	<i>Option E</i>	<i>Option F</i>	<i>Option G</i>
	2017	2018 Base	Part Time & Overtime	+0.8% COLA	+1.4% COLA (State Cap)	Shift Differential Pay	Education Pay \$250	Education Pay \$225	Education Pay \$200
Personnel (\$)	17,542,500	17,489,677	81,145	118,630	207,603	42,996	160,176	134,031	107,886
Non-Personnel (\$)	2,769,000	TBD	-	-	-	-	-	-	-
Total (\$)	20,311,500	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
% Change to 2018 Base Personnel	-	-	+0.463	+0.678	+1.187	+0.246	+0.916	+0.766	+0.617

Reddi inquired about the property tax lid exemption as it relates to the mental health co-responder program. Last year, when discussing the unfunded mandate of the court security positions, it was determined that the positions were exempt from the property tax lid. She wished to know if the same holds true for the mental health co-responder positions.

Schoen explained that there has been a general consensus among local elected officials that the police department’s budget exists outside of the property tax lid. However, the argument can be made either way. He said that Reddi may want to consult with City staff to obtain their opinion.

Dodson wanted to know if funding for Manhattan Regional Airport, City and County courthouse security are included in the 2018 budget.

Doehling responded that funding for City and County courthouse security is included. With respect to the Manhattan Regional Airport, no additional personnel or functions have been added. The Department has not been asked to provide anything more than what is currently being provided.

A consensus was reached among the Law Board to empower RCPD Administration to pursue applicable grants as they become available and notify the public as grant funds are awarded.

Q. Executive Session: At 2:35 p.m. Wilkerson moved to go into executive session for the purpose of discussing non-elected personnel matters and attorney client privilege not to exceed 30 minutes. Rodriguez seconded the motion. On a roll call vote, motion carried 7-0.

At 3:05 p.m. the open meeting reconvened.

R. Adjournment: The March 27, 2017 Law Board Meeting adjourned at 3:05 p.m.