

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
January 16, 2018 12:00 p.m.  
Minutes**

**Members Present:** Craig Beardsley (left at approximately 1:40 p.m.)  
Mike Dodson Usha Reddi  
Marvin Rodriguez Ben Wilson  
Barry Wilkerson

**Absent:** BeEtta Stoney

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

- I. **Establish Quorum:** By Chairman Beardsley at 12:00 p.m.
- II. **Pledge of Allegiance:** Director Schoen led the Law Board in the Pledge of Allegiance.
- III. **Consent Agenda:**
  - A. Approve December 18, 2017 Law Board Meeting Minutes
  - B. Approve 2017 & 2018 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*)

Reddi referred to the Monthly Crime Report. She noted that the number of DUI arrests remain below trend for eight out of the twelve months reported. She assumed the decrease was due to the public making better choices by using Uber and Lyft to get home safely.

Reddi inquired about Voucher #13238 to Insight Public Sector Inc., Cisco Line Card in the amount of \$30,606.58. She wished to know what items were purchased.

Schoen explained that the Riley County Police Department (RCPD) purchased twelve network switches that connect devices together on the computer network to receive, process and forward data. The switches have a limited lifespan and require periodic replacement.

Reddi sought clarification on Vouchers #1001 to Nationwide and #1005 to the Secretary of State, Kansas for employee notary bonds. She wished to know why the notary bonds payable to Nationwide were \$100.00 and the notary bonds payable to the Secretary of State, Kansas were \$25.00.

Schoen noted that the State of Kansas and the insurer (Nationwide) each charge a fee for an individual to become a Notary Public. Some law enforcement officers have to be able to notarize documents during the course of their work.

Dodson moved to approve the Consent Agenda as presented. Rodriguez seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 6-0.

#### **IV. General Agenda:**

**G. Additions or Deletions:** Chairman Beardsley requested the removal of item P. Unmanned Aerial Systems Program Presentation and item Q. Health Insurance Update from the general agenda.

Schoen commented that the State of Kansas Department of Administration (DA-146a) Contractual Provisions Attachment was inadvertently left out of the Law Board packets and should be incorporated as part of the Kansas State University Memorandum of Agreement. The document contains mandatory contract provisions and must be attached or incorporated in all copies of any contractual agreement with state agencies. Copies of the document were provided to members of the Law Board and local media.

**H. Public Comment:** None.

**I. Fraternal Order of Police Lodge #17 Comments:** Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, commented on the incident that occurred in Manhattan early January 2018 that involved a barricaded subject and resulted in one of the responding sergeants being struck by a round fired by the subject. Johnson stated he is pleased that the officers involved will eventually be okay both physically and emotionally. This incident is a reminder that even in a community such as Manhattan, bad things happen. It is a testament to RCPD staff and the training offered at the police department that such a violent incident was resolved successfully.

**J. Board Member Comments:** Reddi wished Sergeant Patrick Tiede a healthy recovery. She stated that events such as this take a toll not only on the community, but the family of the officer as well. Andrea Tiede is the principal of Theodore Roosevelt Elementary School. As the incident was occurring, Bergman Elementary School went on lockdown where no one could enter or leave the building without supervision. The practice and drills that educational staff and police officers go through was put to use rather quickly. She thanked Director Schoen for promptly communicating with the various media outlets and community on what was happening.

Beardsley echoed the comments made by Reddi. He commended Director Schoen and members of the department on the timely release of information to the public as it became available. Hopefully it is a long time before something like this happens again, if ever.

**K. Life Saving Award Presented to Correction Officer Sharlene Beverly:** Director Schoen presented RCPD Correction Officer Sharlene Beverly with a Life Saving Award in recognition

of her efforts while providing critical lifesaving assistance to an inmate of the Riley County Jail on August 1, 2017. The inmate's attempted suicide was thwarted by CO Beverly's quick thinking and dedication to safeguarding the inmates under her care, as well as the assistance of another inmate who was willing to become involved.

**L. Selection of Hearing Officer:** Chairman Beardsley moved to appoint Wilkerson as the Hearing Officer for 2018. Dodson seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 6-0.

**M. 2019 Budget Preparation Timeline:** Provided to the Board was the proposed 2019 Budget Preparation Timeline developed in accordance with the statutes of the Riley County Police Department and the Riley County Law Enforcement Agency (Law Board). The statutes call for final budget certification no later than the first Monday in July. Director Schoen recommended the following:

At the January 16, 2018 Law board meeting, discuss, modify as necessary and approve the 2019 budget development timeline.

During the month of March conduct special Law Board meetings, as the Board deems necessary, to begin preliminary budget discussions and obtain Law Board guidance.

At the April 16, 2018 Law Board meeting, update the Board on budget development and provide a draft 2019 budget. Determine the need for additional special Law Board meetings as necessary for budget development.

At the May 21, 2018 Law Board meeting, approve a budget of expenditures for publication prior to the mandatory public hearing.

No later than June 8, 2018 publish the proposed 2019 budget of expenditures in the Manhattan Mercury.

At the June 18, 2018 Law Board meeting, conduct a public hearing on the 2019 budget of expenditures and formally adopt the budget.

On or before July 2, 2018 certify to the Riley County Board of County Commissioners and the City of Manhattan a budget of expenditures for the 2019 operation of the Riley County Law Enforcement Agency/Riley County Police Department.

Reddi wished to know if the Department foresees any large ticket items that need to be considered during 2019 budget discussions.

Schoen responded that it is still early in the budget process; however, he does not anticipate any large ticket items like that of the Manhattan Regional Airport and courthouse security which were discussed during the 2018 budget process. Captain Kyle is researching whether it would be prudent for the Department to adopt a Document Management System (DMS) to address supplemental forms in

criminal reports. Captain Kyle is still actively working on that. It may or may not be ready in time for 2019 budget discussions.

Wilson stated that in the interest of transparency he would like two parallel budgets to be developed: one as it has in the past, and the other more specifically detailing what the Department expects the actual expenses to be. It may prove beneficial to future Law Board members to compare more directly what the expenses have been year to year rather than looking at the budgeted amount.

Schoen explained that the Monthly Budget Status report that is provided to the Law Board contains information on the authorized budget, current actual, actual year-to-date, previous year-to-date actuals, and remaining budget funds for each line item. The budget narrative authored by Assistant Director Doehling that is provided to the Board annually contains the projected budget and actual expenditures for the previous five years.

Beardsley said that in keeping with Wilson's comments, it might be useful to see several past years' significant year-end expenditures (e.g., radios) to know specifically which budget line(s) the funds are taken from and where they were expended.

Schoen responded that almost all of the money comes out of the personnel line. With respect to non-personnel line items, very few come in below budget. Generally speaking, those that do come in under budget are small enough line items that they do not make a significant impact on the budget. He clarified that the Department does not under budget in the non-personnel lines. It is more the case that when the opportunity arises with unexpended year-end personnel funds the Department takes care of things such as health insurance, workers compensation or the purchase of radios. If the Department were to try to budget for those, the temptation would be to under budget in the personnel account in order to avoid budget increases.

Dodson, having prepared a number of budgets in the past, explained that some organizations budget for the authorized number of personnel at the authorized salary level. At the end of the year, if there were insufficient funds and the organization had personnel vacancies, instead of laying employees off, they would eliminate the positions they were unable to fill. The downside, once those positions were eliminated, they could not get them back. If RCPD does not intend to fill the positions, that is one argument. If RCPD intends to fill the positions, administration ought to budget against them and plan to have them on board during the year. If history has shown that RCPD can operate with fewer employees, perhaps that is what administration should budget against and put the funds towards those items that have traditionally been underfunded or they have not planned to fully fund in the past.

Schoen explained that the Department commences a hiring action as soon as there is a position vacancy. Much of the carryover at the end of the year from the personnel line is the result of delays in the hiring process. In the case of police officers, when they can be hired is reliant on when the Kansas Law Enforcement Training Center has an opening for the officer to attend training. It might be the case that the next available slot at the academy is two or four months out; therefore, the Department has to delay hiring the officer(s) for a couple of months. The Department is never in the position, whether it is police officers, corrections officers, dispatchers, clerical staff or janitorial staff, to not fill a position so that the money can be used for something else. The Department is always trying to fill positions. It is the delay which builds the carryover from the personnel line at the end of the year.

**N. Kansas State University Memorandum of Agreement:** Michael Gillespie, Attorney, Riley County Law Enforcement Agency, briefed the Board on the Memorandum of Agreement (MOA) between the Kansas State University (KSU) and Riley County Police Department. He explained that the primary purpose of the agreement is to clarify areas of jurisdiction between the two agencies and prioritize which agency will respond in those areas in which there is overlapping jurisdiction. He described how jurisdiction works under current Kansas Law.

Schoen added that the agreement has been reviewed by RCPD, Kansas State University Police Department (KSUPD), and legal counsel for both parties. Absent a few minor corrections in the form of typos, all parties are comfortable with the agreement.

Dodson stated that the use of the word “may” appears quite often in the agreement. He wished to know from a legal standpoint if the use of the word connotes that the act is optional or mandatory.

Gillespie responded that the word “may” in the context of the agreement allows for the act, but it is not mandatory. “May” does not mean “shall” in this agreement.

The MOA states that pursuant to K.S.A. 22-2401 a(4), KSUPD officers may exercise their police powers on the streets, property and highways, immediately adjacent to and conterminous with University property and student group property, anywhere when in fresh pursuit of a person or vehicle occupied by a person(s) who has committed a crime or who is reasonably suspected of having committed a crime on University property or other property for which KSUPD has authority to exercise its powers; and may transport any persons in their custody to an appropriate facility, wherever it may be located.

Dodson addressed the abovementioned section of the agreement. He said that the matter of jurisdiction can easily become confusing when referring to roads that are adjacent to and conterminous with University property and student group property. It seems to be the charge of RCPD to ensure that the ordinances and laws are enforced on city streets and highways.

Schoen said that under the provisions of the law, KSUPD has the ability to enforce the law on any street adjacent to KSU property. The authority that KSUPD has to take action on those adjacent streets is a statutory construct that is legislatively established.

Reddi commented that KSU went through a bit of a controversy in which they cut ties with various student groups, to include fraternities and sororities. She wished to know if RCPD or KSUPD would be the primary responding agency to calls for service at those locations.

Gillespie responded if that is the case, and KSU decided to cut ties with the student groups, it would not have an impact on the statutory grants of jurisdiction. The Kansas State University Police Department still has jurisdiction at sorority, fraternity, fellowship houses, etc. Whether KSUPD chooses to exercise that or not is at their discretion. There are areas outlined in the agreement where RCPD will be the primary responder/investigator and may ask KSUPD to assist.

Wilson moved to approve the Memorandum of Agreement between the Kansas State University and Riley County Police Department. Dodson seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 6-0.

**O. Interlocal Radio Communication Systems Agreement:** Director Brad Schoen briefed the Board on the Radio Communication Systems User Agreement between the Riley County, Kansas Board of County Commissioners, the City of Manhattan, Kansas, The Riley County Law Enforcement Agency, and Riley County Fire District #1.

The Board of County Commissioners has requested that all entities that will be utilizing the radio system enter into an agreement with the County. The agreement asks that all entities purchase the quantity and model of radios that were bid by Harris Corporation and that all entities agree to utilize the County system rather than create their own system or maintain their current system.

Schoen explained that the total cost for the RCPD to replace all of the radios will be approximately \$700,000. The Department has created an account with Riley County to set aside year-end money to purchase the radio equipment. The buildout time for the radio system infrastructure will be twenty-two months from the date the final contract is signed. This will allow RCPD to set aside year-end money over the next three years to purchase the needed equipment. Included in the contract are assurances that should the project fall through, the money would be redistributed to the City and County at their respective 80/20 split.

Dodson wished to know why KSUPD was not as a party to the agreement.

Schoen stated that KSUPD elected not to participate and to use their individual radio system. The opportunity enter into the agreement will remain open to KSUPD, should they decide to participate in the future.

Reddi explained that the radio purchase is an example of the type of large ticket items she referred to when discussing the 2019 budget preparation timeline. She wanted to know if the Department plans to budget for the purchase of the radios rather than wait to see how much money is leftover at the end of each year in the form of carryover.

Schoen said that formal budget discussions have not yet taken place; however, informal internal discussions have been held. Administration is quite comfortable using year-end funds to purchase the radios. Schoen mentioned during his review of the Director's goals for the year that administration had decided to do it this way in order to avoid adding \$180,000 to the budget every year.

Dodson moved to approve the Interlocal Radio Communication Systems Agreement as presented. Reddi seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 6-0.

**P. Executive Session:** At 1:15 p.m. Wilkerson moved to recess into Executive Session until 1:40 p.m. for the purpose of discussing non-elected personnel matters and attorney client privilege.

Rodriguez seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 6-0.

At 1:40 p.m. the open meeting reconvened.

Rodriguez served as Acting Chair following Executive Session.

**Q. Affirmation or Revocation of Discipline:** Wilkerson moved to affirm the Director's disciplinary actions. Dodson seconded the motion. Rodriguez polled the Board and the motion passed with Dodson, Wilson, Reddi, Rodriguez and Wilkerson voting in favor, and no one voting against. The motion passed 5-0.

**R. Adjournment:** The January 16, 2018 Law Board Meeting adjourned at 1:41 p.m.