

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
1101 Poyntz Avenue
Manhattan, KS
August 19, 2019 12:00 p.m.
Minutes**

Members Present:

Mike Dodson
Marvin Rodriguez
Robert Ward

Linda Morse
BeEtta Stoney
Barry Wilkerson

Absent:

Craig Beardsley

Captain Rich Fink

Staff Present:

Director Dennis Butler
Captain Erin Freidline
Captain Josh Kyle

Assistant Director Kurt Moldrup
Captain Tim Hegarty
Captain Derek Woods

Recorder:

Nichole Glessner

- I. **Establish Quorum:** By Chairman Dodson at 12:00 p.m.
- II. **Pledge of Allegiance:** Director Butler led the Riley County Law Enforcement Agency (Law Board) in the Pledge of Allegiance.
- III. **Consent Agenda:**
 - A. Approve July 15, 2019 Law Board Meeting Minutes
 - B. Approve 2019 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. 2nd Quarter Reports: Synopses- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 61.1.1 Traffic Accident & Enforcement Analysis
 - c) 84.1.8 Seizure & Forfeiture Report
 - d) Alcohol Enforcement Semiannual Report
 - G. Monthly Crime Report- (*Review*)

Morse commented on the total number of rapes reported year-to-date. Victims of sexual assault have options for reporting which include an information only report, partial investigation and complete investigation. In her estimation, victims who elect not to report the incident to law enforcement are not captured in the Riley County Police Department (RCPD) crime statistics. She stated that it would be helpful to have a fuller picture of the number of rapes that occur.

Director Butler confirmed that the figure contained in the report is the total number of rapes that were reported to the RCPD. In law enforcement, they know from research at the federal level that this is a crime that is sorely underreported. Through blind victim surveys conducted annually, they are able to

ask participants whether or not he/she has been the victim of a crime that went unreported. The results show that the numbers for rape and other violent crimes are substantially higher.

Morse thought that perhaps the aforementioned percentages could be applied to the numbers provided by the RCPD to get a better idea of the whole picture.

Director Butler said that he would be happy to discuss that with her.

Morse moved to approve the Consent Agenda as presented. Stoney seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Stoney, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

IV. General Agenda:

H. Additions or Deletions: Chairman Dodson noted one correction to Resolution 19-03, GAAP Waiver. The third paragraph of the resolution should read as follows:

Now, therefore be it resolved by the Riley County (Kansas) Law Enforcement Agency in regular meeting duly assembled this 19th day of August, ~~2018~~ 2019 that the Riley county Law Enforcement Agency waives the requirements of K.S.A. 75-1120a(a) as they apply to the Riley County Law Enforcement Agency of Riley County, Kansas for the year ended December 31, 2019

I. Public Comment: None.

J. Fraternal Order of Police Lodge #17 Comments: None.

K. Board Member Comments: Morse stressed the importance of motorists stopping when approaching a stopped school bus displaying its flashing red lights and stop arm. She cited a recent study conducted by the Kansas State Department of Education in which education officials expressed concern that many motorists are disregarding the state law. The survey found that a rather large number of motorists illegally passed school buses in Kansas during the test day. Morse stated that unless the vehicle is traveling on a divided highway, Kansas law requires vehicles coming from both directions to stop when approaching a stopped school bus displaying its flashing lights and stop arm. The law is in place to protect children and pedestrians and it should be taken seriously.

Chairman Dodson stated that the City of Manhattan recently placed “End School Zone” signs below the resume speed signs to serve as a clear indicator of where the school zone ends.

Chairman Dodson added that he appreciated the support provided by the RCPD during the recent Manhattan Running Company Brew 2 Shoe 10K and 5K race, and the City of Manhattan Parks & Recreation Just Tri It Youth and Adult Triathlon. Police officers were situated at the intersections ensuring that the races were done safely and quickly.

L. Promotion Announcement Corporal Samuel Shubert: Director Butler and Assistant Director Moldrup announced the promotion of Samuel Shubert to the position of Corporal. Samuel

Shubert has served the RCPD and the citizens of Manhattan and Riley County since November 7, 2010. Samuel Shubert was accompanied by his wife, Lisa who assisted Director Butler with the pinning.

M. Community Advisory Board Member Recognition Patrice Scott & Gina Scroggs: On behalf of the Law Board, Riley County Police Department and Community Advisory Board, Director Butler and Assistant Director Moldrup recognized Patrice Scott and Gina Scroggs for their dedication and service to the citizens of Riley County, Kansas and the men and women of RCPD. Plaques were made for both individuals in recognition of their service on the Community Advisory Board.

N. 2020 RCPD Budget Calculation Correction: Director Butler informed the Law Board of a budget miscalculation that occurred in the preparation of the 2020 budget that was previously brought to the Law board for approval. He explained that the miscalculation was in the funding needed to fulfill the department's budget request for sworn employee Cost of Living Allowance (COLA). The shortfall for 2020 amounts to \$124,958. This means that the department will have about \$10,000 less per month to fund personnel and overall operations. In addition, it may result in less carryover of unspent funds from 2020 and the baseline budget for the 2021 budget will start out approximately \$125,000 more than anticipated.

Director Butler stated that the spreadsheet used to calculate employee COLA had been prepared for years by previous staff. The miscalculation was the result of current staff being unaware of a second cell within the spreadsheet that had a formula which required input to properly calculate employee COLA. Butler stated that as the Director of the RCPD, he is responsible and accountable for the error.

Director Butler assured the board that several steps have been made to prevent future recurrence. First, the Excel document has been highlighted for future reference as a cue to update the base salary in both sworn and non-sworn tables. Second, when presenting budget numbers, the combined salary tables will be completed and compared to the previous budget year figures as a quality control measure, and third, the Administrative Division Captain will verify the calculations for accuracy.

Ward wished to know if the RCPD and Law Board needed to amend the 2020 budget to reflect this change.

Director Butler responded that he would not request such action from the board. He attended both city and county budget discussions and hearings. He is very cognizant of the decisions the city and county made for their 2020 budgets. Due to his oversight in this matter, he does not believe that he should return to the board and request an amended budget. Further, he is not aware of a process which would allow him to do so.

Chairman Dodson clarified that once approved, the Law Board may reduce the budget, but they cannot increase it.

Morse thanked Director Butler and staff for sharing the information with the board so there aren't any surprises at the end of the year.

O. 2018 RCPD Audit: Russell Shipley, CPA of Sink, Gordon & Associates LLP also known as James Gordon & Associates CPA, P.A., briefed the board on the Independent Audit Report and

Management Letter contained in the Law Board packets. Shipley reported that overall, they did not identify any deficiencies in internal control that they consider to be material weaknesses.

Shipley discussed the auditor's recommended adjustments for future audits. He recommended the department increase the segregation of the accountant's duties and responsibilities to improve internal controls. In addition, during the audit he discovered that transfers were not being recorded properly. He explained that when transferring money from one bank account to another (movement of cash), you do not want to create a receipt or expenditure. In short, you cannot create revenue and expenses when moving money from one bank account to another. This action was being recorded as a transfer on one side and as a receipt on the other side in essence creating revenue that really was not there. The auditor's adjustment was simply a reclassification of activity. The recommendation was discussed with the director and accountant. They have identified a process to remedy the matter moving forward.

Shipley stated that several divisions within the RCPD manage funds and activity (e.g., seizure fund). The divisions manage those funds utilizing different accounting systems; some use the department's accounting software and others use an Excel spreadsheet. The accountant has to accumulate all of that information and provide to the auditors. Shipley stated that it would benefit the auditors and RCPD staff to have one accounting system to be used by all divisions and functions within the police department.

Shipley explained that they encountered no significant difficulties in dealing with management in performing and completing the audit. The financial statement disclosures were neutral, consistent, and clear. 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 the Department, as of December 31, 2018, 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.

P. GAAP Waiver: 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. Rodriguez seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Stoney, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

Q. Approval of Edward Byrne Memorial Justice Assistance Grant: Director Butler explained that the Justice Assistance Grant (JAG) Program, administered by the Bureau of Justice Administration (BJA) and authorized under Public Law 109-162, is the leading source of federal justice funding to the state and local jurisdictions. The Bureau of Justice Statistics (BJS) calculates, for each state and territory, a minimum base allocation which, based on congressionally mandated JAG formula, can be enhanced by the state's share of the national population and the state's share of the country's Part I violent crime statistics. Once the state funding is calculated, 60% of the allocation is awarded to the state and 40% to eligible units of local governments.

Director Butler stated that Edward Byrne Memorial Justice Assistance Grant funds have been awarded to the RCPD for a number of years. The department has applied for the grants each year and received various allocations. The 2019 allocation totals \$19,427.00 and the application deadline is August 23, 2019. There is no matching fund requirement for these grant funds. The department intends to use these funds, should the application be approved, to purchase two XL-200P Multiband Portable Radios, two XG-75M Two-Way Mobile Radios, and eleven spare batteries to be utilized by on-duty uniformed police officers. All of the purchases would comply with the new radio system that is presently under development.

A public hearing for the 2019 Edward Byrne Memorial Justice Assistance Grant was held at the August 19, 2019 Riley County Board of County Commissioners (BOCC) Meeting. Director Butler requested the Law Board authorize the department proceed with the grant application process through the Riley County BOCC, and to accept and utilize the funds should the application be approved and the funds awarded.

Director Butler noted that it is a relatively small grant, but if the department can use it to offset any costs in the radio system upgrade and perhaps acquire more equipment than they otherwise would, it is a good step to take as a taxpayer funded agency.

Ward moved to approve the department's application for the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$19,427.00 to be used accordingly. Rodriguez seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Stoney, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

Morse supported and encouraged the department's efforts to write proposals for future grant funding.

R. RCPD Firearms Range Planning Update: Captain Kyle explained that in 1994 the RCPD was in desperate need of a firearms range. Following a long and arduous process, Harold Seymour approached the county with property for lease just south of Zeandale for the purpose of firearms training. A twenty-five year lease was signed by then-landowner Harold Seymour, the Board of Riley County Commissioners, the director of the RCPD, and the Law Board. The original lease expired June 30, 2019. Present property owner, James Seymour offered the agreeing parties a one-year extension to the lease, which was accepted and is scheduled to expire June 2020.

Captain Kyle said that the County is in the process of purchasing land positioned adjacent (north) of the property currently being leased for the RCPD range. The closing date for the purchase is September 20, 2019. Captain Kyle stated that being the affected tenant, he does not have information regarding costs or conditions associated with the purchase. He noted that the County, RCPD and TRS Range Services are working closely together on the design and development phase of the range.

Chairman Dodson thought it important to keep in mind those items that are fixed assets and those that are operational items. He proposed that when the police department is at that stage, a letter be sent to the Law Board and both funding entities (city and county) so they can sort everything out before going too far downstream.

Captain Kyle stated that preliminary discussions have revealed that the County might be able to complete a lot of the land work themselves. This being a facilities issue, the County appears to be funding the overwhelming majority, if not all of the expenses associated with the range development. He added that when the County researched potential site locations, quite a bit of energy went into how to develop the property. The multiyear, multiphase plan will be utilized when developing the new land in such a way that it can be built upon as training requirements and the needs of the community change in the future.

Morse wished to know if the RCPD will require additional personnel to operate the new range.

Captain Kyle said that in the short-term, the department intends to function as it does presently. There are a number of RCPD employees who, in addition to their fulltime assignment, are trained to operate/manage the range.

S. Country Stampede & Impact on the RCPD: Assistant Director Moldrup recalled that during the July Law Board Meeting, Board Member Linda Morse inquired about the relocation of the Country Stampede and its impact on the RCPD. He stated that with the exception of a small portion of the campground situated in Riley County, the Country Stampede was mainly located in Pottawatomie County. Therefore, the primary responding law enforcement agency was the Pottawatomie County Sheriff's Office.

Assistant Director Moldrup explained that with respect to manpower, the RCPD provided approximately eight officers to assist in patrolling the portion of the campground that was in Riley County. The department also provided a small number of officers to assist with traffic control at the primary entrance to the event. Overtime costs for the officers were reimbursed to the department by the Country Stampede.

Provided to the board was a report of calls for service during the Country Stampede over the last three years. Assistant Director Moldrup said that calls for service during the event over the last three years were very similar to the calls for service in 2019 when the event was moved to Topeka, Kansas. He stated that given the fact that the entire event primarily occurred in Pottawatomie County, and officer overtime was reimbursed to the department, the Country Stampede had little to no impact on the RCPD.

Morse expressed her appreciation to staff for providing the analysis. She explained that her interest is in obtaining a total picture of the impact on the community and law enforcement is one component.

T. Kansas Bureau of Investigation 2018 Crime Index, Riley County, KS: Provided as part of the Law Board packets was a report on the Kansas Bureau of Investigation (KBI) 2018 Crime Index for Riley County, Kansas. Captain Hegarty explained that the report came as a result of questions from The Manhattan Mercury when the KBI released statistics of statewide crime comparisons to Riley County. The report shows that Riley County's crime rate is 21.1% lower than the state of Kansas. The property crime rate for Riley County is 43.4% lower than Kansas, and Kansas' total crime rate is 40.2% higher than Riley County.

Captain Hegarty remarked that to any victim of a crime, Riley County may not seem like a safe place to reside and go to school. However, relatively speaking, crime is low, and it is a relatively safe community. The community will never be crime free, but the statistics bear out that the averages for Riley County are better than the state overall.

Chairman Dodson wished to know at the national level how Riley County is doing compared to similar statistical areas.

Director Butler said that all of the information recapitulated by the KBI is also sent to the Federal Bureau of Investigation (FBI) to use in national crime statistics. If the board were to request that staff return with information on the national crime rate, it would measure the same eight categories, or Part I offenses, (murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, larceny-theft, and arson) that we use. As a result, you would get a picture of how Riley County or the state of Kansas compares to the country.

Morse thanked RCPD staff for providing the data. She stated that the Law Board has a perception of the community. Seeing the statistics helps reinforce that perception and provides information that they can share with the public.

Chairman Dodson reminded the listening public that a Special Law Board Meeting/Retreat facilitated by Mr. John Divine has been scheduled for Wednesday, August 21, 2019 from 12:00-4:00 p.m. at the Kansas State University (KSU) Research Foundation, 2005 Research Park Drive, Manhattan. The meeting will be open to the public. Anyone who would like to attend certainly may. However, the facilitator will be soliciting comments from the board about goals that they have for themselves and the RCPD. The facilitator will not entertain questions or comments from members of the audience.

Chairman Dodson cautioned that parking at the KSU Research Foundation is limited. Those who plan to attend will need to take advantage of the four free parking spaces made available to the public, purchase a visitor parking permit for the day, or park at the neighboring Kansas Department of Agriculture Building.

U. Executive Session: At 1:20 p.m. Wilkerson moved to recess into Executive Session until 1:35 p.m. for the purpose of discussing non-elected personnel matters. Morse seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Stoney, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

At 1:35 p.m. the open meeting reconvened.

V. Affirmation or Revocation of Discipline: Wilkerson moved to affirm the director's disciplinary actions. Rodriguez seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Stoney, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

W. Adjournment: The August 19, 2019 Law Board Meeting adjourned at 1:35 p.m.