

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
Leonardville Community Center
118 N. Erpelding Road
Leonardville, KS
October 21, 2019 12:00 p.m.
Minutes**

Members Present: Craig Beardsley Mike Dodson
Linda Morse Marvin Rodriguez
BeEtta Stoney Robert Ward
Barry Wilkerson (Left at 2:25 p.m.)

Absent:

Staff Present: Director Dennis Butler Assistant Director Kurt Moldrup
Captain Rich Fink Captain Erin Freidline
Captain Tim Hegarty Captain Josh Kyle
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. Approval of Minutes
 - a) August 21, 2019 Special Law Board Meeting Minutes
 - b) September 16, 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. Monthly Crime Report- (*Review*)

Wilkerson 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, Beardsley, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 7-0.

IV. General Agenda:

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

H. Public Comment: None.

I. Fraternal Order of Police Lodge #17 Comments: Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, informed the board that the FOP will once again sponsor the “Hair for the Holidays” event. With approval from Director Butler, sworn and non-sworn personnel will be allowed to forgo shaving for the month of November in exchange for a \$100.00 donation to the Cops N’ Kids program which supports lower income families in Manhattan and Riley County. Each December, employees of the police department take underprivileged children, who would not otherwise be able to afford holiday presents, shopping. Traditionally, the FOP has raised roughly \$7,000 through the program, benefitting approximately seventy children in the community. The FOP is grateful that Director Butler has permitted employees to participate in the program for another year and they are happy to provide the service to the community.

Johnson commented on General Agenda item S. Approval of Special Order 2019-025 Conducting Sexual Assault Investigations. He stated that the FOP is in support of the proposed policy which addresses protocols for conducting sexual assault investigations. The new policy is a victim-centered approach that will enable officers and detectives of the police department to take better care of the sexual assault victims in the community.

J. Board Member Comments: Morse informed the public that on October 15, 2019, Michael Dodson, Mayor of the City of Manhattan, signed a proclamation recognizing October as Domestic Violence Awareness Month, addressing the widespread and preventable problem of domestic violence, and acknowledging the hard work, dedication, and kindness of the individuals that provide assistance and services to victims of domestic violence.

Morse stated that in 2017, Kansas law enforcement agencies reported 22,708 domestic violence incidents and 11,356 domestic violence arrests, according to the Kansas Coalition Against Domestic Violence. She simply wanted the public to be aware of the problem.

Morse cited an article from the Topeka Capital-Journal, “Kansas officials vow to avoid another backlog of untested sexual assault kits.” She explained that there was an eight to ten year period in which Kansas government failed to follow through and analyze sexual assault kits in Topeka. There was a backlog of approximately 2,600 sexual assault kits that were not processed. Several years ago, the U.S. Department of Justice offered grant assistance with processing 2,000 kits and are expected to finish by November. Morse said that it is her hope that Kansas never experience a time when sexual assault kits aren’t being analyzed.

Morse said that in August, the RCPD pledged to join the “One Mind” campaign in an effort to continue improving police response to people affected by mental illness. She requested a report from RCPD staff on the various department programs, services, and training (e.g., Mental Health Co-Responder Program) that are in place to serve the community who struggle with mental health issues.

Director Butler elaborated on the comments made by Morse with respect to the backlog of sexual assault kits. Butler stated that while under previous employment, he was asked to serve on a working group to represent the Kansas Association of Chiefs of Police (KACP). Riley County Attorney Barry Wilkerson also served as a member of the working group representing the district attorneys. The group

was tasked with developing best practices and protocols for the collection and processing of DNA evidence in sexual assault cases. The group found no malicious neglect on anyone's part with respect to why the sexual assault kits were not submitted for testing. Issues identified pertained chiefly to lack of training and knowledge by the investigative agencies, and lack of testing capacity at the state labs which has been addressed. Policy has changed and all sexual assault kits are now sent to the lab within fourteen days.

Director Butler remarked that Kansas was the first to have 100% participation in the survey to determine the location of all untested sexual assault kits. Kansas has been recognized as a model for work on dealing with the sexual assault kit backlog.

Director Butler stated that model policies were developed and shared in electronic form with all Kansas law enforcement agencies. Approximately 1,300 professionals around the state were provided multidisciplinary training on best practices for sexual assault kits. In his estimation, much has been put into place to prevent another backlog from occurring.

Director Butler informed the board that the RCPD has pledged support of the "Yes This Room" campaign to raise awareness of sexual assault. The public awareness campaign was launched by the Kansas Bureau of Investigation after the Kansas Sexual Assault Kit Initiative concluded that lack of societal awareness was a factor that contributed to the accumulation of sexual assault kits that were not submitted across the state. He noted that the RCPD received grant funding to develop a social media campaign to help raise awareness. The department's public information officer will commence work on the campaign shortly which will include conversation guides to be released to the public.

Chairman Dodson announced that the Pawnee Mental Health Services Crisis Stabilization Center held a ribbon cutting ceremony Friday, October 18, 2019. The staff will spend two weeks training and preparing to open the facility on Monday, November 4, 2019.

K. Flint Hills Job Corps Recognition- Officer Joshua Berard Presented by Brenden Vens: Johnny Taylor, Center Director, Flint Hills Job Corps, publically recognized RCPD Officer Joshua Berard for his kind actions when responding to a shoplifting incident involving one of their students. The student, Brenden Vens, wanted pants for a job interview and did not have the financial means to make the purchase. Taylor said that Vens was not aware of the resources available to him and tried to take the pair of work pants from Walmart. Officer Berard responded to the incident and took it upon himself to personally purchase the pants for the young man. Vens thanked Officer Berard for his actions that day and presented him with a plaque on behalf of the Flint Hills Job Corps family.

Director Butler said there are many officers like Officer Berard who encounter situations like this every day and do not seek attention. Officer Berard was inspired to help the young man and didn't give his actions a second thought.

Officer Berard said that in the public eye, officers who do things like this are considered the "good officers." He wished to point out that there are a lot of officers who do exactly what they are supposed to every day, and that is what makes a good officer. There are officers who cannot always afford to buy a pair of pants for somebody at that exact moment, and they are still a good officer.

Officer Berard said that the most impactful part of the experience was being able to speak with Vens and explain that by being patient and using the resources available, one never knows what they may get by doing the right thing.

L. Extension of Current Local Disaster Declaration: Chairman Dodson informed the public that the Riley County Commission extended the declaration of local disaster emergency for Riley County, Kansas until November 22, 2019.

M. RCPD Operations in Pottawatomie County: Members of the Law Board and RCPD Command Staff discussed mutual law enforcement assistance between the RCPD and Pottawatomie County Sheriff's Office (PTSO). Since their respective jurisdictions border each other, and part of the City of Manhattan lies within the boundaries of Pottawatomie County, Kansas, where PTSO has law enforcement jurisdiction to enforce misdemeanor violations of Manhattan city ordinances, they regularly assist each other in various law enforcement functions including, but not limited to, enforcement activity, and joint investigations.

Rodriguez submitted that since the City of Manhattan and Riley County fund the RCPD budget (80/20 split respectively) county funds should not be expended for services in another county (i.e., Pottawatomie County).

Chairman Dodson commented that the issue is complicated by the fact that there are certain areas of Manhattan where law enforcement jurisdictional boundaries overlap with Pottawatomie County, such as the McCall Road corridor. This is not unusual in many large cities.

Chairman Dodson said that in previous conversations with Director Butler, it was explained that citizens would likely be displeased if they needed a police response and the RCPD had to wait for officers from PTSO to arrive because they could not respond as quickly. An informal arrangement was reached between the two agencies and it was determined that the RCPD would typically handle misdemeanor crimes, and if something more serious developed from the initial incident, or if it turned out to be a felony after the response, the case would be turned over to the PTSO.

Director Butler added that misdemeanor arrests or traffic infractions would be prosecuted in the municipal court or the district court depending on the issue. Felony arrests handled by the PTSO would be prosecuted in the Pottawatomie County Courts in Westmoreland.

Director Butler explained that there was an effort in 2012 to update the Memorandum of Understanding (MOU) concerning mutual law enforcement assistance with Pottawatomie County to address some of these concerns; however, it was never finalized by both parties. There will be an opportunity in the next year to discuss the MOU with Pottawatomie County again to see if it can be updated.

Director Butler said that the topic of reimbursement is really a political matter between the counties and City of Manhattan. Obviously, the RCPD will participate in any way that is deemed necessary in terms of providing data, or other figures that might help in those discussions. He referred back to the comments made by Chairman Dodson regarding citizen expectations. He stated that if a citizen is in distress, a lot of damage could be done to the reputation of law enforcement in general, not just the

RCPD, if the officer were to show up and take no action until Pottawatomie County could arrive. In some cases, the PTSO does not have officers available to respond. It is better for the RCPD to handle the call to the best of their ability instead of doing half of the investigation and turning it over, or doing nothing and walking away. In his opinion, that is unacceptable.

Chairman Dodson requested information on the number of people arrested by the RCPD in Pottawatomie County who were housed at the RCPD jail. The topic will be discussed at a future Joint City/County/County Meeting.

N. Amendment Adding Kansas State University as Party to Radio Communication System User Agreement: The Law Board discussed the memorandum authored by Clancy Holeman, Riley County Counselor, seeking approval to add Kansas State University as an additional party to the existing Radio Communication Systems User Agreement that was signed in January, 2018.

The project is Riley County's county-wide upgrade of the emergency radio communication system that will serve all emergency responders throughout Riley County and its Cities. Law Board approval (and subsequent signature by the City of Manhattan), will make Kansas State University subject to the same contractual promises already made in the Radio Communication System User Agreement by Riley County, Riley County Fire District #1, the City of Manhattan and the Law Board. Adding Kansas State University does not increase the contractual liabilities of the Law Board or of any other entity which has already signed.

Holeman stated that Kansas State University has agreed to provide a site on its property for a critical portion of the radio system's infrastructure. In return, the agreement extends Kansas State's deadline to purchase radios from one to three years after project completion. Additionally, Kansas State will be allowed to purchase its system radios from a vendor (or vendors) other than the vendor all current parties are using as long as they will operate appropriately on the completed system.

Wilkerson moved to authorize Chairman Dodson to sign the First Amendment Adding Kansas State University as a Party to the Radio Communication Systems User Agreement. Beardsley seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Stoney, Beardsley, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 7-0.

O. RCPD Firearms Range Planning Update: Captain Kyle briefed the board on progress made toward the development of the new shooting range. The Board of County Commissioners, County Staff and the RCPD met at the proposed site for the future firearms range and toured the location. They discussed in general terms the needs of the RCPD and what they hope to accomplish.

Captain Kyle explained that there will be a multiphase plan for the property. They intend to build the absolute minimum necessary to get an operational range moving forward by June 2020. Initial plans involve the installation of a 25-yard and 50-yard shooting range for officers, and a support building with classrooms. Captain Kyle stated that the department fully recognizes the financial pressure that a large scale project like this can represent to the county and taxpayers. In an attempt to offset the burden, they intend to build the range in phases. The department continues to work with TRS on the site design and development.

Beardsley sought information regarding anticipated operational costs for the new range compared to what has been historically expended at the existing range.

Director Butler stated that at this juncture, he does not anticipate a large increase in operational costs. Cost associated with the building and some site improvements are being borne by the county. There could be an increased cost related to utilities, but at this point he does not foresee a big change. He does not plan to add personnel to operate the range.

Morse said she would be interested in receiving general information on the various phases as it becomes available.

P. Special Traffic Enforcement Program Grant: Included in the Law Board packet for informational purposes was a letter of approval of the Riley County Police Department's application for the Special Traffic Enforcement Program (STEP) Grant from the Bureau of Transportation Safety and Technology, Kansas Department of Transportation. Director Butler informed the board that the grant will finance officer overtime to participate in statewide traffic enforcement programs such as the Click It or Ticket campaign. By accepting the funds, the department is committed to participating in the three enforcement campaigns throughout the contract year October 1, 2019 through September 30, 2020. The total amount awarded is \$23,000.

Q. Bureau of Justice Assistance 2019 Bulletproof Vest Partnership Grant: Captain Kyle informed the board that the U.S. Department of Justice, Office of Justice Programs offers a grant which pays for 50% of the cost to purchase bullet-resistant vests (body armor) for law enforcement agencies. The Riley County Police Department has applied for and received this grant for a number of years. For 2019 the department was awarded \$4,131.61.

Captain Kyle explained that in order to receive the funds, agencies must have a mandatory wear policy. Current RCPD policy requires sworn officers and sergeants who are assigned to a uniformed function and sworn lieutenants serving as first line supervisors to wear their protective vest while engaged in field activities. He noted that there are a few exceptions made for employees. For example, employees who have a medical condition that would preclude wearing of a protective vest would be granted an exception.

Morse was in support of the department's application for the grant. She encouraged the department to continue to seek future grant funding for things of this nature.

R. End-of-Year Expenditures: Riley County Police Department Command Staff provided a presentation on the 2019 end-of-year funding proposals detailing large mandatory and discretionary expenditures that would only be possible with the use of unused personnel year-end funds. A consensus was sought from among Law Board to move forward and eventually expend the funds on projects that otherwise would potentially impact future budgets.

Director Butler explained that the department is currently on pace for a positive budget balance of \$924,185, due to unused personnel funds. Command Staff met and identified seven items for consideration. Those items considered critical/mandatory were distinguished from those that are

discretionary. He commented that the proposal only addresses large expenditures which will impact the 2021 carry over. The information in the presentation will be updated and provided to the board at the regularly scheduled November and December Law Board Meetings.

Riley County Police Department Command Staff briefed the board on the following proposed end-of-year mandatory and discretionary expenditures.

Critical/Mandatory Projects

Priority 1: Radio Project (Captain Freidline): The department recommends a deposit of \$200,000 (minimum) or \$400,000 (maximum) into the account in order to meet RCPD's obligation to purchase radios as part of the P25 Radio Project. The goal is to purchase the radios in February 2020 in order for them to be programmed and ready for testing when the towers are built and operational.

Priority 2: IT Reserve Fund (Captain Freidline): Funds are needed each year to build the IT Reserve Fund to adequately address anticipated spike years in 2022 and 2023. Therefore, the department recommends transferring \$185,000 to the IT Reserve Fund with 2019 unused personnel funds.

Priority 3: Tactical Team: Body Armor & Communications Equipment (Lieutenant Jager): The department recommends utilizing approximately \$70,000 year-end funds to replace ballistic vests purchased in 2012 that are no longer under manufacturer five-year warranty to guarantee they meet the National Institute of Justice's standards for ballistic protection, and replace failing communications equipment purchased in 2012 that are no longer manufactured by the company and cannot be repaired.

Priority 4: Digital Forensics Detective Training/Software (Captain Hegarty): The department recommends utilizing \$20,000 of year-end funds to purchase hardware and software to support the Digital Forensic Analysis Detective position that was authorized as part of the 2020 RCPD budget. Funds would also be used to train and certify the detective to allow for expert testimony in court.

Discretionary Projects

Priority 1: Accounts Payable (AP) & Contracts Project (Captain Kyle): The department recommends utilizing approximately \$75,000 of year-end funds to purchase AP software which will allow staff to more closely monitor invoices from vendors, cost code for all divisions, and track department contracts. The acquisition of the software will support the department's goal to monitor and minimize the financial costs of policing.

Priority 2: Recruitment & Community Participation thru Delicious BBQ (Captain Kyle): The department recommends expending \$30,000 of year-end funds to purchase a mobile grill and BBQ smoker to be used at recruitment and community events. Safely serving food at certain events places the RCPD in the position to communicate and actively participate with community members rather than passively staffing a tent or booth. Some area organizations depend on RCPD participating to run a successful event. Presently, equipment used at these events is borrowed from RCPD employees. Multiple possible funding sources have been identified to assist with the purchase which include fundraising through the Greater Manhattan Community Foundation, department seized assets, and RCPD operating budget.

Priority 3: Vehicle Replacement (Captain Kyle): The department recommends the replacement of two vehicles utilizing year-end funds which would reduce the budget strain in 2020 when they are regularly scheduled to be replaced. Per policy, vehicles assigned to the investigations division can be involved in pursuits. Director Butler has emphasized that for safety reasons those vehicles need to be pursuit-rated police vehicles. Therefore, the department would like to replace the 2010 Toyota Corolla assigned to the Investigations Division with a pursuit-rated vehicle, and replace the 2003 Ford Excursion which presently serves as a multipurpose vehicle. Multiple options and prices to replace the vehicles (used and new) were provided to the board. The estimated cost to replace both vehicles is \$65,000.

Following a detailed discussion, a consensus was reached among the board to authorize the department to move forward with the projects as presented utilizing year-end funds.

Morse voiced her support of the projects. However, in her opinion, the replacement of the 2003 Ford Excursion is not urgent. It was her preference that the 2003 Ford Excursion be included in the annual vehicle purchase recommendation and considered during 2021 budget discussions.

S. Approval of Special Order 2019-025 Conducting Sexual Assault Investigations:

Captain Hegarty explained that the new policy addresses conducting preliminary and follow-up investigations of sexual assaults involving victims eighteen years-of-age or older. The purpose of the policy is to provide victims of sexual assault with as much control over their report and subsequent criminal investigation as the law allows. The policy is designed to achieve three primary objectives which are as follows:

- Breakdown the barriers to reporting rapes
- Identify serial perpetrators
- Prosecute and incarcerate serial perpetrators thus reducing the overall number of rapes that occur

The goal is to increase reports of sexual assault by eliminating as many barriers to reporting as possible. Victims of sexual assault will be offered three options for reporting: complete investigation, partial investigation, and information only report.

The department is presently in the process of developing two public awareness campaigns to get information out to the public regarding the various reporting options. One campaign will be designed and directed at students attending Kansas State University (KSU), and the other campaign will be directed at the general public. The department's Public Information Officer Hali Rowland and Victim Advocate Coordinator Melissa Mosher have been working with the KSU Care Office on the campaign.

Morse wanted to know what would happen to the DNA that is collected should the victim decide to disengage from the reporting process.

Hegarty responded that all sexual assault kits will be sent to the Kansas Bureau of Investigation for testing within fourteen days. Nothing regarding DNA collection and testing would change.

Wilkerson moved to approve the Special Order 2019-025 Conducting Sexual Assault Investigations as presented. Rodriguez seconded the motion. Chairman Dodson polled the board and the motion passed

with Wilkerson, Rodriguez, Stoney, Beardsley, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 7-0.

T. Establish RCPD Goals and Objectives 2019 &2020: Director Butler explained that annually the department presents its goals and objectives to the Law Board for review and approval. The previous director did not want to establish department goals and objectives for which his successor would be held accountable. Therefore, the process in establishing the goals and presenting them to the board was delayed.

A report detailing the proposed 2020 RCPD goals, along with a vision statement to accompany the department's mission statement to reduce crime and improve the quality of life for the citizens we serve, was provided to the Law Board for consideration. Also provided was the department's strategic plan.

Beardsley moved to approve the goals of the strategic plan as presented. Rodriguez seconded the motion. Chairman Dodson polled the board and the motion passed with Rodriguez, Stoney, Beardsley, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

U. Executive Session: At 2:30 p.m. Rodriguez moved to recess into Executive Session until 2:50 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 Rodriguez, Stoney, Beardsley, Morse, Ward, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

At 2:54 p.m. the open meeting reconvened.

V. Affirmation or Revocation of Discipline: None.

W. Adjournment: The October 21, 2019 Law Board Meeting adjourned at 2:55 p.m.