

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
November 18, 2019 12:00 p.m.
Minutes**

Members Present:

Craig Beardsley	Mike Dodson
Linda Morse	Marvin Rodriguez
BeEtta Stoney	Robert Ward
Barry Wilkerson	

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 12:01 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 October 21, 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. 3rd Quarter Reports: Synopsis- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 61.1.1 Traffic Accident & Enforcement Analysis
 - c) 84.1.8 Seizure & Forfeiture Report
 - G. Monthly Crime Report- (*Review*)

Morse moved to approve the Consent Agenda as presented. 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.

IV. General Agenda:

H. Additions or Deletions: Director Butler announced that the Riley County Police Department (RCPD) recently released the link to a community survey administered by the National Police Foundation to gauge community attitudes and perceptions of the police department's performance. The National Police Foundation, an independent third party organization, will analyze the raw data and provide the results to RCPD administration. The survey is anonymous. The respondents' identities will not be provided to the Department. He urged the public to participate in the survey. The link to the survey (tinyurl.com/RileyCountyCommunitySurvey) has been posted on the various RCPD social media platforms. The survey will remain open until December 15, 2019.

At the October 21, 2019 Law Board Meeting, the Board requested information on the number of people arrested by the RCPD in Pottawatomie County who were housed in the RCPD Jail. Provided to the Board and members of the media was a document detailing the total number of probable cause arrests and notices to appear that the RCPD made for Pottawatomie County incidents in 2019 through November 12, 2019. Also included were the number of speeding citations that the RCPD made in Pottawatomie County, and a breakdown of Kansas State University (KSU) bookings in the Riley County Jail. Director Butler stated that the information will be shared at the next joint meeting with the City and County.

For the purpose of this report, Morse wished to know the difference between the terms arrest and booking.

Director Butler responded that an officer can arrest an individual and release him/her on the scene. A booking entails the individual being physically brought to the jail and processed. Subsequently, a bond is typically set, or the individual is released on their own recognizance.

I. Public Comment: None.

J. Fraternal Order of Police Lodge #17 Comments: Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, informed the Board that to date, with the help of donations from the public and RCPD employees, the FOP has raised funds to support roughly sixty-five children in the community. Beards worn by sworn and non-sworn employees serve as a visual representation of the commitment of those participating in "Hair for the Holidays" benefiting the Cops N' Kids program. He commented that anyone can donate to the worthy cause and donations are tax deductible. The FOP established a foundation which is a 501(c)(3) charitable organization that supports multiple efforts in the community.

K. Board Member Comments: Beardsley stated that Board had a great discussion with RCPD Command Staff at the November 14, 2019 Special Law Board Meeting. He addressed the current position vacancies in the Department. He encouraged those listening who are interested in a career in law enforcement as a police officer, corrections officer, dispatcher, or other position, to apply. The Department is always accepting applications.

Morse briefly discussed the two Special Law Board Meetings/Retreats facilitated by Mr. John Divine, Owner and Consultant of The Leadership Firm out of Salina, Kansas. She stated that the meetings were designed for members of the Law Board to get to know one another better and become better acquainted with RCPD Command Staff. She felt that it was a very good exercise.

Chairman Dodson echoed the comments made by Morse. He stated that the establishment of a mission, goals and objectives is always important in any organization. It is important for the Board to be given the opportunity to get to know not only members of Command Staff, but also the men and women working at the Department. The Board has some ideas on how to accomplish that in the future, and how to get the Department out in the community more so that the community can get to know the employees on a personal level.

Chairman Dodson expressed his appreciation to the employees of the Department for their response to the recent high profile events that occurred over the past couple of weeks. He also thanked the officers who worked the Veterans Day Parade and endured very cold weather.

L. RCPD Firearms Range Planning & Operational Costs Update: At the October 21, 2019 Law Board Meeting, Beardsley voiced interest in receiving information on the anticipated operational costs for the new range compared to what has been historically expended at the existing range.

Captain Kyle explained that it is difficult to make such a comparison because the Department does not presently track those expenses - or rather, code them according to range expenses. In an effort to provide the requested information, he and the Department's accountant reviewed past expenditures they believed were tied to the range. In addition, they compiled a list of estimated expenses for the new range. It was noted that utilities for the new range will increase substantially as it will have water, electricity, and may have gas/propane services. Captain Kyle does not foresee an increase costs related to personnel, ammunition and targets.

Beardsley asked when the Department anticipates scheduling the first qualification at the new range.

Captain Kyle responded that the lease for the current range will expire June 2020. By that time, the goal is to have the berms in place along with the backdrop that allows employees to shoot. However, there are some contingencies in place in the event that does not happen. Those contingencies are unpleasant, but survivable. In his opinion, the RCPD would be in a very bad position if they did not have the new range at the start of 2021. The Department is aiming for June with the understanding that onsite construction may be ongoing throughout 2020. The goal is to be completely finished by the end of 2021.

A Memorandum of Understanding (MOU) between the RCPD, the County and TRS Range Services has been drafted which outlines the roles and responsibilities of each party. It is presently with legal counsel for review.

Beardsley asked if the RCPD will be the only agency to use the new range.

Captain Kyle said that the topic has not been discussed at great length. He presumes there will be other agencies involved, but he is not sure to what extent. It will likely be in the form of joint training at the range.

M. 2019 CALEA On-Site December 9-12, 2019: Director Butler explained that during December 9-12, 2019, the RCPD will participate in the Commission on Accreditation for Law Enforcement Agencies (CALEA) assessment for re-accreditation conducted by active law enforcement professionals (“assessors”) from other non-Kansas law enforcement agencies. During this time, the assessors will examine all aspects of the Department’s policies, procedures, management, operations and support services.

Director Butler explained that the RCPD has been accredited since 1991. Accreditation is a voluntary process that is highly valued by Law Enforcement professionals and recognized as an achievement of professional excellence. The RCPD is submitting itself voluntarily to adopt and practice what are considered to be the best practices in law enforcement. It is very important for the RCPD and the community to participate in the process.

An integral part of the re-accreditation process is public input. A public hearing will be held where the assessors will take comments from the community and RCPD employees. Director Butler said that the schedule has been established, but has yet to be finalized. Once the schedule has been finalized by the assessment team, information will be released regarding the date, time and location of the public hearing. The public will also be provided the opportunity to submit letters and emails or call the assessors. The purpose of the public hearing is to allow members of the community, without having to make an appointment, the opportunity to talk with the assessors about their experiences with the RCPD, even to the extent of whether or not they believe the RCPD should be awarded accreditation for the ninth time.

Director Butler added that if the recommendations offered by the assessors are followed, representatives of the RCPD will attend the CALEA Conference in March to officially receive the award for re-accreditation that will be good for four years.

N. Kansas State University Police Department Concurrent Jurisdiction Memorandum of Agreement: Due to the overlapping and concurrent territorial jurisdictions of the RCPD and Kansas State University Police Department (KSUPD), the respective Departments desire to enter into an agreement concerning where their officers may exercise their police powers and otherwise share information.

Captain Fink explained that a number of years ago, the RCPD and KSUPD entered into a Memorandum of Agreement (MOA) outlining jurisdictional authority. Since that time, the KSUPD has had the authority and responsibility to enforce applicable state and local laws and provide police protection on University property only. The new agreement would give KSUPD the ability to do enforcement they’re allowed to do by state law. It would expand that authority to include property owned, occupied, or operated by fraternity, sorority or other student groups associated with the University, and allow KSUPD officers to exercise their police powers on streets, property and highways immediately adjacent to and coterminous with University property and student group property, and 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 powers.

Ward asked if the Department’s attorney has reviewed the MOA.

Director Butler said he believed the attorney had reviewed the Agreement.

Ward did not feel that it was appropriate to have the Contractual Provisions Attachment (“addendum”) as part of the MOA. First, he did not feel that it was a contract. Second, there were portions of the addendum that concerned him, specifically with regard to the disclaimer of liability, privacy of student records, and anti-discrimination clause. He was not certain if it was necessary for the language to be included in the Agreement.

Dodson found the language contained on page 64 of the packet, section F. of the MOA to be confusing. He stated that it is the only section of the Agreement that uses future language which seems strange.

Director Butler suggested postponing action until legal counsel for both the Department and Law Board have had the opportunity to thoroughly review the MOA and address the Board’s concerns.

Ward moved to postpone the item until legal counsel has had the opportunity to review the Agreement and the Board’s questions have been answered. 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.

Board members were asked to submit their questions concerning the MOA to Director Butler and Law Board Attorney Michael Gillespie.

O. Approval of Special Order 2019-021 Peer Support Program: Captain Fink explained that the RCPD Peer Support Program is designed to provide confidential emotional support during and after times of personal or professional crisis to employees and their family members who express a need for assistance. Presently, the Peer Support Team is comprised of fifteen employees with representatives from each division who have attended specific training to Peer Support Groups/Programs.

Chairman Dodson voiced his support of the program. He wished to know if the Department plans to send one of the team members to a “train the trainer” program so that he/she can then provide instruction to other members.

Captain Fink said that to run the program successfully, a percentage of employees need to receive training. Currently, that percentage has been met. At some point in the future, the team may have members advanced enough to provide the training. However, he does not foresee there being much turnover in membership on the team.

Wilkerson was also in support of the program. He stated that there are a number of other departments that have the program. It seems like it would be very beneficial to the employees of the RCPD.

Wilkerson moved to approve Special Order 2019-021 Peer Support Program as presented. 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.

P. International Association of Chiefs of Police One Mind Campaign: Director Butler and Captain Fink briefed the Board on the Departments recent pledge to join the International Association of Chiefs of Police One Mind Campaign in an effort to continue improving police response to people affected by mental illness. Upon taking the pledge, the RCPD must meet certain goals, which the Department has met. Director Butler stated that it is a nonbinding pledge, but it is one that the Department takes seriously. The Department will continue to work and develop the program to ensure that the residents of Riley County are getting what they need from the Department in terms of mental health response.

Q. End of Year Expenditures: Captain Kyle provided members of the Law Board with an update on the 2019 end-of-year funding proposals that would only be possible with the use of unused personnel year-end funds. During the last update provided to the Board, Director Butler explained that the Department was on pace for a positive budget balance \$924,185 due to unused personnel funds. Captain Kyle explained that another month has passed with vacant positions. As a result, that number has increased to \$1,078,625. Captain Kyle reported that the non-personnel funds are on pace to be completely consumed around the end of December 2019. Following the purchase of the seven proposals, four of which were identified as critical and three as discretionary, the Department anticipates approximately \$176,625 to go towards carryover as they begin 2021 budget discussions.

Captain Kyle explained that the Department recommends the replacement of two vehicles, one to be assigned to the Investigations Division, 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. Captain Kyle provided the Board with a cost benefit analysis of purchasing a new Dodge Charger for the Investigations Division under state contract (\$20,000) versus purchasing a used vehicle through the Kansas Highway Patrol (\$25,000).

Director Butler explained that the Department's pursuit policy does not restrict detectives from being involved in pursuits. He said that on those rare occasions that detectives might respond to an emergency or are involved in a pursuit, they would have a pursuit-rated vehicle with additional safety features that can withstand higher speeds over rough terrain.

Following a detailed discussion, a consensus was reached among the Board to authorize the Department to move forward with the purchase of a new Dodge Charger under the state contract.

Captain Kyle noted that he plans to update the Law Board at the next regularly scheduled meeting. The vehicle purchase will not be made until after the December meeting.

Director Butler addressed the Department's proposal to utilize year-end funds to purchase a mobile grill and BBQ smoker to be used at recruitment and community events. He approached the Greater Manhattan Community Foundation to support a fundraising effort to generate public support for the purchase so that not all of the funds would come out of the operating budget. He was notified Thursday that the Howe Family Foundation recently donated \$10,000 toward the project. Butler said that goes

toward at least a third to maybe a half of the expense, which he is excited about because he believes it gives the agency more legitimacy in the eyes of the public if it is more of a community project, not just a police project using taxpayer dollars. He noted that the fund is still open for donations and they are tax deductible.

Captain Kyle said that the Department is speaking with vendors to build the trailer.

R. Executive Session: At 12:57 p.m. Wilkerson moved to recess into Executive Session until 1:15 p.m. for the purpose of discussing non-elected personnel matters. 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.

At 1:15 p.m. the open meeting reconvened.

At 1:15 p.m. Wilkerson moved to return to Executive Session until 1:20 p.m. for the purpose of discussing attorney client privilege. 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.

At 1:23 p.m. the open meeting reconvened.

S. Adjournment: The November 18, 2019 Law Board Meeting adjourned at 1:23 p.m. Wilkerson moved to adjourn the meeting. 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.