

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
Virtual Meeting
April 20, 2020 12:00 p.m.
Minutes**

Members Present: Craig Beardsley Wynn Butler
Linda Morse Marvin Rodriguez
BeEtta Stoney Robert Ward
Barry Wilkerson (left at 1:00 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

Due to precautions associated with the COVID-19 pandemic, City Hall has been temporarily closed to the public. The April 20, 2020 Law Board Meeting was held via video conference with Law Board Members and Riley County Police Department (RCPD) staff participating remotely. Due to the public safety mandates surrounding the pandemic, there was no in-person public comment.

- I. **Establish Quorum:** By Chairman Rodriguez 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 March 16, 2020 Law Board Meeting Minutes
 - B. Approve 2020 Expenditures/Credits
 - C. Seizure Expenditures- (*Review*)
 - D. Juvenile Transport Reimbursement
 - E. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)
 - F. Riley County Jail Average Daily Inmate Population- (*Review*)
 - G. Monthly Crime Report- (*Review*)

Ward moved to approve the Consent Agenda with items C (Seizure Expenditures) and G (Monthly Crime Report) to be moved to the General Agenda for discussion. Beardsley seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Stoney, Rodriguez, Ward, and Wilkerson voting in favor, and no one voting against. The motion passed 7-0.

IV. **General Agenda:**

H. Additions or Deletions: None.

I. Public Comment: Due to no in-person public comments, the public was allowed to submit comments by emailing RCPD Executive Assistant Nichole Glessner directly prior to 8:00 a.m. Monday, April 20, 2020. No comments were received.

J. Fraternal Order of Police Lodge #17 Comments: Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, expressed his gratitude to the Board for their continued leadership in conducting the Law Board Meeting in keeping with the various public health advisories related to the COVID-19 pandemic. He thanked Director Dennis Butler and staff for keeping police department operations steady and remaining accountable to the public by continuing to provide uninterrupted services. He also took a moment to appreciate the employees of the Riley County Police Department for remaining committed to serving the community, especially in a time when so many services are interrupted, despite disruptions in their personal lives.

Johnson said that he and Director Butler met several times to attempt to identify ways that the RCPD could continue to support the community and ease the financial burden to the City and County given what is expected to be revenue losses as everyone moves through the pandemic. He added that the Department would not be able to function as it has without the support of current and past members of the Law Board who have authorized Cost of Living Allowances (COLA) and merit increases for employees which allowed the RCPD to remain competitive with other agencies. Due to that, the Department has been able to retrain and attract high quality officers and employees who are dedicated to provide the type of seamless service that is apparent today.

K. Board Member Comments: None.

L. National Correctional Officers' Week Proclamation: Chairman Rodriguez read the National Correctional Officers Week Proclamation declaring that all citizens of Manhattan and Riley County observe the week of May 3rd through May 9th, 2020 as National Correctional Officers Week, in honor of the men and women whose diligence in supervising incarcerated individuals and effectively providing custody and care ensure our public safety.

M. National Police Week Proclamation: Chairman Rodriguez read the National Police Week Proclamation declaring that all citizens of Manhattan and Riley County observe the week of May 10th through May 16th, 2020, as National Police Week to commemorate those police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

He further called upon all citizens of Manhattan and Riley County to observe Friday, May 15th, 2020, as Peace Officers Memorial Day in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

N. CALEA Re-Accreditation: Director Butler read a letter he received from W. Craig Hartley, Jr., Executive Director, Commission on Accreditation for Law Enforcement Agencies

(CALEA), verifying the Riley County Police Department's reaccreditation under their program. The correspondence serves to recognize that RCPD has been awarded Law Enforcement Accreditation effective March 21, 2020 for the ninth time. The award remains in effect for four years and the agency retains all privileges associated with this status during that period.

The letter states that CALEA Accreditation is a continuous process and serves as the foundation for a successful, well managed, transparent, community-focused public safety agency. To this end, an agency must maintain its accredited status by remaining in compliance with CALEA standards at all times. CALEA congratulates the Riley County Police Department for demonstrating a commitment to professional excellence through accreditation. The CALEA Accreditation indices are the *Marks of Professional Excellence* and should be displayed proudly by those that have earned them.

Director Butler said that the RCPD was first accredited in 1991. It was the first police department in Kansas to be awarded accreditation and it has remained continuously accredited since. It is the longest accredited department in the state. He noted that approximately 5% of all law enforcement agencies in the country are accredited. There are only ten in Kansas with nearly four hundred law enforcement agencies.

Director Butler added that once public gatherings are permissible, he plans to ask the Manhattan Area Chamber of Commerce to host a Chamber Coffee event at the Riley County Police Department. He would like to invite Timothy Baysinger, Regional Program Manager, CALEA, to present the award to the Department publically. Members of the community and Law Board will be invited to attend.

O. RCPD Firearms Range Planning Update: Captain Kyle briefed the Law Board on progress made toward the development of the new RCPD shooting range. He stated that a Request for Proposal (RFP) was sent out in reference to the targets and equipment for both the practical course, which will be the financial responsibility of the RCPD, and the fixed targets which are considered a facilities expenditure to be paid for by the County.

Captain Kyle stated that RCPD has been working with county staff and an architect on the range house design. They have gone through several different options in an attempt to whittle down the size and scope of the range house and get it to a reasonable amount expense wise. Ultimately, they reached a point to where the range house was estimated to cost \$500,000. They felt that was the lowest they could go and still provide all of the services that they felt were needed for that range house. The information was presented to the Board of County Commissioners where they received the authorization to proceed.

Captain Kyle added that the first public hearing for the range was held in front of the Riley County Planning Board. The Board listened to all parties and ultimately decided to postpone their decision by thirty days. In the interim, the RCPD and county staff continue to work to address the concerns that were raised at the meeting.

Beardsley asked if nearby landowners expressed concerns with access to and through the property.

Captain Kyle responded that there are concerns pertaining to the existing easement. In order to run water to the range, it has to go through an easement on a neighboring land. Another concern, and

probably one of more significance, is that the current easement runs through where the planned range will be situated. There are a number of options to reroute the easement so that the landowners would still have access to their property. Those discussions are ongoing.

Beardsley wished to know if the easement issue was known upfront or if it came about after the designing process had begun.

Captain Kyle said that he was not certain. He was not a part of the early process as far as the purchase and development of the land.

Director Butler said that he also attended the Riley County Planning Board Meeting on Monday, April 13, 2020. Residents expressed concern that the easement issue should have been resolved prior to the public hearing. There were also concerns expressed about the use and scheduling of the range. He and staff were able to address some of the concerns at the meeting. A Riley County Planning Board Meeting has been scheduled for May 11, 2020. Hopefully the Planning Board will have some answers and resolution to many of those issues.

P. City & County Revenue Reporting: At the March 16, 2020 Law Board Meeting, staff was asked to return to the Board with information on revenues received from the City and County as part of their obligation to the RCPD budget. Captain Kyle explained that page twenty-seven of the packet reports all revenues received for the month of March. He explained that the City of Manhattan provides their portion of the property taxes received every month. Therefore, the Department receives a check from the City on a monthly basis. The County provides their check on a quarterly basis. As a result, the Board will not see the County represented in every report. He noted that additional commentary has been added to the bottom of the report showing year-to-date receipts received from the City and County.

Captain Kyle explained that pages thirty-one and thirty-two of the packet is a report generated by the County. The report shows the County's expenditures for the RCPD and includes contributions towards their budget obligation and payments on department facilities. The report is provided each month as part of the Consent Agenda. He said that if the Board has further questions about the report, arrangements can be made to invite a representative of the County to attend a future meeting to provide additional information.

Morse clarified that she would like to see the actual amount the County pays as part of their 20% obligation to the RCPD budget, not just a percentage received each quarter.

Captain Kyle said that he could collect the information and provide it to the Board at the next regularly scheduled Law Board Meeting.

Q. Seizure Fund Expenditures & Reporting Process: Director Butler explained that staff was recently in conversations with Department of Justice officials regarding the management of the Department's asset forfeiture fund. He said that the RCPD is a very unique agency. He is not aware of any other organization that is structured statutorily like the RCPD. From those conversations, it was learned that since the County is used as the organization that holds RCPD funds as revenues come in and expenditures go out, the asset forfeiture fund must be managed in the same manner. As a result,

monies from the asset forfeiture fund were transferred over to an account set up by the county treasurer. He explained that auditing of the fund will be done as part of the County's audit. When seizure funds are expended, they will show up as part of the Consent Agenda for Law Board review.

R. Evidence Remodel Project: Presented to the Board was a presentation on the evidence unit remodeling project that will address longstanding issues pertaining to evidence processing limitations, insufficient space to conduct evidence reviews by attorneys, undesirable separation of evidence staff, and long-gun storage. Captain Hegarty explained that the Department proposes utilizing the adjacent room (formerly the employee workout room) for evidence storage which will provide greater access to evidence than the current setup. Doing so would allow for the reconfiguration of the existing evidence room. This is the most cost effective option to provide larger workspace for officer processing and packaging of evidence, a sufficient and convenient area for meetings with attorneys, additional long-gun storage, and allow all evidence personnel to be located within the same room. Any other plan would involve significant construction. The estimated cost of the evidence unit remodeling project is \$29,764.37, of which the County would be responsible for approximately \$5,068.00.

S. Monthly Crime Report: Director Butler noted one correction to the crime report for the month of March. Page thirty-nine of the packet, second bullet should read "This is a 71.7% increase compared to the 5 year average and an 18.2% increase from ~~February~~ *March 2019*."

T. Policy 17.3.1 Requisitioning & Purchasing Procedures: At the February 18, 2020 Law Board Meeting, member Morse asked staff to return to the Law Board with the Department's purchasing policy for review and possible discussion. Director Butler provided the Board with the requested policy. Sections of the policy were highlighted to address questions as they relate to the dollar amount a division commander or director can authorize for purchases, procedures for soliciting bids for purchases, bidder and vendor selection processes, and authorization for supplemental or emergency appropriation and fund transfers (i.e., use of the Emergency Reserve Fund).

Morse commented that she did not see an expenditure listed for the Genesis Health Club Corporate Partnership Program this month. She may need to have a separate conversation with Director Butler to track an expense as it goes through the approval process so that she has a better understanding.

Wynn Butler said that the action taken with regard to Genesis was well within the policy that has been established. If the Board does not want to modify the policy, then it does not need to be discussed further. He clarified that per policy, if a contract were to exceed \$75,000, the Director would need to bring it to the Law Board for approval.

U. Approval of General Order 2020-037 Police Action Death Investigations: Assistant Director Moldrup explained that the purpose of the policy is to establish criminal and administrative procedures for the investigation of use of force and other actions involving members of the Department that result in death or serious bodily injury. The policy allows the RCPD to seek an independent law enforcement entity to conduct the criminal investigation involving the actions of any employee that result in death or serious bodily injury. The independent law enforcement entity may be a single agency such as the Kansas Bureau of Investigation (KBI) or a multi-agency officer-involved shooting team if appropriate.

Assistant Director Moldrup provided the Board with background information into the formation of the multi-agency officer-involved shooting team. He stated that over the past few years, RCPD has been working to organize what he calls a regional officer-involved shooting team. A Memorandum of Understanding (MOU) was developed and sent to regional law enforcement agencies who wish to participate. The Riley County Police Department signed the MOU and it is still out for signatures from other agencies.

Assistant Director Moldrup noted one correction to the policy. The following sentence should read “This policy establishes the criminal and administrative procedures for the investigation of use *of force* and other actions involving members of the Department that result in death or serious bodily injury.” Following approval from the Board the correction will be made.

Ward moved to approve General Order 2020-037 Police Action Death Investigations as amended. Morse seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Stoney, Rodriguez, Ward, and Wilkerson voting in favor, and no one voting against. The motion passed 7-0.

V. 2021 Budget Development: Members of the Law Board were provided copies of the 2021 RCPD Budget Presentation as part of their packets. Captain Kyle recalled that during initial 2021 budget deliberations, the Board was presented with a proposal containing three items (out of sixteen) that were deemed priorities for the Department. Those items presented were aligned the RCPD mission statement through the use of strategic goals. Those items under consideration include a 1.5% Cost of Living Allowance (COLA), the addition of one part-time administrative clerk, and monies to address historic underfunding of Account 31 (Guns and Crime Equipment). These items represent a 4.04% increase (\$897,691) over the 2020 approved budget.

Captain Kyle said that typically the Department provides a presentation to the Law Board on each of the non-personnel related line items. That does not have to be done this year if the Board does not desire. He noted that aside from the three priority items under consideration, no additional requests for funds will be made for the 2021 budget.

Captain Kyle informed the Board that at the May 18, 2020 Law Board Meeting the Board will need to approve a budget of expenditures for publication prior to the mandatory public hearing. No later than June 5, 2020 the Department must publish the proposed 2021 budget of expenditures in the Manhattan Mercury. At the June 15, 2020 Law Board Meeting, the Board will need to conduct a public hearing on the 2021 budget of expenditures and formally adopt the budget.

Morse asked if the County is concerned about making their budget with the anticipated decline in real estate property and sales taxes.

Chairman Rodriguez stated that the County is concerned, but they are preparing a plan to address the matter.

Morse expressed her concerns with the budget approval timeline. She is not confident that the Law Board will have all of the information needed from the City and County, especially with respect to property tax revenues. It would be important to know how much has been paid as the Board looks to

the future. She stated that a Special Law Board Meeting might need to be scheduled after May 10, 2020 when the second half of personal property taxes are due to discuss the 2021 and 2020 RCPD budgets.

Wynn Butler voiced his preference for a flat budget in 2021 not just for the RCPD, but the City as well. He stated that the government has basically closed all businesses. Most of the revenue received for the City is in the form of sales taxes. The only way to handle the budgets for this year is for all local government to be zeroed out. He added that the city manager contacted Director Butler to discuss potential shortfalls in the budget for this year. It might be that the Department has to dip into the Emergency Reserve Fund. He stated that it is time for everyone to understand that it is not business as usual. There are going to be some severe budget shortfalls, and budget increases simply are not feasible.

Beardsley concurred with the comments made by Wynn Butler. He was also in favor of a zero percent increase for 2021. He stated that there has been tremendous harm done to the economy and damage done to the citizens of both the city and county. It will take time for the local economy to reach the level that it was. It is not going to be something that can be accomplished with the flip of a switch.

Director Butler said that he fully anticipated the comments voiced by members of the Law Board and he does not disagree with them. They are all reasonable comments. He explained that prior to the Law Board Meeting he met repeatedly with staff to discuss options for 2021 that could accomplish the desire for a flat budget. There are a number of options that they are looking at to accomplish that objective. He assured the Law Board and the public that the Department is not tone-deaf to what is going on locally, anything but.

Director Butler said with regard to Morse's suggestion to schedule a Special Law Board Meeting, he discussed that with staff as well. The second half of property tax collections for the City and County are due May 10th. The first half has already been collected. The City and County has already made their respective payments to the RCPD and everything is current for 2020. The Department recognizes that accommodations may have to be made for the budget this year. He has had separate discussions with Law Board Chairman and County Commissioner Chairman Marvin Rodriguez, and City Manager Ron Fehr about the 2020 budget, concerns regarding revenue streams, and what actions can be taken. The Department has already started cutting costs for this year and achieving savings by reducing travel, training and other expenditures.

Director Butler addressed the funding stream for the RCPD which is required by statute. He said that he has been in contact with the Department's legal counsel to discuss a way to address that issue this year and remain compliant with the statute. He does not have a specific answer at this time, but he assured the Board that the RCPD is taking this very seriously. Everyone knows that it is a team effort. The Department is going to have to work hard to try to balance what is happening this year with what is approved for next year. The proposal brought before the Law Board today was to show what would need to be cut in order to get to a flat budget. He believes the Department may have a combination of options that can accomplish that.

Ward agreed with the comments previously made by members Butler and Beardsley. In his opinion, the Board would be remiss in their fiduciary responsibilities if they did not address the issue based on

what is happening currently. He said that he would feel more comfortable if there were no increases for 2021.

Morse wondered if the Board should ask the Director to prepare a budget scenario that includes a 5%, 10% or possibly 15% cut for 2021.

Wynn Butler stated, and Beardsley agreed, that he was not in favor of set percentage cuts. In his mind, the only thing that might be possible is some portion of a COLA. However, that is dependent upon the revenues received.

Stoney said that she is in support of what has been stated by the Board so far.

Director Butler said that he will return to the Board with budget options that will include a flat budget and perhaps even be slightly lower. He wished to point out that if the Board is collectively asking him to return with a 10% or 15% budget cut, it will involve a reduction in personnel.

Beardsley stated he was looking for a flat budget. He does not feel that the Department needs to go deeper at this time.

Rodriguez agreed.

Wynn Butler restated that he was not in favor of layoffs.

Director Butler said that he would return to the Board with the above-mentioned and other options with an explanation of what it would do to the operations of the RCPD in terms of services provided and whether or not it would involve reductions in personnel.

W. Executive Session: At 1:43 p.m. Ward moved to recess into Executive Session until 1:58 p.m. for the purpose of discussing non-elected personnel matters. Butler seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Stoney, Rodriguez, and Ward voting in favor, and no one voting against. The motion passed 6-0.

At 1:58 p.m. the open meeting reconvened.

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

Y. Adjournment: Morse moved to adjourn the meeting. Stoney seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Stoney, Rodriguez, and Ward voting in favor, and no one voting against. The motion passed 6-0. The April 20, 2020 Law Board Meeting adjourned at 1:59 p.m.