

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
County Commission Chambers  
114 N. 4<sup>th</sup> Street  
Manhattan, KS 66502  
May 18, 2020 12:00 p.m.  
Minutes**

**Members Present:** Craig Beardsley Wynn Butler  
Linda Morse Marvin Rodriguez  
BeEtta Stoney (Via Conference Call) 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:** Lisa Hafliger

**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.** Approval of Minutes
  - a) April 20, 2020 Law Board Meeting
  - b) May 13, 2020 Special Law Board Meeting
- 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.** 1<sup>st</sup> Quarter Reports: Synopsis *(Review)*
  - a) 82.1.4 Crime Statistics – Captain Freidline
  - b) 61.1.1 Traffic Accident & Enforcement Analysis – Captain Fink
  - c) 84.1.8 Seizure & Forfeiture Report – Captain Hegarty
- H.** Monthly Crime Report - *(Review)*

Ward moved to approve the Consent Agenda as presented. Beardsley seconded the motion, but noted a correction to the minutes from the April meeting. It should state that the meeting was held with Law Board Members and RCPD staff participating remotely, instead of City Commissioners. Director Butler pointed out that per requests from Morse, they have added a new document in the

Expenditures/Credits section which more clearly describes the monthly financial contributions from the City and the County. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Rodriguez, Stoney, Ward and Wilkerson voting in favor approve the Consent Agenda with the one correction noted by Beardsley, and no one voting against. The motion passed 7-0.

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

**I. Additions or Deletions:** Director Butler clarified that Item P on the general agenda will not require a vote as indicated, it will just be a presentation. He added that a hard copy of The National Police Foundation Survey Results was distributed at the meeting; it was sent out via email to Board Members and added on-line for public access as well.

Beardsley inquired about agenda item U, Special Law Board Meeting. Director Butler shared that this is on the agenda in case they do not vote on a budget today, then they will need to schedule a future meeting. They clarified that this is separate from the executive session that took place on May 13, 2020.

Morse inquired if there would be just one executive session today or more than that. Director Butler stated that there would be one, with four separate personnel items on it.

**J. Public Comment:** None.

**K. Fraternal Order of Police Lodge #17 Comments:** None.

**L. Board Member Comments:** Ward wanted to commend the RCPD staff and administration for the excellent reports that they have been providing as they are very beneficial.

**M. RCPD Firearms Range Planning Update:** County officials have been meeting with land owners about the range and they held their second planning meeting a few weeks ago. The Planning Board recommended moving forward with the project with some additional recommendations. They will be meeting with the Board of County Commissioners on May 28<sup>th</sup>, which is the next step in the process.

Beardsley asked what the recommendations were from the Planning Board.

Captain Kyle shared that it dealt with re-routing of the easement; this needs to be resolved before they can determine which direction they will be shooting (prefer to shoot to the south). Other items included lighting, sound abatement (with landscaping) and access to water/water easement.

Ward inquired about the status of an oversight board that had been mentioned during the public comments at a previous planning meeting.

Captain Kyle shared that the Planning Board felt that an oversight board was not needed and they did not recommend it to the BOCC.

**N. George Mason University Preliminary Report:** Captain Hegarty shared that there are over 18,000 Law Enforcement Agencies in the US. Most of the local urban or suburban agencies rely on the Standard Model of Policing, which involves random patrol, rapid response to calls for service, deployment of officers to investigate reported crimes and reliance on law enforcement and the legal system to reduce crime. He shared that decades of research have shown that this model is ineffective. The RCPD used this model until 2010, when they implemented an evidence-based model with a focus on areas where crime was concentrated, now known as hot spots. Evaluations of this model by researchers at Kansas State University, led by Dr. Susan Williams in 2010 and 2013, established that crime and calls for service were reduced at the hot spots. For the past two years, researchers at George Mason University have been looking at RCPD data from 2013 – 2019. Their preliminary findings revealed that crime at historic hot spots was reduced by 7% and that crime throughout the city of Manhattan dropped by 5%, which is significant. Detractors of hot spot policing have suggested that it just moves crime from one location to another, but research shows otherwise, due to diffusion of benefits. If the data from George Mason holds true, it may be the first strong research to suggest that reducing crime at specific locations throughout the city, can reduce crime in the entire city. The RCPD is on the cutting edge in many areas, and is seen as a leader in using evidence to keep citizens safe. The RCPD is referenced several times in the book *Evidenced Based Policing, Translating Research into Practice*. The efforts and proactive work of the patrol officers impacts this and highlights the importance of retaining well-trained, community focused police officers.

**O. The National Police Foundation Riley County Community Survey:** A one-page memo was included in the packet regarding the survey as well as the results/Platform Report from the National Police Foundation.

Ward inquired if there is any correlation between this survey and the studies from George Mason University; Captain Hegarty reported that they are separate.

Stoney inquired if there is a direct correlation between the questions about responding promptly to calls for assistance (page 1) and the question regarding how long did it take for the police to arrive (page 13) and if there is a specific location or if that information is provided.

Captain Hegarty shared this represents just one of the difficulties with this survey as it did not ask if the expectations of the citizens were or were not met, which he feels is a more important question. He pointed out that someone whom answered that they arrived slowly may be satisfied if that's what they expected or were told by the dispatcher. He commented that the survey does not reflect how a person feels about the timeliness of the response, it only records their perception of the timeliness. He is not certain what conclusion to draw from those answers without follow-up, although he stated there is no information to show a correlation with any specific areas/locations. Captain Hegarty added that a decent percentage of the people that took the survey were not living in the jurisdiction.

Morse inquired if they have an average response time that they track as the City typically provides that data for the Fire Dept. on an annual basis.

Captain Hegarty said that they do not regularly track response times, although they could if requested. He explained that the fire service has National Standards of Cover and police departments do not. He mentioned that while response times are very important, they are not an indicator of how effective the

RCPD is. He emphasized that they are often responding to past crimes, so the response time is not as critical as it is for the fire dept.

Stoney inquired how accurate they felt the percentages were to the question regarding the officers age and why the question was asked.

Captain Hegarty shared that the accuracy for that type of question is unable to be determined as the respondent would be guessing on the answer. He added that this was a standard survey that any agency in the project could utilize. He thinks that it may have been asked to show how reflective a police force is of its community, by age, race or sex.

Beardsley commented that the response rate for the survey seemed low, and that the demographics for the respondent's race did not mirror the demographics of Riley County. He inquired if this negatively affected the results as it is not representative of the group.

Captain Hegarty shared that the respondents did not have to answer all of the questions and only a low percentage provided their demographic information, so it's unknown how representative or accurate it is. He added that these are some of the limitations of an online survey and represents the problems with the usefulness of it.

Director Butler shared that they asked someone else to prepare and deliver the survey to prevent bias. He added that this is a national survey and they were hoping to be able to compare their results to other agencies of similar size, etc., but they were not given that data, which was a disappointment.

Stoney suggested that when they re-administer the survey, they should compare it to other communities with universities or colleges to see how they are doing.

Captain Hegarty shared that this survey did not cost them anything, which is likely an indicator of some of its limitations. He added that to do a more comprehensive community survey, it takes a great deal of effort, time and money. They would like to be able to do this, but recognize that finances will be very tight over the next few years.

**P. BJA FY 2020 Coronavirus Grant:** The RCPD has applied for an emergency grant through the Edward Byrne Memorial Grant Program to address, prepare and respond to the Coronavirus. Riley County PD will receive \$63,000 for this purpose; the grant is for a two-year period that is retro-active to January 20, 2020. The grant is due on May 29<sup>th</sup> and the BOCC has signed off on the application and the RCPD will submit it.

Morse inquired how they plan to use the funds.

Captain Kyle shared many things are authorized under the grant, but they primarily plan to use the funds for personal protective equipment and sanitization equipment.

**Q. City & County Revenue Reporting:** Captain Kyle shared that they have updated their revenue reporting documents to show both the monthly and year-to-date totals for the City, County and all other revenue sources.

**R. 2021 Budget Development:** Director Butler started the presentation by sharing some numbers related to the efficiency and accountability of the police department. The RCPD is authorized to have 110 police officers; the population of Riley County is roughly 74 – 75,000. Based on those numbers, their ratio is 1.49 officers per 1000 residents. A report by the U.S. Dept. of Justice in 2016, the national average for general purpose law enforcement agencies is 2.17 officers per 1000 residents. Based on these numbers, the RCPD would need to employ 162 police officers to meet the national ratios. Director Butler also reviewed data from the KBI's annual report which identified the ratio for the State of Kansas as 2.52 officers per 1000 residents; the RCPD would need 189 police officers to mirror that ratio. He wanted to share this information as he knows they will be making a difficult decision regarding the budget proposals, and he feels that this data shows the value the community receives by having a consolidated police department that is accredited. He is surprised that more agencies have not consolidated to cut down on overhead costs, capital needs, etc. and mentioned that they would have more officers in Riley County without consolidation. By consolidating, they have reached efficiencies that are unparalleled in the State of Kansas. He added that since 2017 their non-personnel related budget has decreased by \$460,000, so their increases have been investing in the employees.

Ward inquired how Correction's Officers are counted.

Director Butler shared that they are not counted as officers and they are considered non-sworn/civilian employees.

Captain Kyle shared that the initial 2021 budget proposal included merit increases, a 1.5% COLA, a part-time clerk and guns and crime-equipment for an overall increase of 4.04%. At the April meeting the Law Board requested to see a 0% budget (no increases), and there was some interest to see just below 0% and a -5% budget. He is prepared to present all three of these options today and they have the accountant's version prepared so that they can vote on any of the options today, if appropriate.

Option 1 – 0% Budget involves removing the part-time clerk position and the increase to the guns and crime equipment in an effort to preserve the merits and possibly the COLA. This is important to try and prevent pay compression which makes it difficult to compete with other agencies to acquire and retain good officers. Captain Kyle shared that when considering cuts to personnel funds, they took into account if the cut could be sustained over a few years in case it takes a while to recover from the pandemic and he mentioned that their risk tolerance is higher than it previously was. The initial base adjustment reveals that they would need to come up with \$605,998 to keep what they had before, with merit raises included, but not COLA's. They plan to reach this amount by reducing the retirement fund by \$110,000, reducing the health insurance fund by \$300,000 and the workers compensation fund by \$60,000. With these adjustments, they will continue to have \$1 million in reserve funds for catastrophic losses. Ultimately this is a reduction of \$470,000 from their original proposal, which amounts to a .61% increase over the 2020 budget. They would like to use the \$234,725 carry-over from the 2019 budget and add a .63% COLA (a reduction from the 1.5% from the original proposal) which amounts to a 0% budget (detailed in pages 86-100 of packet).

Director Butler shared that initially he was nervous about taking \$300,000 from the health fund, but they have since received a status report from their Health Broker that illustrates that they are doing

better on their health expenditures than in previous years. This has led him to believe that it is a risk tolerance they are willing to make for 2021. He wants to do his best to compensate his employees with the merits they have earned.

Wynn Butler commented that this is not a 0% budget and that carry-over has nothing to do with it. He added that it's brilliant how it is written, but it is not a 0% budget. He stated that a 0% budget would be the exact same as 2020 and would not include raises, step increases or COLAs. Wynn added that businesses are going bankrupt and people are losing jobs and the future is uncertain at this time. He recognizes that priority services include the police, fire and water departments and he wants to keep all the officers and other staff employed, but it can't include merit or COLA increases as it needs to be the same amount as the 2020 budget. Wynn added that he understands that it feels like they are being punished for saving money with carry-over, but with the uncertainty of the budget based on what the revenue will be for local government, he is not comfortable with this. He added that he doesn't like any of the options they will be presenting today. The goal would be to have a negative mill levy as the income is going to be reduced and they can't increase property taxes.

Director Butler commented that if they use the carry-over to apply to this budget proposal, the amount would be the same as in 2020 and the value of the mill would remain the same and the amount of mills the City and the County would need to levy would not change.

Captain Kyle shared that Option 2 & 3 both include the \$470,000 reduction in retirement, health and worker's compensation and use the \$234,000 in carry-over as part of the budget. In Option 2 the only difference from Option 1 is that they reduce the COLA from .63% to .5%, which is approximately \$20,000 less than the 2020 budget and creates a -.09% budget. Option 3 creates a -5% budget and requires overall cuts of 1.1 million. Under this option there is no merit or COLA increases and they would have to reduce personnel, restrict overtime, and make other cuts (see pages 101-105 of packet). Captain Kyle reiterated that all three options contain \$470,000 in reductions plus carry-over included in them. He shared that if they vote on a budget today, then the budget timeline remains intact. They have to publish it by June 5<sup>th</sup> and have a public hearing/community meeting during the June 15<sup>th</sup> Law Board. If they can't agree on a budget today, then they will need to hold a special meeting between now and June 5<sup>th</sup> in order to publish in time.

Wynn Butler shared that he thinks they need a special meeting as he wants to see a 0% budget without using carry-over. He stated that this can be accomplished by taking away COLA, merits, the part-time clerk and the increase to equipment from the original proposal to reach a 0% budget.

Beardsley agreed.

Captain Kyle pointed out that if they decide on a budget that would include no COLAs and no merits, carry over is added on top of that, so the budget they would be voting on would be a negative 1.06%. This would not result in any loss of jobs, but they could lose quality in personnel and it would create pay compression.

Director Butler shared that RCPD has an unusually high number of military personnel, both Reserves and National Guard, that receive orders and they adjust their schedule accordingly to accommodate their leave. This creates some inflexibilities that they have no control over. He stated that preserving

merits is important because they earn those and it prevents pay compression which hurts moral. He's not optimistic about the budget for the next few years, but he feels this is an honest representation of carry over to calculate mill levies that budget for funds that are raised for RCPD.

Wynn stated that he applauds their effort but he knows that pay compressions will happen nationwide, and it's possible that city employees may be fired to ensure that the police department is properly funded. Wynn is in favor of no increases for any entity.

Captain Kyle reminded the Board that they are cutting \$470,000 outside of merits and COLAs. They have been conservative with their money which places them in a strong position and allows them to take this cut for one year to help off-set the costs of the agency.

Ward stated that he was in favor of a zero budget, and he feels they have done that through some creative cutting. He would feel more comfortable if they get rid of the COLA entirely from Option 2.

Director Butler stated that he's more open to that option, but he feels that merits are important to keep.

There was conversation regarding the CPI and that it has recently gone negative, but this would affect the 2022 budgets as they use the figures from 2019 for the 2021 budget.

Morse commented that she is willing to accept a 0% budget to keep on track with the timeline to publish. She inquired about the status of revenue from the County Treasurer for May 2020 compared to previous years. Rich Vargo shared that it's 2% less than last year. Morse pointed out that the future is uncertain and what they receive in December 2020 may be different and the consequences may be significant. She also commented that the reduced population for Riley County as KSU is not currently holding classes on campus and the uncertainty how many students will return in August needs to be taken into consideration when looking at staffing needs. Morse has previously expressed that she thought the Board should do away with the carry over as she sees it as a savings account that they are not in control of.

**S. 2021 Budget for Publication:** Ward moved to adopt Option 1 (0% budget), Draft 3A as presented. Wilkerson seconded the motion. The Board was polled with Morse, Rodriguez, Stoney, Ward and Wilkerson voting in favor and Beardsley and Butler voting against. The motion passed 5-2.

**T. 2020 Budget Discussion:** Captain Kyle shared that they are trying to minimize costs by imposing travel and training restrictions, considering not filing vacant positions and monitoring overtime more closely. Any unused personnel funds will be brought forward to the Board at the end of the year with the amount and what their needs are. For 2020 there are still some unknowns to include the delinquency rate for property taxes as it is a moving target. An issue with carry-over is that since they have cut costs, they will have significant unused personnel funds and possibly unused non-personnel funds as well, which any remaining money would be used as carry over in 2022. If the delinquency rate is significant for 2020, they have discussed some type of deferment. The way the law is structured puts them in a difficult situation as they are making cuts to their expenditures, but the law reads that the obligations and the funds cannot be converted to any other purpose. If the City and the County face a significant delinquency rate, then the funds would come out of the general fund. A deferment program may provide them with an opportunity to delay the payments to RCPD and if they

came in after this budget year, they would become carry over. Ultimately RCPD is cutting costs and saving the tax payers money, it's just a matter of how and when.

Director Butler shared that the Board previously approved the IT Reserve Fund and reported that there is \$330,000 in that fund currently. They still have approx. \$920,000 that needs to be funded. They are hoping to put a large portion of the money they are saving this year into this fund.

Beardsley referenced the Emergency Fund that has \$700,000 in it. If they spend some of that money for an emergency, they have to make that up the next few years and it is not "found money."

Director Butler commented that they did not have to use Emergency Funds for the floods in 2018 or 2019. He's concerned that if the board should decide use those funds for this and then they have an emergency (tornado, crime spree, etc.), the county and city is under no obligation to supplement it and probably couldn't in the current situation.

Beardsley mentioned that there are certain disasters that they could receive reimbursement from FEMA, but that is typically 2-5 years later that the funds are received.

Morse inquired if the RCPD is eligible for any additional federal or state funds.

Director Butler shared that the only grant money he is aware of is through the Byrne Grant that was discussed today. He added that after the City Manager suggested they might use the Emergency Fund to offset a lack of remittance from them, he emailed Federal Representatives and asked that since they are not part of the City or County Government, if there is a provision in future federal funding for the loss of revenue for cities and counties that they could receive money from if they lose funding from those entities. The way he interprets the current statute, the City and County would not be obligated to replace those funds. He will continue to follow-up on that.

Wynn Butler stated that using the Emergency Funds should be an absolute last resort.

Morse asked how much is added to the Emergency Fund on an annual basis.

Director Butler shared that no money is added and that by statute it is at \$700,000.

Captain Kyle shared that the Emergency Reserve Fund is set by statute and it's a percentage of their overall budget. They currently have \$750,000 in this fund; he would like to see it closer to 1.5 million. This fund was established in the late 1990's and their budget has increased since that time; this fund has stayed fairly stagnant as they have focused their money elsewhere. Their biggest risk would be if they lost multiple officers at a singular incident as they don't have insurance coverage for that. This is just one example of a liability exposure that they have that is not otherwise covered. Captain Kyle is not certain whether or not FEMA funds will become available for the pandemic, but they are following the proper protocols to ensure eligibility.

Morse mentioned that they may be passing up some good emergencies in order to save for the big one.

**U. Special Law Board Meeting:** Wilkerson requested Nichole Glessner, Executive Assistant, Riley County Police Department, send out a poll to schedule a meeting for the end of May or early June to discuss the budget.

**V. Executive Session:** At 1:49 p.m. Wilkerson moved to recess into Executive Session until 2:19 for the purpose of discussing non-elected personnel matters. Wynn Butler seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Rodriguez, Stoney, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 7-0.

At 2:19 p.m. the open meeting reconvened.

**W. Affirmation or Revocation of Discipline:** Wilkerson moved to approve the personnel disciplinary decisions made by Director Butler. Wynn Butler seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Rodriguez, Stoney, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 7-0.

**X. Adjournment:** Beardsley moved to adjourn the meeting. Ward seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Rodriguez, Stoney, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 7-0. The May 18, 2020 Law Board Meeting adjourned at 2:19 p.m.