

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Government Office  
222 S. Broadway Street  
Riley, KS  
October 18, 2021 12:00 p.m.  
Minutes**

**Members Present:** Chairperson Linda Morse Vice Chairperson Robert Ward  
Member Kathryn Focke (attended virtually) Member John Ford (attended  
Member Patricia Hudgins virtually/arrived at 12:03 p.m.)

**Absent:** Secretary Barry Wilkerson Member BeEtta Stoney

**Staff Present:** Director Dennis Butler Assistant Director Kurt Moldrup  
Captain Erin Freidline Captain Brad Jager  
Captain Josh Kyle Captain Greg Steere  
Captain Derek Woods

**Recorder:** Executive Assistant Nichole Glessner, Riley County Police Department (RCPD)

**I. Establish Quorum:** By Chairperson Morse 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 September 20, 2021 Law Board Meeting Minutes
- B. Approve 2021 Expenditures/Credits
- C. Juvenile Transport Reimbursement
- D. RCPD Related County Expenditures (*Review*)
- E. Riley County Jail Average Daily Inmate Population- (*Review*)
- F. Reports- (*Review*)
  - 1. Monthly
    - a) Monthly Crime Report
  - 2. Annual
    - a) 2020 Annual Use of Force Report

Tim Sharp, Mayor, City of Riley, welcomed members of the Law Board, RCPD staff, and community to the city of Riley. He commented how pleased he was with the increased presence of the RCPD, specifically Director Butler, at Riley City Council Meetings over the past three years.

Vice Chairperson Ward moved to approve the Consent Agenda as presented. Member Hudgins seconded the motion.

Member Hudgins sought additional information regarding Voucher #10004 in the amount of \$66,000 payable to Assurance Partners for svc agreement renewal.

Director Butler explained that Assurance Partners is the health insurance broker for the RCPD. Throughout the year, Assurance Partners advises RCPD staff on market conditions and they go out to the market for the Department's health insurance the following year. The voucher referenced in the expenditures list is the annual payment for that agreement.

Chairperson Morse inquired about Voucher #10020 payable to Insight Public Sector, Inc., for toughpads.

Director Butler responded that the toughpads are essentially laptop computers that are installed in the patrol units which allow officers to receive and send information, view maps, write reports, and send messages to the communications center, to name only a few. The expenditure is for the toughpads that are on rotation to be replaced.

Chairperson Morse wished to know if the older toughpads are sold or returned to the vendor for credit.

Captain Jager commented that the toughpads are replaced every four or five years and the old ones are sold at auction. The Department would receive very little in the way of credit if returned to the vendor.

Chairperson Morse asked about Voucher #10049 payable to Evergy. She noted that charges for electricity included within the expenditure are for the law enforcement center, garage and Aggieville substation, but not the RCPD range.

Captain Jager clarified that Bluestem Electric Co-op Inc., is the vendor for the RCPD range which is listed as Voucher #10205 on the following page of the packet.

Vice Chairperson Ward requested a briefing from Captain Kyle on the 2020 Annual Use of Force Report.

The 2020 Use of Force Report, authored by Captain Kyle, Captain Jager, and Lieutenant Breault, is an annual report that details all documented Use of Force (UOF) activities with regard to the characteristics of the incident, factors such as number of incidents, type of incidents, number and demographics of subjects (including race, age, and gender), occurrence date/time/location, type of force, and injuries. The review includes an assessment to attempt to determine if the Department's UOF varied significantly by race.

Captain Kyle explained that every UOF report filed by RCPD employees are reviewed by at least seven supervisors to determine if the force used met the legal standard of "objective reasonableness." Supervisors also examine whether the force used is consistent with training. In 2020, every UOF was found to be lawful and appropriate. He noted that there was a 6% increase in total UOF incidents and a 4% increase in application of force from 2019 to 2020. However, this may be due to a new Commission on Accreditation for Law Enforcement (CALEA) standard which required the reporting of Taser warnings, not just deployments.

Captain Kyle went on to explain that the Department utilizes the Force Continuum, a standard that provides law enforcement officers with guidelines as to how much force may be used against a resisting subject in a given situation. The Force Continuum consists of many levels of escalating actions and allows an officer to

move from one level to another level as necessary, even skipping a level if specific circumstances warrant it. Under the guidelines of the Force Continuum officers are justified and permitted to use equal force to what they are encountering or even one level above the force they are encountering to de-escalate or neutralize the force that is being used against them.

Riley County Police Department officers are taught that a certain level of threat/resistance should generally result in the application of a certain level of force. However, exceptions are made as the circumstances dictate. The question posed during the annual UOF review was whether or not the officers force varied substantially by race in view of the Force Continuum. Although the 2020 UOF data showed some signs of variance by race, the variance did not appear pronounced and it was based on limited data sets (only one year's worth of data). A more comprehensive view through three years of combined data did not reveal substantial differences in RCPD's UOF by race.

Captain Kyle explained that there is no methodology currently available to tell law enforcement precisely and without a doubt whether or not police bias is at work and responsible for the variances by race. Although an examination of race and UOF revealed no deeply concerning patterns, continued evaluation is warranted.

Director Butler commented how uncommon it is for police departments to release this much detail in their UOF reports. Even though presently the RCPD cannot determine through a proven methodology whether or not police bias is at work, the data has been collected and made available to the public. There may come a time when someone develops that methodology and the data collected by the RCPD will be available for use. At that time, the RCPD could have more answers about issues with training, implicit bias, and other factors that could lead to disparity.

Member Hudgins thanked Director Butler and RCPD staff for their transparency and hard work to produce the 2020 Use of Force Report.

Chairperson Morse echoed the comments made by Member Hudgins and added that she was impressed with the analysis conducted on the data that was collected. Members Ford and Focke agreed.

Chairperson Morse polled the Board and the motion passed with Focke, Ford, Hudgins, Morse, and Ward voting in favor and no one voting against. The motion passed 5-0.

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

**G. Additions or Deletions:** Chairperson Morse requested and the Board agreed to remove item O. Executive Session from the General Agenda.

**H. Public Comment:** None.

**I. Fraternal Order of Police Lodge#17 Comments:** Rachel Pate, President, Fraternal Order of Police (FOP) Lodge #17, informed the Law Board of the Cops N' Kids program that supports families in the community that cannot afford holiday presents. The program will take place toward the beginning of December. The date has yet to be finalized. She stated that the FOP has already begun receiving donations to support the program which will be used to buy holiday presents for local children.

FOP President Pate commented on the upcoming retirement of Director Butler and expressed interest among the Lodge to be involved in the selection process for the next director, similar to years past.

**J. Board Member Comments:** Chairperson Morse mentioned that there have been some who have criticized the Law Board for approving the 2% pay adjustment for RCPD employees. She wished to address those comments, and offer another perspective by providing a few statistics from the Kansas City Star. She reported that Kansas City home prices are expected to rise by 9.2% next year which could be interpreted as a 4-6% increase locally. Over the past year, inflation across the country has increased 5.4% which is at a 13 year high. Additionally, Social Security beneficiaries and those on disability are anticipated to see an increase of around 5.9% around January 2022. That is a big difference from the Cost of Living Adjustments (COLAs) that have been given to the RCPD in the past (average of 1.65% annually). She concluded by stating that the Law Board is doing its very best to try to figure out what would be appropriate for 2022 with respect to merits and COLAs.

**K. Community Advisory Board Update:** Tim Sigle, Chairperson, Community Advisory Board, briefed the Law Board on CAB activities to date. Since his last update to the Law Board, the CAB has received a tour of the new RCPD range and a demonstration from the Unmanned Ariel Systems (UAS/drone) Team. With regard to membership, there were two extremely qualified Kansas State University student representatives serving on the CAB. However, one member recently found employment which was not going to permit him to continue to serve on the CAB. Sigle informed members of the Law Board and listening public that meetings of the CAB are open to the public and they are held on the first Tuesday of every month at 11:30 a.m. The locations of the meetings vary; however, the next meeting will be held at the K-State Office Park, 1880 Kimball Avenue (Event Space near Rockin K's).

**L. Records Services Credit Card Payment Option:** Captain Jager thought it important to inform the Law Board and community that the RCPD recently implemented a new point of sale system through Square. In addition to the previously accepted methods of payment (cash, check, money order), the records section will begin accepting credit cards. This will allow the public, especially those out of town/state, to provide payment over the telephone for various records such as accident or criminal reports.

Director Butler stated that initiatives such as this and the expanded fingerprinting services for general licensing applications originate as suggestions from employees within the Department. It is common for employees to bring forward ideas, flesh out the details, and make proposals. It is the job of Command Staff to implement them. Staff are always looking for opportunities to provide better and more convenient services to the citizens.

**M. American Rescue Plan Act:** In June, the RCPD received guidance from the Law Board to add American Rescue Plan Act (ARPA) funding as a discussion topic for future meetings to allow for regular updates to be provided as information becomes available. At the September Law Board Meeting, the Board authorized Chairperson Morse to sign letters endorsing the Departments application for ARPA funds to both the Board of County Commissioners and Manhattan City Commission. Captain Kyle stated that the letters have been provided to the persons responsible for developing commission meeting agendas for both entities. To date, the RCPD has not received a response.

**N. Kansas Bureau of Investigation 2020 Crime Index: State/County Crime Comparison:**

Nathan Boeckman, Sergeant, Criminal Intelligence Unit, provided the Law Board with overview of the Kansas Bureau of Investigation (KBI) 2020 crime index and state/county crime comparison. He noted a decrease in every violent crime category for Riley County except for homicide which had an increase from one in 2019 to three in 2020. Sergeant Boeckman clarified that with respect to the homicides there were two incidents, one of which involved two victims.

Director Butler discussed the state and national homicide rates, noting that last year was the largest increase in homicides since the Federal Bureau of Investigation (FBI) began maintaining those records. Unfortunately, the RCPD was unable to escape the state and national trend. Though Manhattan/Riley County did not experience a large number of homicides, it is a statistic that the Department is displeased to report. In his experience, homicide rates often follow the trend in aggravated assaults and batteries.

Sergeant Boeckman briefed the Law Board on the crime rate for Kansas law enforcement agencies compared to Riley County. He reported that the difference between Riley County's violent crime rate and Kansas is 44.2%. The property crime rate for Riley County is 39.8% different than Kansas. There is a 40.5% difference between the Riley County and Kansas total crime rate. Also provided as part of the presentation was a chart comparing Riley County's crime rate per 1,000 to the state's crime rate since 2003. He noted that Riley County has consistently had a lower crime rate in violent, property, and total crime than Kansas since 2003. Full crime index reports published by the KBI can be viewed at [https://www.kansas.gov/kbi/stats/stats\\_crime.shtml](https://www.kansas.gov/kbi/stats/stats_crime.shtml).

**O. Executive Session:** This item was removed from the General Agenda.

**P. Adjournment:** Vice Chairperson Ward moved to adjourn the meeting. Member Hudgins seconded the motion. Chairperson Morse polled the Board and the motion passed with Focke, Ford, Hudgins, Morse, and Ward voting in favor and no one voting against. The motion passed 5-0. The October 18, 2021 Law Board Meeting adjourned at 1:03 p.m.