

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
March 21, 2016 12:00 p.m.  
Minutes**

**Members Present:** Craig Beardsley Robert Boyd  
Wynn Butler Karen McCulloh  
Usha Reddi Ron Wells  
Barry Wilkerson

**Absent:**

**Staff Present:** Director Schoen Assistant Director Doehling  
Captain Fink Captain Hegarty  
Captain Hooper Captain Kyle  
Captain Moldrup

- I. Establish Quorum:** By Chairman Boyd at 12:00 p.m.
- II. Pledge of Allegiance:** Led by Director Schoen.
- III. Consent Agenda:**
- A.** Approve February 16, 2016 Law Board Meeting Minutes
  - B.** Approve 2015 & 2016 Budget 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*)
  - G.** 1.3.13 Use of Force 4<sup>th</sup> Qtr./Annual Report- (*Review*)

Page 22 of the list of 2016 expenditures was replaced to include voucher #3044 payable to the Law Office of Mike Gillespie.

Reddi sought additional explanation concerning voucher #3257 payable to Optiv Security Inc.

Schoen explained that checkpoint, as noted in the description, is the Department's firewall security. It is a reoccurring annual fee.

McCulloh inquired about the Department's Asset Forfeiture Account. She wished to know how those funds can be used.

Riley County Law Enforcement Agency Attorney Michael Gillespie responded that he intends to provide the Board with general information concerning the subject of Civil Asset Forfeiture (CAF) practices in the very near future. He explained that CAF for Kansas law enforcement agencies is controlled by the Kansas Standard Asset Seizure and Forfeiture Act. The ability to spend money

received either in the form of forfeited cash to the Department, or forfeited of non-cash property later sold at auction is controlled by state law.

Former Kansas Attorney General Paul Morrison opined that the money generated through state forfeitures may not be used for capital improvement projects. However, there is no statutory authority for that opinion. Gillespie added that there has been discussion about using some of the money for a new range facility if it comes to fruition. Money generated from federal forfeiture cases does not have as many restrictions. However, it is clear that the funds cannot be used to supplant the budget, or for non-law enforcement purposes.

McCulloh moved to approve the consent agenda as amended. Reddi seconded the motion. On a roll call vote, motion carried 7-0.

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

**H. Additions or Deletions:** McCulloh wished to discuss parking issues on Fairchild Circle and noise in Aggieville. The topics will be addressed following item O. Fake Patty's Day Review on the general agenda.

**I. Public Comment:** None.

**J. Board Member Comments:** Reddi said that there has been quite a bit of discussion about Senate Bill 367 regarding the Juvenile Justice System. During those conversations community-based programs were referenced. She wanted to know what the financial impact would be for Riley County in terms of staffing and training.

Schoen responded that he has been aware of the bill for some time. He had the opportunity to provide input concerning the bill to Ed Klumpp who is the lobbyist for the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association in Topeka. Schoen said that he will have to see the final outcome before he can react to it. However, it is his understanding of the current draft of the bill that most of the impact will fall outside of the purview of the Riley County Police Department (RCPD) and into Community Corrections.

McCulloh commented that she has spoken with social workers and mental health professionals who oppose the bill because it places juveniles back in the home with the family. In some cases the family members are the problem.

Wilkerson stated that the prosecutors association has opposed the bill.

Reddi said that she has discussed the bill with a number of people as well. There are several pros and cons to placing the juvenile back into the home. The legislators are pretty sure that the bill is going to pass.

Boyd noted that the bill was created in the committee by legislators. It did not come from professionals, prosecutors, or child experts.

Butler said that he received telephone calls from concerned parents on the subject of seatbelt enforcement in school drop-off and pick-up locations. Recently, state police and RCPD officers were

at various schools citing motorists for not wearing seatbelts. Butler wished to know if the enforcement action was the result of a one-time grant, or if it will become a regular occurrence.

Kyle explained that each year during the month of March the state of Kansas encourages voluntary participation from law enforcement in their seatbelt enforcement campaign around area high schools. The Riley County Police Department opted to participate in the campaign. Kyle directed police officers and supervisors to enforce seatbelt usage in and around the schools with the emphasis being on teen use and education.

Kyle said that there are two additional programs related to seatbelt usage. The first is a program in Kansas high schools that is administered by the students. Those administering the program physically count the number of students coming in and leaving the school property wearing seatbelts. Some schools have elected to participate in the program and others have not. The second is a state program that offers grant funding for seatbelt check lanes. The Department has chosen not to participate in this program for the past few years.

Butler asked if tickets or warnings were chiefly issued to motorists.

Kyle responded that he did not have the data at this time. He did not direct the officers to write “x” amount of tickets. The primary purpose was to educate motorists. A press release was issued in advance to local media announcing that the Department would be participating in the program.

**K. Life Saving Award Presentation:** Chairman Boyd presented Karen Kemp with a Riley County Police Department Life Saving Award in recognition of her role in saving a fellow citizen from a violent attack. On November 13, 2014 Ms. Kemp was witness to an assault in progress in which the assailant stabbed a woman repeatedly in the face. Ms. Kemp informed the assailant that she was calling the police while dialing 911. The woman managed to escape her attacker and run to Ms. Kemp's car. Ms. Kemp drove the woman to safety where she waited for emergency services to respond. The Department recognized Ms. Kemp for her selfless actions. Had she not intervened, the attack could have been fatal.

Schoen explained that presentation of the Life Saving Award was delayed pending the court ruling on the criminal case. There was a desire on the part of the Department not to influence the decision in any fashion.

**L. National Public Safety Telecommunications Week Proclamation:** Chairman Boyd read the National Public Safety Telecommunications Week Proclamation proclaiming that all citizens of Manhattan and Riley County observe the week of April 10<sup>th</sup> through April 16<sup>th</sup>, 2016 as National Telecommunications Week, in honor of the men and women whose diligence and professionalism keep the city, county and citizens safe. Dispatcher Sarah Martin accepted the proclamation on behalf of the Department.

**M. Community Advisory Board Update:** Edward McNamara introduced himself to the Law Board as the newly appointed Chair of the Riley County Police Department Community Advisory Board (CAB). Member Steve Logback has been selected to serve as Vice Chair. Since the last update to the Law Board three vacant positions on the CAB have been filled. Newly appointed members include Jayme Morris-Hardeman, Be Stoney and Floyd Rogers.

The CAB routinely invites guest speakers to the monthly meetings. The most recent guest speaker was Sergeant Patrick Tiede who provided a presentation on the Department's police officer body-worn camera system. An invitation has been extended to members of the local Ministerial Alliance to attend future meetings. McNamara said that the CAB continues to reach out to members of the community to let them know that the CAB is avenue for them to provide input and voice concerns as they relate to local law enforcement. The CAB meets on the first Tuesday of each month at 11:30 a.m. at Bluestem Bistro in Aggieville and the meetings are open to the public.

McCulloh thought it would be a good idea for members of the Law Board to attend future CAB meetings as well.

Reddi remarked that it is important to build relationships within the community. She suggested the CAB put information out to the school districts, Kansas State University, and Douglass Center, to name a few. She believes the CAB is going in the right direction. However, there is a tendency to think that because people do not voice their concerns there aren't any problems.

**N. Impaired Driving Deterrence Program (IDDP) Grant:** Included in the Law Board packet was the Riley County Police Department's application for the Impaired Driving Deterrence Program (IDDP) Grant from the Kansas Department of Transportation. Captain Kyle explained that RCPD has participated in the program for the past several years. There are no matching funds associated with the grant. The grant covers employee overtime and equipment expenses related to conducting enforcement activities such as check lanes and saturation patrols expressly designed to detect and deter impaired drivers. The program does not include any provisions for seatbelt enforcement activities other than an assurance that the agency has a policy requiring police officials to use seatbelts and child restraints while engaged in official business.

McCulloh moved to approve the Department's application for the IDDP Grant. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

**O. Fake Patty's Day Review:** Captain Kyle provided the Board with a summary of calls for service, reports filed, citations issued, and arrests made during the 2016 Fake Patty's Day event compared to that of previous years. He reported that in 2016 the Department experienced an increase in citizen generated calls for services, reports filed, citations, and custody arrests for all agencies (RCPD, KHP and KSUPD) compared to 2015. The number of arrests for individuals driving under the influence was greater in 2016 than any previous year, and disturbance of the peace was the leading call nature.

Kyle reported a decrease in reports filed for disorderly conduct for 2016; however, there was an increase in drug possession. Kyle said that it appears as though there are individuals who come to Manhattan on Fake Patty's day with the express purpose of distributing drugs. This is an issue that he intends to address before next year's event.

A number of citizen complaints were made concerning noise in and around the Aggieville area, individuals passed out in yards and porches, and people banging on doors attempting to gain entry into neighboring homes. Riley County Emergency Medical Services (EMS) had a very active year as well. Within the 35 hour period of Fake Patty's Day EMS had more alcohol related activity than they have had during the entire week of Country Stampede.

Kyle received feedback from a number of officers, community members, law enforcement agencies, and public service agencies regarding how the plan to manage Fake Patty's Day might be improved upon. It was the general consensus that the present plan has worked very well. He does not recommend scaling it back for future events. Minor adjustments will be made to boost the number of officers on the street after 3:00 a.m., and a hard look will be taken at drug sale activity, to name only a few.

Kyle added that the City pavilion has been an ideal location to launch and coordinate police response. He certainly appreciated the City allowing the Department to use the facility and he hopes that they continue to do so in the future. There has been discussion about possibly moving those activities outside of the pavilion. If that occurs, planning for the event will need to take place much earlier. He also extended his appreciation to the many other organizations and agencies that assisted RCPD during Fake Patty's Day.

Reddi expressed a desire better educate participants and the community on the issue of binge drinking.

Butler agreed with Kyle concerning the need to focus on the issue of illegal drug sales during next year's event. He was also interested in obtaining information on the costs associated with managing Fake Patty's Day this year that were outside of the typical patrol assignments.

Butler said that with respect to binge drinking there is not much that RCPD can do. One way to impact binge drinking would be to issue more citations. That would get the message across that if participants are out of control they will receive a fine, which is different than putting them in jail. One other way to address binge drinking would be to have the bars agree to open their establishments later and close earlier.

Reddi referred to the part I violent crime reported during Fake Patty's Day 2016. The category covers murder, rape, robbery, aggravated assault and battery. When individuals are highly intoxicated bad things happen and rape is one of them. Reddi explained that three reports of part I violent crime for this time period appeared low. She wished to know how the Department tracks incidents of rape.

Schoen said that the figures provided to the Board represent what is reported to the police department. He is not insinuating that there are no unreported rapes. There may or may not be. All that is being reflected is what is reported to the Department. When a rape is reported the Department takes it very seriously. A report is filed, an examination is performed, and the detective conducts an investigation.

Reddi clarified that what concerns her are the reports that are filed days after the event. She wanted to know if it is possible to show that the reports filed days or weeks later were affiliated with Fake Patty's Day.

Schoen explained that in a broad sense that is one of the issues with reporting crimes. It is not uncommon for the Department to receive a report of a rape or battery some time later. The Uniform Crime Report (UCR) shows a snapshot of crime for a specific time period. Data entry is completed as soon as there is a clearance, or a report is filed. If a rape is filed some time later, the incident would likely show up on a different UCR.

Boyd believed that an after-action study should be conducted by representatives from the Law Board, RCPD, and other principals. He is concerned that they are being reactive rather than proactive. The increase in drug activity is alarming. Boyd believes there are lessons that can be learned from other cities. He suggested they explore the matter as a political entity and make decisions on where to go

from there. It is not the Department's job to implement political policy. He thanked the employees of the police department for their work during the recent Fake Patty's Day event and for keeping the community safe.

**O1. Parking and Noise Concerns:** McCulloh received a number of complaints about noise in and around Aggieville. She wanted to make the public aware of City regulations concerning noise and the law enforcement action that can be taken if individuals or businesses do not comply. She also wanted the public to be assured that RCPD is exploring the parking issue on Fairchild Circle.

Kyle said that he has a meeting with the City of Manhattan on Friday to discuss those issues. He is looking forward to the discussion and hopes to craft an ordinance that will allow RCPD to take enforcement action on a consistent basis based on a uniform standard.

**P. Executive Session:** At 1:26 p.m. McCulloh moved to go into executive session for the purpose of discussing non-elected personnel matters not to exceed 10 minutes. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

At 1:36 p.m. the open meeting reconvened.

**Q. Affirmation or Revocation of Discipline:** Beardsley moved to affirm the Director's disciplinary actions. Butler seconded the motion. On a roll call vote, motion carried 7-0.

**R. Adjournment:** The March 21, 2016 Law Board Meeting adjourned at 1:36 p.m.