

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
December 16, 2013 12:00 p.m.
Minutes**

Members Present: John Matta Dave Lewis
Richard Jankovich Wynn Butler
Ron Wells Robert Boyd
Barry Wilkerson

Absent:

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

- I. Establish Quorum:** By Chairman Matta at 12:00 p.m.
- II. Pledge of Allegiance:** Led by Director Schoen
- III. Consent Agenda:**
- A. Approve November 18, 2013 Law Board Meeting Minutes
 - B. Approve 2013 Expenditures
 - a) Juvenile Transports
 - b) 2013 Budget Expenditures/Credits
 - C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)
 - D. Riley County Jail Average Daily Inmate Population- (*Review*)

Lewis moved to approve the consent agenda as presented. Jankovich seconded the motion. On a roll call vote, motion carried 7-0.

IV. General Agenda:

E. Additions or Deletions: Director Schoen wished to add the topic of concealed carry following item P. Certificate of Need: Range Training Facility on the general agenda. He also requested the removal of item Q. Executive Session as it was no longer needed.

F. Public Comment: None.

G. Community Advisory Board Update: Riley County Police Department Community Advisory Board (CAB) Chairman Trent Armbrust briefed the Law Board on CAB activities since the Board's inception. He provided the Law Board with a review of guest speakers and topics that have been discussed over the years. As an outgoing member of the Board Armbrust expressed that it has been a pleasure to have served on the CAB. He thanked RCPD Administration and Staff for opening themselves and the Department up for greater community involvement.

Matta extended his appreciation to Armbrust and those currently on the CAB for volunteering their time to serve.

Jankovich echoed the comments made by Matta.

H. Retirement Announcement: Director Schoen and Assistant Director Doehling announced the retirement of Police Lieutenant Michael Quintanar. Lieutenant Quintanar served the citizens of Manhattan and Riley County, Kansas from September 1, 1981 to January 1, 2014. Lieutenant Quintanar was presented with a gun case and plaque in recognition of his many years of dedicated service. Upon his retirement the men and women of the Riley County Police Department express their heartfelt thanks, sincere best wishes, and hardy congratulations to Michael Quintanar for a job well done.

Quintanar thanked God for being granted the opportunity to work in the field of law enforcement and for keeping him safe throughout the years. He expressed gratitude to his friends, co-workers, and mentors for the many memories, and for helping him develop into the man that he is today. A special acknowledgement went to his family for their support while he worked different shifts and odd hours.

I. Promotion Announcement: Director Schoen and Assistant Director Doehling announced the promotion of Sergeant Erin Freidline to the position of Lieutenant. Erin Freidline was accompanied by her husband Travis and their close friends Fred and Jan Gibbs. Travis and Fred assisted Director Schoen with the pinning.

Director Schoen and Assistant Director Doehling announced the promotion of Officer Dan Bortnick to the position of Sergeant. Dan Bortnick was accompanied by his wife Julie who assisted Director Schoen with the pinning.

J. RCLEA 2014 Meeting Resolution: It was resolved that the monthly meeting of the Riley County Law Enforcement Agency will be held in the City Commission Chambers at 12:00 noon on the third Monday of each month, provided that if Monday is a legal holiday or on a holiday specified by the agency, the regular meeting shall be held on the following day at the same hour. The schedule does not preclude meetings from being changed.

It was noted in the resolution that due to spring break, and in an effort to ensure that a quorum is present, the March Law Board meeting will be held on the fourth Monday of the month.

Jankovich moved to approve Resolution 14-02, RCLEA Meeting Schedule as presented. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

K. Ka-Comm. Inc. Maintenance Agreement: Captain Hooper explained that the Ka-Comm. Inc. Maintenance Agreement is renewed annually. The contract covers the labor costs for repair of a majority of the Departments radios and one repeater. There is an increase in cost for 2014 largely due to the number of radios that are no longer under warranty. Hooper recommended the Board approve the agreement.

Jankovich moved to approve the Ka-Comm. Inc. Maintenance Agreement. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

L. Substation Lease Agreement Renewal: Director Schoen explained that this is an annual lease agreement between Riley County and GJL Real Estate Limited Partnership for the Aggieville Substation. The rental amount for 2014 has not increased from last year's agreement of \$9,900.00 annually (\$825.00 monthly).

M. Nighttime Seatbelt Enforcement Program Grant: Captain Moldrup explained that the Special Traffic Enforcement Program (STEP) Grant offered by the Kansas Department of Transportation funds overtime expenses for officers to increase enforcement efforts directed at compliance with Kansas safety belt, child passenger safety, texting, and impaired driving laws. Moldrup stated that he believes there is a need to increase enforcement for these violations. As illustrated in the Traffic Accident Analysis Report provided to the Board in November, there were a total of ten fatality motor vehicle accidents in 2013. In five of the accidents the occupants were not wearing a seatbelt. He requested approval from the Law Board to submit the grant application.

Matta expressed his concerns with police checkpoints directed at catching motorists violating seatbelt laws. He takes issue with surveillance placed on citizens of Manhattan and Riley County for what might be considered to be imprudent behavior. There is an amount of personal responsibility that people should exercise for themselves. To pay officers overtime to increase enforcement efforts directed at compliance with seat belt laws is not a wise use of tax dollars. He believes that an example should be set to not accept grant funds that come from tax dollars to pay overtime for seatbelt enforcement.

Butler concurred with Matta. He stated that there is a difference between impaired driving and seatbelt enforcement checkpoints. He believes that it is the personal choice of the individual to wear a seatbelt. The seatbelt law has been in effect for quite some time and the public is aware that it is the law. It is likely that the public will view such special enforcement as harassment. Therefore, he is not in favor of accepting the grant.

Schoen said that the Department is aware of some of the community's concerns having worked through the most recent issues with enforcement around the Aggieville area. Given the traffic accident analysis that was provided to the Board in November, he feels that the Department would be shrinking in their duty if they did not at least bring the grant to the Board, and state that they would like to participate in the program. It is ultimately the Law Board's decision. Schoen said that he understands there is a level of personal responsibility that people should exercise and he tends to agree with that philosophically. However, it is at times difficult to be a philosopher when standing at a fatality accident scene.

Butler said that seatbelt enforcement is only one of the program activities. He wished to know if it would be possible to accept the grant and not concentrate on seatbelt enforcement.

Moldrup said that he was not sure. It would be the intent of the Department to participate in all of the program activities.

Schoen said that he believes there is some flexibility with respect to enforcement dates, but not functions.

Wilkerson said that motor vehicle accidents that result in serious injury or death typically have been rollover highway speed situations as opposed to in town 20-30 mph zones. It is not the role of

government to protect citizens from themselves. He voiced his favor of enhanced enforcement for texting and impaired driving, but not seatbelt usage.

Lewis moved to approve the Special Traffic Enforcement Program Grant application. Jankovich seconded the motion. A roll call vote was taken and the results are as follows:

Matta	No	Lewis	Yes
Jankovich	No	Butler	No
Wells	No	Boyd	No
Wilkerson	No		

The motion failed 1-6.

N. 2013 Police Vehicle Purchase Update: At the October 15, 2013 Law Board Meeting the Board voted to approve the purchase of 1 Ford Transit, 4 Ford Taurus and 2 Ford Explorers to replace aging fleet vehicles. Captain Hegarty explained that the Jail Commander's vehicle, a repurposed 2008 Crown Victoria from the Patrol Division with approximately 100,000 miles, has been experiencing mechanical issues to the point that it no longer seems reasonable to spend the money to keep it in safe working order. The need to replace the vehicle now is driven by the fact that it is also being used as a jail transport vehicle during normal business hours. The 2013 line item for vehicle purchases has approximately \$27,000 remaining. He recommended the Department replace the vehicle with a base model Ford Taurus from Shawnee Mission Ford in the amount of \$20,358.

Jankovich inquired as to why the Department does not purchase the vehicle through the state contract.

Hegarty responded that requests for proposals were sent out to various dealers in October. Shawnee Mission Ford provided the lowest bid, even when compared to the state contract.

Butler moved to authorize RCPD to continue with the purchase of the additional Ford Taurus. Jankovich seconded the motion. On a roll call vote, motion carried 7-0.

O. Jail Kiosk & Money Collection Contract: Captain Nelson explained that the Department has been exploring and evaluating the possibility of simplifying inmate fund activities. Over the years Jail staff has been responsible for the management of inmate accounts and commissary purchases. In an effort to get away from those practices the Department conducted a review of companies that specialize in jail fund/commissary programs. Following a thorough review, Swanson Services Corporation was deemed to be the best fit for RCPD.

Nelson explained that Swanson Services Corporation will install self-service kiosks in the front lobby of the Law Enforcement Center, jail booking area and individual pods at no cost to the Department. Upon visiting the Department, friends and family members may make a deposit into an inmate's account by utilizing the kiosk in the front lobby or from home through the Swanson Services Corporation website. Eligible inmates will be able to purchase items from the commissary via the kiosk. Commissary prices are consistent with prices found in convenience stores. The Department will receive a 10% commission on commissary purchases simply to offset employee time dedicated to providing the service. Swanson Services Corporation will also receive a fairly minimal commission on commissary items that are sold and deposits that are made. When an

inmate is released from the facility, opposed to being issued a check for remaining funds, the kiosk system will issue them a debit card. Nelson said that ultimately, the new system will eliminate most of the need to handle inmate cash and the daily managing of inmate accounts. Following no objections from the Board it is the intention of the Department to contract with Swanson Services Corporation for the above-mentioned services.

Michael Johnson, Client Relations Manager for Swanson Services Corporation was present to answer questions from the Board.

Attorney Michael Gillespie directed the Board to mutual indemnification language contained in the contract. He said that he normally does not prefer such clauses; however, this particular one does not cause him concern. He merely wanted to bring it to the attention of the Board.

The Board had no objections to the Department contracting with Swanson Services Corporation for inmate fund/commissary services.

P. Certificate of Need: Range Training Facility: As explained in Director Schoen's memo to the Law Board, between September of 2011 and June of 2013, the issue of how best to deal with the Department's range/training needs has been in front of the Law Board on at least four separate occasions. These discussions led to the inclusion of a "Certificate of Need" notice from the Law Board to the Board of County Commissioners (BOCC) as Action Item #1 on the Department's 2013 goals. Conversations regarding the range commenced when adjacent property owners contacted the Department and the BOCC with concerns when they learned that bullets were escaping the confines of the range and landing on their property. This occasioned a review of the current range facilities from a safety standpoint. As that discussion was ongoing, the issue of the County's lease on the current range was also raised. The current lease expires in June 2019. While initial lease renewal discussions were had with the current landowner, subsequent conversations provided little in the way of financial incentive for the County to continue pursuing lease renewal and the discussions have lately turned to relocating the facility.

Given the potential for moving the range to a different location and that RCPD facilities are, statutorily, a County responsibility, the Department (with Law Board and County consent) retained a range development firm to assist in planning, should the need to move become a reality. Those preliminary plans were briefed to both the BOCC and Law Board in public meetings. Public Works Director Leon Hobson will begin examining plans for site development taking into consideration first zoning regulations and secondarily site prep work necessary to relocate the Department's current range. That work is to be taken up by the County in the first quarter of 2014. That being the case, Director Schoen said that he believes it is appropriate for the Law Board to forward a Certificate of Need to the BOCC for action.

Butler wished to know if RCPD Administration has had the opportunity to speak with surrounding agencies to determine if there is a potential for shared use and funding of the new range.

Schoen said that he has spoken with Emergency Service Directors about joint use of the proposed new range. If an emergency vehicle operation course is included in the final plan there will likely be a need among Rural Fire and the Manhattan Fire Department. He is not certain at this time if Riley County Emergency Medical Services could make use of the facility.

Butler suggested that in the future RCPD reach out to other agencies such as the Kansas State University Police Department, Pottawatomie County Sheriff's Office, Geary County Sheriff's Office and the National Bio and Agro-Defense Facility (NBAF).

Schoen agreed that it would make sense to reach out to those agencies. However, he does not look at this as a means to generate profit.

Wilkerson moved to approve and forward to Riley County the Certificate of Need letter. Jankovich seconded the motion. On a roll call vote, motion carried 7-0.

Q. Concealed Carry: Director Schoen briefed the Board on the position of the Department since changes to Kansas statutes concerning concealed carry that allow the possession of firearms on certain governmental property and state municipal buildings. Initially the County was going to grant an exemption to the law giving the Riley County Police Department until January 2014 to develop a security plan. Schoen explained that the Department has not adopted a plan to prohibit concealed carry into the building. Following discussions internally, and given the nature of the Department's existing security system, it is believed that said exemption is not needed. The Department will permit concealed carry inside of the front lobby of the facility.

The Board was comfortable with the Director's decision.

R. Adjournment: Wilkerson moved to adjourn the meeting. Wells seconded the motion. On a roll call vote, motion carried 7-0. The December 16, 2013 Law Board Meeting adjourned at 12:59 p.m.