

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
April 18, 2016 12:00 p.m.
Minutes**

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

Absent: Captain Hooper

Staff Present: Director Schoen Assistant Director Doehling
Captain Fink Captain Hegarty
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. Approval of Minutes
 - a) March 3, 2016 Special Law Board Meeting
 - b) March 21, 2016 Law board Meeting
- B. Approve 2016 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*)

IV. General Agenda:

G. Additions or Deletions: Director Schoen noted two corrections to the March 3, 2016 Special Law Board Meeting minutes. The second bulleted paragraph on page 6 of the packet should read “Determine operational necessity, if any, for Unmanned Aerial Surveillance (UAS) implementation.”

Reddi commented on the increase in the jail average daily inmate population over the past few months. She wished to know if there was a reason for the increase.

Schoen explained that there are a number of factors that can cause an increase or decrease in the average daily inmate population. The Department does not have a handle on the exact cause; however, court decisions, imposed jail sentences, and statute changes can all effect the inmate population.

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

H. Public Comment: James “Bud” Valerius- Manhattan Resident: Mr. Valerius referred to an article in The Wichita Eagle titled “Clean Slate Day a Chance to Expunge Criminal Records.” The Wichita Bar Association organized an event on March 4, 2016 called Clean Slate Day. On that day, lawyers and volunteers helped qualifying individuals wipe their records clean. Valerius feels that there are a number of people in Manhattan who could benefit from a similar event. He cited an example in which an individual with whom he is acquainted was passed up for a job. The individual was not convicted but when applying for a job his past arrest became an issue.

Valerius shared his belief that certain community members are being targeted by Riley County Police Department (RCPD) police officers. One individual, now deceased, previously shared his personal history with Valerius. While attending high school the individual was arrested for marijuana possession. Since that time, until his passing, he was harassed and followed by police officers. Valerius believes that there are too many aggressive police officers looking to make a criminal out of young individuals.

Manhattan-Riley County Coalition for Equal Justice: Kansas State University Associate Professor Dr. John Exdell, First Congregational United Church of Christ Reverend Caela Simmons Wood, Assistant Director of Admissions for K-State and Advisor for the Black Student Union Bryon Williams, and K-State Associate Director-Communication/Student Services Molly McGaughey addressed the Board regarding their concerns of racial disparities in Riley County marijuana arrests. McGaughey attended and spoke on behalf of Manhattan-Riley County Coalition for Equal Justice (CEJ) member Jonalu Johnstone.

Williams said that in September 2014 the American Civil Liberties Union released a report titled “The War on Marijuana in Black and White.” The report detailed that there were some rather large disparities between arrests of black people and the arrests of white people even though studies show that marijuana usage is roughly the same among the two groups. Riley County was specifically cited in the report as being one of the offenders.

The report aroused the curiosities of a few community members as well as the Black Student Union who decided to meet with Director Schoen to talk about the ACLU report as it relates to racial disparities in marijuana arrests. However, after the meeting, and the continued research that went forward, the group still saw that there were issues with the disparities that were not explained. They decided to conduct their own research. It was at that point that the CEJ was formed.

Williams said that since September 2014 the group has tried to expound on the information that was available and inform constituents in the community and RCPD. Multiple conversations were had with Director Schoen and Captain Kyle, as well as a public forums and guest lectures from experts in their field.

Exdell shared the results of the CEJ’s research and their charge with the Law Board. In brief, the CEJ is concerned with the increasing racial disparities in RCPD enforcement of the state law prohibiting possession of marijuana. These disparities have grown at a high rate in the last 4 years, raising questions about possible racial bias by the RCPD.

The CEJ utilized official Department of Justice and Census Bureau data from 2010-2014. According to the data, in 2014 a black person in Riley County was 6.8 times more likely to be arrested for marijuana possession than a white person. In addition, there was a rapid increase, to the tune of 165% in 3 years, in the number of arrests for marijuana possession irrespective of race. Conversations with Captain Kyle revealed that in 2010-2012 the RCPD experienced an upswing in marijuana arrests as a result of the Department's use of an aggressive investigative traffic stop strategy known as Operation Impact. According to recent published research by University of Kansas Professor Charles Epp, this aggressive use of investigative traffic stops in the Kansas City Metropolitan area is clearly influenced by police bias against African Americans. The CEJ is concerned that quite possibly the same cause is at work locally.

The CEJ would like to know why the data is revealing various patterns that could point to the influence of racial bias. The CEJ would like this question and others to be addressed directly as the main agenda of a Law Board Meeting where further citizen input is welcome.

Reddi commented that the Law Board has had, and continues to have discussions regarding Fair and Impartial Policing (FIP). Most recently, the Board and RCPD noticed an influx of marijuana possession during Fake Patty's Day. Reddi said that change is necessary, and she is glad that they are having these conversations. Citizen Forums have been held. Be Stoney and Jayme Morris-Hardeman both understand the issues and serve on the Riley County Police Department Community Advisory Board (CAB). They are having discussions among that group as well.

Reddi assured the CEJ that the Law Board is looking at these issues and they are not going unnoticed. Part of it will come down to funding. The police department is only one component. There is a whole society. A number of things need to take place before real change happens. The CEJ is more than welcome to attend any of the aforementioned open public meetings to be a part of the discussion.

Brian Johnson- President, Fraternal Order of Police Lodge #17: Johnson explained that it is an increasingly difficult time to be in law enforcement. He addressed the comments made by Valerius which implied that police officers were targeting an individual for nefarious or personal reasons. There isn't a conspiracy of multiple officers harassing individuals for no particular reason. Johnson trusts that the Law Board recognizes that. However, it is important to explicitly put that out there for the public, especially those at home listening to the meeting. The accusations are unfounded to say the least.

Johnson said that the Department and Fraternal Order of Police (FOP) welcome transparency. It is very important to the organization to engage in fair and impartial policing. It is something that everyone has embraced. It is certainly something that RCPD administration has taken great steps in making sure that it is institutionalized and if problems are identified that they are addressed.

Johnson added that the CEJ did not address whether the differences noted in the data were statistically significant. Generally speaking, there will be one group that is larger than the other. There will always be fluctuations in the figures each year. That is part of random variability. No explanation was presented concerning whether it was random variability that was seen, and if the differences noted were deemed to be statistically significant. In these sorts of statistical analyses underlying assumptions have to be made in order to evaluate them. Johnson said that he is not sure that the underlying assumptions that frequent statistical examinations were met.

Johnson raised these questions because the Department has addressed the CEJ's concern for well over a year. Meetings were held with RCPD administration. Various forums and guest lectures were held regarding the topic. To a degree, though not purposeful, it is a bit irresponsible to point out the differences but ignore the repeated discussions and explanations that have been provided. Many of the explanations are structural bias which is independent of the police department. The Department has repeatedly provided explanations which seem to be ignored and exchanged seemingly to drive a discussion with a predetermined decision on what the significance of these numbers mean. Moving forward, he hopes that everyone recognizes that RCPD is a FIP department. He is not proposing that the matter be ignored but at the same time they need to be more responsible and acknowledge that many of the concerns have been repeatedly addressed.

I. Board Member Comments: Wells sought clarification regarding the statistics provided by the CEJ. He wished to know if the study revealed that multiple individuals were being arrested in the same location for a single incident.

Exdell responded that the statistics are available through Manhattan Municipal Court records. In his review of the records, he did not see any large groups of black people arrested at the same time and place which could inflate the numbers.

Reddi attended the RCPD Jail Portfolio Exercise presented on April 13, 2016 at the Riley County Senior Center. Correction officer trainees provided presentations on mental illness in the jail, and recreational area improvements to keep inmates physically and mentally healthy. Reddi felt that the correction officer trainees did a nice job.

Reddi informed the public that the CAB meets on the first Tuesday of each month at 11:30 a.m. at Bluestem Bistro in Aggieville. She was able to attend the April 5, 2016 CAB Meeting at which quite a few individuals from the public attended. The meetings are open to the public. It is a great place to discuss topics that are of interest to the community.

Reddi announced that Tom Beall is Acting U.S. Attorney for the District of Kansas. He took the position on April 15, 2016, when U.S. Attorney Barry Grissom stepped down. Grissom did an exceptional job during his tenure.

Butler commented on the data provided by the CEJ. He would like information on total arrests and what the court records show. It would be disturbing to him if quite a few people were arrested and later found to be completely innocent. That would indicate targeting. If an individual is arrested and found guilty that is another thing. Furthermore, the focus seems to be on marijuana arrests. What about total arrests? The Law Board and police department have received a lot of allegations of widespread racism. They have not received any actual figures to support those statements. Butler said that he does not have enough facts to come down on one side or the other. Perhaps future discussion at a Law Board Meeting is warranted. However, more time needs to be spent gathering more information so that the Board can make a valid determination on how to proceed.

McCulloh concurred with the comments made by Butler.

Boyd echoed the sentiments Butler and McCulloh and thanked the CEJ for their comments.

J. National Correctional Officers' Week Proclamation: Chairman Boyd read the National Correctional Officers' Week Proclamation declaring that all citizens of Manhattan and Riley

County observe the week of May 1st through May 7th, 2016 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. Riley County Police Department Correction Sergeant Larry Greinke, and Correction Officers Kenna Baker, Michael Johnson, Alexandra Kline and Kyle Linderman accepted the proclamation on behalf of the Department.

K. National Police Week Proclamation: Chairman Boyd read the National Police Week Proclamation declaring that all citizens of Manhattan and Riley County observe the week of May 15th through May 21st, 2016 as National Police Week in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty. Riley County Police Department Sergeant Dustin Weiszbrod, Detectives Brian Johnson and Calvin Sanders, and Police Officer Randy Pushee accepted the proclamation on behalf of the Department.

L. CALEA Assessment Report Summary: The annual Commission on Accreditation for Law Enforcement Agencies (CALEA) Conference was held March 30, 2016 through April 2, 2016 in St. Louis, Missouri. Director Schoen attended the conference at which RCPD was accredited effective March 16, 2016 for the 8th time. This award may remain in effect for 4 years. The Department was selected by the Commissioners of CALEA to receive the Accreditation with Excellence Award, which is the highest award that can be achieved.

M. Paul Coverdell Forensic Science Improvement Grant Program: Assistant Director Doehling sought approval on behalf of the Department to seek funding of forensic science equipment through the FY 2016 Paul Coverdell Forensic Science Improvement Grants Program. The grant program is available through the U.S. Department of Justice, Office of Justice Programs, and National Institute of Justice. The Riley County Police Department requests to submit, for a competitive grant, the following equipment totaling \$154,869. There are no matching funds.

- Faro Focus 3D-X330 Laser Scanner to Capture Crime Scenes Digitally.
- Hazmat ID Elite Handheld Solid/Liquid Identifier.

Beardsley inquired about ongoing calibration, supplies, maintenance costs, etc. that might be associated with the equipment.

Weiszbrod said that calibration for the Faro Focus Laser Scanner is done by the manufacturer. The warranty for the unit is also through the manufacturer which takes care of issues that may arise with the internal workings of the device. The Hazmat ID also comes with a limited warranty. First time maintenance agreement costs were included with the grant request. Agreements for following years were not. Weiszbrod said that he has not estimated those costs at this time. Conversations with RCPD, the Manhattan Fire Department, and the State of Kansas regarding the possibility of having some of the future costs covered are ongoing.

Beardsley moved to approve the Department's application for funding through the FY 2016 Paul Coverdell Forensic Science Improvement Grants Program. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

N. 2017 Budget Development: Members of the Law Board were provided copies of the Riley County Police Department 2017 Budget Narrative Proposed Budget Draft 2 as part of their packets. Also provided to the Board were documents authored by Captain Kyle outlining courthouse security staffing options for Riley County District and Municipal Courts. Kyle recommended to the

Board an adjusted schedule which combines city and county court. The amended schedule would combine civil process and include 1 sergeant, 3 full-time sworn officers, and 4 security officers.

Kyle was also tasked with assessing the security needs of the Manhattan Regional Airport. He spoke with a Transportation Security Administration (TSA) associate, and Law Enforcement Liaison Mike Williams out of Wichita. Following their discussion it was concluded that if the Manhattan Regional Airport were to pursue CAT 3 status it would be a minimum of 2-5 years before they could hope to receive acknowledgement from TSA. According to Manhattan Regional Airport Assistant Director Brandon Keazer, there are currently no plans to move from CAT 4 to CAT 3 status. Therefore, scheduling for additional airport security not needed until 2018 (at the earliest), with 2020-2021 being the more likely scenario.

Assistant Director Doehling briefed the Board on budget options A through E. A description of each option to include non-personnel and personnel related costs, and the percent increase over the 2016 approved RCPD budget are depicted in the chart below. The chart does not include the 2015 carryover.

	2016	2017 (Base Budget)	<i>Option A</i> Court Security	<i>Option B</i> Mental Health Response	<i>Option C</i> Dispatchers (2)	<i>Option D</i> Shift Differential Pay	<i>Option E</i> Education Pay	Options A-E	2017 Draft 2 (2017 Base + All Options)
Personnel	\$17,313,000	\$17,255,288	\$458,356	\$87,468	\$94,356	\$30,460	\$134,987	\$805,627	\$18,060,915
Non-Personnel	\$2,451,000	\$2,729,500	\$31,500	-	-	-	-	\$31,500	\$2,761,000
Total	\$19,764,000	\$19,984,788	\$489,856	\$87,468	\$94,356	\$30,460	\$134,987	\$837,127	\$20,821,915
% Add to 2016	-	+1.117	+2.479	+4.43	+4.77	+1.54	+6.83	+4.236	+5.353

Assistant City Manager Kiel Mangus explained that security for the Municipal Court will not be in place January 1, 2017 because they will not have the security equipment at that time. The City Commission is considering upgrades to the facility as part of their 2017 budget discussions. The lag time may reduce some of the staffing costs. Though, he understands that timing is a factor with regard to hiring and training the new officers.

Butler wanted to know if it would be feasible to staff Municipal Court for the 2 days that the court is open.

Mangus said that they can certainly look at the options. However, he believes that the gist of the law is that the facility is either secure or not secure. It cannot be secure part of the time.

Butler explained that court security is mandated and unfunded; therefore, the City and County will have to pay for it. Dispatch personnel are essential. However, he wanted to know if the Department could get by with adding only 1 dispatcher at this time. He noted that he was in favor of adding 1 mental health response professional but wanted to know if it could be delayed for 6 months to help reduce the increase in the overall budget. He was not in support of options D and E at this time.

Schoen said that 1 dispatcher is better than none.

Wilkerson agreed with the options as laid out by Butler.

Beardsley said that as the year progresses and the budget allows he would like RCPD administration to have the ability to add the second dispatcher, shift differential and/or education pay. Administration

would simply need to notify the Law Board before it action is taken. He does not think that the options are bad. The timing is just bad.

The Board reached a consensus and arranged the budget options in order of preference. They are as follows: court security (option A), the addition of 2 dispatchers (option C), and the addition of 1 mental health response professional (option B). Shift differential (option D) and education pay (option E) will not be considered in future budget discussions.

Schoen will coordinate with the City to determine if security for Municipal Court can be delayed and if they are any legal ramifications with doing so. He and Assistant Director Doehling will also return to the Board with figures for 1 mental health professional for 6 months.

Boyd clarified that they are not looking to operate Municipal Court until January 1, 2018.

O. Executive Session: At 2:10 p.m. McCulloh moved to go into executive session for the purpose of discussing non-elected personnel matters and attorney client privilege not to exceed 5 minutes. Wilkerson seconded the motion. On a roll call vote, motion carried 7-0.

At 2:15 p.m. the open meeting reconvened.

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

Q. Adjournment: The April 18, 2016 Law Board Meeting adjourned at 2:16 p.m.