

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
August 15, 2016 12:00 p.m.
Minutes**

Members Present: Craig Beardsley Robert Boyd
Wynn Butler Karen McCulloh
Usha Reddi Ron Wells
Barry Wilkerson (left at approximately 12:40 p.m.)

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 July 18, 2016 Law Board Meeting Minutes
 - B. Approve 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. 2nd Quarter Reports: Synopses- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 61.1.1 Traffic Accident & Enforcement Analysis
 - c) 84.1.8 Seizure & Forfeiture Report
 - d) Alcohol Enforcement Semiannual Report

Beardsley referred to the Traffic Accident & Enforcement Analysis Report. He wished to know if the traffic collision data used to try to determine causation includes all traffic violations or just those for which the officer issued a citation.

Schoen responded that the data does not include warnings issued to motorists nor does it include data for motorists who were stopped by an officer for a crime that was unrelated to a traffic violation.

Beardsley inquired about Operation ARC and the focus group study that was conducted. He wished to know who conducted the study.

Kyle explained that Kansas State University (KSU) Associate Professor of Sociology Dr. Sue Williams and her team conducted a limited focus group study. A draft report with the results will be made available to the public and Law Board in the form of a press release early September.

Beardsley referred to the Alcohol Enforcement Semiannual Report. He explained that it is difficult to distinguish between self-reported and officer initiated alcohol related offenses that were cited at the various establishments.

Kyle stated that the figures provided are the number of alcohol and ID-related reports received. The report does not indicate whether the violation was self-reported by establishment personnel or officer initiated.

Schoen explained that in the past, the Department has tried to draw a distinction between the two. Unfortunately, there is no checkbox for self-reported or officer initiated offenses. That information is a little difficult to gather as it requires a more in-depth review of each report. In speaking with the Lieutenant who works the midnight shift, the Department has received decent compliance with most of the bars. While there may always be some friction, the overall relationship between the Riley County Police Department (RCPD) and the bars is certainly better than it was when this topic was initially broached and various accusations were made.

Beardsley wanted to know if the report could be modified to document which establishments are self-reporting and working cooperatively with RCPD, and which are not.

Schoen said that a column could be added to note the total number of self-reported offenses for each establishment.

Hooper said that presently, the only way to capture the data is to physically read the narrative of each report which is time consuming. However, he is fairly certain that he and staff can come up with a method to capture the data going forward.

McCulloh referred to the Seizure & Forfeiture Report. She inquired about the 1992 Chevrolet Caprice that the Department has had in its possession since 2007. She wanted to know if it is typical for the Department to keep seized vehicles for that period of time and if there are fees associated with storing the vehicle.

Schoen said that there is no fee to store the vehicle in the Manhattan Wrecker Service lot. The seizure case is pending. The Department is simply waiting for the attorney of the individual who owns the vehicle to sign off on the necessary paperwork so that it can be returned to the owner.

Reddi noted that three of the statute descriptions listed in the Alcohol Enforcement Semiannual Report appear to be the same, if not very similar. The three categories are: liquor; purchase/consumption by minor, minor in possession of alcohol, and possession of alcohol by minor. She wanted to know if the categories could be combined for the purpose of this report.

Schoen explained that the offenses are different. The officer must refer to the appropriate section of the City Ordinance when citing the individual for Municipal Court. The ordinance 4-3(a) refers to the purchase of alcohol and 4-3(b) is simple possession. The pie chart on page 53 of the Law Board packet combines the two and is labeled possession/consumption by minor. Given the above, he suggested it

would be more useful to the Board and the Department to leave the offenses listed separately in the table.

Reddi recommended the categories in the table be labeled to clarify that 4-3(a) is the purchase of alcohol and 4-3(b) is simple possession.

Reddi referred back to the Traffic Accident & Enforcement Analysis which reported that there were twelve preventable accidents that occurred around the Bluemont traffic circle, four of which resulted in a total of twelve people being injured. She wondered if the roundabout is cause for concern and if so, should the Department reach out to the Director of Public Works Rob Ott.

Schoen said that having had conversations with Mr. Ott and city staff over time, one of the misperceptions of roundabouts is that they are designed to reduce the number of motor vehicle accidents. In fact, they are designed to reduce the severity of accidents. It appears as though there were enough injury accidents this quarter that maybe the roundabout is being less successful. However, one has to ask what would have happened if the roundabout did not exist and those four drivers were involved in a broadside (or T-bone) collision.

Kyle said that he was approached by City Commissioner Mike Dodson requesting accident data concerning roundabouts and was provided with fairly general information. Kyle said that you have to be careful how you compare the data. For example, if you try to compare accidents at a roundabout with surrounding high traffic intersections you may not learn anything, especially if you look at accident concentrations. The Bluemont corridor is already a highly traveled area and has a lot of accidents. It would be more valuable to look at when the roundabout was put in place and what effect that had, if any, on motor vehicle accidents.

Reddi asked if RCPD noticed a decrease in accidents following the installation of the roundabout.

Kyle said that is something that the Department is unable to determine. The Department sends accident data to the City. The City analyzes the data very differently than RCPD. The Department looks at general numbers and whether it is an injury or non-injury accident. The City is able to dive a bit deeper and look at other factors on a Geographic Information Systems (GIS) basis. They are able to determine if the engineering of the intersection is playing a part in the number of traffic accidents, whether it is human behavior, or both.

Kyle explained that the Traffic Accident & Enforcement Analysis Report is designed by the Commission on Accreditation for Law Enforcement Agencies (CALEA) standards to essentially serve as a decision making document. In short, the analysis identifies where accidents are occurring, the Department directs officers to those locations and checks the results. One of the things you want to avoid doing as a police manager is look at outputs or traffic citations. You want to look at outcomes. For example, was there a reduction in accidents and did the causation for the accidents change?

Kyle said that he put forward a proposal called Operation Accident Reduction Citations (ARC). Operation ARC is based on the principles of procedural justice which focuses on legitimacy, and the concept of fairness in interactions between law enforcement and the community. Essentially, the Department asks the public what they consider to be important from a traffic accident standpoint. Officers are then directed to focus their traffic safety efforts on a list of violations which data shows cause accidents and the enforcement of which citizens find legitimate. The goal is to reduce accidents through voluntary compliance.

The Department collaborated with KSU to conduct a series of focus groups in an effort to determine what the public considers to be priorities when it comes to traffic safety. Kyle anticipates receiving the results of that study next month. Once received, he will be one step closer to launching Operation ARC which will allow the Department to focus officers on certain behaviors that are known to cause accidents.

McCulloh sought clarification regarding voucher #8022 payable to Kim (Hank) Nelson. She noted that he received similar payment for the past three months.

Schoen responded that Hank Nelson conducts pre-employment background investigations for RCPD.

McCulloh asked about voucher #8242 payable to Mathis Rehab Center LLC.

Hooper explained that Mathis Rehab Center LLC conducts physical assessments of incoming employees. The Department uses a system very similar to that of the City of Manhattan.

Schoen added that the pre-employment physical assessment assists with future workers compensation claims, and to some extent mitigates the impact on the Department's costs.

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

IV. General Agenda:

H. Additions or Deletions: Chairman Boyd wished to delete item L. Revised City of Manhattan Code of Ordinances Concerning Discrimination; Inclusion or Exemption from the general agenda.

I. Public Comment: None.

J. Board Member Comments: Reddi mentioned an article in the Associated Press dated August 7, 2016 regarding city and county funding for a mental health co-responder. She said that it was nice to be recognized for the collaborative effort between the Law Board, RCPD and Pawnee Mental Health Services, and their desire to do the right thing.

Reddi informed the public that the Kansas Department of Health and Environment (KDHE) issued a boil water advisory for City of Manhattan public water supply. The advisory was due to a power outage resulting in loss of pressure. Main areas impacted were Colbert Hills, Grand Mere and Tattarrax. The pressure is back to normal; however, the water advisory is still in effect and the public is asked to boil water prior to drinking or food preparation. The advisory will remain in effect until further notice by KDHE officials.

McCulloh said that she receives newsletters from The Manhattan Alliance for Peace and Justice (MAPJ). She noted that the organization is still very concerned about the number of African American individuals arrested for marijuana related offenses. She wished to know if additional dialogue between the RCPD and MAPJ is needed.

Schoen explained that they (Riley County/Manhattan Coalition for Equal Justice (CEJ)) attended the recent Riley County Police Department Community Advisory Board meeting to once again discuss racial disparities in marijuana arrests for Riley County. It was a good discussion. However, the linchpin of the American Civil Liberties Union (ACLU) report “The War on Marijuana in Black and White” for which the CEJ models its claims is that marijuana usage rates between races are roughly equal; therefore, disparities in arrest rates must be proof of racial bias. A fairly recent local study conducted indicates that marijuana usage is not roughly equal, particularly in the age demographic where locally and nationally you tend to see a peak in use. The CEJ said that they would go back and look at the local study to see if they found it to be pertinent.

Beardsley explained that he has some difficulty understanding the study because a baseline analysis was not conducted. Further, the study does not appear to be scientifically valid due to its limited scope.

Schoen explained that the ACLU report states that it is not intended to be used for the very purpose to which the CEJ is using it, which is to argue that something needs to be done with respect to the disparate arrest rates. The ACLU report reads and looks like a scientific study, but it is not. In that vein, it is used generally as a political tool to make a specific argument.

Schoen said that the position he has taken with the CEJ, specifically as it pertains to the argument that marijuana use ought to be legalized, is that the argument needs to be made to those who are in the position to do something about it rather than attempt to influence it on the back end, which is to get law enforcement to do certain things with marijuana arrests or citations.

Schoen agreed that the ACLU report is not a scientific study, but the CEJ is not having a scientific debate. They are having a debate about society, practices, and what the law ought to be. Schoen said that the debate does need to occur, but it should be done at a level above his paygrade. The police department is the actionable arm of the law. If a decision is made regarding the legalization of marijuana, and it is what the public wants, then change the law. In the interim, RCPD is charged with enforcement.

Schoen added that since 2012 the Department has had quite a number of drug rips. People tend to think that marijuana is not a big deal. However, a good number of the local drug rips have concerned marijuana and involved individuals being shorted drugs and/or money. In almost all of the cases guns were present and in many cases individuals were shot. A few cases involved juveniles who were injured. When asked why law enforcement is concerned with marijuana, these are the reasons.

K. Promotion Announcement Dispatch Supervisor Sarah Martin: Director Schoen announced the promotion of Dispatcher Sarah Martin to the position of Dispatch Shift Supervisor. Sarah began her career with Riley County Police Department on October 9, 2011. She served the Riley County Police Department and the citizens of Riley County in various capacities since that time to include training of new dispatchers. She was awarded Employee of the Year in 2014. She assumed the duties and responsibilities of Dispatch Shift Supervisor on August 14, 2016.

Director Schoen expressed gratitude on behalf of the police department for her continued diligence and dedication to the law enforcement profession. Sarah was accompanied by her husband Michael.

L. Executive Session: At 12:46 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 15 minutes. Beardsley seconded the motion. On a roll call vote, motion carried 6-0.

At 1:02 p.m. the open meeting reconvened.

M. Affirmation or Revocation of Discipline: McCulloh moved to affirm the Director's disciplinary actions. Beardsley seconded the motion. On a roll call vote, motion carried 6-0.

N. Adjournment: The August 15, 2016 Law Board Meeting adjourned at 1:03 p.m.