

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
February 20, 2018 12:00 p.m.
Minutes**

Members Present: Craig Beardsley Mike Dodson
Marvin Rodriguez BeEtta Stoney
Ben Wilson Barry Wilkerson

Absent: Usha Reddi

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

- I. **Establish Quorum:** By Chairman Beardsley at 12:00 p.m.
- II. **Pledge of Allegiance:** Director Schoen led the Law Board in the Pledge of Allegiance.
- III. **Consent Agenda:**
- A. Approve January 16, 2018 Law Board Meeting Minutes
 - B. Approve 2017/2018 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. 4th Quarter Reports: Synopsis- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 52.1.5 IA/AA Annual Report
 - c) 61.1.1 A & C Traffic Accident & Enforcement Analysis
 - d) 84.1.8 Seizure & Forfeiture Report
 - e) Annual Special Law Enforcement Trust Fund
 - f) Alcohol Enforcement Semiannual Report

Beardsley inquired about Voucher #14034 payable to Davis Moore Automotive Inc., for four Dodge Charger vehicles. He wished to know if the dealership selection was the result of a bid process.

Hooper responded that in the past, the Riley County Police Department (RCPD) purchased vehicles through state contract. This year, the Department was able to obtain a group rate for the purchase of four Dodge Chargers, which cost less than the state contract.

Stoney referred to the Internal Affairs Annual Summary which states that the Department received a total of ten citizen complaints in 2017. However, in parenthesis the report states that there were eleven citizen complaints. She sought clarification regarding the actual number of citizen complaints in 2017.

Schoen responded that there were a total of eleven citizen complaints in 2017. He explained that the error was identified internally by staff, but the Law Board packets had already been prepared at that time. The report has since been corrected.

Dodson moved to approve the Consent Agenda as presented. Stoney seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 6-0.

IV. General Agenda:

H. Additions or Deletions: None.

I. Public Comment: Aaron Wright, Resident, Manhattan, Kansas, discussed the retirement announcement of RCPD Director Brad Schoen and the selection process for his successor. His comments are as follows:

With the retirement announcement of Brad Schoen sparking the Law Board to search for his replacement, I would like to speak on the transparency of RCPD or the lack there of. Transparency should be just that, and not based on what the director deems necessary to share to ensure they do not look bad in the eye of the public. There are many examples I could give you regarding the lack of transparency provided by the administration at RCPD, but it has been my experience the Board members are not interested in hearing about issues that would require disciplinary actions against the administration. So instead I shall provide the following comments.

During their search, this Board needs to be certain the next director understands the true meaning of transparency and that person should not pick and choose when to be transparent with board members and or the public. A director should believe in the justice system and not concern themselves or allow the public to convict an innocent person. The next director should take heed, the advice and warnings provided to them regarding an employee. They should not however, protect an employee and threaten others to quiet their warnings, only to later find out that particular employee has been stealing evidence and committing various other violations. My hope is the next director will treat their employees with fairness and not show favoritism or allow others to do the same and they should put a stop to the nepotism that goes on within RCPD. The next director should not terminate employees, citing a violation of public trust, but yet with other employees who have committed the same violations as those terminated, embrace them and then cover up and lie about their wrong doings. If the director truly believes a person's actions have violated the trust of the public, they should not go as far as to give a promotion to employees who have committed these violations.

Let it be clear, I believe in the men and women of the Riley County Police Department and these comments are not meant to call into question their professionalism. On the RCPD challenge coin the mission statement is transcribed "To reduce crime and improve the quality of life for the citizens we serve." I know the men and women of RCPD to be good and hard-working people who truly believe in

this mission statement. But alas, these men and women are indeed people. Because of this factor, people sometimes make mistakes. The next director should take into account that even if someone is employed by RCPD they are not super human nor are they flawless. RCPD has a set of core values. These values are held at such a standard that if violated, an employee can be fired. May the next director understand that these values are a guide as to how one should act and should not be used as a tool to threaten employees for punishment or termination. If the core values are going to continue to be held at such a high standard, the next director should not violate those very values time and time again.

It is my recommendation to this Board, please seriously consider an individual from outside RCPD, Manhattan and Riley County and perhaps even the state. I was a member of the department during the era of Mike Watson as well as Brad Schoen. I can tell you neither man is without their flaws. But the big difference is, Mr. Watson brought an outside perspective and treated his employees with equal fairness and he was a believer in truth. To my knowledge, Mr. Watson never covered up, exaggerated the truth or lied to protect others. Furthermore, Mr. Watson believed in his employees, so much so he did not feel the need to have complete and god like control over them. He did not have distrust in his employees to the point he felt it necessary to abolish the Fraternal Order of Police's bargaining rights.

In closing I would like to ask you all to please not convey these comments merely as an attack on Brad Schoen. Rather they are meant to serve as caution to the Board during their search. Sometimes things are not as they appear. I view Mr. Schoen a lot like the former President Bill Clinton. Mr. Schoen has done some good things for RCPD and certainly he has made improvements for this community. However, he has also done some things that are questionable to say the least. Good luck and Godspeed in finding your replacement for Mr. Schoen.

J. Fraternal Order of Police Lodge #17 Comments: Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, reported that in 2017, RCPD received over 58,000 calls for service, 7,000 of which were the result of the Laser Point program. He stated that 58,000 calls for service is a tremendous number of contacts between police officers and the public. For the Department to have received only eleven complaints during that period speaks well of the Department and how employees conduct themselves. Johnson added that the FOP, representing the RCPD labor force, would welcome any opportunity to participate in the director selection process.

K. Board Member Comments: None.

L. Unmanned Aerial Systems Program Presentation: In May, 2017 Sergeant Doug Wood was asked to conduct a program assessment to determine the feasibility of implementing a small Unmanned Aerial Systems (UAS or drone) program for RCPD. A proposal was submitted to Director Schoen and Assistant Director Doehling who approved of the program for a trial period of one year beginning November 2017.

Wood presented the Law Board with the 2017-2018 RCPD UAS Project Assessment. He explained that the purpose of the Project Assessment is to evaluate the integration of Unmanned Aerial Systems with RCPD operations. In addition to testing the UAS systems in various law enforcement operations the team will develop operating procedures, evaluate equipment, operating conditions, manpower needs, and "best practices" for public safety and privacy. At the conclusion of the project assessment, a

final report will be provided to the Director where he can then make a decision regarding continuing, expanding, or eliminating the program.

Wood said that presently, the Department has three trained individuals as UAS remote pilots. They attended eighty hours of training for UAS commercial pilot, basic multi-rotor, advanced multi-rotor and night operations course. The pilots will continue to train each month and receive a total of approximately ninety-six hours of training every year.

The Riley County Police Department purchased two aircrafts: DJI Inspire 1 and Mavic Pro. The DJI Inspire 1 V2 has a range of three miles and can travel up to fifty miles per hour. The cost for this particular model was approximately \$12,000. The Department also purchased a drop system which assists the drone aircraft in delivering items. The drop system can be used by RCPD to deliver throw phones to barricaded subjects and rescue life jackets that would necessitate being transported over a body of water. The aircraft also has a Forward Looking Infra-Red (FLIR) camera which detects infrared radiation (generally thermal or heat radiation) and translates it into a visual image. The DJI Mavic Pro has a range of four miles and speed of forty miles per hour. This model cost approximately \$1,200.

Wood explained that government operations can fall under two umbrellas: Commercial Part 107 or Certificate of Authorization (COA) issued by the Federal Aviation Administration (FAA). Presently, those assigned to the RCPD Drone Team are certified to fly as commercial pilots. They are working toward receiving a COA which would allow them to expand operations. Wood added that there are a number of uses for UAS in law enforcement operations to include accident reconstruction, crime scene documentation, search and rescue efforts, active shooter scenarios, Tactical Team & Hostage Negotiation Team support/rescue, and operational surveillance, to name a few.

Wood said that there remain a number of issues that need to be resolved during the project assessment. Those include:

- Training, development of policy and operational procedures
- Privacy, conformance to statute and current case law
- Public perception and education
- Safety, operational procedures and “best practices”
- Data security (hacking)
- FAA COA waivers for operation within five miles of airport, night operations and other special circumstances

To address these issues, the Program Assessment and Development Team will review current RCPD policy and other agencies’ policies, conduct training and operational missions then review for best practices. They will evaluate and modify standard operating procedures until a final policy is ready for the Director’s approval.

Wilkerson asked if the Department has researched federal statutes, not just state statutes that govern the use of UAS.

Wood responded that the majority of federal statues pertaining to UAS are FAA regulations which are part of the license and COA.

Beardsley stated that the public will likely have some concerns regarding aerial surveillance and boundaries. Therefore, the purpose of the program and use of UAS should be made clear to the public. Following the project assessment and prior to deploying drones, he asked that RCPD administration clarify to the public how the aircrafts will be used and controlled in keeping with department policy.

Dodson stated that the policy for the drone program should be a document that is usable to the officers so they do not have to cycle through numerous steps to arrive at an answer.

Schoen stated that the policy, once finalized, will be provided to the Law Board for approval. Generally, unless there is good reason to do it, the Department does not include standard operating procedures in policy. It is likely that the standard operating procedures and policy will be two separate documents. Schoen said that he recognizes that the public will have an interest in the program. It will be important to be upfront about what the procedures will be.

Wood extended an invitation to the Board to view a live demonstration of the drone after the Law Board meeting.

M. Fake Patty's Day Event: Captain Fink briefed the Board on the operations plan for Fake Patty's Day which is scheduled to begin at 7:00 a.m. Saturday, March 10, 2018 and conclude at 4:00 a.m. Sunday, March 11, 2018. He explained that a total of sixty-eight officers will be dedicated to the event. The agency's sworn personnel will be assigned to staggered twelve hour shifts in order to increase staffing during peak times. Additional personnel are also scheduled to work in the jail and communication center. Agencies that have agreed to assist RCPD with the event are the 1st Infantry Division Fort Riley, Emporia Police Department, Kansas Alcoholic Beverage Control, Kansas Bureau of Investigations, Kansas Highway Patrol, Kansas State University Police Department, Lawrence Police Department, Lyon County Sheriff, Pottawatomie County Sheriff, Junction City Police Department, and Kansas Wildlife & Parks.

Fink informed the Board that the operation center will be located in the City Park Pavilion. A first aid station for event participants will be located at the former Manhattan Parks and Rec building which will be staffed by personnel from Riley County Emergency Medical Services. The Riley County Emergency Management mobile command post will be stationed at the operation center in City Park.

Captain Fink explained that assignments for sworn officers will include foot and bike patrols in and around Aggieville, parking control, and officers assigned to normal calls for service outside of the Aggieville area. Moro Street in Aggieville will be closed to vehicle traffic. Officers assigned to the event will focus enforcement efforts on Driving Under the Influence (DUI), unlawful possession of alcohol, illegal drugs, and disorderly conduct.

Captain Fink thanked the City of Manhattan and Riley County for their support by providing RCPD with facility space and equipment during the event.

Dodson wished to know if the agencies assisting with the event are reimbursed for services. How are the services funded?

Fink explained that in the past, RCPD has received requests for reimbursement for services; however, many of the agencies volunteer and do not invoice RCPD for the event. Often, the agencies try to help one another. For example, the Lawrence Police Department (LPD) has agreed to send eight officers to work Fake Patty's Day. In return, RCPD may assist LPD during the NCAA Tournament.

Dodson asked if the Department has reached out to the Kansas State University Police Department (KSUPD) in an effort to get information out to the student population regarding safety and expectations.

Fink responded that the Aggieville Business Association is working directly with the chief information officer for Kansas State University who will release information to students about the event.

Dodson asked if there are certain behaviors RCPD would advise against to those who participate in the event.

Fink cautioned participants under the legal drinking age not to drink alcohol. For those who are twenty-one years of age or older, moderation is key. Further, illegal drugs are...illegal. He said that Manhattan/Riley County is not a community that accepts any type of use of illegal drugs. If an individual is in possession of or is seen using illegal drugs enforcement action will be taken.

Beardsley thought it would be a good idea to have the RCPD public information officer release to the public some general guidelines and expected standards of conduct during Fake Patty's Day.

Schoen agreed and said that RCPD has a good history of putting information out to the public regarding the event. The Department will provide information to the public again this year via social media.

N. Approval of General Order 2017-020 Salary Program: Provided to the Law Board as part of their packets was General Order 2017-020- Salary Program. Assistant Director Doehling provided a brief history of the FOP bargaining unit and the current methods in which employees participate in the policy development process.

Doehling explained that in keeping with the commitment made to the FOP at the time the Board elected to opt out from under the provisions of the Public Employer-Employee Relations Act (PEERA), the Department begun moving items from FOP contract and incorporating them into policy. A Policy Review Committee (comprised of RCPD employees) was established to formulate and review all policy revisions prior to the Director's review. Items from FOP contract that were inserted into policy cannot be changed without the approval of the Law Board; however, the Director has the authority to make very minor policy changes. The Board knows by virtue of the color coding of the language in the policy what items derived from FOP sworn and non-sworn contracts.

Doehling explained that the primary changes to the salary program policy deal with compensatory (comp) time, shift differential pay, and education incentive pay. In May 2017, the Law Board approved the expansion of shift differential pay to all employees who regularly work a shift that starts or ends during, or encompasses the hours of 12:00 a.m. to 6:00 a.m. and the expansion of education pay in the

amount of \$200.00 a month for those who qualify. Language has been incorporated into the salary program policy to reflect those changes.

Doehling said that with respect to comp time, it is earned at a rate equivalent to the overtime rate (i.e. 1 hour of overtime equals 1.5 hours of comp time). Under current policy, employees are allowed to accrue a maximum of eighty hours of comp time. An employee may choose between taking overtime as pay or as comp time (up to the maximum allowable limit), when it is earned. Presently, unused or unpaid comp time in the employee's account carries over until the employee's separation from the Department at which time it is paid at the contemporary hourly rate. Employees also have the ability to use comp time in lieu of accrued leave time when taking time off.

Following a suggestion made by an employee, language providing employees with the option to request payout of a pre-designated, capped amount of their accumulated comp time as wages was included in the proposed policy. Doehling explained that the employee may make the request, but it may not exceed \$1,000 and must be submitted in writing for approval. Upon approval, the requested amount will be included in the employee's November paycheck.

Doehling said that he reviewed the figures with the Department's accountant. He noted that the comp time would be paid to the employee at some point in time. It is just a question of whether the money is to be paid to the employee in December of any given year at a cheaper rate for the Department, or paid at the time of the employee's separation which would be paid at a higher rate.

Beardsley sought the position of the FOP with regard to the proposed changes.

Johnson said that the FOP has discussed the proposed policy with Director Schoen. The FOP supports the education incentive pay for all employees who qualify as well as the option for employees to request payout of accumulated comp time as wages.

Schoen stated that he is comfortable with the proposed policy change regarding comp time; however, there is a bit of an unknown with respect to how many employees will elect to participate. If the policy is approved, the plan is to try it for one year and make adjustments to the pre-designated, capped dollar amount, if necessary. It is hoped that employees use it for its intended purpose, which is to assist with some extra expenses at the end of the year and not treat it like a savings account like some do with their tax returns. If that occurs, the policy may need to be modified.

Dodson wished to know if comp time is carried as a liability in the budget.

Schoen explained that comp time is covered in the annual audit, and particular attention is paid to the unfunded liability. As a practical matter, it would be virtually impossible for the entire unfunded liability to come due at any given point in time. For that to happen, all employees of the police department would have to resign. The more realistic approach is to look at the turnover rate for the Department. Those calculations are included in the budget every year.

Wilkerson acknowledged that he printed the policy and did not have the opportunity to view the document in color. Therefore, he was not certain what content derived from FOP contract and what

had been altered. Consequently, he did not feel that he was in a position to vote on the policy at this time.

Dodson moved to approve General Order 2017-020 as presented. Wilson seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Stoney, Rodriguez, and Beardsley voting in favor. The motion passed 5-0, with Wilkerson abstaining.

O. Director Selection Process: Chairman Beardsley referred to Aaron Wright's earlier comments. Beardsley stated that it is the desire of the Law Board to be transparent during the director search and selection process. Beardsley explained that the Board will consider all public input in the form of written remarks, and verbal comments during public forums. The Law Board will contract with an executive search/recruitment firm to conduct a national search for the next director to collaborate with the Board during the process. It is the goal of the Law Board to select the best individual for the position, whether it is an internal or external candidate.

Beardsley shared a comment on behalf of Commissioner Reddi who could not attend the Law Board Meeting. Reddi suggested that responses to the Request for Proposals (RFP) for executive search services be sent to RCPD Human Resources. Beardsley noted that during the previous search which resulted in the selection of Director Schoen, the consultant responses were sent to then Law Board Chairman Mike Kearns. Beardsley suggested, and the Board agreed, to have the documents sent to Chairman Beardsley to distribute to other members of the Law Board.

Dodson emphasized that the Law Board intends to be very active in the process and work closely with the consultant to properly guide the selection process.

Beardsley informed the public that a search committee will be formed and charged with spearheading the process development, conducting outreach, and assisting with the consultant selection. He referred to a document previously provided to the Law Board which outlined the proposed composition of the committee. In addition to those listed in the document, the City Commission and County Commission will each appoint a member of the public to serve on the committee. Due to his expertise, Director Schoen will serve on the committee as a non-voting member. Beardsley suggested a representative from Kansas State University serve on the committee as well.

The Board agreed with the composition of the committee as described.

P. Executive Session: At 1:07 p.m. Wilkerson moved to recess into Executive Session until 1:37 p.m. p.m. for the purpose of discussing non-elected personnel matters and attorney client privilege. Stoney seconded the motion Beardsley polled the Board and the motion passed with Dodson, Wilson, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 6-0.

At 1:46 p.m. the open meeting reconvened.

Q. Affirmation or Revocation of Discipline: Wilkerson moved to affirm the Director's disciplinary actions. Stoney seconded the motion. Beardsley polled the Board and the motion passed

with Dodson, Wilson, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 6-0.

R. Adjournment: The February 20, 2018 Law Board Meeting adjourned at 1:46 p.m.