

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
December 18, 2017 12:00 p.m.
Minutes**

Members Present: Craig Beardsley Mike Dodson
Usha Reddi Marvin Rodriguez
BeEtta Stoney Ben Wilson
Barry Wilkerson (arrived at 12:15 p.m.)

Absent: Captain Hooper

Staff Present: Director Schoen Assistant Director Doehling
Captain Fink Captain Hegarty
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 November 20, 2017 Law Board Meeting Minutes
 - B. Approve 2017 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*)

Reddi referred to the Monthly Crime Report. She noted that the number of DUI arrests remain below trend for seven out of the eleven months reported. She wished to know if the decrease in DUI arrests could be attributed to the public's growing use of designated drivers, Uber, and Lyft.

Schoen stated that the Riley County Police Department (RCPD) has not changed anything procedure wise with respect to looking for and arresting motorists who are driving under the influence. The Department continues to conduct saturation patrols and DUI check lanes.

Fink added that officers assigned to the Aggieville area have noticed a growth in the popularity of Uber, which could have an impact on the number of DUI arrests.

Reddi commented on the increase in vehicle burglaries. She explained that remote keyless-entry systems now allow the driver to walk up to his/her vehicle and the vehicle wirelessly calls out for the

key so they do not have to press any buttons to get inside. She wanted to know if drivers are leaving their keys inside the vehicles, which prompts thieves to simply open the door.

Hegarty explained that the vast majority of vehicle burglaries (approximately 70-80%) are due to unlocked vehicles. The Department frequently sends out reminders to the public regarding the importance of removing valuables from sight and locking their vehicles. In addition, the Department is exploring the idea of recurring evening reminders via Twitter to prompt the public to lock their vehicles.

Dodson asked RCPD administration to address the increase in Part I Crimes.

Hegarty stated that the Department is concerned with residential burglaries which is one of the more serious crimes because it involves the invasion of a home. With regard to rapes, while there is a lower number reported, it is more harmful relative to other crimes. The Department continues to focus on aggravated assaults and the abovementioned crimes.

Dodson asked if there is a trend with respect to the time of day the residential burglaries are occurring or methods of entry.

Hegarty stated that people tend to think of residential burglaries as a night time event, but quite frequently they occur in the daytime when the occupants are not home. Furthermore, they tend to occur in small clusters not large enough for the Department to make deployments based on a particular pattern. The method of entry varies tremendously. The Department has begun deploying officers a little differently and is working on implementing new programs over the next year to hopefully address some of the burglary and violent crime issues.

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

IV. General Agenda:

G. Additions or Deletions: Chairman Beardsley requested an update on the recent meeting of the Law Board ad hoc Committee.

Dodson explained that the Committee is comprised of nine members. The first meeting was held on December 5, 2017 and the second meeting will be scheduled for a time in February 2018. Following a very productive discussion, members of the Committee agreed upon the following charge, "The Committee is charged with determining if the disproportionate marijuana arrest rate is due to racial bias in policing practices or other variables and prepare a report to be presented to the Law Board and public which may include recommendations for future actions."

Dodson added that the Committee also discussed the difference between pretextual, investigatory, and interdiction stops. At the meeting, he encouraged members to participate in the RCPD Ride-Along Program in an effort to gain a better understanding of the pulse of the City.

Dodson recently attended a retirement reception at the Riley County Police Department to honor Lieutenant Steve Boyda for his years of service to the Department and citizens of Manhattan and Riley County. It was wonderful to hear comments from those who worked with and for Lieutenant Boyda throughout his career.

H. Public Comment: None.

I. Fraternal Order of Police Lodge #17 Comments: Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, echoed the comments made by Dodson. He added that Lieutenant Boyda mentored numerous police officers over the years, and was a respected supervisor among his colleagues.

Johnson stated that the FOP concluded the Cops 'N Kids Program for 2017. This year, the FOP was able to help slightly fewer than seventy children, and raise approximately \$10,000 with the help of donations from the community and RCPD employees.

Johnson addressed the proposed changes to RCPD Policy 41.3.01 Body-Worn Cameras. He stated that the FOP has some concerns with the current version of the policy as it relates to officer review of body-worn camera recordings. It is a complicated policy which demands attention due to the potential liability that it carries. He requested the topic be placed on a future Law Board Meeting agenda for discussion.

Dodson discussed the informal recommendation from RCPD administration to hire additional personnel to take care of the increasing demands of editing and filing body-worn camera videos. When the policy is revised, he would like it to be done in a way that minimizes the requirement for additional personnel.

Schoen stated that the policy is presently under review. Following internal review, and during 2019 budget discussions, the policy and personnel recommendations will be discussed with the Law Board. He explained that the revision chiefly revolves around whether officers should be allowed to view body-worn camera videos before writing certain reports (e.g., Use of Force Reports), and if so, under what circumstances. Credible arguments on both sides were presented by experts at the International Association of Chiefs of Police Conference in October. It appears as though the consensus is swinging toward what administration has recommended in the policy. Understandably, the change might be disconcerting to officers. It is a topic worth discussing when the Law Board has had the opportunity to review the policy.

J. Board Member Comments: Commissioner Reddi extended her appreciation to RCPD Communication Center Manager Diane Doehling for serving as a translator at the workforce and English as a Second Language (ESL) event that was held on November 30, 2017 in Ogden, Kansas. This effort was funded by a grant with the goal of taking individuals out of poverty and placing them into the workforce by assisting with resume building and interview skills, to name a few.

K. RCLEA 2018 Meeting Resolution: Chairman Beardsley recommended holding a future Law Board Meeting in Ogden and one or two meetings up north. Riley County Police Department administration will contact the respective city clerks and report back to the Law Board.

Dodson moved to approve 18-02, RCLEA Meeting Schedule as presented. Wilkerson seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 7-0.

L. Radio System User Agreement: Director Schoen explained that it was his hope to have the Radio Communication Systems User Agreement between the Riley County, Kansas Board of County Commissioners, the City of Manhattan, Kansas, the Riley County Law Enforcement Agency, and Riley County Fire District #1 available to the Law Board for review at the December 18, 2017 Law Board Meeting. Unfortunately, the final language of the agreement is taking a little longer for county staff to put together than originally anticipated. The purpose of the agreement will be to consolidate separate public safety communications systems into one system, and define the roles and responsibilities of the agreeing parties. In brief, the County will be responsible for the initial and continuing costs of the radio system infrastructure, and the individual parties will be responsible to fund their respective End-User Equipment, such as radios.

Schoen stated that the Department will deposit funds with the County (roughly \$180,000 annually) to cover the costs to purchase new mobile and portable radios when the infrastructure project has been completed. The project will be twenty-six months to completion and span four RCPD budget cycles (2017-2020).

Dodson stated that he was under the assumption that maintenance of the radios would be considered an operational cost to be distributed among the City and County at the respective 80/20 split.

Wilson responded that the County has decided to pay for the radio infrastructure. They have not made a final decision with respect to funding on the maintenance side. They need to discuss the matter further.

M. Jail Services Agreement: Captain Moldrup briefed the Board on the Jail Services Agreement between the Riley County Law Enforcement Agency, Riley County Police Department, and Turnkey Corrections. The agreement includes inmate e-mail SMS/picture mail, telephone, commissary, lobby and video visitation services. There is no cost to the Department as the services are provided by Turnkey Corrections to the inmate, their family, and friends at a cost. The Department will receive a percentage of the revenues from the system to offset expenses involved in managing the services.

Moldrup explained that the agreement includes nine kiosks to be installed in the jail capable of handling all services offered by Turkey at no cost to the Department. Although additional kiosks are not needed at this time, the Department may request them at a cost of \$1,995.00 each. With respect to email, there is a screening system in place to identify and block inappropriate words, and messages can be sent to administrative queue for review before delivery to internal or external parties. Communications, other than those between an inmate and their attorney, are recorded and retained in the system.

Reddi asked if the expansion of inmate services, such as video visitation, will have an impact on the Department's bandwidth requirement.

Moldrup responded that he is waiting for Information Technology (IT) staff to confirm whether or not it will have an effect on the bandwidth.

Beardsley requested a progress report two or three months after the program is operational to ensure that it is meeting the expectations of the Department and the needs of the inmates.

Michael Gillespie, Attorney, Riley County Law Enforcement Agency, discussed U.S. District Judge Julie Robinson's cease-and-desist order against jails and prisons in Kansas that were recording telephone conversations and meetings between inmates and their attorneys. Gillespie explained that all law enforcement agencies in Kansas are presently under a federal court order that almost totally prohibits the electronic monitoring of federal inmate and attorney client communications. Director Schoen, Captain Moldrup and staff are quite aware of the court order.

Gillespie addressed the compensation/terms of payment and indemnity clause in the jail services agreement. He stated that the indemnification risk in this case is one of the lowest he has seen in an agreement. He and the Department were able to negotiate an exception such that there is absolutely no obligation to indemnify, hold harmless or pay anything if Turnkey Corrections is sued by an inmate and the lawsuits do not allege any wrong doing on behalf of RCPD or its employees. He recommended the Board sign the agreement with the indemnification provisions left intact as they are in the draft.

Dodson moved to approve the Jail Services Agreement as presented. Wilkerson seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 7-0.

N. Executive Session: At 12:50 p.m. Wilkerson moved to recess into Executive Session until 1:10 p.m. for the purpose of discussing non-elected personnel matters and attorney client privilege. Wilson seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 7-0.

At 1:12 p.m. the open meeting reconvened.

At 1:12 p.m. Wilkerson moved to return to Executive Session until 1:42 p.m. for the purpose of discussing non-elected personnel matters. Stoney seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 7-0.

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

At 1:46 p.m. Wilkerson moved to return to Executive Session until 2:06 p.m. for the purpose of discussing non-elected personnel matters. Rodriguez seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 7-0.

At 2:06 p.m. the open meeting reconvened.

Beardsley wished Manhattan Broadcasting News Director Cathy Dawes Scroggs the best in her retirement. He thanked her for her support and accurate reporting of information to the public.

O. Director's Contract: Wilkerson moved to extend the Director's contract of employment with the term of January 1, 2018 to December 31, 2019 with a step increase from current pay grade J. to K on the salary chart. Dodson seconded the motion. Beardsley polled the Board and the motion passed with Dodson, Wilson, Reddi, Stoney, Rodriguez, Wilkerson, and Beardsley voting in favor, and no one voting against. The motion passed 7-0.

P. Adjournment: The December 18, 2017 Law Board Meeting adjourned at 2:09 p.m.