

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
January 18, 2011 12:00 p.m.
Minutes**

Members Present: Jayme Morris-Hardeman Karen McCulloh
Barry Wilkerson Bruce Snead
Jim Sherow Loren Pepperd
Dave Lewis

Absent: None

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

I. Establish Quorum: By Chairman Morris-Hardeman at 12:01 p.m.

II. Pledge of Allegiance: Led by Director Schoen.

III. Community Advisory Board Recognition: On behalf of the Riley County Law Enforcement Agency, Riley County Police Department and Community Advisory Board, Director Schoen and Assistant Director Doehling presented Jeff Levin and Tiffany Powell each with a plaque in recognition of their dedication and service to the citizens of Riley County, Kansas and men and women of RCPD.

IV. Swear in Law Board Members: Rich Vargo swore in McCulloh, Lewis, Morris-Hardeman, Sherow, Snead and Pepperd for the term ending December 31, 2012.

V. Consent Agenda:

- A. Approve December 20, 2010 Minutes
- B. Approve 2010 & 2011 Expenditures
 - a) 2010 Budget Expenditures
 - b) 2011 Budget Expenditures
 - c) Juvenile Transports
- C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures

Sherow moved to approve the consent agenda as presented. Wilkerson seconded the motion. The motion passed 7-0.

VI. General Agenda:

D. Reorganization/Election of Officers: Snead nominated McCulloh to serve as Chair of the Riley County Law Board. Sherow seconded the motion. The motion passed 7-0.

Snead nominated Sherow to serve as Vice Chair of the Riley County Law Board. Pepperd seconded the motion. The motion passed 7-0.

E. Additions or Deletions: None.

F. Public Comment: Fraternal Order of Police (FOP), Lodge #17 Executive Board Member and former President Steve Gregoire addressed the Board. He informed the Board that with a new year approaching, and the recent removal from under the provisions of the Public Employer-Employee Relations Act (PEERA), the FOP is committed to working closely with Riley County Police Department administration. It is also the desire of the FOP to create a personal relationship with members of the Law Board by having an FOP Executive Board Member present at each Law Board meeting to answer any questions that may arise.

McCulloh thanked Gregoire for his comments. She added that it is important for the FOP to understand that the Law Board will be available should any issues arise that require their attention.

G. Law Board Member Recognition: On behalf of the Riley County Law Enforcement Agency and the Riley County Police Department, Director Schoen and Assistant Director Doehling presented Connie Casper and Gail Urban each with a plaque in recognition of their dedication and service to the citizens of Riley County, Kansas and men and women of RCPD.

Urban said she appreciated the time spent as a member of the Board. Of the many boards she has served on over the years, the Law Board has been the toughest, but certainly the most pleasurable.

Casper expressed what an honor and privilege it has been to serve on the Board for the past two years. She has learned a lot and will value the experience.

H. Community Advisory Board Update: Riley County Police Department Community Advisory Board (CAB) Chairman Clay Taylor briefed the Law Board on CAB activities to date. He reported that the primary purpose of the CAB continues to be to serve as a liaison between the community and Riley County Police Department as well as act as a sounding board for the Department regarding the concerns and issues of the community. Members of the Board for 2011 include Trent Armbrust, Dick Seaton, Jerry Boettcher, Michelle Jones, Natalie Rauth, Mo Hosni, Steve Hargrave, Kathleen Greene, Jeff Denney, Heather Lansdowne and Clay Taylor.

The CAB routinely invites guest speakers to the monthly meetings. Guest attendees have included Lyle Butler, Manhattan Area Chamber of Commerce Board of Directors President/CEO, Pat Bosco, Vice President for Student Life & Dean of Students, Brady Burton, Superintendent of Blue Valley USD 384, Brad Starnes, Superintendent of Riley County USD 378, Ned Seaton, General Manager of the Manhattan Mercury, Brice Ebert, Vice President of Alliance Property Management Inc., Dennis Cook, Aggieville Business Association President, Evan Tuttle, Aggieville Business Association Executive Director, Jackie Hartman, Kansas State University Director of Community Relations, and Bruce Snead, Mayor of the City of Manhattan.

In 2010 the CAB formed a Website Committee and Communications Committee. The task of the Website Committee was to provide content and design ideas for a standalone CAB website to be provided to RCPD personnel for implementation. Taylor anticipates that the website will be up and running in fairly short order. The Communications Committee endeavored get information out to the community and did so through various media outlets. Members of the Committee attended

KMAN In-Focus and authored articles published in local newspapers. Members have also served as guest speakers at Konza Rotary Club, Good Morning Manhattan and Aggieville Safety meetings. Taylor said that attendance at such meetings will continue in 2011.

McCulloh asked who is responsible for determining the makeup of the Community Advisory Board.

Taylor responded that Director Schoen has a great deal of input into the composition of the Board; however, it is the active members who decide who will fill expired terms.

McCulloh asked if there is a representative from the county on the Board.

Taylor said that Steve Hargrave is on the Board and serves as a representative from North County.

McCulloh thanked Taylor for the thorough update.

I. Mobile Device Ban Update: Captain Hegarty provided a brief history of the mobile device ban. In July, 2010 Manhattan passed an ordinance banning the use of handheld electronic devices while operating a motor vehicle. From the date the ordinance was passed to the end of 2010 officers of the Riley County Police Department were authorized to write warnings for those who violated the ordinance. In that timeframe RCPD wrote a total of 707 warnings to motorists who were using a cellular telephone without a hands free device and 32 warnings for motorists who were texting while driving. Beginning January 1, 2011 through January 18, 2011 officers have written a total of 63 citations to motorists for talking on a cellular telephone without a hands free device and 9 citations for those who were texting. Hegarty reported that the citation carries a \$60.00 fine and \$79.00 fee for court costs if found guilty. The Department will continue to enforce the ordinance in the context of accident reduction and improving traffic safety.

J. 2012 Budget Preparation Timeline: Provided to the Board was the proposed 2012 Budget Preparation Timeline that was developed in accordance with the statutes of the Riley County Police Department and the Riley County Law Enforcement Agency. The Board had no objections to the proposed schedule.

K. Patrol Staffing Assessment: Captain Hegarty briefed the Board on the Riley County Police Department Patrol Staffing Assessment final report conducted by Justice Research Consultants, LLC. He explained that the study was authorized in 2009. Prior to the study, RCPD conducted numerous internal studies, but nothing the Department felt comfortable with due the lack of data available and internal deficiencies with respect to statistical analysis. The International Association of Chiefs of Police (IACP) and the Justice Research Consultants, LLC were considered to conduct the study and the Department chose the latter. The study presents the Departments staffing needs based upon a trend analysis of the past five years. Hegarty stated that where there was an option between a liberal or conservative projection, the company went with the more conservative projection.

The assessment recommends that the Department review trends on an annual basis. The study provides recommended levels of staffing for the next five years beginning in 2011. According to the study, the recommendation for 2011 is to hire four police officers in 2011 which cannot be accomplished at this time and could not have been done financially due to the recent jail expansion. Hegarty cautioned that if trends continue as expected the Department may have to look at increased staffing in some capacity in the near future.

Snead requested clarification with respect to the performance objective weights on page 38 of the report. He wished to know how the weights for each performance objective were determined.

Hegarty explained that the weights were predetermined by the company conducting the study. The command staff met and assigned the percentages to each performance objective. The largest difference between the City and the County is the visibility factor.

Director Schoen said that it helps to not view them as individual categories, but collectively as a whole. Command staff attempted to prioritize the performance objectives such that everything is not equally important. Assigning weights to the performance objectives is an attempt to juggle how best to satisfy the needs of the public, have officers visible and available, and prioritize calls for service such that the Department and public have a generally agreed upon standard.

Snead asked for further explanation concerning the leave percentage data on page 38. According to his calculations of time associated with leave for all listed activities, city officers are only available 4 out of 5 days. He acknowledged that it may be associated with the nature of the work and challenges consistent with other emergency service provision personnel, but he thought the officers would be on duty more than 80.78% of the time as stated in the report.

Schoen said that the figure takes into account regular leave, sick leave, comp time, bereavement leave, leave without pay, award, workers compensation, light duty and training. Officers on light duty or workers comp are on leave because he/she was injured while on duty which is unavoidable by virtue of the nature of the job. There is no compensation attached to leave without pay. Officers using comp time are doing so instead of being paid overtime for the hours worked. Further, training is necessary to be proficient in many of the services officers provide and situations they encounter. Schoen said if the table on page 38 took into account only general leave time the percentage would be much higher.

Snead addressed recommendation 1 on page 41 of the report which calls for 51 city patrol officers to be assigned to patrol in 2011. The Department currently has 48 officers assigned to patrol the city. That number excludes the 2 K-9 officers, 2 bike officers and the 2 foot patrol officers. The bike officers and foot patrol officers provide significant contributions to the policing efforts and goals. He asked why those positions were excluded.

Hegarty said that the bike officers and foot patrol officers are not equipped to answer normal calls for service. They are limited to the equipment they can carry and distance they can travel. They are not in a traditional call taker role by the nature of their position, equipment and requirements. To include them might have artificially inflated the numbers because they are not the typical beat officer answering calls for service.

McCulloh asked if the Department is seeking agreement among the Board to hire additional officers to be included in the 2012 budget.

Schoen said he did not expect a decision to be made today. He simply wanted to provide the Board with the information so when 2012 budget discussions occur they are prepared.

Sherow said the Department and Board needs think about the cost implications and logistical support necessary for hiring additional 5 officers as recommended in the report. According to the

2012 budget preparation timeline the Board must approve a budget for publication at the May 2011 Law Board meeting. The City will be nowhere near having a budget in place by that time which will prove to be an interesting scenario.

L. Review of 2010 RCPD Goals: Director Schoen asked the Board how they would like to approach the report on the 2010 RCPD goals. He indicated that the information had been included in the Law Board packet, but he could briefly review them if the Board so desired.

The Board agreed to address only those goals for which they had questions.

McCulloh commented on goal 8, Reconvene the working group considering revisions to RCPD's enabling legislation in order to recommend revisions such that: 1. The statutes reflect current practices and, 2. Modifications to the statutes as determined appropriate by elected officials of the City of Manhattan, the Riley County Board of County Commissioners, and the Law Board are forwarded to those bodies for their consideration. She stated that there is not much interest among the County to revisit the legislation.

Snead said that Commissioner Morris-Hardeman developed the idea approximately a year ago to have both full City and County Commissioners appointed to the Law Board with the addition of the County Attorney to engage elected officials in budgeting as well as policy oversight of the Department. This remains an issue for the City and they are interested in a means by which it can be accomplished that reflects the concerns of the County in governance and control. Legislation is needed to make such a change. If the City and County can come to some agreement it is much more likely that they will have legislative support.

Sherow concurred with the comments made by Snead. He would like to move toward the goal and discuss it in future City/County meetings.

M. 2011 Proposed RCPD Goals: Director Schoen explained that he and command staff made a conscious decision to establish goals with input from all levels within the Department and develop goals with a more long term orientation which were in keeping with the Department's mission statement. As a result, 4 SMART goals which are Specific, Measurable, Attainable, Realistic, and Time Bound were developed. These goals are served by a series of "Progress Indicators" designed to quantify movement toward the goal. The Department's proposed 2001 goals are as follows:

Goal - Improve traffic safety on our roadways (A Safe Community)

Progress Indicator 1: Reduce the incidence of non-weather/non-animal related MV accidents to 17 per 1,000 residents during the period January 1, 2011 through December 31, 2011 from the five year average of 17.7 (January 1, 2005 through December 31, 2009).

Progress Indicator 2: Increase the number of Driving While Intoxicated (DUI) arrests by 10% during the period January 1, 2011 through December 31, 2011 as compared to the period January 1, 2010 through December 31, 2010.

Goal - Reduce Crime (A Safe Community)

Progress Indicator 1: During the period January 1, 2011 through June 30, 2012, reduce the incidence of Part 1 crimes to 28 per 1,000 residents from the five year average of 29.02 (January 1, 2005 through December 31, 2009).

Progress Indicator 2: Increase the number of officer initiated, computer related, sexual and child exploitation crime reports during the period January 1, 2011 through December 31, 2011 by 75% over the period January 1, 2010 through December 31, 2010.

Goal - Increase Public Satisfaction (Responsiveness)

Progress Indicator 1: Establish a baseline of public satisfaction with department employees and services through Quality of Service audits conducted from January 1, 2011 through December 31, 2011.

Progress Indicator 2: Establish a Nuisance Crime Index based upon selected crimes for the period from January 1, 2011 through December 31, 2011.

Goal - Make use of available technological advances to improve efficiency (Innovation)

Progress Indicator 1: Reduce the total time allocated to data entry tasks by members of department clerical staff for the period January 1, 2011 through December 31, 2011 by 20 hours per week (1/2 of 1 FTE) for the period January 1, 2010 through December 31, 2010.

Progress Indicator 2: Develop procedures which permit accurate GIS mapping of at least 95% of all calls for service by December 31, 2011.

Snead said it is important for the Law Board to recognize that there may be annual goals for the Board as well. One example would be the potential restructuring of the Law Board which is not an RCPD specific goal.

Schoen agreed. If the Board offers a considerable amount of input as to what the goals ought to be, and if many of them are not necessarily SMART goals, they could end up with a two tiered system. One tier would be the Department's SMART goals and the other tier would consist of goals recommended by the Board

Snead requested the 2011 proposed RCPD goals be readdressed at the February 22, 2011 Law Board meeting with the addition of a second tier containing Law Board related policy and activity goals.

N. Executive Session: At 1:40 p.m. Snead moved to go into executive session for the purpose of discussing attorney client privilege and non-elected personnel matters not to exceed 30 minutes. Wilkerson seconded the motion. The motion passed 6-0 (Pepperd stepped out and was absent from the vote).

At 2:12 p.m. (Pepperd returned) Wilkerson moved to return from executive session. Morris-Hardeman seconded the motion. The motion passed 7-0.

O. Director's Contract: McCulloh announced that the Board will further discuss the Director's contract at the February Law Board meeting.

P. Affirmation or Revocation of Discipline: Wilkerson moved to affirm the Director's disciplinary actions. Snead seconded the motion. The motion passed 7-0.

Q. Adjournment: Snead moved to adjourn the meeting. Lewis seconded the motion. The motion passed 7-0. The January 18, 2011 Law Board meeting adjourned at 2:13 p.m.