

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
September 19, 2011 12:00 p.m.
Minutes**

Members Present: Karen McCulloh Barry Wilkerson
John Matta Loren Pepperd
Dave Lewis

Absent: Jim Sherow Wynn Butler

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

I. Establish Quorum: By Chairman McCulloh at 12:00 p.m.

II. Pledge of Allegiance: Led by Director Schoen.

III. Consent Agenda:

- A. Approve August 15, 2011 Law Board Meeting Minutes
- B. Approve 2011 Expenditures
 - a) 2011 Budget Expenditures
 - b) Juvenile Transports
 - c) Seizure Expenditures
 - d) Edward Byrne Justice Assistance Grant (JAG)-Recovery Act
- C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)

McCulloh referred to the August 15, 2011 Law Board Meeting minutes. The first paragraph on page 5 reads "*The Department recently undertook a health insurance mid-year review. Director Schoen reported that the Department's experience over the past year was fairly good, but there remains one poor year in terms of experience.*" McCulloh requested the statement be rephrased. The way it is currently written could be a bit unclear to the public.

Schoen assured McCulloh that the change would be made to the minutes.

McCulloh inquired about the \$10,148.88 spike penalty payable to KPERS (KP&F) listed in the 2011 budget expenditures.

Schoen explained that when an employee of the Department retires, certain benefits are paid to them such as remaining leave accruals. A spike penalty is applied when the benefits paid in the final check to the employee is over a particular amount. The Department has to pay the penalty in order that KP&F can afford to pay future benefits to the employee. Each year during the budget process the Department attempts to identify those employees who might retire and estimate what the spike penalty would be for that year.

Lewis moved to approve the consent agenda as amended. Wilkerson seconded the motion. The motion passed 5-0.

IV. General Agenda:

D. Additions or Deletions: None.

E. Public Comment: None.

F. Community Advisory Board Update: Riley County Police Department Community Advisory Board (CAB) Chairman Richard Seaton briefed the Law Board on CAB activities to date. He said that the purpose of the CAB continues to be to enhance communication between the community and Riley County Police Department. Members of the Board include himself, Trent Armbrust, Jerry Boettcher, Michele Jones, Mo Hosni, Steve Hargrave, Kathleen Greene, Heather Lansdowne, Jeff Denney and Andrew Rickel.

Community Advisory Board meetings are held the first Monday of each month from 11:30 a.m. to 1:00 p.m. at Paddy O'Quigley's in the Clarion Hotel. Recent guest speakers have included Activities Secretary for USD #383 and graduate of the RCPD Citizen's Police Academy Vanessa Hope, Website Developer for ICGLink and CAB website designer Jay Risner, and Juneteenth Committee Member Don Slater. Principal topics of discussion in recent months have been the RCPD budget, consolidated dispatch, Repeat Offender Program, Neighborhood Watch Program, Crime Stoppers, Patrol Staffing Analysis, Fake Patty's Day, and presence or absence of gang activity in Manhattan. The CAB has drafted a welcome letter to be disseminated to new students during KSU freshman orientation and enrollment that addresses public expectations and the city ordinance banning of handheld electronic devices while operating a motor vehicle.

McCulloh said that the primary reason the CAB was created was to get information out to the public. It is her belief that the CAB remains somewhat of an unknown and unheard Board. She wished to know how the Board plans to get more information out to the public.

Seaton said that is something the CAB continues to work on. There are plans to send CAB representatives to speak to various civic clubs. A website is now available to the public at www.rcpdcab.org. In addition, the public can contact the CAB via email at cab@rcpdcab.org.

McCulloh noted that the County Commission holds press conferences every Monday at 9:30 a.m. The Commission would be delighted to have members of the CAB attend and speak.

G. Approval of General Orders:

- a) GO 2011-011 FOP Lodge and Respective Membership Rights
- b) GO 2011-031 Collision Reporting and Investigations
- c) GO 2011-065 Provisions for Clothing and Equipment

Wilkerson moved to approve the General Orders as presented. Pepperd seconded the motion. The motion passed 5-0.

H. Use of Force Annual review: An annual review of the Department's Use of Force was conducted by Training Lt. Josh Kyle. During his review it was noted that there were a significant number of employees injured during training and in the field. Lt. Kyle was asked to conduct a more

in-depth review of the cause for employee injuries and determine what could be done to minimize future risk of injury. Lt. Kyle briefed the Board on his findings.

Lt. Kyle reviewed 18 months of employee injury reports. During his review it was discovered that a majority of employees were injured during Defensive Tactics training and in the field applying use of force to take a standing, resistant subject to the ground. He reported that police officers and correction officers at RCPD are just as likely to be injured in training learning certain techniques as they are in the field. Approximately 55% of officers hurt in the field later had to have some form of medical follow-up or treatment. Approximately 70% of officers injured during Defensive Tactics training required medical follow-up or treatment. Not only is there a high incident rate of officers being injured in training, but the injuries are fairly serious.

Kyle explained that the act of getting the subject to the ground is the number one cause of injury to the officer and the subject. The Use of Force Annual Review notes that the top 2 techniques used by officers are strength and tackling/grounding. This is significant because it means that when an officer is in trouble in the field he/she often relies on ad-hoc techniques despite training to the contrary.

According to 2 reports conducted by the National Institute of Justice (NIJ), tasers and pepper spray are safe and effective. They are safer than any other means of control when facing a form of physical resistance from the subject. They are safer alternatives to physical force. Subjects are 70% less likely to be injured when pepper spray is used. They are 65% less likely to be injured when a taser is used. Kyle stressed that the taser and pepper spray are not recommended for simple non-compliance issues, but rather when dealing with aggressive or resistant subjects.

In an effort to reduce employee injury and injury to the subject, RCPD will soon change how officers are trained and how they are to deal with resistant subjects in the field. The Department will stop teaching hands-on techniques to take a subject to the ground. Officers will be instructed, and trained to first attempt to talk the subject into handcuffs. If that does not work, the officer is to attempt to get the subject to comply using a technique that does not involve taking them to the ground. If that too proves inefficient, then the officer is to utilize the taser or pepper spray.

I. Operation Impact: A Data Driven Approach: Captain Hegarty stated that in 2010 the Department initiated Operation Impact; a policing strategy with the goal to reduce crime, traffic accidents, and traffic violations through the application of high visibility traffic enforcement. As of September 2011 the Department began to examine areas of Manhattan where there is a significant overlap of both crime and traffic accidents. The area identified as having high crime and traffic accidents was the area of Aggieville, Bluemont and Anderson. According to the latest traffic count conducted by the City of Manhattan the stretch of road from 4th Street along Bluemont to Sunset is the highest traveled roadway in the city. It stands to reason that more cars equal more accidents.

Hegarty said that the Department is attempting to educate and inform the public as much as possible about this initiative. Officers will be citing motorists in the impact area for violations that most often lead to accidents. Such violations include following too closely, inattentive driving, and failure to stop or yield at traffic control devices. The focus on inattentive driving will also include cell phone usage without a hands-free-device. Officers have begun providing informational cards to motorists that explains the program in greater detail.

Pepperd stated that the City has plans to work on Bluemont. He asked if there is anything the City can do to assist RCPD with ensuring motorist safety on Bluemont.

Hegarty responded that the City has an excellent plan in place. The City has applied for, and has received a grant to improve the roadway between 4th Street and Sunset. He believes it is their plan to cycle the traffic lights to reduce traffic congestion. The City is aware of the problem areas. They are doing an excellent job of working with RCPD and addressing the problems.

J. Health Insurance/Benefits/Wellness Program Overview: Director Schoen said that the Department is reviewing the possibility of establishing a Wellness Program aimed to promote physical fitness and healthy lifestyles for RCPD employees. While attending the Northwestern University School of Police Staff and Command, Lt. Richard Fink will be researching this topic as his final project. He has already conducted quite a bit of research on the matter. Such a program is aimed to get employees more active and lead a healthier lifestyle, but also has the potential to result in a reduction in Department health insurance rates. Additional information will be provided to the Board in the future and as it becomes available.

McCulloh asked if the Department has looked into the any health coaching programs that are available.

Schoen said that he has begun having those types of conversations with the Department's health insurance provider. It is something they are looking into.

Pepperd asked if the Riley County Health Department can assist RCPD in any way.

Schoen said that he has not approached the Health Department, but that is something certainly worth trying. He will contact Riley County Clerk Rich Vargo to discuss the matter.

Matta asked if the Department has functional capacity testing for new employees.

Schoen said not presently, but that is something he and command staff have discussed prior to assigning the project to Lt. Fink. The Department will be looking at that as well.

K. RCPD Range: Director Schoen directed the Board to a letter received by the Department from Bayer Construction Company, Inc. concerning a recurring issue at the RCPD shooting range south of Zeandale. Tarkio CD Disposal, LLC, of which Bayer Construction Co., is the single member owner, owns the property that is north of the shooting range. Bayer Construction Co., Inc. owns the property that is east of the range. Neil Horton, Vice President of Bayer Construction is concerned because bullets fired at the RCPD range are escaping from the confines of the range onto Tarkio/Bayer properties.

Schoen informed the Board that he is working on scheduling a meeting with the principals to discuss what can be done either short-term or long-term to remedy the issue. He has had some discussions with staff at the County concerning the matter. At this point he is not prepared to ask the Law Board for a facilities letter for improvements or additional modifications to the shooting range. He would like to have a meeting with all parties first to find an amenable solution.

Schoen wished to note that the issue is not with rounds that have a parabolic trajectory that are crossing someone's property, but rather they are ricocheting off of something solid, flipping into the

air, and coming down on the adjacent property. He truly understands Mr. Horton's concerns, but wanted to clarify that the impact of those rounds would be the same as tossing a bullet into the air and having it fall.

McCulloh stated that the County has been looking into this matter for approximately 2 years. They have tried a number of things to make the shooting range safer. The County worked with the Department on modifications to the range such as covering metal surfaces with wood, changes to the embankment, and adding hay bales. They have also begun looking at other locations for the range.

Pepperd asked if a range fan and ballistics report was done prior to opening the RCPD shooting range.

Schoen said that the range was opened a long time ago. The adjacent property was not purchased until after the range was constructed. There are concerns being brought up now that were not concerns at that time it was constructed. He was not sure if a range fan and ballistics report was conducted.

Doehling said that to his knowledge a formal range fan or ballistics report was not done. At the time the range was constructed the Department looked the type of rounds and caliber of weapons being fired and determined at that time that it was safe. Since then, things have changed as far as working in that area.

Pepperd suggested the Department contact Ft. Riley. Perhaps they can offer resources or assistance with obtaining a range fan and ballistics report. He asked if the RCPD shooting range is an open range where the public can shoot if they choose.

Schoen said it is not. That was one of the provisions in the agreement the County has with the property-owner.

L. Executive Session: At 1:00 p.m. Wilkerson moved to go into executive session for the purpose of discussing attorney client privilege and non-elected personnel matters not to exceed 10 minutes. Pepperd seconded the motion. The motion passed 5-0.

At 1:11 p.m. the open meeting reconvened.

M. Affirmation or Revocation of Discipline: Lewis moved to affirm the Director's disciplinary actions. Pepperd seconded the motion. The motion passed 5-0.

N. Adjournment: Lewis moved to adjourn the meeting. Matta seconded the motion. The motion passed 5-0. The September 19, 2011 Law Board Meeting adjourned at 1:12 p.m.