

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
September 17, 2018 12:00 p.m.
Minutes**

Members Present:

Craig Beardsley	Mike Dodson
Usha Reddi	Marvin Rodriguez
BeEtta Stoney	Barry Wilkerson
Ben Wilson	

Absent:

Staff Present:

Director Schoen	Assistant Director Moldrup
Captain Fink	Captain Hooper
Captain Kyle	Captain Hegarty
Captain Woods	

- 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 August 20, 2018 Law Board Meeting Minutes
 - B. Approve 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*)

Chairman Beardsley noted one correction to the August 20, 2018 Law Board Meeting Minutes. At the August meeting he misspoke. He clarified that the October 15, 2018 regularly scheduled Law Board Meeting will be held in Randolph, not Leonardville, Kansas as previously stated.

Wilson inquired about Voucher #9275 payable to UPS in the amount of \$2,144.53.

Schoen responded that a number of patrol rifles were replaced and the former rifles were returned to the federal government via UPS.

Reddi moved to adopt the Consent Agenda as amended. 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.

IV. General Agenda:

G. Additions or Deletions: None.

H. Public Comment: Patrick Tiede, Sergeant, Riley County Police Department (RCPD), voiced his concerns regarding the selection process for the next RCPD director. He stated that the current structure of the Department relies heavily upon internal leadership to guide and shape officers and employees. In his twenty years with the Department, he has had the opportunity to learn from each of the eligible internal candidates who were given the task to lead the Department. He wished to know how so many qualified internal candidates could have been eliminated from the selection process.

Tiede stated that it appears from the outside looking in that the Riley County Law Enforcement Agency (Law Board) Director Search Committee (Committee) was comprised chiefly of community members, some of whom he knows personally. Most committee members, if not all, have had interactions with and opinions of the internal candidates, positive or negative, prior to serving on the Committee. Committee members did not know the external candidates to the same extent. Therefore, external candidates were evaluated fairly and impartially by the Committee on the merit of their personal resumes and questionnaire responses.

Tiede said that the Committee was given an impossible task. Members of the Committee, through no fault of their own, brought with them their personal opinions, thoughts and feelings regarding the internal candidates. The fault lies with the process used by the Committee, which is simply not a fair way to assess the candidates.

Tiede noted that there was no law enforcement executive serving on the Committee. He felt that an agency, city and county of this size should have at least one law enforcement executive serving on the Committee to provide valuable input to other members who might be less informed on the process of hiring a police executive. Tiede stated it was his understanding that Director Brad Schoen was to be a non-voting member on the Committee, but to his knowledge, that did not happen. Tiede also addressed the perceived lack of transparency during the selection process, and asked if it was correct that members of the Committee were made to sign a Non-Disclosure Agreement (NDA).

Tiede offered two alternatives to the current selection process. The first option was to slow down and reevaluate the Committee's selection process, keep the remaining external candidates, and add a minimum of two qualified internal candidates to the impartial assessment center process. The second option was to stop the current process, reopen the selection, allow McGrath Human Resources Group to do their job of objectively selecting candidates based upon the criteria given to the Committee, rank the candidates and have an impartial assessment center.

Tiede stated that at the end of the process the Law Board will decide who will become the next director of RCPD. Their decision will impact the lives of everyone in Riley County and have far reaching and long lasting impact. He asked that the Board take a critical look at the selection process. This is the time to get it right. He asserted that no matter the outcome of the process, the employees of RCPD, himself included, will champion the next director without question.

Julia Goggins, Accreditation Manager, Riley County Police Department, echoed the comments made by Tiede and expressed her concerns with regard to the seemingly rushed selection process for RCPD director. She explained that Director Schoen announced his retirement the beginning of the year and only two months ago the announcement for the position was made public. It was her understanding that the Law Board wanted a new director by October 1st and now everyone is hastily rushing through the process to meet this deadline.

Goggins commented the lack of transparency and employee participation during the process, despite being told by the Law Board that they would have the opportunity to provide input. She stated that the law enforcement community is large yet small enough that everyone knows each other. Employees could have offered the Committee any professional experience they may have had with the candidates. What to do with that information would have been up to the Committee, but at least the employees would have had a voice. Employees have heard the word transparency a lot, but they have been watching the process through frosted glass.

Goggins added that the Department will be facing reaccreditation in 2020. The Commission on Accreditation for Law Enforcement Agencies (CALEA) assessors will be interested in the selection process as it is not every day that the Department changes leadership. They will be looking seriously at the steps that were taken during the selection process for the next director. Goggins said that she is not sure how to prove that the process was even loosely conducted according to RCPD policy (32.1.1 Selection Process Described). While the director position is not necessarily subject to this policy, it is reasonable to think that it would at least serve as a guideline.

Goggins took a moment to congratulate each candidate for making it to the final step of the process. She stated that once the new director is hired, employees of RCPD will put this matter behind them and move forward in solidarity and support of the new commander.

Chairman Beardsley responded to the comments and questions provided during public comment. He explained that he incorrectly stated that employees would have the opportunity to participate in a Question & Answer (Q&A) session with the final candidates. He misunderstood the purpose of the Q&A session which was to be part of the testing process in which a limited number of employees could attend and specific questions would be provided.

William "Bill" Schuck, Retired Police Officer, Riley County Police Department, addressed the Board regarding the preliminary requirements for police and correction officer candidates compared to the prerequisites set by the Committee for the new director. He explained that all applicants being considered for a position with RCPD must undergo a background investigation. Further, an individual applying for police officer or corrections officer must successfully pass a physical agility test prior to being hired. Neither has been conducted for the final candidates for director. Schuck said he is given to understand that the new director will be granted up to one year to complete the physical agility test, an option that is not presently offered to new police and corrections officers.

Schuck referred to the Law Board investigation into allegations against former RCPD Assistant Director John Doehling. He questioned the decision to have Law Board Attorney Michael Gillespie handle the investigation as he and Doehling are friends. Schuck stated that he believed Gillespie to be an honorable man, but felt that it was a conflict of interest.

I. Fraternal Order of Police Lodge #17 Comments: Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, was not present to provide comment. Johnson was off-site at the assessment center serving as a representative of the Director Search Committee.

J. Board Member Comments: Reddi stated that she and Chairman Beardsley would try to address the concerns that were brought up during public comment following the update on the director selection process (agenda item Q).

K. Changes to Law Board Meeting Schedule: Wilkerson moved to host the October 15, 2018 Law Board Meeting in Randolph, Kansas. 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.

L. Life Saving Award Presented to Officer Michael Wagenblast: Director Schoen presented Officer Michael Wagenblast with a Life Saving Award in recognition of his efforts while providing critical lifesaving assistance on May 27, 2018 to a man trapped in an overturned vehicle. Officer Wagenblast stayed with the man, applied pressure to his injuries, kept him alert, and covered him with a blanket while he was extricated from the vehicle by the Manhattan Fire Department. According to emergency medical professionals at the scene, the man lost a significant amount of blood and would have bled to death had it not been for Officer Wagenblast's immediate actions. The man, though severely injured, made a full recovery.

Wagenblast thanked Director Schoen and Assistant Director Moldrup for the award. He also took a moment to thank his wife and mother who provided their support over the years. He stated that the only reason he is receiving the award instead of any one of the other gentlemen wearing blue is because he happened to get there first. He added that current RCPD leadership provides the community with highly trained, highly motivated and very well equipped officers. That is why officers are able to do what they do.

M. Community Advisory Board Update: Gina Scroggs, Chairperson, RCPD Community Advisory Board (CAB), was not present to provide an update. Scroggs was off-site at the assessment center serving as a representative of the CAB and Downtown Manhattan, Inc.

N. 2017 RCPD Audit: Russell Shipley, CPA of Sink, Gordon & Associates LLP also known as James Gordon & Associates CPA, P.A., referred to the Management Letter contained in the Law Board packets. Shipley reported that they did not identify any deficiencies in internal control that they consider to be material weaknesses. However, they did identify certain deficiencies in internal control that they consider to be significant deficiencies. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. They consider the following deficiencies in internal control to be significant deficiencies:

The size of the Department's accounting and administrative staff precludes certain internal controls that would be preferred if the office staff were large enough to provide optimum

segregation of duties. They recommend the Department and Law board remain involved to provide oversight and independent review of functions.

During the audit, they noted that journal entries are created and posted without support showing visible sign of review and approval. All journal entries should have support and the proper review and approvals which will assist in reducing any errors and mitigate any potential fraud.

Shiplely stated that with regard to the latter, the Department has already implemented a process that allows journal entries to be reviewed and approved by an appropriate level of management and visible documentation will be maintained.

Shiplely stated they encountered no significant difficulties in dealing with management in performing and completing the audit. The financial statement disclosures were neutral, consistent, and clear. It is their opinion that the financial statements included in the report present fairly, in all material respects, the aggregate cash and unencumbered cash balances of the Department, as of December 31, 2017, and their aggregate receipts and expenditures for the year then ended in accordance with the financial reporting provisions of the Kansas Municipal Audit and Accounting Guide. The auditors found no statute violations, budgetary or cash violations.

O. GAAP Waiver: Since the Department chooses to prepare the books as required by Kansas statutes rather than the Generally Accepted Accounting Principles (GAAP), each year the Board must waive the GAAP method.

After discussion and comments from the Board, Wilkerson moved to approve the GAAP Waiver. 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. Assistant Director Selection Policy/Criteria: Kansas Statute Annotated (KSA) 19-4430 states that the director shall designate and appoint an assistant director who shall serve in such capacity at the pleasure of the director. Attorney Michael Gillespie opined that state statute overrides RCPD policy (34.1.3 Promotion Process) which requires a minimum of one year experience as a sworn captain with the Department at the time of the initial promotional activity to be considered for the assistant director position. Therefore, the new director, when selected, can appoint whomever he/she wishes, internally or externally, as the assistant director.

Rodriguez requested a review of the eligibility requirements for lieutenant and captain. Per policy, only one year of experience as a sworn sergeant with the Department is required to become a lieutenant. The same is true for a lieutenant to be promoted to captain. He suggested that it would take at least two to three years for an individual to grow as a supervisor and learn how to treat others.

Q. Director Selection Process: Chairman Beardsley described the two-day assessment center and selection process in detail. He explained that the morning of September 17, 2018 the final three candidates received a tour of the law enforcement center and community. Presently, the candidates are participating in a luncheon with various community members. Assessment center

exercises are scheduled for this the afternoon and carry over to tomorrow. The candidates will be scored by the assessment team. A recommendation will be made to the Law Board by the Committee. The Law Board may interview one, two or all three final candidates and make the final decision. Beardsley stated that stopping the process at this time would be counterproductive. To start the process over would be a Law Board decision based on their assessment of the final candidates and their ability to manage the police department.

Beardsley stated that members of the Committee did not sign an NDA. The Committee was asked to keep certain discussions confidential, but there was no NDA. He added that all of the final candidates underwent cursory background investigation by McGrath Human Resources Group. The final candidate will undergo a full background investigation, and the Law Board will rely upon RCPD resources to complete this task. Therefore, any hire would be contingent upon the candidate's ability to pass a background investigation.

Beardsley responded to the earlier inquiry into an ongoing investigation involving John Doehling. He stated that the investigation is being conducted by two people: himself and Michael Gillespie. There has been no favoritism shown during the investigation. The investigation has been fair, impartial and focused on the facts. He believes the investigation will be concluded in a few days.

Victoria McGrath, Chief Executive Officer, McGrath Human Resources Group, addressed the rumors circulating around the selection process for the next director of RCPD. She explained that McGrath Human Resources Group is an organization that specializes in public sector consulting predominately in the fields of police, fire, EMS, communications and human resources. They have been working with public-sector organizations of all types for the past eighteen years.

An assessment team was assembled for the director search which comprised of highly executive police officers, police chiefs, and sheriffs. The team leader is a retired police chief who spent thirty-four years in law enforcement serving six municipalities in three states. Also serving on the assessment team is a recently retired sheriff, and two individuals, Victoria being one, who bring multiple years of local and state governmental human resource and management experience.

The assessment team held numerous sessions and focus groups at which participants discussed the needs of the community and what they desire in a director of the police department. McGrath held over eighteen different public and internal sessions at which they spoke with employees, other law enforcement agencies, and various community groups. They reached out to the urban and rural communities as well.

McGrath Human Resources Group received all candidate applications, resumes and other information and conducted screening. The screening of applicants had multiple layers. Initial screening was conducted to ensure that applicants had the skills, qualifications, and traits determined as needed for the position. Based on the initial screening, applications were sorted into three desirability groupings and forwarded to the Committee.

Victoria McGrath explained they were limited with respect to the scope of the background that could be conducted into each candidate. When reviewing applications for the position they were looking for candidates who could meet the needs of all of the community, not just one particular section.

Victoria McGrath stated that some of the information during the application process had to be kept confidential. Legally they have to make sure that the individual's confidentiality is maintained because he/she may have not told their current employer they are pursuing another job. McGrath Human Resources cannot put a candidate's current job in jeopardy by releasing information prematurely. Final candidates for the position did sign an agreement which authorized the eventual release of their information to the public.

Victoria McGrath stated that out of all of the assessment centers she has run, this was the most transparent. Typically, the selection process involves a small police and fire commission. This is the first one that she has been involved in nearly eighteen years that has had this many moving open components. McGrath Human Resources Group has defined purposes for every activity. The candidates have to be assessed on so many different areas, and sometimes McGrath has to limit the number of outside participants in order to make it effective.

After additional comments from the public, Victoria McGrath responded to questions regarding the Departments physical agility test requirement. She stated that whether it is right or wrong, it is not common for a chief of police or sheriff to go through those types of physical requirements. With that being said, all candidates were made aware of the requirement. As a result, some chose not to apply.

Beardsley explained that when the mandatory annual physical agility test was introduced at the Department, police officers and correction officers were given one year to successfully complete the test. He made the decision to give the final applicant one year to complete the test based off of what had been offered to other employees in the past.

Victoria McGrath assured everyone that it has been a very comprehensive selection process that has not been rushed. The team was not given a strict deadline other than to have the position filled by the end of the year. She and her team will take the necessary time to identify the right candidate for the police department and community.

Victoria McGrath encouraged everyone to attend the Public Forum scheduled for 6:00 p.m. September 17, 2018 at the Riley County Public Works Department, 6215 Tuttle Creek Boulevard, Manhattan.

R. Executive Session: At 1:07 p.m. Wilkerson moved to recess into Executive Session until 1:27 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 1:28 p.m. the open meeting reconvened.

Wilkerson moved to return to Executive Session until 1:38 p.m. for the purpose of discussing non-elected personnel matters. 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.

At 1:38 p.m. the open meeting reconvened.

S. Adjournment: The September 17, 2018 Law Board Meeting adjourned at 1:38 p.m.