

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
March 16, 2020 12:00 p.m.  
Minutes**

**Members Present:** Craig Beardsley      Wynn Butler  
Linda Morse                              Marvin Rodriguez  
Robert Ward                              Barry Wilkerson

**Absent:** BeEtta Stoney

**Staff Present:** Director Dennis Butler                              Assistant Director Kurt Moldrup  
Captain Rich Fink    Captain Erin Freidline  
Captain Tim Hegarty    Captain Josh Kyle  
Captain Derek Woods

**Recorder:** Lisa Hafliger

**I. Establish Quorum:** By Chairman Rodriguez at 12:02 p.m.

**II. Pledge of Allegiance:** Director Butler led the Riley County Law Enforcement Agency (Law Board) in the Pledge of Allegiance.

- III. Consent Agenda:**
- A. Approve February 18, 2020 Law Board Meeting Minutes
  - B. Approve 2019 & 2020 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*)

Morse noted that the average daily inmate population for the jail has dropped to 64.8, which is significantly lower than it has been in the last two years.

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

**IV. General Agenda:**

**G. Additions or Deletions:** None.

**H. Public Comment:** None.

**I. Fraternal Order of Police Lodge #17 Comments:** None.

**J. Board Member Comments:** None.

**K. National Public Safety Telecommunications Week Proclamation:** Chairman Rodriguez read and signed the National Public Safety Telecommunications Week Proclamation proclaiming that all citizens of Manhattan and Riley County observe the week of April 12<sup>th</sup> through April 18<sup>th</sup>, 2020 as National Telecommunications Week, in honor of the men and women whose diligence and professionalism keep the city, county and citizens safe.

**L. Award Presentation:** Director Butler presented the following awards:

Letter of Appreciation: Citizen Tori Lamb was presented with a Letter of Appreciation in recognition of her role in the September 15, 2019 injury accident on highway K-18. The RCPD Communications Center received multiple 911 calls of a serious injury accident and she was on one of the callers. Although shaken and injured, Ms. Lamb preserved and helped many others on scene that night. She was able to obtain pertinent patient information for first responders with guidance from the Communications Center. In addition, she was able to comfort a woman trapped in one of the vehicles and provide guidance to other citizens in an effort to assist the victims and prepare for the arrival of first responders. Her quick thinking and willingness to take action directly contributed to a better outcome for all involved in the incident.

Life Saving Award: The Riley County Police Department Life Saving Award was presented to Officer Matthew Horne in recognition of his efforts on September 3, 2019 while providing critical lifesaving assistance to a man in cardiac distress. Officer Matthew Horne and Officer Jesse Shane were dispatched to an unresponsive man (code blue). Upon arrival, they observed the unconscious man lying in the grass surrounded by two bystanders; one was performing CPR. Believing that the compressions performed were too shallow, Officer Horne decided to take over and administer CPR until members of the Manhattan Fire Department (MFD) could set up their equipment and continue life-saving efforts. Officer Horne later reported that the man had no pulse. A pulse was detected as the man was ready to be transported to Topeka for medical care.

A couple days following the incident, still concerned about the individual, Officer Horne contacted a friend of the man who was at the initial scene. The friend informed Officer Horne that the man suffered a blood clot. The doctor advised the friend that most patients in his condition would not have survived; however, because the CPR was administered quickly and effectively, he was able to recover. In October 2019, the Department was advised that the man was undergoing physical therapy and expected to make a full recovery. The actions of Officer Horne and the unidentified female bystander contributed significantly to the saving of this man's life.

Meritorious Service Award: The Riley County Police Department Meritorious Service

Award was presented to Sergeant Dustin Weiszbrod, Officers Mathew Pfrang and Jamie Douglas, and Crime Scene Investigator Alan Riniker as members of the Emergency Response Unit (ERU) Hazardous Materials Response Team (HMRT), and Officers James Nellis, Jarrod Sheldon, and Eric Beaubien as members of the ERU Bomb Team.

On the night of May 4, 2018, first responders were summoned to a fire scene located at an apartment complex in Manhattan, Kansas. Firefighters and patrol officers determined that the fire was suspicious and believed to be related to hazardous materials and/or explosives. Sergeant Dustin Weiszbrod, HMRT Leader, and Officer Jarrod Sheldon, Bomb Team Member, were requested to respond and provide a technical assessment of the scene. They quickly determined the situation appeared to be a homemade explosives post-blast. For several days, the above-mentioned special team members conducted search warrants and made numerous entries into the “hot zone” of the clandestine explosives lab to assess, render safe, document, process, collect, analyze, and preserve evidence for subsequent prosecution. The fire scene turned into a seventeen-month criminal investigation involving the Riley County Police Department, Federal Bureau of Investigation, and Bureau of Alcohol, Tobacco, Firearms and Explosives. Their investigation culminated in October, 2019, with the arrest of the suspect for criminal use of explosives.

Commendation Award: The Riley County Police Department Commendation Award was presented to Officer Joshua Berard and Dispatcher Hannah McGahey for their teamwork on September 28, 2019 when RCPD officers responded to the report of an unwanted woman parked in the driveway of her former boyfriend’s residence. Upon arrival, officers made contact with the woman who was noticeably distraught and intoxicated. During the conversation, it was discovered that she had a handgun in the vehicle with her. Officers at the scene tried to reason with her to relinquish the firearm, but she was upset and wanted to end her life. Emergency Response Unit (ERU) Crisis/Hostage Negotiation Team Member Joshua Berard was called to the scene. For several hours, he engaged in a conversation with the woman in an attempt to get her to surrender the firearm.

The boyfriend was extremely confrontational which seemed to intensify the woman’s desire to commit suicide. Officers and supervisors on scene made repeated attempts to keep him away from the scene and out of sight during the lengthy situation. Dispatcher Hannah McGahey spoke to the man over the telephone and ultimately ordered him to return inside the residence. Dispatcher McGahey was able to accomplish what the police could not, as the man listened to her request and went inside the residence.

Officer Berard continued his conversation with the woman knowing that he himself was in danger due to his close proximity to her. Ultimately, Officer Berard was able to reason with the woman and get her to release the weapon and allow herself to be safely taken into custody for a mental health evaluation.

Officer Joshua Berard and Dispatcher Hannah McGahey were recognized for their teamwork and skill in garnering cooperation from one of the parties aiding in the peaceful resolution of the incident, and safely disarming the woman without injury.

Award Presentation for Operation Chicago Connection: In August of 2017, the Riley County Police Department's Special Investigations Unit began an organized, focused deterrence approach directed at a group of criminal associates in Manhattan who were involved in regular police incident reports as suspects, including many incidents of violence or threats of violence. The following month, Investigations Division personnel responded to the unattended death of an 18-year-old Kansas State University student. The cause of death was ultimately determined to be from heroin laced with fentanyl. This subsequent investigation determined that the death was connected to the criminal organization identified in August. The investigation also implicated this organization with involvement in the distribution of not only heroin, but methamphetamine, cocaine, marijuana, MDMA, and in the illegal possession of firearms. The case against this organization was presented to the Assistant U.S. Attorney for the District of Kansas and special agents of the DEA. All agreed to coordinate with the Riley County Police Department in pursuing indictments against members of the criminal organization in an effort called Operation Chicago Connection.

In August of 2019, the two-year operation culminated in the issuance of 54 federal indictments, most of which were served during the week of August 26. Operation Chicago Connection resulted in what the U.S. Attorney for the District of Kansas called one of the largest takedowns of a drug operation in Kansas history, and it would eventually be recognized with the Midwest HIDTA Award for Outstanding Overdose Investigative Effort.

This investigation made a significant contribution in furthering the Department's mission in reducing crime and improving the quality of life for the citizens it serves. For their significant role bringing Operation Chicago to a successful conclusion, the following individuals were recognized with the appropriate award.

Meritorious Service Award presented to Lieutenant Daryl Ascher, Sergeant Daniel Bortnick, Corporal Michael Dunn, Detectives Garret Lloyd, Tanner Monroe, Michael Parr (Ret.), Calvin Sanders, Logan Swartz, Brian Zachary, Police Officers Eric Beaubien, Jamie Douglass, Evidence Technician Shannon Blomberg, and Records Clerk Heidi Swann.

Commendation Award presented to Captain Timothy Hegarty, Lieutenant Bradley Ingalls, and Corporal Robert Dierks.

Director Butler shared that the officers and staff had planned to attend the meeting to receive the awards in person, but due to the current situation (COVID-19) they were unable to do so. The awards highlight the kind of work that the officers are tasked with on a regular basis, but only a few rise to the level of receiving recognition. He thanked all of the officers for their hard work and dedication and stated that it's an honor to be associated with these employees.

**M. Community Advisory Board Update:** Community Advisory Board (CAB) Chairperson Lewis Smith shared that the Board is currently recruiting new members and they recently had the RCPD Public Information Officer write an article about the Board. They meet the first Tuesday of every month at 11:30 at Bluestem Bistro, all are invited.

**N. Special Order 2019-043 Special Purpose Vehicles:** Assistant Director Moldrup shared that they are regularly changing policy at the RCPD although they are not usually brought to the Law Board unless it is a major change. There are two changes that they want the Board to be aware of regarding the Special Purpose Vehicles to include a description of the vehicles, who is responsible for them, what their intended use is, etc. They have added the Bearcat (armored tactical vehicle) and the drones to the policy.

Ward stated that he did not realize that RCPD had motorcycles.

Assistant Director Moldrup clarified that they don't currently have motorcycles, but they kept them in the policy in case they have a need for them in the future.

**O. General Order 2019-053 Code of Conduct:** Assistant Director Moldrup shared that this is their facial hair policy. They completed a survey after Director Butler started and by popular demand many requested that beards be allowed to stay intact after Operation No Shave November. They believe it may enhance their ability to recruit new officers. He stated that the difficulty of this policy is that they believe all beards should look professional. They created a committee that came up with a good description for what would be considered professional looking facial hair, but it is ultimately left up to the Director to decide if it does not look professional. Assistant Director Moldrup shared that they also changed the number of ear piercings allowed for female employees from two to three ear piercings; they must be professional and they do have some restrictions on size, etc. for safety purposes.

Ward inquired if the beards would interfere with gas mask or respirators fitting and working properly.

Assistant Director Moldrup stated that when the tactical team conducts their training, if they realize there are issues with their gear fitting properly, then they need to adjust their beard or remove it to stay on the team, but in general it has not been a problem.

Ward moved to approve General Order 2019-053 Code of Conduct as presented. Beardsley seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Rodriguez, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

**P. RCPD Firearms Range Planning Update:** Captain Kyle stated that the request for qualifications has been issued to locate a builder for the Range; since it is a very technical project they need to ensure that they have someone qualified to put the facility together. They also have requests for proposals for the targets and they are starting to come in. The Riley County Police Department and staff from Riley County are working together with an architect on the range house.

Morse asked how large the building will be.

Captain Kyle shared that it will depend on what the architect comes back with. The biggest issue they are looking at now is lead contamination and ensuring they have enough space to wash up and keeping the lead outside. He is not certain of the overall space, but stated that it will be designed to allow space to gear up and clean weapons, a place to eat, restrooms and a modest training area for approximately 20 officers to disassemble weapons and participate in other training opportunities.

**Q. Fake Patty's Day Update:** Captain Fink shared that they were planning to gear up this weekend to work the event as they have in the past with command staff, etc. They met with the Aggieville Business Association and for the betterment of the community they decided to cancel the event. They will have officers available to respond in case there is an influx of students or patrons at the bars, but they will not be running it as they have in the past. They will continue to have extra staffing available to ensure sufficient personnel is available. Outside assistance from other agencies has been cancelled.

Director Butler shared that there was an event permit applied for by the Aggieville Business Association and part of the approved permit was to close Moro St. He stated that they are not in favor of continuing that and if the permit is modified or revoked since the event has been cancelled, they are fine with streets being opened.

Dennis Cook, Director of the Aggieville Business Association and Ryan Bramhall, President of the Association came forward to speak. Dennis wanted to clarify that they did not have permit, they had requested one, but it was denied. Dennis shared that he had someone call him last Monday and asked if they had considered changing or cancelling Fake Patty's Day; at that time he thought it was almost funny. By Wednesday things were changing and by the end of week he and Ryan realized this is what they needed to do. They were in direct communication with Director Butler regarding this decision and he appreciates their assistance. Ryan shared that they have reached out to hotels and their reservations have dropped from approximately 100% to 66% capacity as of this morning. He shared that one bar wants to postpone the event to May 2<sup>nd</sup>, but in his mind it is cancelled. There is no consensus to changing the date to May 2<sup>nd</sup> and they are trying to discourage it. For this weekend most business will operate their normal hours with normal staffing.

Usha Reddi, Mayor, City of Manhattan, shared that she wanted to thank the Aggieville Business Association for not promoting Fake Patty's Day. We are in uncharted waters and by cancelling the event they are assisting community members to take safety precautions. She has been informed that there are house parties being planned; KSU has taken lots of measures to ensure students don't end up here in Manhattan by going to remote education/instruction. Usha wants to caution the students that are wanting to have a house party. The CDC has said to keep your limit under 50 people, in a house it has to be much less than that. The house parties will put EMS, RCPD officers and the hospitals at stake. She emphasized that social distancing is very important, and we must all pretend that we are potential carriers as people return from spring break. She stated that they are trying to take measures in our community to protect the citizens.

Director Butler shared that he met with the command staff this morning to discuss the measures they are taking in response to COVID 19. They created a long list of precautions that was emailed to all of their employees. Some of the changes in regards to service include assigning an officer on low-level,

non-violent, misdemeanor offenses to call the reporting party to determine if the report can be handled remotely over the phone instead of in-person, this will be done on a case to case basis. They are also eliminating routine visits to the jail, excluding legal counsel, and everyone that comes into the facility will be monitored for symptoms of illness. They do have a televised video system that some inmates use; the vendor has temporarily reduced the cost for this service. They have suspended ride-alongs and speaking engagements. They are also setting up opportunities for some employees to work remotely, at discretion of the Division Commanders. They will continue to provide services to the best of their ability, but they also want to keep the employees healthy and minimize their risk and exposure to it. The PIO will submit this information to the public.

Ward inquired about the potential savings in personnel costs since Fake Patty's Day has been cancelled.

Director Butler shared that there probably will be some savings, but not as much as you may anticipate. The RCPD switched their normal training day from Wednesday to Saturday this week; most of their staff is scheduled to work on their normal training days. They are leaving the staffing in place for this Saturday because they don't want to be caught flat-footed should people show up in Aggieville. Director Butler stated that they will have to monitor and see if businesses will continue with moving Fake Patty's Day to May 2<sup>nd</sup> as they may need additional staff for that date, but that is unknown at this time. He mentioned that food services for the event had cancelled due to COVID 19.

Morse wanted to note that the City and County are also in the process of determining what measures should be taken in response to COVID 19. It includes the set-up of room for the meeting today to ensure participants are 6 feet apart. She shared that they are looking at all kinds of measures to determine how best to proceed as this is uncharted territory.

Director Butler shared that they will continue to follow the guidance of the experts.

Beardsley stated that in regards to Fake Patty's Day, he's concerned that the house parties are going to continue. He mentioned that since Aggieville cancelled the event he's afraid that the police department may not be prepared for the house parties. He commented that there is still a large student population here in town that live outside of the dorms, and that they may be setting themselves up for disaster if they think that students are not here and that house parties will not take place.

Director Butler shared that they typically patrol the adjacent neighborhoods on Fake Patty's Day and they are aware house parties are still a possibility. They will continue patrol the areas with the extra officers they have staffed to try to keep it to a minimum.

Captain Fink shared that they have twice the number of officers scheduled compared to a normal Saturday, so they should be able to manage it.

**R. 2021 Budget Development:** Members of the Law Board were provided copies of the 2021 RCPD Budget Presentation as part of their packets. Members of command staff held a series of meetings to formulate the 2021 budget proposal. Staff accepted legitimate proposals for funding in 2021, examined each proposal, and narrowed the list to what they thought was reasonable and what the

budget would allow. They began with a list of sixteen budget considerations for 2021 and following discussion, three priority items remained.

Captain Kyle briefed the Board and provided justification for each of the items under consideration which include a 1.5% Cost of Living Allowance (COLA), the addition of one part-time administrative clerk, and monies to address historic underfunding of Account 31 (Guns and Crime Equipment). These items represent a 4.04% increase over the 2020 approved budget.

A brief description of each item, to include the percent increase over the 2020 base budget is depicted in the chart below. Captain Kyle stated that after today there should be no additional requests for funds for the 2021 budget.

	Base	A	B	C	
<b>2020 Budget</b> \$22,193,453	<b>2021 Personnel</b>	<b>COLA (1.5%)</b>	<b>Part-time Clerk</b>	<b>Guns &amp; Crime Equipment</b>	<b>Total Increase</b>
<b>\$ Change</b>	\$605,998	\$236,093	\$15,600	\$40,000	\$897,691
<b>% Change</b>	2.73%	1.06%	0.07%	0.18%	4.04%

Beardsley inquired if the worker’s compensation reserve fund changes annually and how it is set.

Captain Kyle stated that it does change annually and that the amount is set by looking at their losses and then they are told how much they need in the reserve; this is mandated and is typically around one million.

Director Butler emphasized how well they are doing as many organizations are seeing an increase in their health insurance costs or worker’s compensation funds, and they are not.

Captain Kyle shared that based on the budget, they are recommending adding one part-time clerk to work 20-25 hours per week to allow administrative staff time to focus on larger objectives and goals versus data-entry. This is the only new personnel request for the 2021 budget. He reported that regarding account 31: Guns & Crime Equipment, they added a UAV (drone) team a few years ago, but the budget was not adjusted for that. There are annual costs and equipment expenditures for the drones and the costs for officer equipment also increases each year. These things were all taken into consideration when they decided to request \$40,000 to get to a balance of \$100,000.

Director Butler shared that personnel & operating needs is 80/20 split between the City and the County; the requested budget increases all fall into these two categories. He added that the capital purchase needs are funded solely through the County and includes all buildings and facilities, medical care for inmates, etc.; these expenses not part of the budget proposal every year as the County covers those expenses.

Morse inquired about the 80/20 split and why she does not see the 20% payment from the County on the monthly expenditures/credits reports as income. She stated that it should be transparent and that the contribution from the County should be recorded as income or revenue.

Director Butler agreed that it should be reported/recorded and indicated that they would follow up with the County to include this information.

Butler emphasized that tax payers need to know that if they live within the city limits, there is not an 80/20 split, they are paying for all of it as they get a tax bill from the City and from the County.

Ward inquired about pages 25 and 26 of the packet as it appears to shows the County's costs and contributions.

Director Butler shared that the accountant is watching the meeting and informed Assistant Director Moldrup that the revenue from the County is paid on a quarterly basis, not monthly, and that the next payment is scheduled for April.

Beardsley inquired how successful they thought they would be in recruiting someone for the part-time clerk at the proposed salary level.

Captain Kyle voiced concern about the ability to retain someone after they've completed training. He mentioned that their part-time pay is on their schedule and so to make a change in the part-time clerks pay, they would have to create another salary schedule.

Morse inquired if they anticipate asking the board to approve the budget at the April Meeting.

Director Butler said they need to have it approved by June. They will try to address any questions the Board has and adjust their presentation for the April meeting.

Morse would like for them to consider the unused personnel funds and look back over the past 5-7 years data to see if that amount is consistent and dependable. She wonders if it could be reduced from approximately \$1 million to \$500,000.

**S. Executive Session:** At 1:35 p.m. Wilkerson moved to recess into Executive Session until 1:42 p.m. for the purpose of discussing non-elected personnel matters and attorney client privilege. Beardsley seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Rodriguez, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

At 1:42 p.m. the open meeting reconvened.

**T. Affirmation or Revocation of Discipline:** Wilkerson moved to affirm the director's disciplinary action. Beardsley seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Rodriguez, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

**U. Adjournment:** Wilkerson moved to adjourn the meeting. Beardsley seconded the motion. Chairman Rodriguez polled the Board and the motion passed with Beardsley, Butler, Morse, Rodriguez, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0. The March 16, 2020 Law Board Meeting adjourned at 1:42 p.m.