

KANSAS LAW ENFORCEMENT TRAINING COMMISSION

COMMISSION MEETING MINUTES TABLE OF CONTENTS & ATTACHMENTS January 28, 2003

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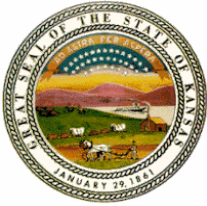
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Attachments

<u>NUMBER</u>	<u>DESCRIPTION</u>
1	Report of Special Investigator, dated January 28, 2003.
2	Investigative Activity for the period from May 1, 1999, to December 31, 2002.
3	Commission Roster, dated January 27, 2003.
4	Committee Assignments as of August 15, 2002.
5	Media Release, dated January 28, 2003.
6	Arizona POST Integrity Bulletin for April through July, 2002.
7	Arizona POST Integrity Bulletin for August through September, 2002.
8	Disciplinary Proceedings for August 24, 1998, to January 2, 2003.
9	District Court Docket Fee Income
10	Municipal Court Docket Fee Income
11	Task/Project Priorities at KLETC
12	Order Designating Presiding Officer for Pre-Hearing Procedural Matters.
13	Satellite Academy Program Authorized Admissions.
14	Resolution Concerning Satellite Admissions Policy.
15	House Bill 2041; An act concerning the law enforcement training center; relating to applicants thereof; amending K.S.A. 74-5605 and repealing the existing section.
16	Memorandum to Commission Members, dated January 7, 2003,, concerning Proposed Legislation.
17	Draft, dated May 29, 2002, regarding Required Agency Reporting of Training Act Violations.
18	Proposed draft amendment, dated January 6, 2003, to the Kansas Law Enforcement Training Act in which employees of the Training Commission designated by the Chairperson would be vested with the authority of law enforcement officers.

- 19 Memorandum, dated January 7, 2003, regarding Proposed Amendment to KSA 21-4619 (Expungement of Certain Convictions, Arrest Records and Diversion Agreements).
- 20 Approved Denial of Certification Policy, dated January 28, 2003.
- 21 Guidelines to determine moral character as adopted by the Commission's Investigative Committee on December 5, 2002.
- 22 Law Enforcement Code of Ethics adopted by the Executive Committee of the International Association of Chiefs of Police during October 1991.
- 23 Memorandum, dated October 18, 2002, re Municipal Training Reimbursement Fund - FY02.
- 24 Memorandum, dated December 20, 2002, re Error in Training Year 2002 Reports.
- 25 Property Acquisition Resolution, dated January 28, 2003.
- 26 Resolution Honoring Assistant Dean John Wolf, dated January 28, 2003.
- 27 House Bill 2016; An act concerning the Kansas juvenile justice code.
- 28 Senate Bill 9; An act concerning jurisdiction of certain law enforcement officers.



KANSAS LAW ENFORCEMENT TRAINING COMMISSION

COMMISSION MEETING MINUTES

January 28, 2003

Welcome and Introduction of Guests

Chairperson Darrell Wilson called the meeting to order at 10:00AM at the Kansas Law Enforcement Training Center (KLETC), Hutchinson, Ks.

Members present were: Chairperson Darrell L Wilson, Superintendent Don W Brownlee, Chief Ray D Classen, Chief Lee Doehring, Lieutenant Joe T Gimar, Sheriff James F Jarboe Jr, County Attorney David L Miller, Sheriff Bob G Odell, Director Ron E Pickman and Sheriff Gary E Steed. Not present were Lt Colonel Sam F Breshears and Director Larry D Welch.

Also present were Commission Counsel Kyle G Smith and Special Investigator Lanny K Grosland.

Representing the University of Kansas' Division of Continuing Education were Dean JoAnn A Smith, KLETC Director Ed H Pavey (ex-officio Commission member), KLETC Associate Director Ron Gould, KLETC Assistant Director Dave Warry, KLETC Specialized Training Manager Jack Leon, and KLETC Executive Secretary Lisa Webster. Not present from KLETC was Legal Counsel Darin L Beck, who is currently on active duty with the United States Army.

Keith Duckers, a former mayor of Salina, Kansas, was present as a distinguished guest of the Chairperson during the morning session.

Chairman Wilson welcomed the guests and introduced the newest member of the Commission, Miami County Attorney David L Miller, who replaced Robyn C Johnson. County Attorney Johnson resigned from the Commission, effective July 1, 2002.

Approval of Minutes of Last Meeting

The Chairperson entertained a motion to approve the Minutes of the February 18, 2002, Commission meeting, which was moved by

Chief Ray D Classen and seconded by Sheriff Bob G Odell. The motion carried.

Report of Special Investigator

Role of Attorney General's Office

Special Investigator Lanny K Grosland reported toward the end of Attorney General Carla Stovall's term, Commission matters were transferred from the Civil Litigation Division to the Criminal Litigation Division. The Criminal Division subsequently advised the Attorney General's Office (KSAG) would no longer oversee the prosecution of administrative disciplinary matters for the Commission since the Kansas Law Enforcement Training Center's (KLETC) legal counsel (Darin L Beck) had been given special assistant attorney general status. That decision placed the prosecution of administrative matters on a "hold" status. Mr Beck is actually employed by the University of Kansas and it was KLETC's and KU's opinion they should not become involved in the administrative prosecution of law enforcement officers.

During a conversation with Deputy Attorney General (DAG) David Davies of the KSAG Civil Litigation Division on January 23, 2003, he was briefed on the current situation and arrangements will be made for a meeting with him and the DAG in charge of the Criminal Division with the Chairman, Director Ed H Pavey, the Commission's Investigative Committee members,¹ Director Larry D Welch, Kyle Smith and Grosland.

Smith advised he had been advised by Eric Rucker, who is the Attorney General's Chief of Staff and is in charge of the Criminal Division, that Assistant Attorney General Kevin Graham will be assigned to do the Commission prosecutions.

Investigative Updates

Several years ago Mike McGuire, formerly with the Pratt Police Department, was charge with several counts of Making a False Writing in the Reno County District Court. The criminal case is still pending. Since the last meeting McGuire was offered an opportunity to surrender his certification, which he did do. The Chairman questioned if there was a problem with the statute of limitations and was advised during a review of the record it appeared that the defense had asked for a continuance and it was Grosland's understanding some form of a plea agreement had been reached. McGuire reportedly was going to plea to several misdemeanors, make restitution for the investigative costs and

¹ Members of the Commission's Investigative Committee are Chief Ray D Classen, Sheriff James F Jarboe Jr, and Sheriff Bob G Odell. KLETC Legal Counsel Darin L Beck acts as the legal counsel for the committee.

surrender his certification. The "hang-up" may be with the restitution. The Reno County District Attorney (RNDA) has been informed restitution was not that important. Smith was asked if there would be an ethic problem in going to the administrative judge in Reno County and asking that the case be resolved. Director Pavey recommended the Commission's Legal Counsel go to the RNDA and ask the case be settled. The Chairman asked if that had been done and was informed at least two letters had been written previously to the RNDA and two conversations had taken place with him regarding the matter. It was decided Smith will write to the RNDA requesting the criminal case be finalized.

Grosland advised the Mark Brilke matter is still pending. He had been tried after being charged with a criminal offense, which resulted in a hung jury. A decision was made by the Commission's Investigative Committee (CIC) not to recommend trying him again on the criminal charge, but to proceed with an administrative disciplinary action. The past KSAG let the matter sit without any action for a long time, then declined to pursue the matter administratively. The CIC has recommended the matter be brought to the attention of the new administration in the KSAG for review.

Commission Investigative Committee (CIC) Authority

Grosland advised that while Assistant Attorney General (AAG) Steve Phillips was the Attorney General's (KSAG) representative, he inquired if the CIC had the authority to authorize him to negotiate a plea once a petition was filed, such as offering a reprimand or suspension of certification rather than accepting only a revocation of certification. The CIC did not give him that authority.

He was informed the Commission had discussed the duties and authority of the CIC in the past and the result was the Commission had given the CIC the authority to act on behalf of the Commission on disciplinary matters.

AAG Phillips had requested at the next meeting, the Commission approve an order or resolution giving the Investigative Committee the authority to act for the Commission on administrative disciplinary matters.

Smith questioned if the CIC had been given that authority and the Chairman recalled it had been discussed with the conclusion being the entire Commission should not handle such matters because they should not be aware of the details of a case. Smith noted in the past when a case was given to the KSAG to review and file, it was left up to them to determine how to dispose of a matter. Grosland advised he had no problem with that if a good prosecutor was assigned to Commission matters.

Grosland provided an example of a recent case which was filed involving an officer who had been terminated by his department for lying during an internal and criminal investigation. The matter was reviewed by the CIC and referred to the KSAG where a petition was filed charging the former officer with violating the moral character standard of the Training Act for being deceitful. The initial AAG assigned to the matter wanted to accept a plea whereby the respondent would have his certification suspended for one year. The CIC rejected that offer and later, when another AAG was assigned to the matter, the respondent offered to surrender his certification and never ask to be reinstated if the Commission would not render an adverse finding. The CIC accepted that offer and the matter has been settled.

Smith questioned if the Commission should become involved in matters that did not pertain to felony convictions where the certification revocation was mandatory or matters not dealing with actual training violations.

Grosland pointed out there would not be a problem if a good prosecutor was assigned to Commission matters. If an investigation is presented for administrative disciplinary prosecution and the AAG assigned feels it should not be filed, the Commission should go on to other matters. The problem was the Commission was assigned an AAG, who was probably an excellent research attorney, but one who did not want to go to a hearing.

Grosland advised the problem is when the KSAG files an administrative case, a plea agreement offer is made by the respondent and the AAG assigned asks for a recommendation as to how to proceed, we can not wait for the full Commission to make a decision, which may take a year before a Commission meeting is held. The CIC routinely meets every two months or a conference call meeting can be arranged to discuss a plea agreement to resolve the matter quickly. Smith felt the Hearing Committee should make that decision, however, Grosland pointed out the Hearing Committee should not become involved until the matter is heard by them during a formal hearing where they act as the "judge and jury."

Sheriff Gary E Steed advised from what he heard, the procedure using the Investigative Committee to review plea matters was the most convenient way for Grosland to go to someone for a decision. Chief Ray D Classen reported CIC members were familiar with the details regarding an alleged violation and the Hearing Committee did not, therefore the Investigative Committee was the most reasonable body to make prosecutive decisions. Chief Lee Doehring noted that was a good point and advised in the past they had consistently taken precautions to avoid contaminating the Hearing Committee prior to a hearing. Sheriff Steed again suggested the CIC be granted that authority. The Chairman stated the Commission had this discussion before and the procedure

recently used by Grosland was what they had decided to use in the past.

The Chairman advised he was the one that signed the order of revocation, however, he was never involved in decision making. He suggested maybe he should be involved in plea agreements, a procedure which would not taint the Hearing Committee.

The Chairman suggested this matter be discussed with the KSAG during the anticipated meeting with them and a formal policy be adopted after that meeting.

Misdemeanor Crimes of Domestic Violence

Commission members were informed the CIC had discussed matters where an officer is charged with a domestic battery and the charge is reduced to another violation, such as disorderly conduct, to avoid an "automatic" revocation of the law enforcement officer's certification. In the past the Commission has treated a reduced charge as a moral character standard violation, which involved the serving of a petition, hearing, etc. CIC Counsel Darin L Beck reported during a CIC meeting that there were two points of view. One was that since the incident involved a "crime of domestic violence," a conviction for disorderly conduct or any other violation should be considered a crime of domestic violence and a revocation was justified. The second point of view was the person had to be actually convicted or enter into a diversion to a domestic violence "battery." The Committee requested the matter should be referred to the KSAG for an opinion.

A letter was sent to the KSAG Criminal Litigation Division to ascertain if an officer was charged with Domestic Battery and he/she subsequently pled to a reduced charge, such as Disorderly Conduct, if the matter could be treated as a "misdemeanor crime of domestic violence." AAG Kevin A Graham reported this matter had been discussed in the Criminal Litigation Division and it was suggested if the CIC wanted an opinion, a formal request for an opinion should be submitted by the Director of KLETC.

The CIC subsequently decided not to pursue the matter and felt such incidents should be reviewed on a case by case basis and if they felt disciplinary action should be taken, to use the moral character standard.

Commission Counsel Smith advised he did not know if the Commission should pursue a matter where an officer was not actually convicted of domestic battery. He stated if the legislature felt a person convicted of disorderly conduct, or another reduced charge, should not be an officer, they would have added those violations as revocable offenses. Grosland pointed out each case was evaluated separately by the CIC to determine if they felt there was a violation of the moral character standard.

Smith argued again since that legislature only included felony and domestic violence convictions as acts where a person could not be a law enforcement officer and did not make any other misdemeanors as being disqualifying, he was not sure it was "our" position to redefine moral turpitude to include "all those other crimes." Grosland pointed out Supreme Court decisions should be reviewed, because they (the Court) have said it is up to the board to determine what is a violation of the moral character standard. Director Ed H Pavey noted the definition of moral character was on the agenda and if the Commission adopts that definition, if things fall within those parameters there would be a violation of the moral character standard.

It was concurred the matter would be tabled until a definition of moral character was addressed.

Miscellaneous Disciplinary/Investigative Information

Grosland provided Commission members with the following documents and asked they call him if they had any questions or comments:

Report of Special Investigator, dated January 28, 2003;²

Investigative Activity, for the period from May 1, 1999, to December 31, 2002;³

Commission Roster, dated January 27, 2003;⁴

Committee Assignments, as of August 15, 2002;⁵

Media Release, dated January 28, 2003;⁶

Arizona POST Integrity Bulletins, for the period from April through July of 2002, and for the period from August through September of 2002;⁷ and

Disciplinary Proceedings for the period of August 24, 1998 to January 2, 2003.⁸

Commission Counsel Smith noted he liked the idea of the Arizona Integrity Bulletins whereby officers know if your conduct is not approved of, such as being deceitful, your certification will be revoked. Grosland advised one of the many things he would like to do, is submit an article pointing out the conduct which the Commission would take disciplinary action on. Chairman Wilson

² Atch # 1: Topics include the Surrender of Certification Policy, Enforcement Policy Concerning Late Submission of Employment and Change of Status Information; Respondent Explanations; Respondent's Appearance Before CIC; and an Overview of Investigative Cases.

³ Atch # 2.

⁴ Atch # 3.

⁵ Atch # 4. It should be noted on January 28, 2003, Chairman Darrell Wilson removed Chief Ray D Classen from the Reimbursement Committee and appointed County Attorney David L Miller to serve on that committee.

⁶ Atch # 5.

⁷ Atch # 6 and Atch # 7.

⁸ Atch # 8.

inquired if KLETC covered such conduct with the students in the Basic Police classes. Director Pavey reported KLETC does not, however, they could cover Commission actions briefly in the ethics class or Grosland could spend some time with the students dealing with Commission actions.

[Note: The Commission recessed for a break 10:45AM
and returned at 11:00AM.]

Report of Assistant Attorney General

No representative from the Kansas Attorney General's Office was present.

Report of Director Ed H Pavey

Director Pavey commended Lanny Grosland for the work he does on behalf of the commission.

Physical Plant

Welch Hall Hot Water Project: This project was undertaken in order to accommodate additional students with sufficient hot water and water pressure. The project has been on-going for the past year, at a cost of \$330,000. Problems have been encountered with this project, and Assistant Director Dave Warry is working with the KU architect's office to resolve them.

Welch Hall Sleeping Capacity: KLETC has increased the number of beds in the dormitory from 103 to 142, so as to accommodate the increased numbers of students which will result from overlapping of classes. This has been accomplished by putting a third bed in most of the dorm rooms.

Classroom Enhancement: Classroom #2 will soon undergo an enhancement which will make it almost a mirror-image of Classroom #1. Classroom #2 will play an integral part in accommodating an increased number of students. Enhancements will include a new LCD projector and a new stage for instructors.

Lighting Strike: A couple of months ago, lightning struck the flagpole just outside the KLETC Director's office. Damage was done not only to the flagpole itself and the adjoining sidewalk, but also to one of the FATS machines, and several computer hard drives. The damage totaled \$15,000 to \$20,000.

KLETC at Full Capacity: KLETC is now at full capacity for office space. Two first-floor dormitory rooms are being used for office space for Jack Leon, Specialized Training Manager, and Mark Bomgardner, Technology Specialist, as well as the computer

servers. Consideration is being given to the way we are currently utilizing space. Areas being looked at for classroom space or other use are the staff dining room, as well as the men's locker room which gets very little use by students.

Possible Collins Acquisition: The land directly across from KLETC is owned by Collins Industries. Their office building for Wheeled Coach, Collins' ambulance subsidiary, is available for purchase. Collins has approached KLETC about purchasing the land and building. Director Pavey, along with Dean JoAnn Smith, have been in negotiations with Collins about purchasing the land and building. The building and land could play an integral part in KLETC's future expansion plans.

Programs

Lesson Plans: Ron Gould has spearheaded this project. This task involved 109 new lesson plans, totaling over 3,000 pages, being distributed to each of the satellite academies in the state. The first class to experience the new 560-hour curriculum began in October and will graduate on February 7. Everything has been going very well with the new curriculum.

Handouts Revised: Revision of lesson plans also included revision of existing hand-outs or creation of new hand-outs.

Meetings with Satellite Academies: Associate Director Gould has been holding meetings with instructors of the satellite academies, assisting them to implement the new curriculum. Gould has also implemented satellite directors' meetings to assist in making this transition to the new curriculum.

560-Hour Basic Training Program Implemented: The implementation of the new curriculum is an on-going process, with changes being made as needed.

Testing Revamped: Testing instruments for the new curriculum had to be completely revamped to reflect the instructional objectives. A testing committee has been formed, and meets almost daily to review and validate tests. The tests are available for use by the satellite academies, if they wish.

Standard Field Sobriety Testing (SFST) Training: Standard Field Sobriety Testing training has been incorporated into the new basic curriculum. NHTSA has two programs that can be used, one which uses live drinkers, and the other which uses video-taped presentations. This training does not use live dosed drinkers in the program. The current class has completed this training, and all 68 students have been certified through NHTSA.

Scenario-Based Training: In adult education, scenario-based training is critical to learning. Therefore, scenario-based training has been greatly expanded at KLETC. This involves actual hands-on training, following the classroom instruction.

This type of training is very staff-intensive, but it is critical to the training of students. The Johnson County Academy currently uses this type of training, and Sedgwick County and Topeka academies will soon start using it.

Graduation Ceremony Revamped: In keeping with the new curriculum, the graduation ceremony has been revamped. A rehearsal was held recently, and the new ceremony will be held for the first time at the upcoming graduation on February 7.

Possible Admission Delay Concerns: For the past five years, admission delays have been totally under control. However, since extending the basic class from 9 to 14 weeks, it is feasible to complete only three classes per year. To avoid creating a lengthy waiting list, KLETC administrative staff explored the concept of going back to a double-teach concept and reduce the size of classes to 48. Six weeks later, an over-lap class will be scheduled to accommodate 48 more students. It appears that KLETC may need to continually run over-lap classes in order to avoid possible admission delay.

Continuing Education & Specialty Training: The 2003 training schedule has been developed and was mailed out in December. A system of broadcast e-mails is also being used to advertise upcoming training. Jack Leon currently sends training advertisements to about 700 e-mail addresses, including approximately 80 sheriff's offices and 100 police departments. The remainder are training officers and individual officers. Director Pavey encouraged anyone who has not notified Leon of their e-mail addresses, or if there are officers anyone would like to have specifically targeted for these announcements, please let Leon know.

Telenet-2: The Telenet-2 distance learning programs continue to be a cost-effective method of delivering continued education. In calendar year 2002, 1,130 enrolled in distance learning presentations. Each presentation is given in two sessions, one in the afternoon and one in the evening. 71.5% attended the daytime presentation, with the remainder attending the evening presentation. Dean JoAnn Smith and Director Pavey recently met with the executive director of the Regents Network who handles Telenet-2, and at this point we will continue to be an active partner with them in utilizing their system.

Involvement with Law Enforcement Associations: KLETC is actively involved with the coordination of the training events of many law enforcement associations. These include the joint conferences, fall conferences, sheriff's administration and management seminar (SAMS), police chiefs' administration seminar, as well as others. The upcoming SAMS conference currently has registration of 110, including 55 sheriffs who will be in attendance. KU's Center for Public Management will provide the instruction.

Elder Abuse Grant: KLETC applied for an Elder Abuse grant. Although it was an excellent proposal, it was turned down for this year. Plans are to reapply for the grant which would provide an instructor who would teach on this topic.

VA Benefits: VA education benefits are now available to KLETC students. We have had approximately 20 students who have applied for this benefit to date.

Contractual Agreement with JCCC: Statutorily, KLETC can certify academies of local or state agencies to provide basic training, such as the Highway Patrol academy and Topeka Police Department. However, in Johnson County, no one agency wanted to be the provider of this training. At some point, they asked that we certify the Johnson County Community College to provide this training. Statutorily, we cannot certify a college. Back in the 1980's, a contract was developed with Johnson County Community College to provide this training. The open-ended contract was recently renewed, and will continue unless either party decides to cancel it.

KLETC FY02 Statistics:

- 357 Full Time law enforcement officers (LEO's) trained
- 49 Part-Time LEO's trained
- 33 Reciprocity LEO's trained
- 18 Challenge Exams

Agencies represented in Basic Training:

- | | |
|------------------------------|-----|
| • Municipal Police Agencies | 53% |
| • County Sheriff's Offices | 40% |
| • State Agencies | 4% |
| • Campus Police | 1% |
| • Other (Tribal, RR, School) | 1% |

Full-Time Officers Trained:

- | | |
|-----------------------|------------|
| • KLETC | 357 |
| • Satellite Academies | <u>195</u> |
| • Total | 552 |

Specialized Training programs were provided to 877 officers. All but two counties in Kansas were reached in some way by KLETC programs.

Equipment/Technology

Simunitions Equipment Purchased: KLETC has purchased a significant amount of Simunitions equipment. Simunitions is similar to paint-balls that are fired from converted guns. This provides very realistic training to the students. The current class will be using this training for the first time next week.

Safety measures will be in place for this training to ensure the safety of all involved.

Defensive Tactics Equipment: KLETC has recently purchased a lot of defensive tactics equipment, and this program has really excelled. Instructor Dan Brechi is the lead instructor for this program and is doing a lot of good things in this area.

EVOC Driver Training: KLETC gave up a staff vehicle so that an additional vehicle could be put into the EVOC program, for a total of 12 Crown Victorias. This is an expensive program to operate so as to keep the cars in good working order.

Motorola Radios: KLETC recently purchased 18 Motorola personal radios to be used in scenario based training, etc. They are working very well.

Driving Simulators: The current basic class is the first class to use the new driving simulators. They are working very well. They provide virtual reality driving simulation training, with many options to simulate various situations, all in a risk-free training environment.

Computer Software: Software has been purchased for the servers and the on-line Internet-based reporting.

Staffing

FTE & PTE Positions: KLETC now has 32 full-time positions and 3 part-time positions.

Instructional Positions Filled: Debbie Mitchell has been hired as the new Legal Instructor. She assists Kimberly Rodebaugh in teaching legal classes. Mark Hephner has been hired as police instructor. Hephner was academy commander at the Wichita academy. Laurie Phillips-Crees was a detective with the Wichita Police Department, and has also been hired as police instructor.

Classified Support Position: A new classified support employee has been hired and will start work on February 3. Two former classified staff recently left KLETC. One position has been filled, and the other will be left open at this time.

One Unclassified & one classified position are being left open.

Audit of Two Classified Positions: Director Pavey requested that two of the classified staff positions be audited by KU. This is done with the thought that some duties may need to be re-distributed as result of keeping one classified position open.

Administrative Reorganization: Starting February 17, a reorganization of duties among the KLETC administrative staff will take place. This will include moving the responsibilities of basic training from Ron Gould to Dave Warry. Gould will be responsible for facilitating on-going projects such as

implementation of the new curriculum, etc. Jack Leon will take over management of the physical plant.

Funding⁹

More Spent Than Collected: In FY2002, KLETC spent \$378,375 more than was collected in docket fee income. This is why legislation was sought to increase municipal court docket fees.

Reserve Fund: To make up the difference, KLETC had to go to the reserve fund. The Legislature was told that if docket fee income remained fairly stable each year, projections reflect that KLETC could operate through FY06 by using annual docket fee income combined with dollars from its reserve fund. That is, **if** the reserve fund remains untouched by the Legislature, and **if** docket fees remain stable.

Contingency Reserve: Starting July 1, 2002, KLETC carried forward in the reserve fund 1.8 million dollars. Almost \$700,000 is set aside for emergencies, such as repair or replacement of air conditioning, heating, kitchen items, etc.

Approved Spending Authority: KLETC's spending authority for this fiscal year is \$3.5 million. Projected income for this year is 2.9 million.

Three Primary Concerns:

1. Will docket fee income remain stable during the remainder of this fiscal year ...and into the next 2 - 3 fiscal years?
2. Will the Legislature draw from or take KLETC's idle reserve funds to help alleviate the state's financial crisis? If so, will there be reserve funds to draw from in the future?
3. If KLETC is able to negotiate the acquisition of the Collins properties, down payment dollars from the reserve funds may likely be necessary if property and building are not gifted to the University.

Bottom Line: Earlier this fiscal year, KLETC reduced the FY03 spending authority by \$573,993 by postponing approved equipment purchases and a host of other dollar saving moves, including:

- Not filling two FTE positions
- Not purchasing a tractor and accessories
- Not hiring contractual help for Commission Investigator
- Delaying many other purchases such as programmed mattress replacement.

Projected Income for 6 months (July - December)	\$1.4 million
Actual reported income for July - December	\$1.4 million
Projected Docket Fee Income (through 6 months)	\$898,620
Actual Docket Fee Income (through 6 months)	\$952,898

⁹ Atch # 9 & 10: District and Municipal Court Docket Fee Income.

Proj. Municipal Court Fee Income (thru 6 months) \$570,000
Actual Municipal Court Fee Income (thru 6 months) \$504,771
At this point, we must wait to see what action is taken by the
2003 Legislature and the University of Kansas.

Central Registry

Continuing Education Delinquencies: The Central Registry staff continues to track over 7,000 active full-time officers and over 14,000 inactive files.

Darin Beck, KLETC Legal Counsel, has been called up to active military duty. He is currently serving a 30-day rotation that may be extended. Therefore, he has not been able to prepare a report for today's meeting.

Delinquencies started out at around 200 for FY02. But, after all the letters were sent out and everyone responded, the number was reduced to three or four who were referred to the Commission for possible action.

Registrations: The KLETC Registrar registered well over 2,300 law enforcement officers for programs, and well over 200 for satellite academy programs.

Internet-Based Reporting: Internet-based reporting is KLETC's newest success story. Director Pavey encouraged all Commission members to make sure their agencies are utilizing the on-line reporting system. Currently, 50 agencies are taking advantage of this new system, which accounts for 2/3 of the officers in the state. It is working very well. It allows agencies to go on-line and view training records and know where their officers are regarding required training. Training sessions are being held on the first and second Tuesdays of each month until July. Anyone interested in getting involved in this training should contact the KLETC Registrar. Eventually, demographic forms and status-change forms will also be available on-line. It is our ultimate goal to go to a completely paperless system, whereby all training must be reported on-line.

Other KLETC Issues/Accomplishments

Student Dismissed: A student from the 170th class was dismissed for academic misconduct. The student had been directed in class to prepare a search warrant affidavit. All students had been instructed they could not use another person's form, they had to design their own and that it would be graded. The student went back to the student's agency and found an affidavit in a case file, then changed the names and dates. When this student was caught, the student tried to involve the sheriff in the incident. The sheriff denied any involvement. The student was dismissed from KLETC and did not appeal the dismissal to KU.

Earlier Curfew & Inspections: Since instituting the earlier curfew and conducting of inspections in the gymnasium each morning, there has been a significant reduction in behavior problems.

US Department of Education Investigation: At a previous Commission meeting, the Commission was advised of a student who had complained they had been denied equal rights. The U.S. Department of Education in Washington conducted an investigation and KLETC was cleared of any wrong-doing in this case.

Kansas Human Rights Commission Investigation: A former security guard who had been assigned to work at KLETC, through contract, filed an action with the Kansas Human Rights Commission. The investigation has concluded, and they found no probable cause to believe any discrimination had occurred.

Golf Tournament: The 13th annual golf tournament was a success, with a full allotment of teams participating. The 14th annual golf tournament will be held on August 4.

KLETC Store: The KLETC store has been expanding the items which are available for purchase. A new scanning system will soon be implemented which will speed-up the process for students purchasing items, as well as assisting with inventory monitoring.

Integrity Coin: Commission members were shown the new KLETC integrity coin. Each student graduating from the basic training class will receive a coin. The coin reads "Integrity is the Basis for Community Trust". Many agencies are also purchasing them for their officers, at a price of \$2 each.

[Note: The Commission recessed for lunch at 11:40AM
and returned at 12:15PM.]

US Attorney's Anti-Terrorism Grant: KLETC received a US Attorney's Anti-Terrorism grant award to purchase equipment. Jack Leon advised that this award is a reimbursement for KLETC's efforts in anti-terrorism training. The grant funds can be used for disseminating this information. With these funds, we have purchased equipment including a lap-top with software, a professional video-camera as well as a DVD burner which gives us the capacity to put presentations onto a DVD which can be played on either a TV or a computer.

Enrolling Officer in Another State's Academy: An agency in southeast Kansas wanted to enroll an officer in the Missouri Southern Police Institute in Joplin, Missouri, then upon graduation, apply for reciprocity in Kansas. Since that time, Director Pavey and Associate Director Gould went to that community and met with the agency head. The student is now enrolled in KLETC's basic class.

This situation could arise again. It is the Director's position that KLETC was created by the Legislature as the central academy for Kansas law enforcement officers, and officers should come to KLETC to be trained. Director Pavey asked Commission members if they had any objections to this policy, which they did not.

Hoisington City Manager: Last year, when KLETC approached the Legislature about increasing municipal court fees, the City Manager of Hoisington was one of the vocal opponents of this effort, through the League of Municipalities. Director Pavey wrote to him and invited him to come and tour KLETC. He came and spent about five hours meeting with administrative staff and touring the academy, When he left, he advised he would suggest to the League of Municipalities that they hold a board meeting here so the members could get a better understanding of KLETC's operations.

KLETC Team Effort: Director Pavey commended all KLETC staff, including instructors, support staff, maintenance staff, administrative staff, as well as the contract staff who work together to maintain the high quality of the academy.

[KLETC - Moving Forward in 2003 and Beyond¹⁰](#)

Director Pavey distributed a report to Commission members which depicts issues currently facing KLETC. These issues include studying the KAR's that govern KLETC's operation and developing a policy and procedures manual.

[Remarks From Dr JoAnn Smith, Dean of KU's Division of Continuing Education](#)

Dean Smith expressed her pleasure at being able to attend the Commission meeting. She advised the Commission that they continue to have the support of the Chancellor, the Provost and herself in furthering the goals of Kansas law enforcement. Dean Smith praised the staff of KLETC for the high quality of training they provide.

Dean Smith offered to host a Commission meeting at KU. She also offered the resources of the KU archives which are available on all Kansas communities. She also invited everyone to contribute items to the KU archives.

Director Pavey reported that Dean Smith also oversees KU Fire Service training. Through Legislative action last year, Fire Service now has a Training Commission of their own. Dean Smith is activity involved in the development, and has drawn upon the expertise of Director Pavey and the Kansas Law Enforcement Training Commission for guidance and advice.

¹⁰ Atch # 11: Task/Project Priorities at KLETC

Director Pavey also reported that Dean Smith has a new title. She is now Vice Provost for Outreach Education, and Dean of Continuing Education.

Old Business

Reimbursement of Tuition/Additional Sanctions (KSA 74-5609a(b))

Director Pavey reminded the Commission of the issue of students who graduate from KLETC or one of the other academies, who are, in essence, "stolen" by another agency within one year of graduation.

Kyle Smith advised that a good solution has not been found to this problem. Many times, an agency will send a student through the academy, and then the officer finds another agency with a better pay scale, etc, and goes to work for them. The original department then has to go through the entire process again of hiring and sending someone else through the academy. The second agency has the advantage of getting an officer who has already graduated from the academy and can go directly to work. While this is not fair to the smaller agencies who seem to be affected by this most often, it may also be an incentive to them to increase wages and otherwise make their positions more attractive so that this is not so likely to happen.

Last year, a bill was introduced to tighten up the language regarding this issue. The bill never received a hearing.

Regarding extending the statutory time period or raising of penalties, the Commission did not have an position on.

New Business

Standards for Satisfactory Completion of the 560 Hour Mandated Basic Training Program (KSA 74-5603[b], KAR 107-1-2 and KAR 107-1-5)

Currently, to satisfactorily complete the basic training program, students are required, by Kansas Administrative Regulations (KAR), to achieve an overall 70% GPA, as well as qualifying on firearms and EVOC. Director Pavey advised it is the intent of the KLETC administration to tighten up the requirements, whereby an overall average would be achieved which would encompass all aspects of the training provided. Director Pavey asked Commission members to think about this and provide any input or suggestions they may have.

Designating Presiding Officer for Pre-Hearing Procedural Matters

Special Investigator Lanny K Grosland advised the Commission was being asked to consider an order to appoint a Presiding Officer for Pre-Hearing Procedural Matters (POPPM).¹¹ Assistant Attorney General (AAG) Camille Nohe has acted in this capacity previously for the Commission, has agreed to continue serving in that position, and has received permission to continue in this role.

Once a petition has been filed and an attorney has entered an appearance to represent a respondent the POPPM will take care of all motions, the discovery process, etc, to speed matters up

Chief Lee D Doehring reported AAG Nohe in the past has been essential in dealing with pre-hearing matters. He made a motion to approve the order. The motion was seconded by Director Ron Pickman and was voted on and approved by the Commission.

Training Commission Appointment - Governor's Kansas Bio-Terrorism Coordinating Council

Special Investigator Grosland reported this matter was on the agenda for the last meeting, which was not held because of a lack of a quorum. At that May 20, 2002, meeting Darrell Wilson, acting within his authority as Chairperson, appointed Director Larry Welch as the Commission's representative on the Governor's Bio-Terrorism Coordinating Council.

Satellite Academies Program Authorized Admissions¹²

Director Ed Pavey presented a resolution regarding Satellite Admissions Policy for consideration by the Commission.¹³ This policy designates who will be permitted to attend each of the satellite academies. Lt Joe T Gimar made a motion to approve the resolution. The motion was seconded by Sheriff Bob G Odell and was voted on and approved by the Commission.

Reciprocity Certification

Director Pavey advised that Colorado and Missouri have college programs in law enforcement. Upon completion, a student is eligible to be hired by an agency. If such students go to work for a Kansas agency, Director Pavey has the authority to grant reciprocity to them, which would require them to attend the one-week reciprocity training, even though they have never worked as

¹¹ Atch # 12: Order Designating Presiding Officer for Pre-Hearing Procedural Matters.

¹² Atch # 13: Satellite Academy Program Authorized Admissions.

¹³ Atch # 14: Resolution concerning Satellite Admissions Policy.

a police officer and have not been certified in the other state. Director Pavey provided this information as an FYI.

Johnson County Community College (JCCC) Police Academy/KLETC Outreach

A new open-ended contract has been signed which will continue indefinitely or until one or other of the parties wishes to terminate it. JCCC is authorized to provide basic training to agencies listed in the Director's approved admission policy.

House Bill 2041 - Legislative Proposal from Wyandotte County Re Removing Citizenship Requirement from Training Act¹⁴

Kyle Smith advised that he is chairman of the KPOA legislative committee, and the committee has discussed this issue. It has also been discussed by the KSA legislative committee. The consensus of both groups is that in the wake of the 9/11 tragedy, security and citizenship issues should be tightened rather than loosened. Further, the committees felt that if an officer is going to be sworn to uphold the laws of the Constitution, that officer should be a US citizen.

Commission members discussed the issue. A motion for the Commission to oppose HB 2041 was made by Sheriff James F Jarboe Jr. The motion was seconded by Sheriff Bob G Odell and was voted on and approved by the Commission.

Use of Summary Orders

Special Investigator Lanny K Grosland informed the Commission that under the provisions of the Kansas Administrative Procedure Act (APA) it could be possible for the Commission to issue a Summary Order of Revocation in accordance with the provisions of KSA 77-512 and 77-536 if a respondent failed to act on an offer to surrender his law enforcement officer certification. The reasoning for the use of a Summary Order as authorized by KSA 77-536 is that the respondent is a law enforcement officer and his/her actions could involve an immediate danger to the public safety or welfare, which would require immediate Commission action.

When the Commission's Investigative Committee (CIC) determines there is grounds for a revocation, the following procedural steps would be taken when the respondent is employed full or part time as a law enforcement officer:

¹⁴ Atch # 15: House Bill 2041; An act concerning the Law Enforcement Training Center, relating to applicants thereof, amending K.S.A. 74-5605 and repealing the existing section.

- The respondent would be offered an opportunity to surrender his/her certification;
- If the respondent did not respond to the offer, the file would be forwarded to the Attorney General's Office (KSAG) for review;
- With KSAG approval, a Summary Order of Revocation would be served on the respondent;
- If the respondent did not respond to the Summary Order within fifteen (15) days, the revocation would become final; or
- If requested by the respondent, the matter would be heard by the Commission's Hearing Committee.

Grosland stated the KSAG was asked last August if the Commission could use this procedure and an inquiry was sent to the Commission's Counsel last November, however, no response had been received from either.

Commission Counsel Kyle Smith reported the Commission was authorized to use this procedure under the APA if it could be shown there was a need to prevent or avoid immediate danger to the public health, safety or welfare that justifies the use of emergency adjudication. Grosland pointed out it would be up to the KSAG in each case to decide if a Summary Order should be used.

After a short discussion it was agreed this procedure should be used when authorized by the CIC.

Required Agency Reporting of Training Act Violations

Grosland provided Commission members a draft of a proposed amendment to the Kansas Law Enforcement Training Act (KLETA) which would require agencies to report officer misconduct and other Training Act violations.¹⁵ He advised this proposed amendment would:

- Require law enforcement agencies conduct an administrative or criminal investigation whenever there is probable cause to suspect an officer has failed to comply with the KLETA or any other act of misconduct;
- Report the findings to the Commission if the allegations are sustained;
- Make it mandatory for an agency and the Commission to provide alleged or known misconduct in violation of the KLETA to another law enforcement agency conducting a background investigation for a law enforcement officer position; and

¹⁵ Atch # 16: Memorandum to Commission Members, dated 1/7/03, concerning Proposed Legislation. Atch # 17: Draft, dated 5/29/02, re Required Agency Reporting of Training Act Violations.

→ Civil liability could not be imposed for providing information if there exists a good faith belief the information is correct and accurate.

He pointed out an agency could have an officer who violated a provision of the KLETA or another act of misconduct and they allow him/her to resign rather than being terminated. The officer could, and often currently does, go to another agency and applies for a law enforcement position. The agency from which he/she resigned often hesitates in releasing the reason for the officer resigning and the Commission is not aware of the facts, because we currently only attempt to track those who are "terminated for cause." Another problem is that some departments do not conduct a background investigation.¹⁶ Grosland advised Kansas currently has a number of "gypsy cops," who jump from agency to agency and this proposed legislation would "take the bad apple out of the barrel and keep him out of the barrel."

Chairman Darrell Wilson questioned if the proposal would violate current regulations or laws regarding the release of personnel records. Smith advised if there was a law that required the release of information, it would be authorized unless there was a federal provision that prohibited such release.

Chief Lee D Doehring stated he had a concern regarding the opening of internal investigative (IA) files to defense attorneys. Grosland noted the Commission's Investigative Committee (CIC) Counsel, Darin L Beck, has advised the Commission is currently entitled to IA files and they are requested when an officer is terminated because of misconduct. Currently some departments provide the documents after receiving a routine request, while others want a subpoena before releasing IA files.

Director Ed H Pavey pointed out where you often see the problem is when an agency catches an "officer with his hand in the cookie jar" and the person resigns so "everything will go away" and another agency finds the officer applying with them. There is nothing that requires the department from which the officer resigned to tell another agency "that their hand got caught in the cookie jar." It can become a vicious circle that keeps repeating itself.

Grosland advised he does not track resignations because there are too many. He provided an example of a rare occurrence where an upper echelon official from a sheriff's office reported they had allowed a deputy to resign after it was determined he had

¹⁶ Some states make it mandatory that agencies conduct a complete background investigation of all law enforcement officer applicants they consider for employment.

falsified a training report.¹⁷ The reporting sheriff's official did not feel the "former" deputy should remain a certified law enforcement officer. A subpoena was served on the sheriff's office and a copy of their IA inquiry was received. The matter was reviewed by the CIC, the officer was given and turned down an offer to surrender his certification, and the matter will be forwarded to the KSAG for review. The former deputy, who actually committed a felony and was not charged, has since been employed as a law enforcement officer with another department.

Director Pavey informed the Commission this problem is going on at the national level and there is a movement to put together a nation-wide "gypsy cop" data bank. He advised there are privacy concerns and issues that relate to IA records, but somewhere we have to find a "happy medium" so that a hiring department can find out about an officer "who got caught with his hand in the till" even though the open record reflects the officer just voluntarily resigned.

Grosland recommended, if the Commission did not like the proposal as presented, they form a committee to "fine tune" it so it could be presented to the legislature. He advised the proposal was first suggested at a Commission meeting in February of 2002.

Smith stated he likes the simplicity of the Florida statute and thought the proposal was a good idea and the Commission should take the "bull by the horns" before someone else tried to solve the problem of "gypsy cops." He felt there were some problems with the proposal, such as covering reserve and volunteer officers, who the Commission does not have authority over. Grosland advised this proposal would change the KLETA to give the Commission authority over reserve and/or volunteer officers. Director Pavey pointed out the Act currently does apply to reserve officers since they have to meet the same qualifications as full and part time officers.

County Attorney David L Miller had a question concerning the first paragraph of the proposal that would require an agency perform an administrative, internal or criminal investigation if they suspected an officer committed an act of misconduct. Grosland pointed out the proposal calls for an agency to conduct such an investigation or "request another recognized law enforcement agency to perform" an investigation. Miller advised he doubted the sheriff or a police chief in his jurisdiction would want to conduct an internal investigation for a violation of the Training Act. It was noted by Grosland that another

¹⁷ This is a "rare occurrence" since agencies seldom bring matters to the attention of the Commission when an officer resigns after being accused of an act of misconduct.

agency, such as the KBI, would not do an IA inquiry.¹⁸ However, just about any infringement covered under the proposal was not only an IA violation, but was also a criminal transgression.

Chairman Wilson appointed Doehring, Miller, Smith and Grosland to a committee to review the proposal with Doehring to act as the chairman.¹⁹

Commission Law Enforcement Powers

Special Investigator Grosland reported he is currently commissioned as a law enforcement officer through the Attorney General's Office (KSAG). Grosland advised it was important in investigating law enforcement officers, that the person being investigated knows the person making the inquiry is also a law enforcement officer. He proposed an amendment to the KLETA which would give the Chairperson the authority to designate certain employees of the Training Commission as law enforcement officers.²⁰

Director Pavey pointed out the proposal would be of value if, as an example, contractual assistance was obtained to assist Grosland, that person could have law enforcement powers without going to the KSAG for a commission.

Sheriff Gary E Steed questioned why getting a commission from the KSAG was not sufficient. Grosland reported each year he had to apply for the commission and this amendment would make it more convenient.

Chairman Wilson directed Chief Doehring, County Attorney Miller, Commission Counsel Smith and Special Investigator Grosland also look into this proposed amendment.

[Note: The Commission recessed for a break at 1:35PM
and returned at 1:45PM.]

Amendment to KSA 21-4619 (Expungement ... of Records)

Special Investigator Grosland proposed KSA 21-4619, which dealt with the expungement convictions, arrest records and diversion agreements, be amended to included the Training Commission as an

¹⁸ The CIC has established a policy whereby the Commission will not conduct an initial investigation unless the reported violation directly concerns a training matter (*i.e.*, falsification of training reports, failure to report the employment of an officer, *etc*).

¹⁹ Grosland asked that a deadline be set to review the matter and while Wilson did not set a deadline, he directed the concern be reviewed as soon as possible.

²⁰ Atch # 18: Proposed amendment to the Kansas Law Enforcement Training Act in which employees of the Training Commission designated by the Chairperson would be vested with the authority of law enforcement officers.

agency which would have access to these records. He provided Commission members with a memorandum with KSA 21-4619 attached reflecting where the Training Commission would be inserted into 21-4619(f)(2) and 21-4619(i).²¹

He advised under the current law the Commission was not entitled to expunged records, even when conducting an investigation to determine if a law enforcement officer met the standards for qualification. Grosland provided an example of an inquiry he made involving an certified officer, who was employed as a deputy sheriff and had an expunged record of a conviction for burglary as a juvenile. He was not able to obtain the record because the current law reads only inquiries concerning "applicants" for law enforcement positions are open for examination. Since the subject of the investigation was not an "applicant," the record remained closed.

This proposal would allow the Training Commission to examine expunged records regardless if the person was an "applicant" or not.

Commission Counsel Smith advised he may be able to add this proposal onto another bill as the legislature is always doing something with the expungement law every year. He also reported the expungement statute does not apply to law enforcement anymore.

Chairman Wilson directed Smith pursue this proposal.

Denial of Certification Policy

Investigator Grosland requested the Commission change the Denial of Certification Policy. He advised currently if the Commission wishes to deny the certification of an individual the Commission's Investigative Committee (CIC) reviews the matter, and if they find there is probable cause to deny a certification, the matter is forwarded to the Attorney General's Office (KSAG) for review. The KSAG then issues a petition and the matter is set to be heard by the Commission's Hearing Committee (CHC).

The proposed change would allow the Chairperson to issue a Summary Order for Denial of Certification, with KSAG approval, after the CIC found probable cause to deny certification. The matter would come before the CHC only if the respondent requested a hearing under the requested change of policy.

Grosland stated an Assistant Attorney General suggested this change be made during a CIC meeting in February of 2002.

²¹ Atch # 19: Memorandum, dated January 7, 2003, regarding Proposed Amendment to KSA 21-4619.

Sheriff Bob G Odell made a motion that the policy be changed as suggested by Grosland. The motion was seconded by Chief Ray Classen and was voted on and approved by the Commission.²²

Definition of Moral Character

Investigator Grosland reported the KSAG suggested the Commission define moral character. He advised after looking at a number of court decisions there is no definite definition of good moral character. In fact, the Court once stated they could not define moral character and it was up to each commission or board to define good moral character.

He provided the Commission with a comprehensive definition, which had been approved by the CIC during their December 5, 2002, meeting and is currently being used by that Committee.²³ Attached to that definition is the International Association of Chiefs of Police (IACP) *Law Enforcement Code of Ethics*.²⁴

Chief Lee D Doehring stated he liked the definition provided and noted, as a member of the CHC, they had used the IACP *Law Enforcement Code of Ethics* as a standard to define good moral character. He also advised during a response to a recent pre-hearing motion the Hearing Committee advised the respondent's attorney that the *Code of Ethics* was the standard for good moral character, which helped in the respondent agreeing to surrender his law enforcement officer certification. Grosland informed the Commission that he now includes as an exhibit in moral character investigations, a student's signed acknowledgment that he has read the *Code of Ethics*.

Doehring advised his only suggestion would be to have section 2 include "omission" to read "An act, omission or conduct ..."

Chairman Darrell L Wilson questioned if the Commission would not "lock" itself in when certain transgressions were detailed as reflected in section 5. He was informed those specific acts were added to point out actions which were a "done deal," that an officer who violated one of those deeds was in violation of the moral character standard.

Grosland pointed out that in researching moral character, he looked at a number of Kansas commissions and boards for a definition. He also looked at the regulations of several other state law enforcement training and standards commissions and

²² Atch # 20: Approved Denial of Certification Policy, dated January 28, 2003.

²³ Atch # 21: Guidelines to determine moral character as adopted by the Commission's Investigative Committee on December 5, 2002.

²⁴ Atch # 22: *Law Enforcement Code of Ethics* adopted by the Executive Committee of the International Association of Chiefs of Police during October 1991.

boards to find a definition. He never could find an absolute definition of moral character. The various states noted various violations what were a element for certification revocation and he included those in the proposed definition.

Commission Counsel Kyle G Smith interjected that the Commission was talking about taking away someone's livelihood, their license, and you are going to do it because they do not respect the rights of others. He questioned if the Commission was going to open an investigation if a defense attorney made an allegation that an officer violated someone's rights such as an illegal search and seizure or unlawful arrest. Smith advised he had a problem with a broad definition such as the one presented. He was then asked if the Commission should tell the KSAG that we were not going to have a definition of moral character. Smith reported until recently, the Commission never did a moral character case and felt such matters should be handled as internal departmental disciplinary matters.

Grosland pointed out moral character inquiries have only been initiated when an officer has been fired from an agency for an alleged moral character standard violation. Smith said was not true because one of the KBI's Agents was investigated. Grosland corrected himself and noted that inquiry was only initiated after an attorney made a serious allegation directly to the Commission. What was done in that instance, was to open a case and include a letter from the KSAG which cleared the Agent of any wrongdoing. The matter was then closed as unfounded after being reviewed by the CIC and with their approval. Grosland pointed out if that matter had not been documented, the complainant (who was advised the matter was being closed) could come back later and say the matter was "covered up" by the Commission. Grosland advised it is standard practice to open a case anytime a written and signed allegation is made to the Commission. Smith reported the Commission had a policy that no action would be taken unless an officer was charged with a criminal act.²⁵

Director Ed Pavey noted the statute says one of the requirements to be a law enforcement officer in the state is that they be of good moral character.²⁶ Grosland reported what this proposed definition is attempting to do is set a basis for good moral character, a guideline for the CIC and the Commission to follow, it is not an absolute definition.

Smith stated it is a requirement of the Act to be of good moral character and there are occasions where someone is clearly in

²⁵ No such policy could be located in Commission files or minutes. On June 28, 2000, the Commission approved an *Investigative Policy* which states in part, "Investigations shall be initiated upon the receipt of written ... complaints ... of alleged violations from citizens ... and media reports."

²⁶ KSA 74-5605(f)

violation and the Commission should act. He suggested that should be a "fairly rare occasion." Smith advised the proposed moral character guideline was too extensive. He felt if the legislature wanted to include moral character as being that broad, they would have made it that way and put those restrictions in the Act. He stated if a chief or sheriff wanted to take disciplinary action against an officer for spitting on the sidewalk or committing adultery, but did not charge the officer with committing a crime, that disciplinary action should not be a concern of the Commission.

Grosland advised the Commission has a system of checks and balances. First the CIC has to make a determination if, in their opinion, there was a violation of the moral character standard. If the Investigative Committee decides it is a moral character infringement, the matter then goes to the KSAG for review and if the assigned Assistant Attorney General feels it is a moral character standard violation, the matter goes to a hearing before the Commission's Hearing Committee (CHC). The end result is the matter is reviewed on three occasions before any disciplinary action, such as a revocation, is finalized.

Chairman Wilson stated trying to define moral character is a problem and noted the courts have not even been able to do it. Grosland pointed out in the proposed definition it states the courts have held good moral character is not easy to determine.

Director Pavey suggested "draft" be written across the top of the proposed moral character hand-out. Grosland advised the CIC needed guidelines for moral character and had adopted the proposal for their use.

Chairman Wilson advised no action would be taken by the Commission and assigned Chief Lee D Doehring, County Attorney David L Miller, Commission Counsel Kyle G Smith and Special Investigator Lanny K Grosland to also review this matter before the next Commission meeting.

Municipal Training Reimbursement Fund (TY 02)

Grosland provided Commission members with two (2) memorandums concerning the FY 02 Municipal Training Reimbursement Fund.²⁷

Collins Property Resolution²⁸

Director Pavey requested the Commission adopt a resolution in support of the Kansas Law Enforcement Training Center seeking the acquisition of the Collins property. A motion to adopt the resolution was made by Chief Ray D Classen. The motion was

²⁷ Atch # 23 and 24

²⁸ Atch # 25

seconded by Sheriff Bob G Odell, and was voted on and approved by the Commission.

Assistant Dean John Wolf Resolution²⁹

Director Pavey presented the Commission with a resolution recognizing and thanking KU Assistant Dean John Wolf for his many years of service and support of KLETC and the Training Commission. A motion to adopt the resolution was made by Chief Lee D Doehring, and was seconded by Director Ron E Pickman. The motion was voted on and approved by the Commission.

This resolution will be presented to John at his retirement reception to be held at KLETC in the near future.

Other Miscellaneous Commission Concerns

Juvenile Justice Administration (HB 2016)³⁰

Kyle Smith advised the Juvenile Justice Authority (JJA) is requesting legislation to give law enforcement powers to its officers. They are proposing their own 140-hour training criteria, with 40 hour of continuing education. Smith contacted the JJA administrator and explained the concerns that these officers would have law enforcement powers without the full law enforcement training. He suggested that the legislation should either be very narrowly drafted, or they should be required to get the full 560-hour training.

Indian Tribal Police (SB 9)³¹

This bill would give full law enforcement power to Indian Tribal Police, and basically just adds 40 hours of annual training to the 560-hour basic training they already receive. The KPOA and KSA took no official stand on this bill. The Commission decided to stand mute on this issue.

Next Meeting Date

No date was set for the next Commission meeting, however, it was suggested by Director Ed Pavey that the next meeting take place at the University of Kansas at Lawrence.

²⁹ Atch # 26

³⁰ Atch # 27

³¹ Atch #28

Adjournment

The meeting adjourned at 2:40PM.

LKG/LW:lkg/lw
3/17/03
[C:minutes/030128]