



**KANSAS COMMISSION *on* PEACE OFFICERS'
STANDARDS *and* TRAINING
(KS • CPOST)**

COMMISSION MEETING MINUTES

March 27, 2007

Attendees:

KSCPOST Members Present

Jackie Williams, Chairman
Larry D. Welch (via tele-conference)
Sam F. Breshears
James F. Jarboe, Jr.
David L. Miller
Bob G. Odell
William Smith
Gary Steed
Steven Stowers
William Seck (via tele-conference)

Others Present

Ed Pavey, KLETC Director
John Green, KLETC Associate Director
Dave Warry, KLETC Assistant Director
Darin Beck, KLETC Legal Counsel
Mark Damitio, KLETC Deputy Asst. Director
Lisa Webster, KLETC Director's Assistant
Steven R. Culp, KSCPOST Executive Director
Lanny Grosland, KSCPOST Special Investigator
Kyle G. Smith, Commission Counsel

Members Absent

Ellen T. Hansen
Vernon Ralston

Chairman Williams called the meeting to order at 1:17 pm.

Pledge of Allegiance

Roll Call of Appointed Members of KSCPOST

Approval of Minutes

In regard to the minutes of February 15, 2006, Chairman Williams asked whether the plaque for Chief Klumpp referred to in the minutes had been completed and was ready to be presented. Executive Director Culp advised the plaque is ready, along with a plaque for Lee Davidson. Discussion took place on the proper forum for presenting these plaques. It was decided to present to the plaques at the joint conference in May. Executive Director Culp advised he will see that this is done.

Chairman Williams also referred to page 11 of the February 15 minutes regarding FBI Special Agent in Charge Kevin Stafford's presentation regarding training for a criminal epidemiological

rapid response team. A commission sub-committee was formed to review the curriculum for this training. Chairman Williams asked for an update on this. KLETC Deputy Assistant Director Mark Damitio advised that this committee met twice and requirements were forwarded to the FBI. However, the FBI's conference was never held, and the agent was transferred to another location, so it became a moot issue.

Commissioner Bob Odell moved that the minutes of the February 15, 2006 commission meeting be approved. Commissioner Steed seconded the motion. The motion passed by voice vote.

Commissioner Bob Odell moved that the minutes of the June 5, 2006 commission meeting be approved. Commissioner Steed seconded the motion. The motion passed by voice vote.

Commissioner Bob Odell moved that the minutes of the July 19, 2006 commission meeting be approved. Commissioner Steed seconded the motion. The motion passed by voice vote.

Reports

KSCPOST Financial Report

Executive Director Culp provided the commission with copies of the current financial report, dated March 27, 2007. (See attached.)

Executive Director Culp reported that there were only a few expenditures during the reporting period of July 1, 2006 through March 1, 2007. The expenditures totaled \$68,968.59. KSCPOST is funded entirely by docket fees. These revenues fluctuate somewhat from month to month. Currently, however, revenues are exceeding expenditures.

Executive Director Culp also reported on the revised 2007 and the proposed 2008 budgets. The 2008 budget includes seven full time staff positions and an office site. It is a conservative budget which could be scaled back based on the revenue stream.

Kyle Smith advised that currently the house bill giving KSCPOST spending authority does not include personnel authorization. The senate caught this and it is in conference committee to get corrected. If that is successful, it will go to both houses and then to the governor for signature. The KSCPOST cannot hire any staff until July 1, however could hold interviews before that date. Darin Beck advised a contractual agreement was signed between KSCPOST and KU to reimburse KU for KSCPOST expenses for this fiscal year. After the agreement had been signed, however, the legislature introduced a bill to authorize spending for FY07 but left the KSCPOST fund under the University of Kansas. Once this bill passes, both funds will be under the control of KU for FY07 only. The contract will be unnecessary for reimbursement since the University will be able to transfer from one fund to the other.

Executive Director Culp advised that KU and KLETC have been taking care of incidentals for KSCPOST such as office supplies, etc.

Commissioner Odell moved that the financial report be adopted as presented, Commissioner Steed seconded the motion. Motion passed by voice vote.

Report on Disciplinary Hearings and Investigations

KSCPOST Special Investigator Grosland provided the commission with a report of 2006 disciplinary hearings and investigations. (See attached.)

Special Investigator Grosland also provided the commission with an updated commission roster. (See attached.) There is still a vacancy for a representative of the Attorney General's office to represent the commission in disciplinary actions. A copy is attached. Chairman Williams advised that the commission needs to follow up on the vacancy for the Attorney General's Office representative. Chairman Williams and Executive Director Culp will meet regarding this issue. They invited any other commission members who wish to join them at this meeting to do so.

A list of committee assignments as reflected in the February 15, 2006 minutes was provided to the commission. (See attached.)

Discussion took place regarding open records requests. Currently, a problem exists with a person who requested a large amount of material be provided to him through an open records request. He was sent an invoice for the materials which had been copied but not yet mailed, but he has not paid for them, nor has he contacted the commission regarding this. Special Investigator Grosland reported that the labor involved in copying these materials totaled \$446.95. The commission has previously authorized charging 35 cents per page for copies. Executive Director Culp advised Special Investigator Grosland to provide him with the information and he will handle the situation.

Special Investigator Grosland provided the commission with a report on the municipal training reimbursement fund for Training Year 2006. (See attached)

Other Reports from Executive Director

Executive Director Culp advised he has been working on policies and standard operating procedures (SOP) needed to put KSCPOST in compliance with the law. He will soon be working on standard operating procedures on several other issues as well. He asked the commission for any SOP items they would like for him to develop. None were suggested.

Staffing update – The budget authorizes seven full time positions. Once the legislation goes through, he will begin the hiring process to bring these people onboard after July 1.

A question was asked whether the attorney from the Attorney General's office was a different position than the attorney listed in the budget. Executive Director Culp advised that they are two different positions. The commission attorney in the budget will be on-site to be readily available to give legal advice and guidance. Kyle Smith suggested that this person will be disciplinary counsel who can also handle legal issues. The main duties will be assisting with investigations and prosecutions.

Executive Director Culp reported on file maintenance and security. KSCPOST is responsible for vast amounts of data, and he has taken measures to make it more secure, as well as more manageable and useful to the commission. Further enhancements are being studied and developed regarding information access, which will include the ability to access the data from other locations, while still keeping it secure.

Kyle Smith reported on Senate Bill 17. This bill would require a number of state agencies who are currently funded by docket fees, including KLETC and KSCPOST, to have their money put into the general fund and to have to go through the yearly appropriations process. This bill passed through the senate, and went to the house where it was modified, then went to the house judiciary and then on to calendar and printing committee where now remains. This committee is not bound by time frames, and the bill remains there for now. It will probably return to the senate judiciary committee. Director Pavey echoed that he will be watching the progress of this bill.

Kyle Smith reported on House Bill 2068. This bill confers law enforcement authority upon certain employees of the Kansas Adjutant General. Executive Director Culp and Director Pavey provided written testimony on this bill. Concerns that they had raised were resolved through amendments in committee.

Report of the Director of the Kansas Law Enforcement Training Center

Director Pavey reported on the KLETC capital improvement project, which currently at the 30% mark. This project includes a new three-story dormitory which will accommodate 126 students, an 800-person auditorium which can be divided into three smaller spaces, and a new large entrance and reception area. Hornet Street will be vacated, and an enclosed hallway will connect the existing building to the new structure. The second phase of this project will include a new driving track for which we are still looking for an appropriate location, and a tactical shooting house. Schematic designs were available at the meeting for anyone who wished to see them.

Regarding docket fees, Director Pavey reported KLETC is in the same situation as the commission. Historically, each time docket fees have increased, a lag time occurs which can take some time to catch up. Various reasons which can result in fewer tickets being written could include seasonal issues, bad weather in western Kansas during the winter months, shortage of officers, different focus which some departments put on offices, etc.

On Monday, March 27, Director Pavey and Executive Director Culp appeared before the committee on racial profiling regarding Senate Bill 77. This bill prohibits racial profiling and requires training for officers in several areas. Last year, KLETC provided train-the-trainer courses on this to fulfill the requirements of this bill. Discussion took place at the hearing about the future and what can be done in the area of training. We will suggest to the task force names of law enforcement officers who can work with us and the task force to discuss training to be done to meet the statutory requirements. With assistance from a KDOT grant, KLETC will suggest the KPOA and KSA hire someone to coordinate with us and other groups to put together a training package.

Regarding HB 2068, Director Pavey advised the Adjutant General will soon propose to create four readiness centers across the state to reduce drive time for his troops. The Adjutant General is asking that law enforcement, EMS and others train jointly with his troops at these centers. For now, KLETC is waiting to see where this leads. Director Pavey stated that KLETC and the Adjutant General's program would be best served if they and other training programs, such as KLETC were not in competition for the same limited training funds from the legislature.

Director Pavey reported on new technology at KLETC. This includes a \$96,000 grant for a new firearms simulator training system, as well as a driving simulator grant. Mark Damitio has been instrumental in these projects. Also, the KSA and KPOA recently donated \$25,000 to upgrade the KLETC computer lab. The computers have been ordered and have started to arrive. They will be installed soon.

Director Pavey reported on an advisory panel that has been established regarding instruction of Standardized Field Sobriety Testing. KLETC has been working with this group to establish training guidelines. KHP and others are also involved. It will be a long process.

John Green reported on the passage of HB2112 during the 2006 legislative session. This bill provides for a 50% tax credit for tax years commencing after December 31, 2005, against the income tax liability for cash contributed to KLETC. Mark Damitio wrote an article on this which will appear in the KSA and KPOA magazines. (See attached)

Director Pavey advised that KAR 012-1-1 states that no student enrolled in full-time basic training will be allowed to work for their agency while enrolled in class. This was done so that agencies would not require students to work during the weekends while they are attending class. It was not designed to prevent agencies from working the officers during Christmas break, Fourth of July break, etc. Director Pavey advised the commission that this is the way the regulation has been interpreted and the way we intend to continue to interpret it unless the commission has any objections. There were none. Kyle Smith suggested changing the regulation, which Director Pavey advised that we plan to do so along with some others that need revision.

Director Pavey advised that Executive Director Culp, along with Special Investigator Grosland, have been extremely busy with work associated with establishing KSCPOST as a stand-alone agency. There are several duties that KLETC is still performing which will eventually be transferred to KSCPOST, one of which is the central registry. Executive Director Culp sent a letter to Director Pavey delegating certain duties to KLETC until such time as KSCPOST is ready to assume them. This was agreed upon. Chairman Williams thanked Director Pavey and his staff for their willingness to assist Executive Director Culp and KSCPOST in this manner. Executive Director Culp also thanked Director Pavey and staff for the assistance.

Director Pavey advised that we are getting close to finishing a new conference room in the KLETC administration building/learning center. It is nearly finished and will be suitable for meetings such as the commission meeting.

Director Pavey reported that, regrettably, the KLETC annual golf tournament has been cancelled. The Highlands Golf Course where the tournament has always been held has new owners which are requiring contracts to be signed, which KLETC cannot do.

Old Business

There were no items of old business.

Chairman Williams called for a 10-Minute Recess at 2:33 pm.

The meeting reconvened at 2:51 pm.

Executive Session

Commissioner Breshears moved that the Commission adjourn to executive session for the purpose of discussion that would involve KSCPOST personnel, issues related to real property for KSCPOST, and acquiring equipment, the session not to exceed 25 minutes in length. The motion was seconded by Commissioner Steed. The motion passed by voice vote.

The public meeting reconvened at 3:25 pm.

Kyle Smith introduced a guest at the meeting, George Asiamah, Deputy Commissioner for National Police in Ghana. Deputy Commissioner Asiamah is working with Washburn University on a grant regarding community policing. Mr. Smith invited Deputy Commissioner Asiamah along to observe the commission meeting and tour KLETC. Deputy Commissioner Asiamah thanked the commission for the opportunity to attend. Chairman Williams welcomed him to the meeting.

New Business

Chairman Williams raised the issue of transportation needs for Executive Director Culp and the KSCPOST. Commissioner Miller asked Executive Director Culp to explore all options including personal use vehicles, rental cars, etc. vs. the cost of purchasing vehicles. Executive Director Culp advised he will do so and will include this information in a future presentation on this issue. There is currently \$51,500 in the budget for transportation, which also includes conferences, travel, etc.

Commissioner Welch moved that Executive Director Culp submit a proposal for presentation to the commission at the next meeting on transportation needs for his staff and himself. Commissioner Steed seconded the motion. The motion passed by voice vote.

Commissioner Welch advised Executive Director Culp should attend meetings in-state within the law enforcement community, such as KPOA, KSA, KACP as well as others outside Kansas, such as NSA and IACP as it is vital for the Executive Director to maintain active liaisons with statewide and national associations.

Commissioner Welch moved that the Commission require Executive Director Culp to attend in-state as well as national conferences. The motion was seconded by Commissioner Seck. The motion passed by voice vote.

Chairman Williams asked Executive Director Culp to make a presentation regarding the new KSCPOST seal and badge. Executive Director Culp showed pictures and described the seal and badge. The seal is round with "Kansas Commission on Peace Officers' Standards and Training" around the edge. It also contains a Latin phrase which translates into; "Defenders of Integrity and Truth". The badge contains wheat stalks to represent the state of Kansas, the sun rising over the state, Lady Liberty who depicts the Commission's mission to defend truth and with a shield which is the state seal. Each commissioner will be provided with a badge mounted on clear laminate, with his or her initials. Commissioner Odell moved that the Commission adopt the badge and seal as the official KSCPOST badge and seal. Commissioner Breshears seconded the motion. The motion passed by voice vote.

Executive Director Culp advised that one of his tasks has been to find an appropriate site for the new KSCPOST offices. He, with the assistance of Director Pavey, has looked at several sites. One site at 19th and Amidon in Wichita looks very good. The DEA also has offices in this space. It appears it would meet the needs of KSCPOST and the cost is significantly less than some other sites. It would be less than \$52,000 per year, including utilities. Director Pavey asked to clarify that the interpretation of a "Wichita location" of the office would include surrounding areas as well, in the event office space may be located in outlying areas around the city.

Director Pavey advised that KSA 75-5603 authorizes the director of police training to apply a code of conduct, after consulting with the commission. Recently, the commissioners were sent a copy of the newly revised student handbook and code of conduct. (See attached) Executive Director Pavey asked the commission to authorize Chairman Williams to sign a resolution confirming that Director Pavey consulted with the commission on the code of conduct.

Commissioner Odell moved that the Commission adopt the resolution and direct that Chairperson Williams sign it. Commissioner Miller seconded the motion. The motion passed by voice vote.

Miscellaneous

Commissioner Steed raised a question regarding an employee who requested a waiver for qualification for medical reasons. He asked if any other departments had experienced this. Discussion took place. Director Pavey advised he is still handling waiver requests until Executive Director Culp is ready to take them over. He advised that waivers and extensions are granted for many reasons.

Chairman Williams thanked Commissioners Welch and Seck for agreeing to attend the meeting via tele-conference.

Comments from the Public

None present.