

# Kansas Commission *on* Peace Officers' Standards *and* Training (KS•CPOST)

**Commission Meeting Minutes  
Held at KS-CPOST – 1999 N Amidon Ste 350  
Wichita KS  
May 24, 2012 1:04 pm**

**Attendees:**

KS•CPOST Members Present	KS•CPOST Staff
Commissioner John Carmichael, Chairman	Gary Steed, Director
Commissioner Mark Pierce	Eric Williams, Counsel
Commissioner Mike Keller	Vicki Mork, Administrative Assistant
Commissioner Dean Bush-by telephone	
Commissioner Kirk Thompson-by telephone	<b>KLETC Staff</b>
Commissioner James Jarboe-by telephone	Ed Pavey, Director
Commissioner Mark Bundy-by telephone	Darin Beck, Deputy Director
Commissioner David Miller-by telephone	
Commissioner Ellen Hanson-by telephone	
Janet Arndt, Assistant Attorney General – by telephone	Mark Stafford, Outside Counsel-by telephone

Chairman Carmichael began the Commission meeting at 1:04 pm with roll call of commissioners in attendance as listed above and the flag salute. Commissioner Pierce was physically present and Commissioner Keller arrived late, all other commissioners attended by telephone conference as did Mark Stafford, Janet Arndt, Ed Pavey and Darin Beck. KS-CPOST staff attended as listed above.

Chairman Carmichael explained the business of the meeting was approval of, not adoption of KS-CPOST KAR's. The ultimate adoption will take place after approval by the Department of Administration, the Attorney General's office, the Secretary of State's publication, a public hearing and then adoption. In the meantime this board will consider and recommend the adoption of the Temporary Regulations which will become effective July 1, 2012 and will continue in effect until such time that permanent regulations are adopted or they expire.

Chairman Carmichael determined everyone had a copy of the proposed KAR's. He suggested the material be reviewed page by page with preliminary remarks provided by Counsel Williams. The Commission review will facilitate the approval of the general form and content of the regulations. The

staff will be instructed to incorporate the changes adopted and to ensure the statute numbers are correct and materials are in proper sequence etc without modifying the substance of the materials.

Chairman Carmichael suggested that during the review of proposed KAR's page by page the Commissioners voice their objections to specific provisions along with additions or modifications. Once consensus is reached the draft document would be amended but if there is disagreement then a formal motion would be made to amend the regulations. At this juncture Commissioner Keller announced his arrival at 1:14 pm.

Counsel Williams' opening statement explained the proposed changes are not intended to change the pattern or practice of the Commission. They are to define broad areas such as good moral character more specifically and then permit layering of unprofessional conduct and further layer misdemeanors of honesty and integrity if the situation requires that. Based on prior discussions the regulations were tightened up.

The following changes were made to the proposed KAR's based on unanimous consent:

Review KAR 106-1-1 through KAR 106-1-8: revoke existing regulations and include definitions proposed by KLETC.

Review KAR 106-2-1: strike domestic battery a Sub Paragraph B disqualifier. Commissioner Bush checked in by telephone at 1:22 pm upon his arrival.

Page 4 paragraph 7 and 10: strike hazing.

Page 4 item 13: amend misdemeanor criminal sodomy to only prohibit sex with animals

Page 6 item 37: strike misdemeanor failure to appear

Page 7 number 41: strike to interfere with the conduct of public business in public buildings

Page 7 number 47: strike criminal defamation

Page 14 High School Equivalency: substituted proposal by Counsel Williams as an alternative to Regulation 106-2-4 : equivalence of a high school education means either A)a GED or B) proof of program completion and hours of instruction at a non-accredited private secondary school, home schooling, registered with the State Board of Education of Kansas or of the state in which the instruction was completed and a score in the 50<sup>th</sup> percentile in either 1) ACT or 2)SAT or C) proof of admission to a secondary state educational institution accredited by the State Board of Regents or another accrediting body having minimum admission standards at least as stringent as the Kansas State Board of Regents.

Page 16: remove good judgment and reliability as they are not evidence of bad moral character

Page 16 Sub B: Evidence of good moral character does not include evidence of reputation and/or prior work performance.

Commissioner Hanson excused herself from the meeting at 2:54 pm.

Page 16: commitment to the law enforcement profession, its values and ethics as represented by the principals expressed in IACP's Code of Ethics 2000(cite latest version) Strike reliability and good judgment.

KAR 106-X-X: modify title to say Approval of Qualifications and Standards for Certification of Training Schools

No additional changes, modifications or additions to proposed regulations were requested.

Chairman Carmichael asked for a motion to approve and forward to the Department of Administration, the Attorney General's office and any other necessary bodies the regulations as discussed here today and that we instruct the Commission staff to make such procedural or grammatical changes as might be necessary and submit the same for consideration and approval as temporary administrative regulations. Commissioner Pierce so moved and Commissioner Bush seconded.

Chairman Carmichael asked for any further discussion, hearing none, the vote was called. The motion passed unanimously.

Chairman Carmichael asked for a motion to approve and forward to the Attorney General's office, the Department of Administration and any other necessary authorities the Administrative Regulations discussed today for consideration and approval as permanent Administrative Regulations of the agency subject to the same qualifications permitting Commission staff to make such grammatical and scrivener like changes or modifications as might be necessary. Commissioner Keller so moved and Commissioner Jarboe seconded. The motion passed unanimously.

Chairman Carmichael asked for a motion giving consent and agreement that the Director of Police Training may, at his own judgment and discretion, revoke the present administrative regulations appearing in Section 107 of the Kansas Administrative Regulations. Commissioner Pierce so moved and Commissioner Keller seconded. The motion passed unanimously.

Chairman Carmichael asked for a motion to permit the Director of Police Training, if necessary, to propose and promulgate administrative regulations as has been discussed today as it relates to the administrative regulations regarding certification of training schools, provisional certification working as an officer during Law Enforcement Basic Training, provisional certification conditioned on attendance at the next available Law Enforcement Basic Training program in the event the regulations fail to be approved when submitted by KS-CPOST. Commissioner Pierce so moved and Commissioner Keller seconded. The motion passed unanimously.

Chairman Carmichael asked for a motion to permit the Chairman, at the appropriate time, or the chair's designee, to schedule a Public Hearing, at the appropriate time, on the proposed permanent regulations following the necessary approvals and to call a meeting for that purpose and to serve as a Hearing Officer at that Public Hearing.

This permits the chair the authority to set the date and time, arrange for the publication of the appropriate notices, preside as the officer for that public hearing and deliver the necessary reports, recommendations etc as required by law regarding our permanent regulations. Commissioner Bush so moved and Commissioner Miller seconded. The motion passed unanimously.

A reminder was given for the next commission meeting which was set for Monday, June 18, 2012 at 1:00 pm. Commissioners may attend in person or by telephone as they see fit. There was no further business to be considered. A motion to adjourn was made by Commissioner Keller at 3:17 pm and seconded by Commissioner Pierce. The motion passed unanimously.

