

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

**COMMISSION MEETING MINUTES
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August 2, 2005**

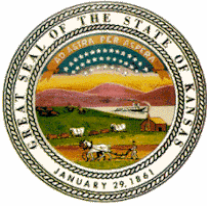
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Attachments

<u>NUMBER</u>	<u>DESCRIPTION</u>
1	Initial Report of Investigation, KS•CPOST File 2000-1023, dated October 4, 2000
2	Memorandum, re Case Disposition, KS•CPOST File 2000-1023, dated January 12, 2001;

- 3 Order of Revocation, KS★CPOST File 2000-1023, dated November 2, 2000;
- 4 Letter from Mark K Koehn, re Reinstatement of Kansas Law Enforcement Certification, dated March 23, 2005;
- 5 Letter from Kiowa County Sheriff Galen J Marble, dated March 23, 2005;
- 6 Affidavit for Prosecution and Arrest Warrant, re Kiowa County District Court case 2000-CR-48, filed September 12, 2000; and
- 7 E-mail from Assistant Attorney General Lee J Davidson, dated July 28, 2005.
- 8 Commission Roster, dated March 21, 2005
- 9 Disciplinary Proceedings from August 24, 2998, to April 12, 2005
- 10 Document Concerning Commission Members, Committees and Responsibilities
- 11 District Court Docket Fee Income, dated 7/28/05.
- 12 Municipal Court Docket Fee Income, dated 7/28/05.
- 13 Resolution in Support of Replacing Training Vehicles at KLETC.
- 14 Resolution in Support of Additional KLETC Funding.
- 15 Memorandum from Kyle Smith, dated July 28, 2005, re Stand Alone Committee Meeting
- 16 KS★CPOST Budget Projection, un-dated.
- 17 KS★CPOST as "Stand Alone Agency," dated 5/11/05.
- 18 Senate Bill 195 (State Firearms Qualification Standard)
- 19 Proposed KS★CPOST 50 Round Annual Handgun Qualification Course of Fire
- 20 Memorandum to Commission Members from Director Ed H Pavey, dated July 27, 2005, concerning SB 195.
- 21 Firearms Course of Fire Proposal submitted by Captain Darren Moore on behalf of Wichita Police Department.
- 22 KS★CPOST Firearms Committee
- 23 HR 218: The Law Enforcement Officers Safety Act of 2004.
- 24 Senate Bill 77 (Racial Profiling Act)
- 25 The IADLEST National Decertification Database.



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**COMMISSION MEETING MINUTES
August 2, 2005**

Welcome and Introduction of Guests

Chairperson Jackie N Williams called the meeting to order at 11:51AM at the Kansas Law Enforcement Training Center (KLETC), Hutchinson, Ks.

Members present were: Chairperson Jackie N Williams, Lt Colonel Sam F Breshears, Chief Ed E Klumpp, Sheriff Bob G Odell, Chief Vernon A Ralston, Superintendent William R Seck, Sheriff Gary Steed, Officer Steven R Stowers, and Director Larry D Welch. Not present were Sheriff James F Jarboe Jr, County Attorney David L Miller, and Chief William T Smith.

Also present was Special Investigator Lanny K Grosland.

Representing the University of Kansas Continuing Education were KLETC Director Ed H Pavey (ex-officio Commission member), KLETC Associate Director Ron Gould, KLETC Assistant Director Dave Warry, Deputy Assistant Director Mark Damitio, KLETC Legal Counsel Darin L Beck, and KLETC Executive Secretary Lisa Webster.

Guests present were SA Michael W Metzler of the Kansas Bureau of Investigation, Deputy Chief Terri S Moses of the Wichita Police Department (WPD), Captain Darren W Moore of the WPD, and Lieutenant Douglas C Griffiths of the Kansas Highway Patrol.¹

Approval of Minutes of Last Meeting

The Chairperson entertained a motion to approve the Minutes of the March 2, 2005, Commission meeting, which was moved by Director Larry D Welch and seconded by Lt Colonel Sam Breshears. The motion carried.²

¹ These guests left after the State Firearms Qualification Standard matter was discussed.

² Following the approval of the minutes of the last meeting Director Welch entertained a motion and moved that since the guests at the meeting were

[Note: The Commission recessed for a break at 12:58PM and returned at 1:12PM.]

Disciplinary Matters — Request for Reinstatement of Certification from MARK K KOEHN

Special Investigator (SI) Lanny K Grosland provided Commission members with the following documents:³

Initial Report of Investigation, KS★CPOST File 2000-1023, dated October 4, 2000;

Memorandum, re Case Disposition, KS★CPOST File 2000-1023, dated January 12, 2001;

Order of Revocation, KS★CPOST File 2000-1023, dated November 2, 2000;

Letter from Mark K Koehn, re Reinstatement of Kansas Law Enforcement Certification, dated March 23, 2005;

Letter from Kiowa County Sheriff Galen J Marble, dated March 23, 2005;

Affidavit for Prosecution and Arrest Warrant, re Kiowa County District Court case 2000-CR-48, filed September 12, 2000; and

E-mail from Assistant Attorney General Lee J Davidson, dated July 28, 2005.

SI Grosland reported that in 2000 Koehn was a Kiowa County deputy sheriff who was dispatched to a reported personal injury accident. He was given the wrong location for the accident and came upon it before he anticipated he would. A person, who was a good friend of his, was standing in the roadway and because of his rate of speed, Koehn could not avoid hitting him. He was originally charged with Manslaughter, a felony. As part of the plea agreement, Koehn surrendered his certification and the felony charge was reduced to a misdemeanor. At the time he surrender his certification Koehn was advised after a period of three (3) years he could ask to have his certification reinstated.

The Commission's Investigative Committee (CIC) reviewed the request for reinstatement and has forwarded the request to the full Commission without a recommendation.

present for the state firearms qualification standard issue under New Business, that the matter be taken up immediately. Sheriff Gary E Steed seconded the motion. The motion carried.

³ Atch # 1 through # 7.

Chairman Jackie N Williams inquired if the family of Chuck Holt⁴ had been contacted to ascertain their feelings concerning the reinstatement of Koehn's certification. Grosland advised they had not been contacted. He reported at the request of the CIC, Sheriff Marble was told it would be good if Koehn would contact the family and present the Commission with a letter from them. It was understood from Sheriff Marble that Koehn, who is still a good friend of the victim's widow, did not want to contact her. Koehn reportedly does not feel the widow would oppose his being reinstated, but was aware the victim's parents probably would not be in favor of such a reinstatement and he did not want to put her in a position of ill feelings with the family.

Sheriff Marble was in favor of a reinstatement, but did not have any immediate plans to put Koehn back "on the road" and would only be used as a "fill in" when he needed a road deputy.⁵

Director Larry D Welch made a motion that the Commission adjourn to an executive session to deliberate the request from Koehn for reinstatement of certification and the potential action the Commission may take concerning the certification of another Kansas law enforcement officer. The motion was seconded by Lt Colonel Sam F Breshears. The motion passed. Chairman Williams then directed the Commission meet in executive session for fifteen (15) minutes.

[Note: The Commission recessed into an executive session at 1:19PM and returned at 1:32PM. Upon returning from the executive session Chairman Williams recessed the meeting for a break. The meeting resumed at 1:40PM.]

Upon returning Director Welch made a motion that the Commission meeting continue in an executive session for forty-five (45) minutes to resume the deliberation of the request from Koehn for reinstatement of certification and the possible action the Commission may take concerning the certification of another Kansas law enforcement officer. The motion was again seconded by Lt Colonel Breshears. The motion passed. Chairman Williams then directed the Commission meet in executive session for forty-five (45) minutes.

⁴ The victim of the fatal accident.

⁵ Koehn has been employed as a jailer with the Kiowa County Sheriff's Office since he surrendered his certification.

[Note: The Commission recessed into an executive session at 1:41PM and returned at 2:31PM.]

Chief Ed E Klumpp moved Koehn's request for reinstatement be continued until the next Commission meeting and that Koehn, members of the victim's family and a representative of the Attorney General's Office be invited to attend and offer testimony if they wish at the next meeting. The motion was seconded by Superintendent William R Seck. The motion passed with Director Welch abstaining.

No action was taken on a second matter relating to the disciplinary action of another law enforcement officer, which was discussed during the executive sessions.

[Note: The Commission recessed for a break 2:35PM and returned at 2:43PM.]

Report of Special Investigator

Handouts

SI Lanny K Grosland provided Commission members with the following documents:⁶

Commission roster, dated March 21, 2005;
Disciplinary Proceedings from August 24, 1998, to April 12, 2005;
and
Document concerning Commission members, committees and responsibilities.

Miscellaneous Statistics

The status of open investigations is:

Active.....204
Pending..... 5
Pending closure⁷..... 39

Activity for 2005 as of this date is:

Administrative Matters.... 41%
Investigative Matters..... 36%
Leave..... 14%
Liaison Activities..... 7%
Training Activity..... 1%

⁶ Atch # 8 through # 10.

⁷ By authority of the Commission's Investigative Committee.

Miscellaneous Disciplinary/Investigative Information

Grosland reported there were six (6) matters involving officers who did not receive the mandatory annual forty (40) hours of training for Training Year 2004 which resulted in six (6) Orders of Suspension of Certification being served. Two (2) of those orders were cancelled after it was determined the respondents were not employed in law enforcement.⁸ Training hours were reported for the remaining four (4) officers after they were served with suspension orders. Those orders were then lifted. The four officers were all employed by the same agency and one (1) was terminated. On the surface some of the hours submitted look a little "phony" and an attempt will be made to audit the training records of that agency.

In another matter referred to the Commission by the United States Attorney's Office (USA), concerns an officer who committed a violation of the firearms law. The USA does not want to charge the officer if he will surrender his certification. The officer was contacted and indicated he would surrender his certification, however, since the initial contact was made he has retained an attorney and the surrender documents were not returned. This matter will be discussed as to further action during the next meeting of the Commission's Investigative Committee (CIC). In addition, the USA will be advised he officer failed to surrender his certification and they should proceed with an indictment if that is their desire.

The file has been closed in another matter that was discussed previously which involved an officer who falsified traffic tickets as the Attorney General's Office failed to file a petition to initial administrative disciplinary action.

No action was taken in another matter that was referred to a special counsel which involved the falsification of a training report. The CIC will be asked to authorize the closure of that file due to the lack of action during the past year.

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

Open Records Request

Director Ed H Pavey reported the Commission has responded to an open records request received from the Kansas City Star by Kyle Smith in which they asked for all disciplinary actions taken.

⁸ The agencies involved had not informed KLETC that the officers had resigned during the training year.

KLETC has responded back through Smith with a chronological list of all disciplinary actions.⁹

Report of Director Ed H Pavey

Director Pavey reported that a new canopy is being built outside the door to the Learning Center, as well as a new sidewalk leading to the street. Grass will be planted in place of the cement parking lot in that area. Associate Director Ron Gould is coordinating these projects.

KLETC's annual docket fee revenues usually amount to about 2.9 million. This past year, revenues were slightly more than expected, at \$3,080,000.¹⁰

A search is currently being conducted for a training coordinator. Interviews have been held, and a determination will be made shortly.

There are currently two basic training classes in session, with a total of 120 students.

The new alcohol policy is working very well. There have been no alcohol-related incidents since the policy went into effect. Director Pavey thanked the Commission for their support of this policy.

The Kansas Police Administrators Seminar was held at KLETC in July, with twenty-four (24) administrators in attendance. The evaluations from this class were outstanding. This class will be conducted again next year.

CD based training is being developed on the topics of Elder Abuse and Background Investigations. Instructors Kelly Shand-Adams and Beckie Miller are involved in the production of these CDs. These will be inter-active CDs with a test delivered at the end of the instruction. The CDs should be ready for distribution this fall.

Director Pavey reported he recently submitted a white paper to the University outlining KLETC's strategic plan which includes a new dormitory, driving course, multi-purpose facility and tactical shooting training house. Funding issues are also outlined in the report, KLETC is spending more each year than is being taken in, using reserve funds. Additional funds with which to operate KLETC are being requested as well as the capital improvement projects.

Director Pavey advised during the March 2, 2005, meeting the Commission authorized the preparation of two resolutions. One to

⁹ It should be noted no record of the request or reply was made available for KS★CPOST files.

¹⁰ Atch # 11 and # 12 — District Court Docket Fee Income, dated 7/28/05, and Municipal Court Docket Fee Income, dated 7/28/05.

support the replacement of training vehicles and the second to support additional KLETC funding. Director Larry D Welch made a motion to authorize the Chairman to sign those resolutions. Sheriff Gary Steed seconded the motion. The motion carried.¹¹

On June 24, KU Chancellor Hemenway came to KLETC for the first time since 1998. He delivered the commencement address to the 180th class. He spent the rest of the day touring KLETC. It was a good opportunity to acquaint him with KLETC and our future plans.

AD Gould has ordered \$16,000.00 worth of Taser simulation equipment for the FATS system.

The Primedia grant has expired, and the sites across Kansas are being phased out. Some agencies have elected to maintain their connection with the network. Manhattan found that their liability insurance was cheaper since they were involved with the Primedia network.

Last year KLETC trained 290 full-time officers, of which 275 were certified. Sixty-nine (69) part-time officers were trained, with sixty-seven (67) being certified. There were twenty-one (21) reciprocity students, with all twenty-one being certified. The challenge exam was administered to nineteen (19), with seventeen (17) passing.

The cost for KLETC to train a full-time officer is estimated at approximately \$9,000.

It is anticipated that KU will soon prohibit us using the CopHawk logo anymore. So, for those who own a KLETC CopHawk t-shirt, it will probably become a collector's item.

The KLETC Wall of Honor ceremony for Deputy Kurt Ford will be held on Monday, August 15, 2005. The family has requested a somewhat informal ceremony, with only family, KLETC staff and a few guests present. The KLETC students will not be included in this ceremony as they were at Sheriff Samuels' ceremony. All Commission members are invited to attend. The ceremony will begin at 11:15AM at the KLETC Wall of Honor.

Old Business

Administrative Disciplinary Hearings

Chief Ed E Klumpp reported they had tried several times to set a meeting with unproductive results. He asked the members on that committee remain after the meeting so that a date and location could be set to meet. Klumpp advised the committee members, in

¹¹ Atch # 13 — Resolution in Support of Replacing Training Vehicles at KLETC.
Atch # 14 — Resolution in Support of Additional KLETC Funding.

addition to himself, were Sheriff James F Jarboe Jr, Sheriff Gary Steed, Officer Steven R Stowers, KLETC Legal Counsel Darin L Beck and Special Investigator Lanny K Grosland.

Commission as "Stand Alone" Agency

Director Ed H Pavey provided Commission members with a memorandum from Kyle Smith regarding the Commission as a "Stand Alone" Agency,¹² KS★CPOST Budget Projection¹³ and a document titled "KS★CPOST as a 'Stand Alone Agency'"¹⁴ that was used in KLETC's strategic plan.

He reported what this entails is as they get close to the legislative session the Commission is going to have to take an aggressive stance by being present to help support this issue. It has to be spelled out that the Commission does not have a staff or a budget. As part of KLETC's strategic plan, it has been recommended a \$2.00 fee on vehicle registrations be established, with \$1.65 to KLETC to fund capital improvements and \$0.35 to fund the Commission as a "stand alone" agency. Director Pavey noted that during the last legislative session, a proposal from Wildlife and Parks to fund state parks with a \$2.00 to \$5.00 vehicle registration fee was not approved. He stated their argument to local legislators in tying KLETC and the Commission to registration fees was who investigates auto accidents, who regulates traffic on Kansas highways, and who investigates auto thefts.

Director Pavey drew the Commission's attention to the Annual Budgets for Kansas Regulatory Boards and the Average Expenditure per Licensee of the Kansas boards¹⁵ for a comparison of what other regulatory boards spend.

He stated no action was needed other than the support of the Commission. Chairman Jackie N Williams inquired if the Commission wanted to approve moving forward to make KS★CPOST a self-sufficient stand alone agency. Director Larry D Welch made a motion to approve moving forward with the "stand alone" proposal, which was seconded by Chief Ed E Klumpp. The motion passed.

¹² Atch # 15.

¹³ Atch # 16.

¹⁴ Atch # 17.

¹⁵ Pages 7 and 8 of Atch # 17.

New Business

State Firearms Qualification Standard (SB 195)¹⁶

Director Ed H Pavey made a copy of Senate Bill 195 available to Commission members.¹⁷ He pointed out that Section 4(e) specifically states:

The commission shall adopt the rules and regulations that are necessary to ensure that law enforcement officers are adequately trained and to enforce the provisions of this act. Such rules and regulations shall include, but are not limited to, the establishment of a course of fire as a standard qualification for active law enforcement officers to carry firearms that may also be used for qualified retired officers to carry firearms pursuant to federal law. The director shall provide qualification opportunities for qualified retired officers at least twice a year at the times and places the director determines to be necessary. The training center shall charge and collect a fee from retired state, local and federal officers for the qualification opportunities, but these fees shall be limited to the actual costs of presenting the standard qualifications course.

He advised at the direction of the Chairman a working group was formed to develop a standard course of fire as required by SB 195 and present the course of fire to the Commission at this meeting. Associate Director (AD) Ron Gould was tasked with the responsibility of putting that committee together.

AD Gould reported the process was started by asking each of the satellite academies to have a representative on the committee. In addition, he asked certain members of the Commission to sit on the committee and a representative from the Kansas Bureau of Investigation.¹⁸ Most of the satellite academy representatives were their range master or someone from their staff who was directly involved with firearms training in their agency. Over a period of seven (7) weeks the firearms committee met three (3) times. After the first meeting AD Gould sent committee members the first course of fire draft. At the second meeting the feedback received was reviewed after the first draft course of

¹⁶ This matter was discussed immediately after the minutes of the last meeting were approved — out of the agenda order.

¹⁷ Atch # 18 — SB 195.

¹⁸ Sheriff James F Jarboe Jr, Sheriff Bob G Odell, Chief Vernon A Ralston and Chief William T Smith were asked to represent the Commission on the firearms committee.

fire was tested in the field. This review resulted in the creation of a course of fire for the second time. Members of the committee then went out to the KLETC firearms range and shot the revised course of fire. After the second meeting AD Gould sent the revised course to committee members and ten (10) agencies not connected with the Commission or the firearms committee.¹⁹ Each agency was asked to fire the course and provide feedback. At the third meeting the feedback from the ten agencies was reviewed and a final course of fire was adopted.²⁰ AD Gould advised twenty-one (21) agencies were involved in the testing or actual development of the course.

Director Pavey advised the Commission has several issues or questions surrounding this qualification course.²¹ Those issues include:

- Qualification on standard course of fire to be conducted at least once annually by all full-time and part-time law enforcement officers as defined by KSA 74-5602 (f) (g) (h)?
- Cold barrel or hot barrel qualification attempts are permitted?
- Agency's discretion whether remedial firearms training is permitted?
- Qualification with duty weapon only, or all weapons the officer might carry?
- How many qualification attempts are allowed? Two? Unlimited? Etc.
- Remedial firearms training for those who fail to qualify?
- Does the Commission desire to track agency firearms qualifications, requiring agencies to report the qualification as part of an officer's 40-hour continuing education requirement annually?
- If an officer fails to qualify with their weapon after remedial training or fails to even attend a qualification event provided by his/her agency, will this jeopardize their Commission certification as a law enforcement officer?

He also noted that if the Commission approves the proposed course of fire, that approval would only be temporary. The course of fire, course management and other related regulations would have to be incorporated into the Kansas Administrative Regulations. That process would take from nine to twelve (9-12) months and would include publication, hearings, etc.

¹⁹ Those agencies were Saline SO, Leavenworth PD, Russell SO, Garden City PD, Osage SO, Cowley SO, Emporia PD, Goodland PD, Pittsburg PD and Stafford SO.

²⁰ Atch # 19 — Proposed KS★CPOST 50 Round Annual Handgun Qualification Course of Fire.

²¹ Atch # 20 — Memorandum to Commission members from Director Pavey, dated July 27, 2005, concerning SB 195.

Chairman Jackie N Williams advised before the Commission considers the proposed course of fire, representatives from the Wichita Police Department (WPD) had some concerns they wanted to address.

WPD Deputy Chief Terri S Moses thanked the Commission for allowing them to appear. Their concerns included agency discretion and flexibility. She noted that she has appeared before the Kansas Legislature a number of times and "home rule" was a term she often used on those occasions and a term that she would like to "throw out" before the Commission. Her department utilizes a tactical form that an officer is required to submit every time his/her firearm is discharged, be it an accidental discharge, shooting an animal, firing at a suspect, etc. About every three (3) years they change the WPD course of fire based on a history of what has happened. Moses reported what they would request was language that would allow the most possible agency discretion and flexibility. They understand what is being presented is a minimum course of fire, but they wanted a harder course. She advised the WPD understood what was being presented was a minimum, but they would like flexibility to create a course that fits their needs based on the history of what has happened in regards to WPD officers and what they do out on the street and how they use their weapon. She understood the legislation "puts (the WPD) in a bind" because it is now a standard course. Moses stated that what would work best for the WPD would be a set of course objectives that they could put into a curriculum and they teach that curriculum based on those objectives. They key points the WPD was asking for was agency discretion and flexibility.

Chief Ed Klumpp noted he thought the legislation and proposed course of fire would allow for agency discretion and flexibility. Each individual agency would have to qualify their officers under the proposed state course of fire, but still could go beyond the minimum qualification with additional requirements. AD Gould pointed out Chief Klumpp was correct, but the main concern of Deputy Chief Moses was having to do an additional course of fire. She said that was correct, but another concern was their union. If the Commission sets a minimum course of fire and the WPD also requires a harder course of fire, that could be an area of concern. Director Pavey pointed out that if flexibility was allowed, it would be possible for an agency to also make the proposed course of fire easier rather than harder. Gould advised the firearms committee did consider factors in which an agency may want a harder course of fire, such as head shots and malfunctions. Such factors involved tactical issues and should be left up to each agency to address. Sheriff Gary Steed inquired if it would be possible for a satellite academy to amend the proposed course of fire to go beyond the minimum and have the change approved by KLETC. Pavey noted there were seven (7) certified satellite academies and 431 agencies in the state and

every one of them would have that opportunity to ask for a modification. He also pointed out the minimum firearms standard was no different than the current law which requires that each officer have a high school diploma, while an agency can also require a college degree. Chief Klumpp also noted it was no different than what they are currently doing with recruit firearms requirements. They fire the current required recruit standard course for officer certification, which they do not like, but they do it and then their officers qualify on the course the Topeka Police Department thinks is necessary.

Director Larry D Welch reported another consideration mentioned was the number of times an officer could attempt to qualify. He noted the number of attempts to qualify should not be of importance, only that an officer did or did not qualify using the proposed state standard course of fire during the training year. Chief Klumpp agreed the Commission should not be concerned with the number of attempts, but if one agency only allowed a certain number of attempts to qualify and another agency had no restriction on the number of attempts and an officer was decertified because he did not qualify because an agency limited the number of attempts, there could be a problem. Director Pavey advised the Commission could adopt, as part of the state standard, that it would be up to each agency to establish policy on remedial training and the number of attempts to qualify.

Captain Darren W Moore of the WPD was concerned that he did not hear any of the firearms committee members express they like the course enough that they were going to adopt it as their own. Everyone said they were going to do the state standard course in addition to their own course of fire. His question was, if "we roll this out to the whole state, but no one likes it enough to adopt it as their own, what are we giving the rest of the state." If everyone does the minimum standard in addition to what they are already doing, what has been accomplished except shooting a few more rounds to meet the mandate.²²

Director Pavey pointed out that Captain Moore is making an assumption that out of the 431 agencies in the state, all of them have a strict firearms qualification policy and do good in their firearms training and that is not the case in some instances. The adoption of this state standard course of fire will be an improvement for a lot of agencies.

After a lengthily discussion concerning such matters as agency discretion as to whether remedial firearms training is permitted, qualification attempts allowed and what form of disciplinary action the Commission should take for those officers who fail to meet the state firearms standard, Director Welch moved that the Commission adopt the proposed KS★CPOST 50 Round Annual Handgun

²² Atch # 22 — Proposal submitted by Captain Moore on behalf of the WPD.

Qualification Course of Fire (Atch # 19). The motion was seconded by Sheriff Bob G Odell. The motion passed.

Director Pavey advised there are two separate issues before the Commission. If the course of fire is implemented, what is the time frame and what general policy guidelines should be adopted.

Chairman Williams directed the firearms committee formed by AD Gould meet again to consider general policy guidelines and report their recommendations to the Commission for action.²³

Firearms Qualification Opportunities for Retired Law Enforcement Officers (HR 218 — Law Enforcement Officers Safety Act of 2004 [National Concealed Carry for Cops])²⁴

Director Ed H Pavey directed the Commission's attention to page five of Senate Bill 195 (Atch # 18) and specifically to that part of Section 4(e) which states:

The director shall provide qualification opportunities for qualified retired officers at least twice a year at the times and places the director determines to be necessary. The training center shall charge and collect a fee from retired state, local and federal officers for the qualification opportunities, but these fees shall be limited to the actual costs of presenting the standard qualifications course.

KLETC's concept as to how this will be handled is to publicize to all agencies in the state what the standard course of fire is as adopted by the Commission. The agencies will also be advised they can do their own training and qualifying for retired officers. For those retired officers from out of state, officers from agencies that do not have a range, or the agency that does not have the time to do it, KLETC will probably offer the opportunity to qualify using the approved standard course of fire four (4) times a year at the same time they are doing the Challenge Exam. KLETC will advertise on their Web site a series of forms that they have to complete. Director Pavey emphasized that no retired officer will be allowed to qualify on the KLETC range unless they have forms from the agency from which the person retired stating that they meet the requirements of HR 218.

Racial Profiling Act (SB 77)²⁵

Associate Director Ron Gould took SB 77 and broke it down to develop learning objectives for the basic trainees regarding what it entails and what it requires of officers. They came up with

²³ Members of the firearms committee are: ***

²⁴ Atch # 23 — HR 218: The Law Enforcement Officers Safety Act of 2004.

²⁵ Atch # 24 — Senate Bill 77, Racial Profiling Act.

three objectives, which come out of the statute, that will be incorporated into the criminal and civil liability class. The total hours of instruction for this topic is six (6) hours. As an example, one of the objectives is "the student will identify the sole characteristics upon which routine investigatory activity may not be conducted ..."

Director Ed H Pavey advised SB 77 also requires that agencies will conduct annual training of their officers concerning this topic. The bill does not specify the length of the training. Wichita State's Regional Community Policing Institute (RCPI) has some grant money available and it is KLETC's concept to put together a CD based program that will be a hour or two in length that is interactive. The RCPI and KLETC will partner in developing this training.

Director Pavey inquired if the Commission wanted to track racial profiling training in terms of compliance with SB 77 as part of the forty (40) hour annual requirement or just leave it up to the agencies to ensure that meet the annual requirement.

During a discussion it was the consensus of the Commission that they support the elements of SB77, would urge all agencies to comply with the requirements of the bill and that any training received to meet the terms of SB 77 would count toward the annual forty hour continuing education requirement. No separate tracking by the Commission will occur.

[IADLEST National Public Safety Officer Decertification Data Base²⁶](#)

KLETC Legal Counsel Darin L Beck advised the International Association of Directors of Law Enforcement Standards and Training (IADLEST) was an international association made up of Director Pavey's counterparts. One of the projects they have come forward with is national database for decertified officers. To this point Kansas has not participated in that database, partly because we were not sure of liability issues. The other issue is the Commission right now does not have a Web site. The database is actually a pointer system where they would list the officer and "point back to" our Web site.

Beck inquired if this was something they wanted to pursue. He reported the only "down-side" was not that it creates liability, but it would magnify our liability if we did something wrong. Nothing only did we prohibit a person from being a law enforcement officer in Kansas, we effectively prohibited a person from being a law enforcement officer anywhere in the United States. Director Larry D Welch pointed anything we do in training assumes liability.

²⁶ Atch # 25 — The IADLEST National Decertification Database.

Special Investigator Lanny Grosland advised he currently forwards a copy of orders to another state if the respondent is a resident of another state just in case a decertified officer wants to seek employment in the other state as a law enforcement officer.

Director Welch made a motion to explore the Commission's participation in the IADLEST database. The motion was seconded by Sheriff Bob Odell. The motion passed.

Basic Training Curriculum Change re Foreign Nationals — Consular Notification Process

Associate Director Ron Gould reported the US State Department has informed law enforcement agencies that by treaty when a law enforcement officer arrests a foreign national the officer must notify the foreign national's consulate. Failure to make the notification will result in the charges being dismissed. This requirement does not apply to traffic tickets, only when a foreign national is actually taken into custody or detained. KLETC is going to include this notification requirement in the basic training curriculum and get the information out to local agencies for in-service training.

Next Meeting Date

No date was set for the next Commission meeting.

Adjournment

The meeting adjourned at 3:35PM.




KANSAS LAW ENFORCEMENT TRAINING COMMISSION

MEMORANDUM

DATE: October 4, 2000

TO: File 001023

FM: Lanny K Grosland 

RE: Initial Report of Investigation

SUBJECT (S) : MARK L KOEHN; KLETC # 08804, SSN 512-80-2544,
DOB 6/2/65, 35 yrs; Deputy Sheriff, KIOWA
COUNTY SHERIFF' S OFFICE, 200 East Wisconsin,
Greensburg, Ks 67054-0593 (316 723-2182).

VICTIM: STATE OF KANSAS

CHARACTER: FAILURE TO MEET QUALIFICATION REQUIREMENTS
(INVOLUNTARY MANSLAUGHTER)

LOCATION: KIOWA COUNTY, KS

DATE OF INCIDENT: 2000

DATE RECEIVED: September 20, 2000

REPORTING OFFICIAL: AAG ALAN F VARNER

REPORTING AGENCY: ATTORNEY GENERAL' S OFFICE (785 368-8432)

TYPE OF INVESTIGATION: Informational

SUMMARY OF INCIDENT: Kiowa County Deputy Sheriff MARK L KOEHN was charged with Involuntary Manslaughter. The charge was the result of his being responsible for a fatal accident while responding to investigate a motor vehicle accident.

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FILE NUMBER: 001023

SEC: _____ SERIAL


ATCH # 1
KS-CPOST MEETING
8/2/05



KANSAS LAW ENFORCEMENT TRAINING COMMISSION

MEMORANDUM

DATE: January 12, 2001

TO: File 001023
FM: Lanny K Grosland 
RE: Case Disposition

MARK L KOEHN;
FAILURE TO MEET QUALIFICATION REQUIREMENTS;
KIOWA COUNTY, KS;
OCTOBER 14, 1999

On September 12, 2000, MARK L KOEHN was charged with Reckless Involuntary Manslaughter in the KIOWA COUNTY DISTRICT COURT. That charge was reduced to Vehicular Homicide on October 18, 2000. He entered a guilty plea on October 20, 2000, to that charge and on the same date surrendered his law enforcement officer certification. On December 22, 2000, he received a one year suspended sentence in the KIOWA COUNTY JAIL (KWCJ) and was placed on supervised probation for a period of two years on the condition that he serve ninety days in the KWCJ, perform two hundred hours of community service and pay a fine of \$1,500.00.

This file is classified as closed.

LKG/lkg
[I:001023/case]

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FILE NUMBER: 001023

SEC: _____ SERIA

ATCH # 2
KS-CPOST MEETING
8/2/05

BEFORE THE KANSAS LAW ENFORCEMENT TRAINING COMMISSION

P.O. BOX 632, HUTCHINSON, KANSAS 67504-0632

Tel (316) 694-1430, FAX (316) 694-1440

In the Matter of)
)
MARK L KOEHN)
 # 08804)
_____)

Case No. **2000-1023**

ORDER OF REVOCATION

By signing a **Declaration Concerning Surrender of Law Enforcement Officer Certification**, received by the Kansas Law Enforcement Training Commission on October 20, 2000, MARK L KOEHN voluntarily surrendered his law enforcement officer certification, pursuant to Commission policy.

At the time respondent surrendered his certification, the Commission had information indicating that a violation of the Kansas Law Enforcement Training Act had occurred, to-wit: on or about October 14, 1999, in Kiowa County, Ks, MARK L KOEHN failed to meet the minimum qualifications for a certified law enforcement officer as they relate to good moral character by committing an act of Vehicular Homicide.

This Commission's Investigative Committee, having examined the files of the Commission's Special Investigator, finds that the surrender of respondent's certification should be accepted and the respondent should be decertified.

IT IS THEREFORE ORDERED that MARK L KOEHN's certification as a Kansas Law Enforcement Officer and his privilege to be employed as a law enforcement officer are hereby revoked.

ATCH # 3
KS-CPOST MEETING
8/2/05

IT IS FURTHER ORDERED that the Kansas Law Enforcement Training Center strike the name of MARK L KOEHN from the roll of certified Kansas Law Enforcement Officers.

IT IS FURTHER ORDERED this order be made public in accordance with Commission policy.

DATED this 2 day of November 2000.

KANSAS LAW ENFORCEMENT TRAINING COMMISSION

By: 
DARRELL WILSON, Chairperson

CERTIFICATE OF SERVICE

This is to certify that on the 3RD day of November 2000, a true and correct copy of the above and foregoing Order of Revocation was hand-delivered or deposited in the U.S. mail, first class postage prepaid, addressed to:

original:

Kansas Law Enforcement Training Commission
PO Box 632
Hutchinson, KS 67504-0632

copies:

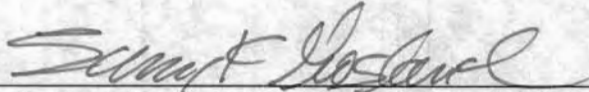
Mr Mark L Koehn
522 S Pine
Greensburg, KS 67054

Ms Linda L Eckelman
PO Box 291
Dodge City, KS 67801

Director Ed H Pavey
Kansas Law Enforcement Training Center
PO Box 647
Hutchinson, KS 67504-0647

Sheriff Raymond F Stegman
Kiowa County Sheriff's Office
200 East Wisconsin
Greensburg, KS 67054-0593

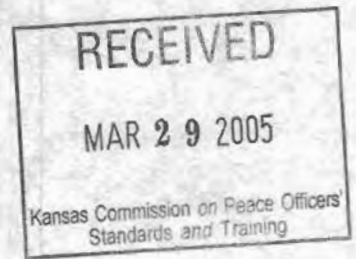
Assistant Attorney General Athena Andaya
Kansas Attorney General's Office
120 SW 10th Ave, 2nd Floor
Topeka, KS 66612-1597



Lanny K Grosland, Special Investigator
Kansas Law Enforcement Training Commission

[I:001023/mkoe/1]

March 23, 2005



Commission's Investigative Committee
Kansas Commission on Peace Officers' Standard and Training
P. O. Box 632
Hutchinson, Ks. 67504-0632

RE: Reinstatement of Kansas Law Enforcement Certification

To: Commission's Investigative Commission

At about 6:30AM October 14, 1999 I was on patrol as a Kiowa County Sheriff's Deputy. I received a radio call of an accident on U183 Highway. The report was that a Chuck Holt had hit a cow near the second bridge North of 54 Highway and rolled his pickup. I responded to the call with emergency lights and siren activated. I came onto the accident scene unexpectedly because it was about a half mile South of the second bridge. I attempted to miss the overturned pickup by swerving to the left. As I passed the pickup I observed Chuck Holt in the roadway talking to a subject in a school bus, which was stopped northbound in the southbound lane. The left front of my patrol vehicle struck Holt. Holt died about a week later in the hospital in Wichita, Ks.

On September 12, 2000 I was charged with Involuntary Manslaughter in Kiowa County District Court and was released on \$5,000.00 recognizance bond. That charge was reduced to Vehicular Homicide on October 18, 2000. I pled guilty to this charge on October 20, 2000 and as part of the plea agreement, I voluntarily surrendered my Law Enforcement Certification. On December 22, 2000 I was sentenced to one year in Kiowa County Jail, which was suspended with the provision that I serve 90 days. I was further sentenced to two years supervised probation, 200 hours community service and a fine of \$1,500.00. I completed all the provisions set for the probation within five months and finished probation with no problems.

I accepted this resolution because of the pain and suffering caused my family through this whole ordeal. Chuck Holt was a neighbor and close personal friend and I just wanted to get this over so myself and my family could move on with our lives. I have visited with Chuck Holt's widow and children about this incident. They have forgiven me and realize it was really an accident.

I have been employed with the Kiowa County Sheriff's Office since March 8, 1996 and was placed on administrative leave, with pay, after the incident. About a month later, I was assigned to duty as a jailer and am still in that capacity.

I hereby request the Commission Investigating Committee to review my status for reinstatement of my Law Enforcement Certification. I feel sufficient time has elapsed

ATCH # 4
KS-CPOST MEETING
8/2/05

since the time I surrendered my certification, to justify consideration for reinstatement. I have completed a Skid Car driving course given by the Kansas Highway Patrol in Salina and passed the final test.

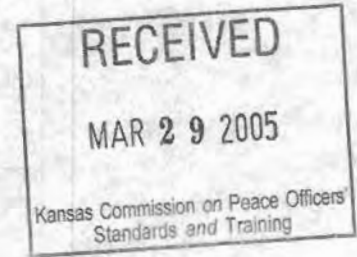
Thank you to the Commission for your consideration.

Sincerely

A handwritten signature in cursive script, appearing to read "Mark L. Koehn".

Mark L. Koehn

March 23, 2005



Commission's Investigative Committee
Kansas Commission on Peace Officers' Standard and Training
P. O. Box 632
Hutchinson, Ks. 67504-0632

RE: Reinstatement of Kansas Law Enforcement Certification

To: Commission's Investigative Commission

I have known Mark Koehn since he started as a deputy with Kiowa County Sheriff's Office. At the time I was the resident agent for the Kansas Bureau of Investigation for Kiowa County. Mark has always shown compassion and consideration for the public and I do not feel he would intentionally endanger anyone.

I am aware of the incident involving the death of Chuck Holt and view it as a lapse in judgment. There were several factors which contributed to this tragic incident. The victim was a close friend of Mark's and therefore he responded at a higher rate of speed because of his concern. There were also vehicles parked in the area that limited his ability to avoid the collision.

Since Mark was convicted, he has worked as a jailer and carries out those duties with good judgment and common sense. I think the whole experience has matured Mark and the type of action which caused the surrender of his certification, will not be repeated.

It would be in the best interest of the Kiowa County Sheriff's Office to have Mark reinstated because of the small number of deputies that we have available. Mark would be used in emergency situations and when we are shorthanded. It is always a benefit when there are certified officers available for these types of situations.

I therefore request that the Committee consider the request for recertification of Mark Koehn and approve that request.

Sincerely

A handwritten signature in cursive script that reads "Galen J. Marble".

Galen J. Marble
Kiowa County Sheriff

ATCH # 5
KS-CPOST MEETING
8/2/05

IN THE DISTRICT COURT OF KIOWA COUNTY, KANSAS
SIXTEENTH JUDICIAL DISTRICT

FILED

2000 SP 12 PM 3:55

JOHN ED. DIST. COURT
Shelley Wadel
CLK OF THE COURT

STATE OF KANSAS,)
)
 Plaintiff,)
)
 vs.)
)
 MARK L. KOEHN,)
)
)
 Defendant.)

Case No. 2000-CR- 48

RECEIVED
JAN 11 2001
Kansas Law Enforcement
Training Commission

AFFIDAVIT FOR PROSECUTION AND ARREST WARRANT

STATE OF KANSAS)
) ss:
 COUNTY OF KIOWA)

I, Trooper Merl Ney, of lawful age and being first duly sworn upon his oath does state and allege as follows:

That he is duly qualified and acting law enforcement officer for the Kansas Highway Patrol. The information contained in this affidavit was obtained from investigative files of the Kansas Highway Patrol and is believed by affiant to be reliable.

Mark L. Koehn is a Deputy Sheriff for Kiowa County. Koehn was on duty on the morning of October 14, 1999 when he was notified that a 1975 Chevrolet pick up truck driven by Charles Holt struck some cows on U-183 and rolled over. Koehn was 12-15 miles from the scene of the rollover. The truck was pulling a flatbed trailer. It overturned and the driver, Charles Holt, notified the Kiowa County Sheriff's Office and Koehn that it was a non-injury roll over accident with the radio equipped in his truck for storm watching. The truck was turned onto its side so that only the underside of the truck was visible. The truck was blocking about

ATCH # 6
KS-CPOST MEETING
8/2/05

half of the northbound lane of the highway. The flatbed trailer was overturned, in the shoulder/ditch. Several witnesses stated that at the time the collision occurred at 6:40 a.m., it was pitch black and difficult to see.

Koehn told the Kiowa County dispatcher to dispatch fire, rescue and EMS units. Koehn also responded to the emergency call.

Meanwhile, Mr. Holt was able to get out of his overturned truck and spoke with the drivers of two oilfield trucks who stopped to render aid. These two trucks were equipped with flashing amber lights on top of the truck cabs and the lights were activated. They were southbound and were stopped on the side of the southbound. The trucks were also south of Mr. Holt's overturned truck. Robert Ulrich, one of the drivers stated that Koehn approached from the south at a high rate of speed which he estimates to be between 80-90 m.p.h. Koehn flew by Mr. Ulrich without slowing down much if at all.

At the time of the collision, Mr. Holt was speaking to Harold Schinstock, the driver of a mini school bus. Mr. Schinstock was attempting to pass Mr. Holt's overturned truck when he was flagged down by Mr. Holt. This was in a no passing zone for northbound traffic. The highway was now completely blocked by the overturned truck and the stopped school bus. Mr. Holt was talking to Mr. Schinstock through the open passenger door of the mini school bus. Mr. Holt was standing in the highway and outside the door of the bus when the collision occurred. This school bus was equipped with red and amber warning lights mounted on the top front and rear of the bus. Mr. Schinstock claims the lights were activated at the time of the collision but witnesses at the scene state that the lights were not activated. Mr. Schinstock said he knew the upper red lights were on and flashing as they automatically come on when he is stopped and the bus door is open.

Behind the mini school bus was a vehicle driven by Kimberly Alderfer. As she topped the hill just north of the south bridge, she could see the flashing orange lights about 1 ½ miles ahead. She was traveling about 30-40 mph about ¾ of a mile before the rollover scene. She could see a suburban parked in the southbound lane heading south with the flashers going and an oil field winch truck parked in the ditch with its flashers going. Ms. Alderfer said there were several vehicles parked to the north of the rollover scene with flashers going. Within several seconds of stopping, she could hear sirens coming from the south and she saw the patrol car coming in her rear view mirror and realized he would not be able to stop in time. Ms. Alderfer thought she was going to be hit, but instead the patrol car hit the overturned truck, the school bus and then Mr. Holt.

Koehn stated that he was getting to the hilly part of Highway 183 when he noticed a bright glare in the sky so he knew he was getting close to the rollover scene and began slowing down. He went over the first hill and was going up the second hill when he noticed yellow lights. Koehn stated he was "on the brakes" at this time. At the top of the hill, he saw an oil rig truck in the southbound lane which appeared to be moving slowly.

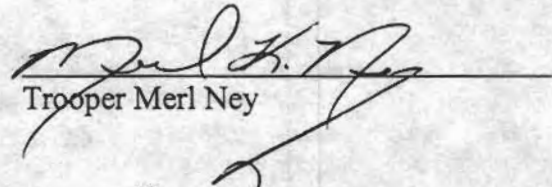
He then noticed a black object in his lane (presumably Mr. Holt's overturned truck). Koehn was traveling northbound at approximately 80-89 m.p.h. in a posted 65 m.p.h. speed zone. Koehn states he was still "on the brakes" when he swerved to the left to miss the truck. He stated he saw nothing to the left but open road. When he went around the truck, he saw the back corner of the school bus. There were no flashing lights visible on the bus. He then started to turn back to the right when he saw Mr. Holt at the door of the bus. It was too late and Koehn hit him with the left corner of his patrol car. Mr. Holt hit the windshield and landed on the highway. The patrol car went into the ditch.

Mr. Holt died 8 days after the collision as a result of these injuries.

Koehn knowingly exceeded the maximum speed limit, in the darkness, on a hilly highway with which he was familiar and placed himself in a situation where he could not stop his patrol car in time to avoid hitting the overturned truck, the bus and Mr. Holt. Koehn's excessive speed so close to the scene of the roll over failed to show due regard for the safety of all persons.

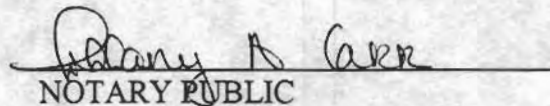
Based upon the information above given it is requested that an Arrest Warrant be issued for the person of MARK L. KOEHN.

Respectfully submitted,


Trooper Merl Ney

SUBSCRIBED AND SWORN to before me this 12th day of September, 2000.




NOTARY PUBLIC

-----Original Message-----

From: LEE DAVIDSON [mailto:DAVIDSOL@ksag.org]

Sent: Thursday, July 28, 2005 10:39 AM

To: invs@kscpost.org

Subject: MARK L KOEHN

Lanny,

I reviewed our files and it appears that Mr. Koehn is not violating the plea agreement by seeking reinstatement of his law enforcement certification. However, at this point the Office of the Attorney General opposes Mr. Koehn's request. As the criminal case unfolded, the family of Charles Holt, the deceased made it quite clear that above all of the other potential penalties, they wanted to insure that Mr. Koehn would never drive a patrol car again. In keeping with those wishes, this office therefore opposes reinstatement of Mr. Koehn's law enforcement certificate.

Sincerely,

OFFICE OF ATTORNEY GENERAL PHILL KLINE

Lee J. Davidson
Assistant Attorney General
Criminal Litigation Division

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ATCH # 7
KS•CPOST Meeting
8/2/05



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

Jackie N Williams, Chairman
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Wichita, KS 67212
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E-mail: sbreshears@kckpd.org

James F Jarboe Jr, Sheriff
Kearny County SO
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Winfield, KS 67156-0047
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E-mail: wseck@khp.ks.gov

William T Smith, Chief
Harper Police Department
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Gary E Steed, Sheriff
Sedgwick County SO
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Fax: (316) 660-3248
E-Mail: gsteed@sedgwick.gov

Steven R Stowers, Patrolman
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210 West First
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Fax: (620) 694-2852
E-mail: stowers@mindspring.com

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E-mail: ksmith@kbi.state.ks.us

Attorney General's Representative
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E-mail: invs@ksccpost.org

LKG/lkg
3/21/05
[C/members:comm mem]

ATCH # 8
KS•CPOST Meeting
8/2/05



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

DISCIPLINARY PROCEEDINGS

August 24, 1998 to April 12, 2005

<u>RESPONDENT</u>	<u>AGENCY</u>	<u>ALLEGATION</u>	<u>DISPOSITION</u>	<u>DATE</u>
JOHN E CHEEK	Kansas City, Ks, Police Department	Conviction (Voluntary Manslaughter)	Revocation of Certification	8/24/98
TODD W LEEPER	Miami County Sheriff's Office	Diversion (Battery)	Revocation of Certification	9/14/98
JAMES A ALBRIGHT	Wakefield Police Department	Conviction (Criminal Sodomy)	Revocation of Certification	12/14/98
EDWARD L DRYDEN JR	Kansas City, Ks, Police Department	Conviction (Conspiracy to Distribute Crack Cocaine)	Revocation of Certification	2/24/99
JAMES W MILLER	Lawrence Police Department	Conviction (Battery)	Revocation of Certification	3/18/99
PHILLIP G TAYLOR	Hoisington Police Department	Conviction (Sexual Exploitation of a Child)	Revocation of Certification	4/19/99
KEITH L CHURCHILL	Wellsville Police Department	Failure to Meet Training Requirements	Censored	5/10/99
PATRICK W COLLINS	Cherokee County Sheriff's Office	Moral Character (Misconduct in Office)	Revocation of Certification	11/30/99
BILLY J LEE	Bird City Police Department	Moral Character (Indecent Liberties)	Revocation of Certification	11/30/99

ATCH # 9
KS-CPOST Meeting
8/2/05

<u>RESPONDENT</u>	<u>AGENCY</u>	<u>ALLEGATION</u>	<u>DISPOSITION</u>	<u>DATE</u>
PATRICK N SHEA	Beloit Police Department	Making False Information (Training Reports)	Revocation of Certification (Voluntary Surrender)	3/7/00
ROBERT R SAYLER	Burlington Police Department	Working During Mandated Basic Course	Letter of Reprimand	3/14/00
MILTON R GILLESPIE	Rice County Sheriff's Office	Knowingly Appoint Officer in Violation of Requirements	Letter of Reprimand	3/14/00
BRIAN K C JONES	Burlington Police Department	Requesting Officer to Work During Mandated Basic Course	Letter of Reprimand	4/5/00
TIMOTHY P OBLANDER	Shawnee County Sheriff's Office	Diversion (Perjury)	Revocation of Certification (Voluntary Surrender)	4/24/00
BENJAMIN F DU BOSE	Andale Police Department	Failure to Meet Training Requirements	Letter of Reprimand	5/10/00
DAVID R MENELEY	Shawnee County Sheriff's Office	Moral Character (Perjury)	Revocation of Certification	8/7/00
CHARLES B MOORE	Minneapolis Police Department	Moral Character (Possession of Marijuana)	Revocation of Certification (Voluntary Surrender)	8/15/00
THOMAS D BATT	Hoisington Police Department	Moral Character (Official Misconduct)	Revocation of Certification (Voluntary Surrender)	9/12/00

<u>RESPONDENT</u>	<u>AGENCY</u>	<u>ALLEGATION</u>	<u>DISPOSITION</u>	<u>DATE</u>
MARK L KOEHN	Kiowa County Sheriff's Office	Moral Character (Vehicular Homicide)	Revocation of Certification (Voluntary Surrender)	10/20/00
CURTIS W STARKS	Kinsley Police Department	Moral Character (Sexual Battery)	Revocation of Certification (Voluntary Surrender)	11/2/00
DOUGLAS R DAUGHERTY	Mitchell County Sheriff's Office	Failure to Meet Training Requirements	Letter of Reprimand	11/29/00
WADE A LYTCH	Kansas City, Ks, Police Department	Diversion (Domestic Violence)	Revocation of Certification (1/10/01)	12/8/00
ROBERT E SPRUEILL	Bucklin Police Department	Moral Character (Telephone Harassment)	Revocation of Certification (Voluntary Surrender)	12/18/00
BRIAN C FALCO	Chase Police Department	Moral Character (Malt Beverage to Minor)	Revocation of Certification (Voluntary Surrender)	1/10/01
DONALD L HOUGHTON	Kansas City, Ks, Police Department	Conviction (First Degree Murder)	Summary Order of Revocation	6/11/01
WAYNE C BUFORD	Tonganoxie Police Department	Conviction (Domestic Battery)	Summary Order of Revocation	7/10/01
STEVE V SHAFFER	Augusta Department of Public Safety	Conviction (Aggravated Assault and Criminal Threat)	Summary Order of Revocation	7/12/01

<u>RESPONDENT</u>	<u>AGENCY</u>	<u>ALLEGATION</u>	<u>DISPOSITION</u>	<u>DATE</u>
JERRY D WHITE	Trego County Sheriff's Office	Diversion (Forgery, Making a False Writing & Obstruction of Official Duty)	Summary Order of Revocation	7/12/01
RANDALL R SPRINKLE, aka RAY SPRINKLE	Hutchinson Police Department	Conviction (Burglary)	Summary Order of Revocation	7/27/01
LARRY T MARTIN	Seward County Sheriff's Office	Conviction (Distribution of Controlled Substance)	Summary Order of Revocation	8/16/01
BRADLEY J SOUTHARD	Kansas Highway Patrol	Diversion (Domestic Battery)	Revocation of Certification	8/28/01
CHRISTOPHER ALSTATT	Marquette Police Department	Conviction (Felony Theft)	Summary Order of Revocation	9/26/01
LORI L DESMARTEAU, aka LORI L PALMER	Wichita Police Department	Conviction (Criminal Threat)	Summary Order of Revocation	11/29/01
KELLY L BENTON	Augusta Department of Safety	Diversion (Domestic Battery)	Summary Order of Revocation	12/17/01
SUZETTE C MANUEL	Wichita Police Department	Diversion (Felony Theft)	Summary Order of Revocation	12/21/01
JOSE C GONZALEZ aka JOE GONZALEZ	Ford County Sheriff's Office	Moral Character (Sexual Battery)	Revocation of Certification (Voluntary Surrender)	2/19/02
BRIAN M ADCOCK	Hiawatha Police Department	Conviction (Official Misconduct)	Summary Order of Revocation	3/13/02

<u>RESPONDENT</u>	<u>AGENCY</u>	<u>ALLEGATION</u>	<u>DISPOSITION</u>	<u>DATE</u>
PATRICK D GRIGGS, aka DAN GRIGGS	Sedan Police Department	Moral Character (Official Misconduct)	Letter of Reprimand	3/27/02
BRYAN C VAN WINKLE	Greenwood County Sheriff's Office	Moral Character (Official Misconduct)	Revocation of Certification (Voluntary Surrender)	4/25/02
DONALD W MARSHALL	Cimarron Police Department	Moral Character (Lied to Superior Officer)	Revocation of Certification (Voluntary Surrender)	5/2/02
ADAM C ABRAMOVITZ	Leavenworth County Sheriff's Office	Conviction (Attempted Possession of Stolen Property)	Summary Order of Revocation	5/8/02
RODNEY KNOFFLOCH JR	Butler County Sheriff's Office	Moral Character (Criminal Restraint)	Revocation of Certification (Voluntary Surrender)	6/18/02
CHIRS B HOOVER	Emporia State University Police Department	Moral Character (Wildlife Violations)	Letter of Reprimand	8/15/02
MICHAEL L MC GUIRE	Pratt Police Department	Making False Information (Training Reports)	Revocation of Certification (Voluntary Surrender)	9/3/02
THOMAS C BURNS	Nickerson Police Department	Moral Character (Battery)	Letter of Reprimand	10/17/02
FRANK A SILVA II	Wabaunsee County Sheriff's Office	Moral Character (Sexual Battery)	Revocation of Certification (Voluntary Surrender)	11/18/02

<u>RESPONDENT</u>	<u>AGENCY</u>	<u>ALLEGATION</u>	<u>DISPOSITION</u>	<u>DATE</u>
GARY F CALDWELL	Clay County Sheriff's Office	Moral Character (Official Misconduct)	Revocation of Certification	12/17/02
CHRISTOPHER D WIBE	Shawnee Police Department	Moral Character (Deceitful)	Surrender of Certification Without Adverse Findings	1/2/03
RUSSELL L CRESSLER	Rush County Sheriff's Office	Moral Character (Theft)	Revocation of Certification (Voluntary Surrender)	1/30/03
LARRY G LESLIE	Reno County Sheriff's Office	Moral Character (Conflict of Interest)	Revocation of Certification (Voluntary Surrender)	2/26/03
LEE C BRISCOE	Nickerson Police Department	Moral Character (Theft)	Revocation of Certification (Voluntary Surrender)	6/3/03
MICHAEL G HILL	Sabetha Police Department	Failure to Submit Employment Information	Letter of Reprimand	7/11/03
DENNIS M MC CARTHY	Blue Valley USD Campus Patrol	Failure to Submit Employment Information	Letter of Reprimand	7/18/03
DICKIE R FORKNER	Council Grove Police Department	Moral Character (Indecent Liberties With Child)	Revocation of Certification (Voluntary Surrender)	9/11/03
WALTER F CADUE, aka FRED CADUE	Hiawatha Police Department	Moral Character (Official Misconduct)	Revocation of Certification (Voluntary Surrender)	12/4/03

<u>RESPONDENT</u>	<u>AGENCY</u>	<u>ALLEGATION</u>	<u>DISPOSITION</u>	<u>DATE</u>
GABRIEL GARCIA	Shawnee County Sheriff's Office	Moral Character (False Training Reports & Deceitful)	Revocation of Certification	12/24/03
LEE B MOODY aka BROCK MOODY	Allen County Sheriff's Office	Moral Character (Deceitful)	Revocation of Certification	12/24/03
JAMES L BETTLES	Enterprise Police Department	Failure to Report Annual Training (Five Years)	Probation for Period of Five (5) Years	2/19/04
TROY D FOSTER	Pratt County Sheriff's Office	Moral Character (Domestic Violence)	Revocation of Certification	4/14/04
BRIAN K DU PREE	Kansas City Police Department	Conviction (Aggravated Criminal Sodomy)	Summary Order of Revocation	6/17/04
JOHN M WARREN	Washburn University Police & Campus Safety	Conviction (Felony Theft)	Summary Order of Revocation	6/30/04
BRIAN D MILLER aka BRAD D MILLER	Seward County Attorney's Office	Moral Character (Official Misconduct)	Letter of Reprimand	1/13/05
PAUL H WAGER	Oakley Police Department	Moral Character (Falsely Reporting a Crime, Official Misconduct & Theft)	Revocation of Certification (Voluntary Surrender)	4/12/05

LKG/lkg
 4/12/05
 [P:actions]



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

The Kansas Commission on Peace Officers' Standards and Training, a 12-member body appointed by the Governor, oversees law enforcement training in the State of Kansas. Among its many duties and responsibilities is that of approving the basic core training curriculum for all Kansas law enforcement and police officers and granting certification to all Kansas full and part-time officers who meet the prerequisites for certification.

Commission members do not receive salaries; however, they are entitled by law to reimbursement for certain expenses incidental to their positions on the Commission.

The Commission Members

The Commission's membership is comprised of 12 persons appointed by the Governor, who appoints the positions pursuant to KSA 74-5606. The members are:

- **JACKIE N WILLIAMS, Commission Chairperson, Wichita.** Chairperson Williams, appointed by Governor Kathleen Sebelius on July 1, 2004, is a Distinguished Senior Fellow at Wichita State University where he teaches a number of Criminal Justice classes. He has served as a Kansas Assistant Attorney General and Chief of the Sedgwick County District Attorney's Consumer Fraud Division. Williams was with the United States Attorney's Office for over twenty years and served six years as the United States Attorney for Kansas. He has worked closely with Federal, State and local law enforcement for over thirty years and holds this appointment pursuant to KSA 74-5606(a)(12).
- **WILLIAM R SECK, Superintendent, Kansas Highway Patrol.** Colonel Seck was appointed Patrol Superintendent in July 2003 after his retirement as a Supervisory Senior Resident Agent with the Federal Bureau of Investigation. He is a graduate of the University of Missouri and served 31 years with the FBI. His appointment to the Commission fulfills the requirement of KSA 74-5606(a)(1), which mandates that the Superintendent shall serve on the Commission.
- **LARRY D WELCH, Director, Kansas Bureau of Investigation.** Welch serves as the Commission's Pro Tem Chairperson. His appointment to the Commission in 1994 represents one of many capacities in which he has served Kansas law enforcement. Welch spent many of his more than 20 years of service with the FBI as a Supervisory Special Agent in Kansas; upon his retirement from the Bureau in 1986, he became the Associate Director, and in 1989 the Director, of the Kansas Law Enforcement Training Center. He became Director of the KBI in 1994, and fills the Commission position reserved for the KBI Director pursuant to KSA 74-5606(a)(2). He holds a law degree from the University of Kansas.
- **GARY E STEED, Sheriff of Sedgwick County.** Steed has been a member of the Sedgwick County Sheriff's Office since 1974 and became Sheriff in 2001. He was nominated by the Kansas Sheriff's Association for his Commission position to satisfy the requirement, set forth at KSA 74-5606(a)(3), that a sheriff from a county with a population of more than 50,000 serve. Steed is a graduate of the University of Louisville's Southern Police Institute and he holds a Bachelor of Science Degree in Administration of Justice from Wichita State University.

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- **BOB G ODELL, Sheriff of Cowley County.** Odell, who has served as the Sheriff of Cowley County since 1985, was nominated by the Kansas Sheriff's Association for his Commission position to fill the mandate of KSA 74-5606(a)(4), which calls for a sheriff of a county of less than 50,000, but more than 10,000, in population. A graduate of the FBI National Academy, Odell began his Kansas law enforcement career as deputy sheriff in Cowley County in 1966.
- **JAMES F JARBOE JR, Sheriff of Kearney County.** Jarboe has served as the Sheriff of Kearney County since 1982, and has been a Kansas law enforcement officer since 1972 when he joined the Garden City Police Department. He was nominated by the Kansas Sheriffs' Association to fill the position mandated by KSA 74-5606(a)(5) for a sheriff of a county with less than 10,000 population. He holds an Associate of Science degree from the Garden City Community College.
- **ED E KLUMPP, Chief of Police, Topeka.** Klumpp was appointed to the Commission in 2004, following his nomination by the Kansas Association of Chiefs of Police, fulfills the requirement, set forth at KSA 74-5606(a)(6), that a chief of a first-class Kansas city serve on the Commission. He has been in Kansas law enforcement since 1970, serving two years on the Lawrence Police Department and the remainder with the Topeka Police Department where he was appointed Chief in 2001. He is a graduate of the FBI National Academy..
- **WILLIAM T SMITH, Chief of Police, Harper.** Smith was appointed to the Commission by the Governor in 2004 to fulfill the position mandated by KSA 74-5606(a)(7), that a chief of a second class Kansas city serve on the Commission. He began his law enforcement career as an officer with the Harper Police Department in 1977 and was appointed Chief in 1992. In addition to the completion of numerous law enforcement training programs, Smith is a graduate of the Kansas Law Enforcement Training Center's 71st Basic Police Class.
- **VERNON A RALSTON, Chief of Police, St John.** Ralston fills the position, provided for by KSA 74-5606(a)(8), for a police chief of a third-class city and was nominated by the Kansas Association of Chiefs of Police. He retired as a Captain from the Liberal Police Department after thirty-four years of service. Ralston served as the Chief of the Kiowa Police Department and is currently the Chief of the St John Police Department. He holds an Associate degree from the Seward County Community College and is a graduate of the FBI National Academy.
- **SAM F BRESHEARS, Lt Colonel, Kansas City Police Department.** Currently assigned to the Bureau of Operations, he has the responsibility of assessing and overseeing the Kansas City, Kansas, Police Department's Academy. Breshears' appointment to the Commission fulfills the mandate of KSA 74-5606(a)(9), which calls for a training officer from a certified state or local training academy. Nominated for the position by the Kansas Peace Officers' Association, Breshears is a graduate of the FBI National Academy and has served with the Kansas City Police Department since 1977.
- **STEVEN R STOWERS, Patrol Officer, Hutchinson Police Department.** Stowers serves as an Officer with the Hutchinson Police Department and was appointed to the Commission in 2005, following his nomination by the Fraternal Order of Police to fill the position mandated by KSA 74-5606(a)(10), which calls for a member who is a current full-time commissioned law enforcement officer. Stowers started his career with the Hutchinson Police Department in 1991 and is a graduate of the Kansas Law Enforcement Training Center's 120th Basic Police Class.
- **DAVID L MILLER, County Attorney, Miami County.** Miller, nominated for his Commission seat by the Kansas County & District Attorney's Association, serves in the position reserved by KSA 74-5606(a)(11) for a county or district attorney or assistant county or district attorney. He has served as the Miami County Attorney since 1989. Miller has a bachelors degree in economics and

a juris doctorate degree from the University of Missouri at Kansas City. Miller was appointed to the Commission in 2002.

- *ED H. PAVEY, Director of the Kansas Law Enforcement Training Center and Director of Police Training for Kansas*, is recognized by the Commission as its only *ex-officio* member. Prior to his appointment as Director of the Training Center in 1995, Pavey served the Center from 1989-1994 as an Assistant Director, and as Acting Director from 1994-1995. Before joining the Training Center, Pavey enjoyed a twenty-one (21) year career with the Sedgwick County Sheriffs' Department. He is a graduate of the FBI National Academy and the FBI Law Enforcement Executive Development Program. Pavey holds a bachelor of science degree from Wichita State University.

Commission Staff

- *KYLE G. SMITH, Commission Counsel*, is a member of the Kansas Bureau of Investigation. He serves the Commission as its legal counsel, and is also a certified law enforcement officer. Before joining the KBI, Smith was an assistant county attorney in Lyon County and an Assistant Kansas Attorney General. He holds a juris doctorate degree from the University of Kansas.
- *LEE J DAVIDSON, Attorney General's Representative*. Assistant Attorney General Davidson is assigned to the Criminal Litigation Division in the Attorney General's Office. Before joining the Attorney General's Office, he was Deputy County Attorney for Sumner County, Kansas, for five years and spent two years in private practice. Davidson received his bachelor of arts degree from Kansas State University and his juris doctorate from Washburn University School of Law.
- *DARIN L BECK, Investigative Committee Special Counsel*. Beck is the legal counsel for the Kansas Law Enforcement Training Center and also serves as the administrative assistant to the Director of Police Training. In his additional capacity as the Commission's Investigative Committee Counsel, he advises the Committee on matters relating to alleged violations of the Kansas Law Enforcement Training Act. Before joining the Training Center staff he was an assistant city prosecutor in Wichita and holds a juris doctorate degree from Baylor University.
- *LANNY K GROSLAND, Special Investigator/Administrative Specialist*. Grosland assists the Commission's Investigative Committee in investigating alleged violations of the Kansas Law Enforcement Training Act and conducting administrative audits of training related records. Additional duties involve providing administrative support to the Commission. Commissioned as a law enforcement officer by the Kansas Attorney General, he was appointed as the Commission's first investigator in 1999. Prior to joining the Commission, Grosland retired as a Special Agent in Charge with the Kansas Bureau of Investigation. He holds a bachelor of science degree from Central Missouri State University and is a graduate of the FBI National Academy.

Commission Committees

- *Investigative Committee*

The Chairperson appoints three members, who are delegated by the Commission with the responsibility to oversee investigations of alleged violations of the Kansas Law Enforcement Training Act conducted by the Commission's Special Investigator. The Committee determines which

reported alleged violations warrant investigation and upon the completion of an investigation, and when deemed appropriate, makes a prosecutive recommendation to the Attorney General's Office. Pursuant to Commission policy, the Committee does not conduct "internal affairs" type investigations, however, will review the results of such investigations to determine if there was a violation of the Training Act. The Committee also tracks relevant criminal investigations where a certified officer is the subject of the inquiry and takes the appropriate administrative action, if appropriate, after the criminal justice agency has completed its investigation, or the matter has received judicial disposition.

Presently, Commission members Sheriff Bob G Odell (Committee Chairman), Sheriff James F Jarboe and Chief Vernon A Ralston serve as members. KLETC Administrative Assistant & Legal Counsel Darin L Beck serves as Special Counsel to the Committee.

- *Disciplinary Hearing Panel Committee*

The Disciplinary Hearing Panel serves as the Commission's quasi-judicial body and operates pursuant to the Kansas Administrative Procedure Act. Actions prosecuted on the Commission's behalf by the Attorney General are heard by this Panel, which accepts testimony and takes evidence. The Committee then reaches a disposition and levies, when appropriate, discipline pursuant to the Kansas Law Enforcement Training Act. The full Commission hears appeals from Panel decisions.

Presently, Lt Colonel Sam Breshears (Hearing Committee Chairman), Chief Ed Klumpp, and Sheriff Gary E Steed serve as panel members. Colonel William Seck serves as an alternate to the panel. Kyle Smith serves as Panel Counsel.

- *Municipal Reimbursement Committee*

The Municipal Reimbursement Committee consists of three members appointed by the Chairperson and determines the amount of reimbursements made to certain municipal law enforcement academies and/or agencies pursuant to KSA 74-5620.

Presently, County Attorney David L Miller (Committee Chairman), Officer Steven R Stowers and Chief William T Smith serve as members. Kyle Smith serves as Special Counsel to the Committee.

Commission Responsibilities and Duties

The Kansas Law Enforcement Training Act, KSA 74-5601 *et. seq.*, creates the Kansas Commission on Peace Officers' Standards and Training and specifies its duties and responsibilities. The Commission:

- Shall approve the qualifications and standards, established by the Training Center Director, that training schools of state and local law enforcement agencies must satisfy in order to be certified by the Director. KSA 74-5604a(a).
- Shall, in cooperation with the Director, determine the curriculum of the law enforcement training program. KSA 74-5603(b).
- Shall approve the 80-hour course in basic law enforcement training for part-time police or law enforcement officers established by the Director and to be provided at the Training Center and at certified state and local law enforcement training schools. KSA 74-5604a(a).
- Shall approve the minimum standards, adopted by the Director, to be considered in the pre-training evaluation of applicants for admission to the law enforcement training course. KSA 74-5604a(b).
- Shall approve the rules and regulations adopted by the Director regarding the requirement that every police or law enforcement officer shall complete annually the 40 hours of law enforcement education or training in subjects relating directly to law enforcement. KSA 74-5607a(b).
- Shall consult with the Director concerning establishing a code of conduct applicable to all trainees. KSA 74-5603(b).
- Shall consult with the Director and approve such rules and regulations as the Director may deem necessary for the effective operation of the law enforcement school. KSA 74-5603(b).
- Shall approve the Director, who shall be appointed by the Dean of Continuing Education, University of Kansas. KSA 74-5603(c).
- May adopt such rules of procedure as are necessary for conducting Commission business. KSA 74-5607(a).
- Shall meet at least once each year at the Training Center and may hold special meetings called by the Chairperson. KSA 74-5607(d).
- Shall provide for certification to be awarded to persons: (1) who are at least 21 years of age, have successfully completed or satisfied the training requirements specified by KSA 74-5607a(a) and amendments thereto; (2) who received a permanent appointment

as a police officer or law enforcement officer prior to July 1, 1969; or (3) who held a permanent appointment as a police officer or law enforcement officer on July 1, 1983. KSA 74-5616(a).

- May suspend, revoke, or deny the certification of a police or law enforcement officer who fails to meet the requirements of KSA 74-5605 or 74-5607a, and amendments thereto, or has met such requirements by falsifying documents or failing to disclose information required for certification. KSA 74-5616(b).
- Shall immediately institute proceedings to revoke the certification of any police officer or law enforcement officer convicted of, on and after July 1, 1995, diverted for, a felony under the laws of Kansas, another state or the United States, or of its equivalent under the Uniform Code of Military Justice. KSA 74-5616(c).
- May publicly or privately censure, reprimand, or place on probation, a police or law enforcement officer or an applicant for certification, for violations of the Training Act, and may also suspend or revoke, or deny, the certification of any such officer or applicant. KSA 74-5616(d).
- May require the submission of training and education records, and experience history, medical history, medical examination reports and records, and interview appraisal forms, for the purpose of determining the eligibility of an individual for certification under the Training Act. KSA 74-5617(b).
- Shall make such inquiry as necessary to determine compliance with the requirements of KSA 74-5617 and the rules and regulations adopted under it. KSA 74-5617(f).

LKG/lkg
4/1/05
[C/comm matters:comm intro]



**Kansas Law Enforcement Training Center
District Court Docket Fee Income
\$9 Remittance Level
Cost Center 2628100**



Month	Income	Month	Income	Month	Income	Month	Income	Month	Income	Month	Income														
Jun-04	\$144,303	Jul-04	\$174,619	Aug-04	\$164,205	Sep-04	\$167,178	Oct-04	\$166,912	Nov-04	\$158,547	Dec-04	\$147,700	Jan-05	\$151,093	Feb-05	\$161,424	Mar-05	\$152,678	Apr-05	\$172,021	May-05	\$157,045	Jun-05	\$158,043



ATCH # 11
KS*CPST Meeting
8/2/05

FY00 Figures provided by State Treasurer's Office
FY01-FY02 - KUCE Figures
FY03 - Figures provided by State Treasurer's Office



**Kansas Law Enforcement Training Center
District Court Docket Fees
\$9 Remittance Level**
Cost Center 2628100

MONTH	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
July	101,339.64	161,221.23	129,406.24	148,741.26	162,923.32	165,781.00	175,945.57	156,271.30
August	135,560.23	162,386.33	151,317.58	185,863.10	155,005.45	156,028.27	157,171.45	148,558.94
September	132,759.99	168,116.47	147,461.25	166,934.32	144,813.48	162,135.19	165,033.98	119,466.95
October	148,003.04	152,561.79	145,454.59	161,107.68	151,782.71	150,686.04	153,026.91	136,999.68
November	163,865.28	154,749.36	133,946.77	145,448.14	145,969.48	142,447.46	154,441.12	151,845.37
December	132,471.58	148,610.04	164,289.88	116,175.62	149,163.97	138,311.39	137,998.87	138,980.67
January	135,846.88	159,841.81	129,364.44	143,294.39	149,872.88	150,997.09	126,665.72	133,257.66
February	148,335.91	146,035.51	159,222.82	133,121.46	134,077.19	157,029.16	140,648.17	163,354.30
March	151,231.24	158,886.40	142,483.19	141,765.29	144,442.67	152,687.42	135,405.67	145,345.12
April	140,948.21	158,833.99	158,882.26	145,141.49	165,078.02	172,687.79	145,798.98	127,673.25
May	158,039.04	150,376.15	141,965.14	148,927.63	172,406.17	137,352.14	142,329.50	153,690.96
June	151,528.50	138,476.94	170,269.84	154,154.01	160,986.07	157,090.83	150,717.99	155,170.20
TOTAL	1,699,929.54	1,860,096.02	1,774,064.00	1,790,674.39	1,836,521.41	1,843,233.78	1,785,183.93	1,730,614.40

MONTH	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
July	154,562.99	161,387.31	174,619.38					
August	170,856.90	163,284.52	164,204.54					
September	161,028.01	161,735.99	167,177.80					
October	158,122.75	158,378.26	166,911.97					
November	168,856.08	149,474.18	158,547.01					
December	139,470.91	130,284.18	147,700.38					
January	158,505.00	148,339.02	151,093.40					
February	168,693.05	154,148.18	161,424.49					
March	154,809.59	141,420.13	152,677.65					
April	148,980.30	159,651.71	172,021.36					
May	149,654.72	154,084.33	157,044.72					
June	150,042.08	144,302.80	158,042.70					
TOTAL	1,883,582.38	1,826,490.61	1,931,465.40					

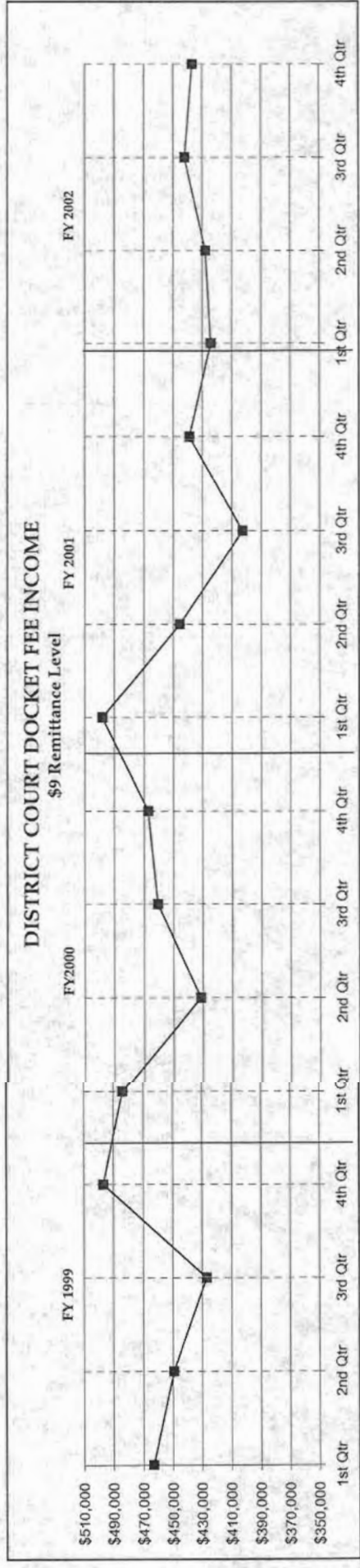
FY00 Figures provided by State Treasurer's Office
 FY01 FY02 - KUCE Figures
 FY03 - Figures provided by State Treasurer's Office



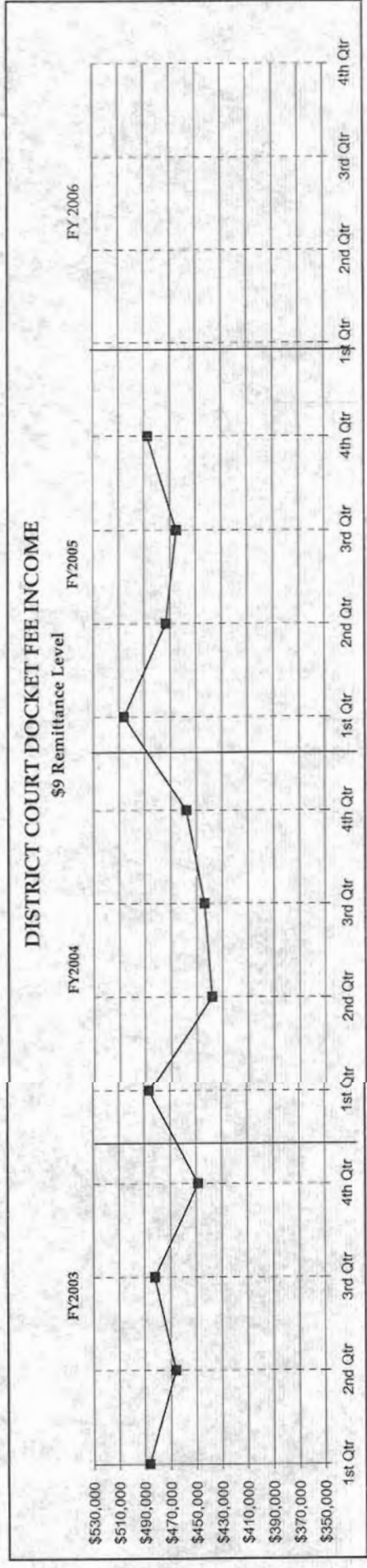
**Kansas Law Enforcement Training Center
District Court Docket Fee Income
FY1999-FY2006**



FY1999				FY2000				FY2001				FY2002			
1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
\$463,248	\$449,485	\$426,905	\$496,883	\$483,944	\$431,444	\$460,714	\$467,130	\$498,151	\$445,467	\$402,720	\$438,846	\$424,297	\$427,826	\$441,957	\$436,807



FY2003				FY2004				FY2005				FY2006			
1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
\$486,448	\$466,253	\$482,008	\$448,637	\$486,408	\$438,137	\$443,907	\$458,039	\$506,002	\$473,159	\$465,195	\$487,109				



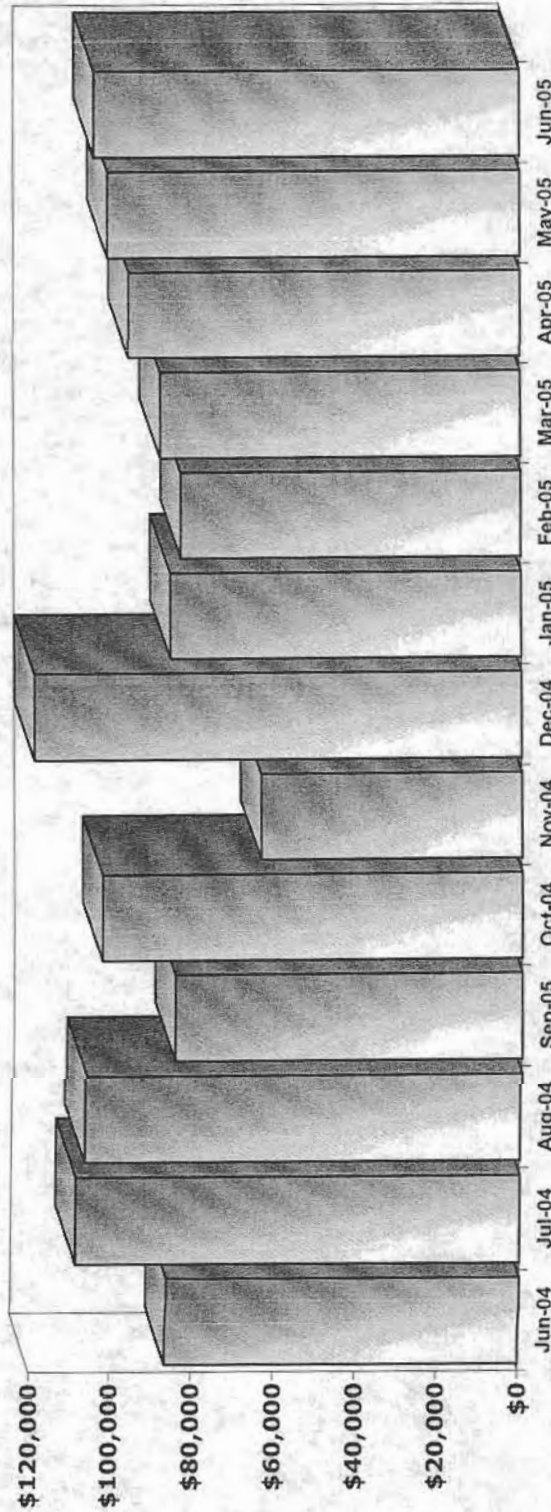


**Kansas Law Enforcement Training Center
Municipal Court Docket Fee Income
\$4 Remittance Level**

Cost Center 2628200

Month	Income	Month	Income	Month	Income	Month	Income	Month	Income	Month	Income														
Jun-04	\$86,494	Jul-04	\$108,948	Aug-04	\$106,777	Sep-05	\$85,095	Oct-04	\$103,062	Nov-04	\$64,132	Dec-04	\$119,918	Jan-05	\$86,122	Feb-05	\$83,494	Mar-05	\$88,552	Apr-05	\$96,284	May-05	\$101,536	Jun-05	\$104,919

Municipal Court Docket Fee Income



ATCH # 12
KS*CPST Meeting
8/2/05

Sept 02 - KLETC docket fee income was reduced by \$3,609.37 due to over-payment by Augusta municipal court.

FY00 Figures provided by State Treasurer's office
FY01-FY02 - KUCE Figures
FY03 - Figures provided by State Treasurer's office



**Kansas Law Enforcement Training Center
Municipal Court Docket Fees
\$4 Remittance Level**
Cost Center 2628200



MONTH	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000	FY2001	FY2002
July		55,406.80	125,679.31	87,364.74	322,971.79	41,129.83	62,912.62	44,472.26	43,530.64	40,031.89
August		112,454.40	96,007.31	65,329.39	89,438.42	38,616.59	39,380.09	67,548.24	43,573.39	45,783.71
September		104,890.00	67,646.64	113,938.35	106,870.06	52,428.10	45,298.95	51,805.70	31,969.04	75,773.33
October	159,640.08	66,531.60	111,260.23	96,576.27	89,766.32	45,137.68	46,615.15	38,463.79	49,392.27	29,727.68
November	69,089.60	68,334.80	95,750.41	71,406.85	77,794.02	29,438.92	57,877.85	58,214.32	43,688.26	57,637.26
December	65,085.20	97,155.20	56,161.56	64,572.41	110,926.61	51,000.57	46,506.61	68,261.35	42,767.40	42,924.09
January	82,222.40	116,529.20	132,465.96	115,182.12	93,687.57	49,515.00	40,965.70	48,552.09	38,058.33	44,378.80
February	60,672.60	44,737.80	126,329.98	86,891.58	75,126.10	34,934.99	43,885.09	55,691.62	53,525.32	55,148.07
March	84,593.80	89,003.04	55,918.26	101,834.69	66,924.97	43,178.65	47,748.34	59,399.16	36,980.82	40,369.95
April	86,455.60	123,292.40	104,857.14	75,899.89	85,772.09	62,897.34	43,859.65	56,949.17	46,937.01	96,353.02
May	98,637.00	71,903.20	60,069.73	134,398.54	111,690.12	40,663.59	63,994.29	48,766.08	43,275.98	45,028.12
June	105,773.20	111,640.88	57,201.94	65,177.93	71,965.20	44,150.65	40,616.38	63,615.67	42,228.35	52,621.81
TOTAL	\$812,169.48	\$1,061,879.32	\$1,089,348.47	\$1,078,572.76	\$1,302,933.27	\$533,091.91	\$579,660.72	\$661,739.45	\$515,926.81	\$625,777.73

MONTH	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY2011	FY2012
July	77,607.00	106,903.67	108,948.36							
August	74,974.17	86,378.00	106,777.02							
September	76,699.62	93,351.54	85,094.92							
October	98,800.15	93,975.13	103,061.60							
November	89,738.37	95,525.54	64,132.15							
December	86,951.80	80,010.97	119,917.74							
January	95,359.09	92,401.04	86,122.00							
February	93,598.78	82,932.34	83,493.61							
March	89,045.35	92,563.33	88,552.46							
April	87,216.13	100,154.91	96,284.02							
May	88,095.56	86,493.54	101,535.88							
June	104,689.00	83,188.42	104,918.71							
TOTAL	\$1,062,775.02	\$1,093,878.43	\$1,148,838.47							

*Sept FY03 - KLETC docket fee income was reduced by \$3,609.37 due to overpayment by Augusta municipal court.

FY00 Figures provided by State Treasurer's Office

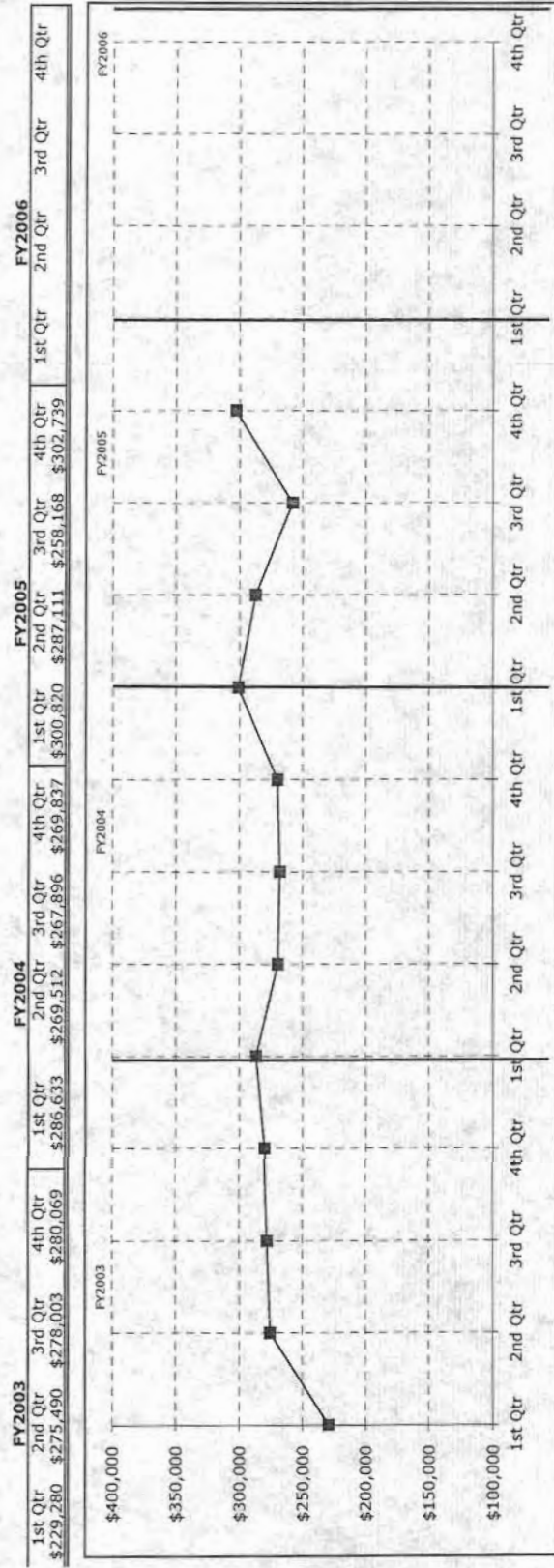
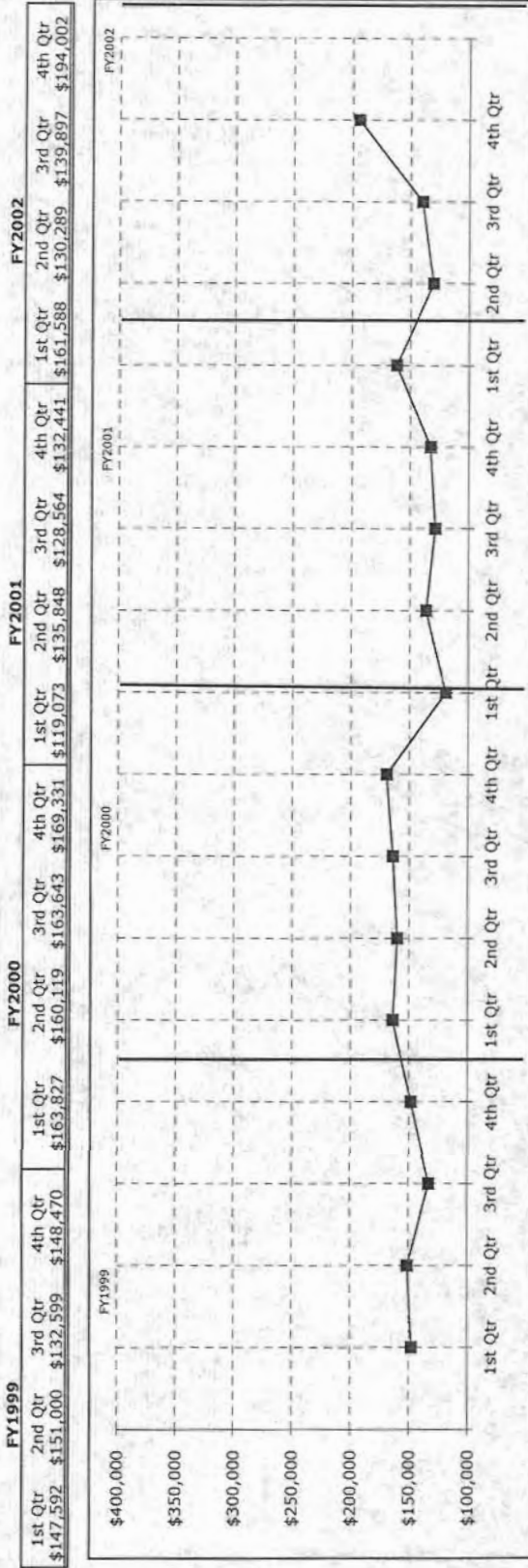
FY01-FY02 - KUCE Figures

FY03 Figures provided by State Treasurer's Office

\$4 Remittance Level prior to 7/1/97
\$2 Remittance Level 7/1/97-7/1/02
\$4 Remittance Level since 7/1/02



Kansas Law Enforcement
Training Center
Municipal Court Docket Fee Income
FY1999-FY2006





**KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING**

**RESOLUTION IN SUPPORT OF REPLACING TRAINING VEHICLES
AT THE KANSAS LAW ENFORCEMENT TRAINING CENTER**

WHEREAS KLETC training vehicles are not an issue of convenient staff travel, they are the basic tools required to meet KLETC's legislatively mandated mission of training law enforcement officers, and

WHEREAS more law enforcement officers are killed annually in automobile accidents than are killed by firearms, and

WHEREAS given the Supreme Court's holding in *Canton v. Harris*, the failure to adequately train officers in emergency vehicle operations may result in catastrophic liability for the training agency, and

WHEREAS KLETC provides twenty-four hours of practical exercise skill development instruction in the safe operation of emergency vehicles in each law enforcement basic course it offers which requires fully functional training vehicles, and

WHEREAS KLETC has no surplus training vehicles, so when a training vehicle needs to be removed from service for an emergency repair, training suffers; and as the training vehicles age, the more likely emergency repairs become, and

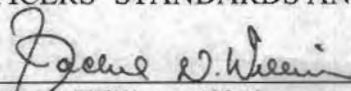
WHEREAS training vehicles are used throughout the basic training curriculum in scenarios that mirror the use of vehicles in the performance of law enforcement officers' daily activities, and now therefore

BE IT RESOLVED that the KS•CPOST urges the University of Kansas to take whatever action is necessary to enable the Kansas Law Enforcement Training Center to replace designated aging training vehicles, and

BE IT FURTHER RESOLVED that because KLETC training vehicles are training tools and not fleet vehicles, KS•CPOST urges the University of Kansas to seek an exemption for KLETC training vehicles from any current or future moratorium on the purchase of fleet vehicles.

Authorized this 2nd Day of March, 2005 in a public meeting of the Kansas Commission on Peace Officers' Standards and Training the date, time and location of which having previously been published in the Kansas Register.

THE KANSAS COMMISSION ON PEACE
OFFICERS' STANDARDS AND TRAINING



Jackie N. Williams, Chairperson

ATCH # 13
KS•CPOST Meeting
8/2/05



KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

RESOLUTION IN SUPPORT OF ADDITIONAL KLETC FUNDING

WHEREAS KSA 74-5619 states, "There is hereby created in the state treasury the law enforcement training center fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose and in the manner prescribed by law, including the expenditures for the operation of the Kansas law enforcement training commission to carry out its powers and duties as mandated by law," and

WHEREAS the citizens of Kansas rightfully expect that the law enforcement officers in their local jurisdictions have been properly trained to quickly and appropriately respond to emergency situations, even as these situations and the legal environment in which law enforcement officers must perform their duties have become increasingly complex, and

WHEREAS the Kansas Law Enforcement Training Center (KLETC) trains the overwhelming majority of law enforcement officers in the State of Kansas, reaching nearly every county in Kansas through basic training and continuing education, and

WHEREAS the Kansas Law Enforcement Training Fund is the source of funding for the Kansas Law Enforcement Training Center's salary, operations, facilities maintenance and capital projects needs, and

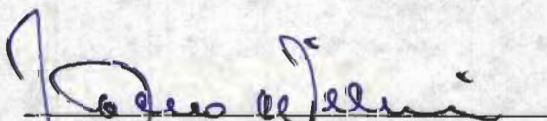
WHEREAS the Kansas Law Enforcement Training Center has not requested an increase in funding since 2002 to support its salaries, operations or facilities, now therefore

BE IT RESOLVED that the Kansas Commission on Peace Officers' Standards and Training urges the Kansas Legislature to pass legislation approving an increase in funding for the Kansas Law Enforcement Training Center during the 2006 Legislative Session, and

BE IT FURTHER RESOLVED that any increase in funding for the Kansas Law Enforcement Training Center provide sufficient resources not only to sustain salary and operations of KLETC and the Commission staff but also critical capital outlay projects that will allow KLETC to fulfill its statutory mission, specifically a new dormitory, multipurpose center, emergency vehicle operations driver training course, and a tactical "shooting house."

APPROVED this 2nd day of August, 2005 by the Kansas Commission on Peace Officers' Standards and Training at an open meeting, the date, time and location of which were published in the Kansas Register.

THE KANSAS COMMISSION ON PEACE OFFICERS'
STANDARDS AND TRAINING


Jackie N. Williams, Chairperson

ATCH # 14
KS-CPOST MEETING
8/2/05

MEMORANDUM

DATE: July 28, 2005

TO: Commission on Police Officer Standards and Training (CPOST)

FROM: Kyle Smith,

RE: Stand Alone Committee Meeting

On May 18, 2005, the “Stand Alone Committee” to discuss the issue of separating the functions of the Kansas Law Enforcement Training Center (KLETC) into two separate agencies. Specifically, KLETC would continue to provide training and a new agency would be formed to do the administrative work of licensing and certification of law enforcement officers.

It was readily apparent to all members present that the current system where CPOST has no staff of its own and its duties and responsibilities have been thrust upon KLETC, it is both unfair and possibly creates conflicts of interest. As was pointed out, the KU Medical School is not in charge of licensing doctors in Kansas and there is no logical reason why KLETC should be in charge of accreditation of officers.

Darrin Beck provided a copy of a budget that had been submitted to the University of Kansas as a possible make up of such a new administrative agency and informed us that the University had approved of going forward with the stand alone agency approach. The committee agreed to support the concept of creating a separate stand alone agency to handle officer certification. Discussions quickly centered on what is likely to be the most important issue – funding.

Docket fees are currently being utilized to pay for Lanny Grosland’s salary and the administrative services of the KLECT staff. Given the financial needs of the Training Center, while splitting off the docket fee is an option, and likely to be considered by the legislature, it might have a devastating impact on the financial stability of the Training Center.

Discussion was had regarding possible alternative sources such as the surcharge to vehicle registration, charging fees to individual officers or to agencies, and the use of general funds.

While no consensus was reached as to how to provide the funding, it was agreed that this would be the issue that had to be resolved before there was any chance of the legislation to pass.

ATCH # 15
KS★CPOST Meeting
8/2/05

Since the May 18th meeting, KLETC Director Ed Pavey has had contact with the legislative delegation in the Reno County area and received positive support from all members. But, again, it was re-emphasized that the critical issue will be proposing an adequate funding source other than general funds.

One additional thought I have had is that I was at a Crime Stoppers meeting where they were discussing possibly creating a fee paid by all probationers that might help fund the state Crime Stoppers program. I checked with the Sentencing Commission and currently there are a little over 7,200 persons placed on probation each year.

I would propose we look at what other states have as far as administrative agencies and how they fund them. To that end, I have contacted Oklahoma and Nebraska commissions but have not received any information at this time. In addition to that, we should look at other Kansas state administrative agencies licensing a similar number of individuals as Kansas law enforcement officers and also the funding of other Kansas administrative agencies which control licensing of public employees, e.g. teachers. This might provide us with additional funding ideas as well as a more realistic view of our options.

I will prepare draft of legislation and a discussion of various funding mechanisms for the fall meeting of the Commission.

Attached is the sample budget, probably a bit idealistic, but maybe it might be best to start negotiations with the best possible scenario and best funded and adequately staffed commission we could want, as the legislative process will undoubtedly pare it down.

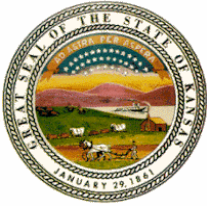
[P/CPOST:smith/0507/01]

KS•CPOST Budget Projection*

	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015
	July 1, 2004 through June 30, 2005	July 1, 2005 through June 30, 2006	July 1, 2006 through June 30, 2007	July 1, 2007 through June 30, 2008	July 1, 2008 through June 30, 2009	July 1, 2009 through June 30, 2010	July 1, 2010 through June 30, 2011	July 1, 2011 through June 30, 2012	July 1, 2012 through June 30, 2013	July 1, 2013 through June 30, 2014	July 1, 2015 through June 30, 2016
CPOST Expenditures											
	Growth Rate 3.00%										
Personnel											
Administrator			\$85,000	\$87,550	\$90,177	\$92,882	\$95,668	\$98,538	\$101,494	\$104,539	\$107,675
Attorney			\$75,000	\$77,250	\$79,568	\$81,955	\$84,413	\$86,946	\$89,554	\$92,241	\$95,008
Computer Technician			\$40,000	\$41,200	\$42,436	\$43,709	\$45,020	\$46,371	\$47,762	\$49,195	\$50,671
Office Manager			\$33,000	\$33,990	\$35,010	\$36,060	\$37,142	\$38,256	\$39,404	\$40,586	\$41,803
Clerical Support Person			\$25,000	\$25,750	\$26,523	\$27,318	\$28,138	\$28,982	\$29,851	\$30,747	\$31,669
Current Investigator	\$40,000	\$41,200	\$41,200	\$42,436	\$43,709	\$45,020	\$46,371	\$47,762	\$49,195	\$50,671	\$52,191
Additional Investigator			\$41,200	\$42,436	\$43,709	\$45,020	\$46,371	\$47,762	\$49,195	\$50,671	\$52,191
Benefits			\$95,312	\$98,171	\$101,117	\$104,150	\$107,274	\$110,493	\$113,808	\$117,222	\$120,738
Total CPOST Personnel Expense	\$40,000	\$41,200	\$340,400	\$350,612	\$462,247	\$476,114	\$490,398	\$505,110	\$520,263	\$535,871	\$551,947
Other Operating Expenses:			\$75,000	\$77,250	\$81,113	\$85,168	\$89,427	\$93,898	\$98,593	\$103,522	\$108,699
Includes rent and utilities											
Travel			\$30,000	\$30,900	\$31,827	\$32,782	\$33,765	\$34,778	\$35,822	\$36,896	\$38,003
Contractual Services											
Investigations			\$50,000	\$52,500	\$55,125	\$57,881	\$60,775	\$63,814	\$67,005	\$70,355	\$73,873
Prosecutions			\$20,000	\$21,000	\$21,630	\$22,279	\$22,947	\$23,636	\$24,345	\$25,075	\$25,827
Hearings Expense	\$5,000	\$5,150	\$10,000	\$10,300	\$10,609	\$10,927	\$11,255	\$11,593	\$11,941	\$12,299	\$12,668
Total Expenses less Salary and Fringe	\$5,000	\$5,150	\$185,000	\$191,950	\$200,304	\$209,037	\$218,169	\$227,719	\$237,704	\$248,147	\$259,069
Total Expenditures	\$45,000	\$46,350	\$525,400	\$542,562	\$662,550	\$685,152	\$708,567	\$732,828	\$757,967	\$784,018	\$811,016
	Fee Level										
Available Funds											
Beginning Balance			\$0	\$174,600	\$332,038	\$369,488	\$384,336	\$375,769	\$342,941	\$284,973	\$200,955
Revenue											
Certification Fee	\$0.00		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Vehicle Registration Fee	\$0.35		\$700,000	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000
Total Available Funds			\$700,000	\$874,600	\$1,032,038	\$1,069,488	\$1,084,336	\$1,075,769	\$1,042,941	\$984,973	\$900,955
Carry Forward: Available Funds less Expense	0	0	\$174,600	\$332,038	\$369,488	\$384,336	\$375,769	\$342,941	\$284,973	\$200,955	\$89,939

ATCH # 16
 KS-CPOST MEETING
 8/2/05

*This budget is contingent upon legislative approval of the KS•CPOST becoming a stand-alone entity. This document represents KLETc staff's best estimate of staffing and budgetary needs at the time this document is submitted.



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

KS•CPOST AS "STAND ALONE AGENCY"

The Kansas Commission on Peace Officers' Standards and Training (KS•CPOST), a 12-member body appointed by the Governor, oversees law enforcement standards and training in the State of Kansas. Among its many duties and responsibilities is that of approving the basic core training curriculum for all Kansas law enforcement officers and granting certification to all Kansas full and part-time officers who meet the prerequisites for certification. KS•CPOST may publicly or privately censure, reprimand, place on probation, suspend or revoke the certification of a law enforcement officer who fails to meet the requirements of the Kansas Law Enforcement Training Act or has met such requirements by falsifying documents or failing to disclose information required for certification. Additionally, the Commission may deny the certification of an applicant who does not meet the requirements of the Training Act.

History of Commission

The Commission on Peace Officers' Standards and Training¹ was created by an act² of the Legislature in 1968. While the Training Act specifics the number of Commission members, the Legislature neglected to specify the staffing of the Commission to carry out its responsibilities. In 1988 the legislature amended the Training Act to create a law enforcement training center fund for the operation of the training center, "including the expenditures for the operation of the Kansas law enforcement training commission to carry out its powers and duties..."³ The Training Act is vague as to who is responsible for deciding what portion of the fund should be used for the operation of the training center and what fraction should be used for the operation of KS•CPOST. The Act placed the training

¹ The legislation creating the Commission defines it as the Kansas law enforcement training commission (KLETC), however, throughout the act it is also referred to as the commission on peace officers' standards and training. In 2004 the Commission voted to be officially known as the Kansas Commission *on* Peace Officers' Standards *and* Training (KS•CPOST) to avoid confusion with the Kansas Law Enforcement Training Center (KLETC), which was also created by the same legislation.

² Kansas Law Enforcement Training Act, KSA 74-5601, *et seq*

³ KSA 74-5619.

center within the division of continuing education of the University of Kansas (KU) and historically KU has decided how the training center fund is budgeted. Under KU's direction the emphasis was placed on training and funding for the Commission to carry out its responsibilities was not a priority. Administrative support for KS•CPOST has been provided by KLETC.

In 1996 members of the Commission unanimously endorsed KLETC's funding request for an investigator.⁴ At that time it was noted the Commission's investigative function was conducted by three Commission committee members. The result was the increasing number of complaints received by KS•CPOST were not fully and adequately investigated in a timely matter since the three committee members were also employed as full-time law enforcement officers.

In 1998 KLETC submitted a budget request for an Administrative/Investigator Specialist, which was approved by KU, to perform administrative duties and conduct investigations for the Commission. The position announcement for this new position noted the Specialist would be responsible for investigating reported violations of the Training Act and conducting administrative audits of training related records of all Kansas law enforcement agencies to ensure compliance. Duties would also include the maintenance of KS•CPOST files and providing administrative support to the Commission.

On May 1, 1999, the position was filled. Initially the classification was as a non-commissioned investigator with the power to only conduct administrative investigations. Within a short time it was concluded the position should have the power of a law enforcement officer and a special investigator commission was obtained from the Kansas Attorney General.

Current Duties of Administrative/Investigator Specialist

As the position title reflects, the Administrative/Investigator Specialist has two areas of responsibility:

Providing administrative support to the Commission; and
Conducting criminal and administrative investigations.

⁴ Prior requests for investigator funding had been denied by KU.

Administrative duties include:

- Prepare notifications for Commission meetings;
- Prepare agenda for Commission meetings;
- Record and/or take notes at Commission meeting for the official minutes;
- Prepare Commission meeting minutes;
- Draft policy and regulations;
- Receive and respond to phone calls and correspondence directed to the Commission;
- Perform all tasks related to the Municipal Reimbursement Fund;
- Maintain Commission files;
- Act as a liaison between public officials, law enforcement officers, citizens and the Commission;
- Prepare Commission media releases concerning disciplinary actions and appointments;
- Research data, prepare documents and complete projects relating to Commission matters for the Director of Police Training; and
- Carry out other administrative functions for the Commission.

Investigative duties include:⁵

- Receive allegations of violations of the Training Act and accusations of officer misconduct;
- Conduct daily review of media items for reports of alleged officer misconduct, arrests of law enforcement officers and court dispositions;
- Make inquires to agencies reporting terminations and involuntary resignations to ascertain if the status change was the result of a Training Act violation;
- Initiate investigative cases of all reported violations of the Training Act;
- Conduct administrative and/or criminal investigations of reported violations of the Training Act;
- Conduct routine audits of training records maintained by state and local law enforcement agencies;
- Maintain lead control file of all active and pending investigations;
- Maintain investigative case management system to control status, type, and classification of investigations;

⁵ It should be noted a number of the investigative duties are administrative functions dealing directly with the investigative mission.

- Prepare Initial Reports of Investigation and Investigative Reports;
- Prepare briefings of active and pending investigations for Commission members;
- Prepare agenda for and minutes of Commission's Investigative Committee;
- Maintain investigative files;
- Prepare Prosecutive Reports of Investigation for Investigative Committee members and applicable prosecutors; and
- Present evidence and testimony at administrative disciplinary hearings and criminal trials.

Current Workload of Administrative/Investigator Specialist

An examination of administrative/investigative specialist activity since appointment reflects time was expended in the following areas:

Administrative ...47.8%
Investigative41.6%
Liaison 6.5%
Training 4.1%

It should be noted the original thought was to create an investigative position, however, administrative duties were added to the position description. An increase of duties in this area has resulted in close to one-half of the investigator's time being devoted to administrative duties.

The number of investigations initiated; the status and classification of those cases; dispositions and accomplishments; and reporting categories are reflected in the following:

CASES OPENED		STATUS	
1999	50	Active	218.....53.7%
2000	45	Closed	160.....39.4%
2001	53	Inactive	23..... 5.7%
2002	88	Pending	5..... 1.2%
2003	86		
2004	67		
2005	<u>17⁶</u>		
Total	406		

⁶ As of May 8, 2005.

CLASSIFICATION		DISPOSITION	
Officer Standards	272.....67.0%	Closed W/out Prosecution	65.....41.4%
Training Matters	76.....18.7%	Conviction	56.....35.7%
Other Violations	58.....14.3%	Unfounded	33.....21.1%
		Prosecution Declined	2..... 1.3%
		Not Guilty	1..... 0.5%

ACCOMPLISHMENTS		REPORTING CATEGORY	
Revocations	24.....30.8%	Law Enforcement Officer	21.6%
Warnings	23.....29.5%	KLETC	20.6%
Surrenders	19.....24.4%	Agency Head	17.7%
Reprimands	10.....12.8%	News Media ⁷	14.8%
Probation	2..... 2.5%	Citizen	12.9%
		Other Official	6.2%
		Commission ⁸	6.2%

Conclusion -- Recommendation

Prior to 1999 very little action was taken by KS•CPOST to enforce the Kansas Law Enforcement Training Act statutes concerning training and standards. With the authorization and creation of an investigator/administrative specialist position it soon became apparent there were more violations than anticipated. The extent of the number of infringements increased, probably not because more violations were committed, but because of the adoption of procedures to locate violations⁹ and the awareness in the law enforcement community that an investigator was available to investigate those breaches of the Training Act.

Some states, such as Arizona, have placed a substantial emphasis on officer standards and honesty and consider personal integrity to be the single most important qualification of a law enforcement officer. If honesty and integrity is to be a cornerstone of the law enforcement profession, that foundation should at least be positioned on an equal plane with training. Again using Arizona as an example, at least 9.1% of their Officer Standards and Training Board (POST) budget is devoted to standards and certification.¹⁰ The

⁷ Violations coming to the Commission's attention as a result of news items.

⁸ Investigation initiated by the Commission or from a Commission member.

⁹ Techniques such as web newspaper site searches and termination inquiries are conducted to identify violations of the Training Act.

¹⁰ This does not include POST operations and administrative expenditures. It is unknown if their "standards" budget includes the audit of training records or the investigation of falsified records. Source: AZ POST Newsletter, dated December 2002.

percentage of the Kansas training budget devoted to Commission activities is unknown.¹¹

The current thirty-five (35%) resolution rate of all matters initiated for investigation can only be increased if KS•CPOST administrative duties are removed from the investigator's "job description" or responsibly.

Although not a direct factor in increasing the resolution rate, another factor to consider is the retaining of a contract (part-time) attorney devoted to the prosecution of Commission administrative actions. Currently all administrative prosecutions are conducted by the Attorney General's Office and the continual turn-over of attorneys assigned to the Commission and their responsibility to other matters has resulted in a less than desirable outcome.

The ever increasing investigative caseload and low resolution rate requires legislation to remove the Commission from the KU/KLETC funding umbrella. Without taking into consideration the financial support for other Commission functions,¹² equipment and facilities, there is an immediate need for the addition of:

- One (1) investigate/administrative assistant to perform administrative duties¹³ and assist with the investigative function.¹⁴
- One (1) special investigator.
- One part-time attorney for the prosecution of KS•CPOST administrative disciplinary actions.

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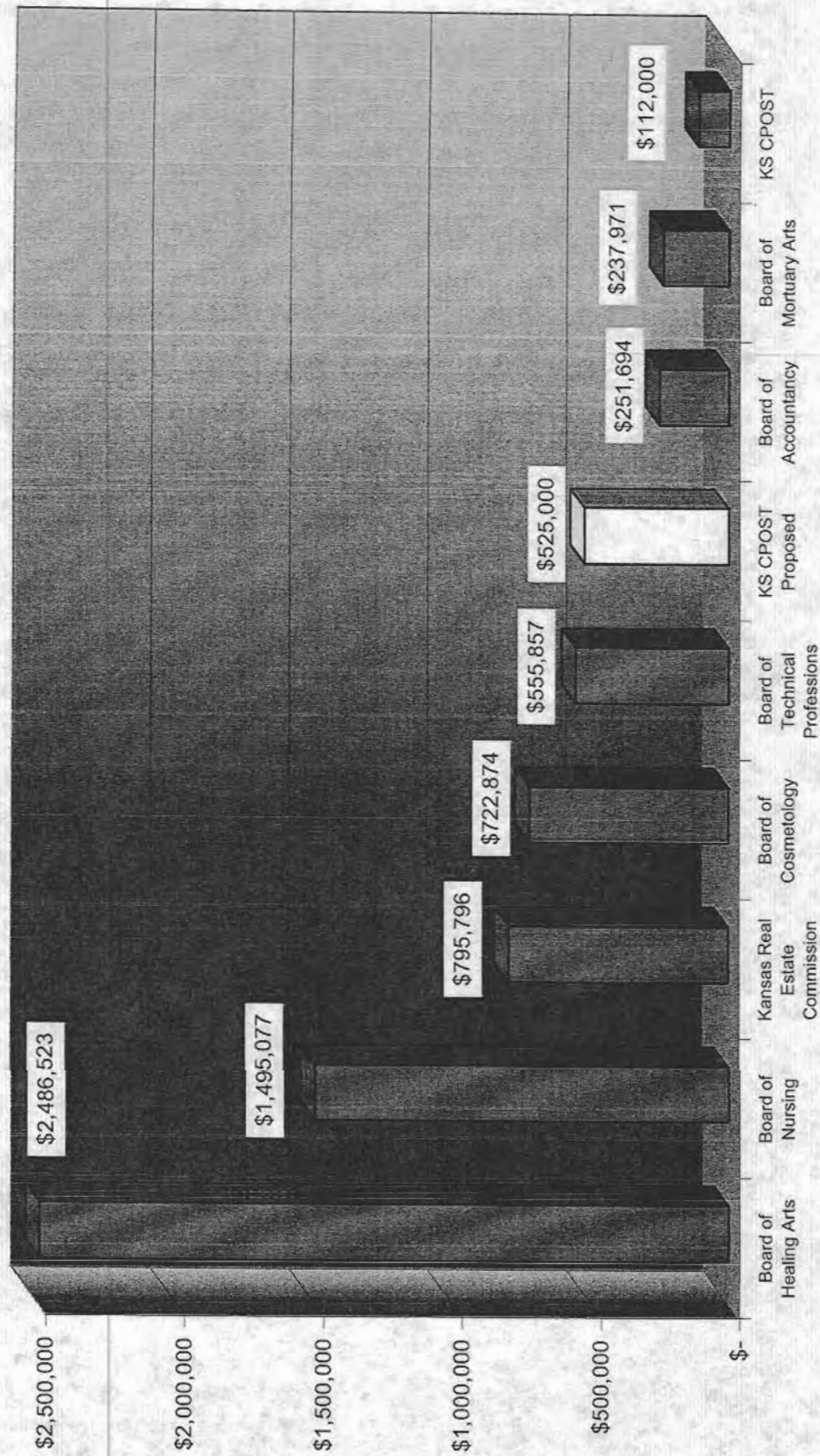
¹¹ KLETC AD Ron Gould estimated around \$50,000 is expended on KS•CPOST activities per year.

¹² Other typical POST functions, which are now performed by KLETC, include certification of all law enforcement training academies, initial certification of officers, maintaining law enforcement officer records relating to qualification and certification, annual in-service training records, etc.

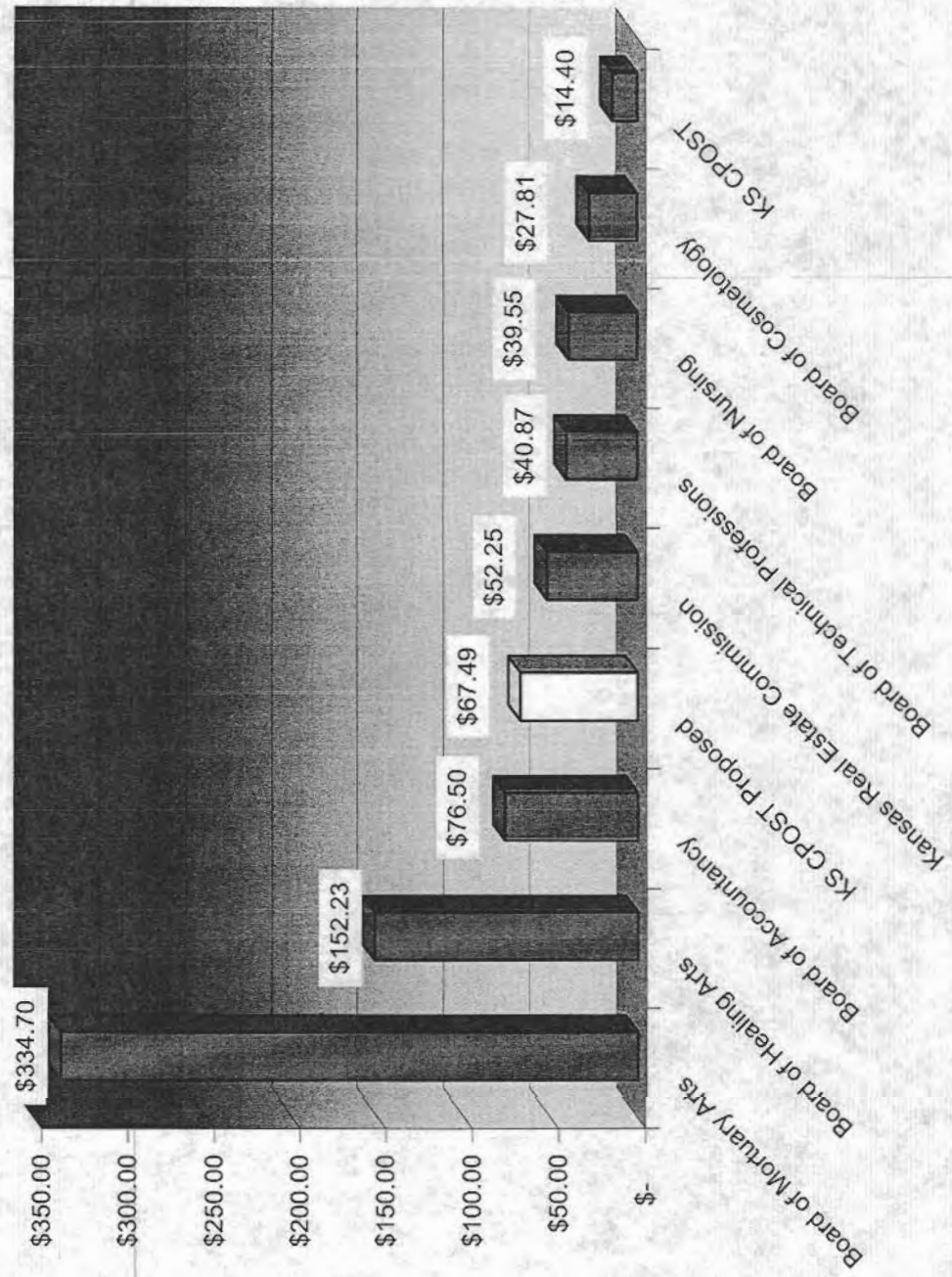
¹³ Such as the Commission minutes, municipal reimbursement fund, etc.

¹⁴ Obtaining investigative reports, court documents, and the preparation of Commission orders, etc.

Annual Budgets For Kansas Regulatory Boards



Annual Budgets for Kansas Regulatory Boards (Average Expenditure per Licensee)



HOUSE Substitute for SENATE BILL No. 195

AN ACT concerning firearms; relating to the definition thereof; disposition; regulation; training of certain persons; amending K.S.A. 21-4206, 74-5607 and 79-5212 and K.S.A. 2004 Supp. 21-3110, 60-4117, 79-3235, 79-3617, 79-5205 and 79-5211 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2004 Supp. 21-3110 is hereby amended to read as follows: 21-3110. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

- (1) "Act" includes a failure or omission to take action.
- (2) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.
- (3) "Conduct" means an act or a series of acts, and the accompanying mental state.
- (4) "Conviction" includes a judgment of guilt entered upon a plea of guilty.
- (5) "Deception" means knowingly and willfully making a false statement or representation, express or implied, pertaining to a present or past existing fact.
- (6) To "deprive permanently" means to:
 - (a) Take from the owner the possession, use or benefit of property, without an intent to restore the same; or
 - (b) retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
 - (c) sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.
- (7) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.
- (8) "*Firearm*" means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.
- (9) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person.
- ~~(9)~~ (10) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.
- ~~(10)~~ (11) "Law enforcement officer" means:
 - (a) Any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;
 - (b) any officer of the Kansas department of corrections or, for the purposes of K.S.A. 21-3409, 21-3411 and 21-3415, and amendments thereto, any employee of the Kansas department of corrections; or
 - (c) any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.
- ~~(11)~~ (12) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.
- ~~(12)~~ (13) "Obtains or exerts control" over property includes but is not limited to, the taking, carrying away, or the sale, conveyance, or transfer of title to, interest in, or possession of property.
- ~~(13)~~ (14) "Owner" means a person who has any interest in property.
- ~~(14)~~ (15) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.
- ~~(15)~~ (16) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.
- ~~(16)~~ (17) "Property" means anything of value, tangible or intangible, real or personal.
- ~~(17)~~ (18) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.
- ~~(18)~~ (19) "Public employee" is a person employed by or acting for

the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a “public officer.”

~~(19)~~ (20) “Public officer” includes the following, whether elected or appointed:

(a) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state.

(b) A member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state.

(c) A judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy.

(d) A hearing officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer.

(e) A law enforcement officer.

(f) Any other person exercising the functions of a public officer under color of right.

~~(20)~~ (21) “Real property” or “real estate” means every estate, interest, and right in lands, tenements and hereditaments.

~~(21)~~ (22) “Solicit” or “solicitation” means to command, authorize, urge, incite, request, or advise another to commit a crime.

~~(22)~~ (23) “State” or “this state” means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. “Other state” means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

~~(23)~~ (24) “Stolen property” means property over which control has been obtained by theft.

~~(24)~~ (25) “Threat” means a communicated intent to inflict physical or other harm on a person or on property.

~~(25)~~ (26) “Written instrument” means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

Sec. 2. K.S.A. 21-4206 is hereby amended to read as follows: 21-4206. (1) Upon conviction of a violation or upon adjudication as a juvenile offender for a violation of K.S.A. 21-4201, 21-4202, 21-4204, ~~21-4204a~~ or 21-4219, and amendments thereto, ~~and K.S.A. 21-4204a~~, any weapon seized in connection therewith shall remain in the custody of the trial court.

(2) Any stolen weapon so seized and detained, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall in the discretion of the trial court, be: (a) Destroyed; (b) forfeited to the law enforcement agency seizing the weapon for use within such agency ~~or traded, for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency or for trading~~ to another law enforcement agency for that agency’s use; or (c) forfeited to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory.

(3) *If weapons are sold as authorized by subsection (2), the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.*

Sec. 3. K.S.A. 2004 Supp. 60-4117 is hereby amended to read as follows: 60-4117. Except as provided in K.S.A. 65-7014, and amendments thereto: (a) When property is forfeited under this act, the law enforcement agency may:

(1) Retain such property for official use or transfer the custody or ownership to any local, state or federal agency, subject to any lien preserved by the court;

(2) destroy or use for investigative or training purposes, any illegal or controlled substances and equipment or other contraband, provided that materials necessary as evidence shall be preserved;

(3) sell property which is not required by law to be destroyed and which is not harmful to the public:

(A) All property, except real property, designated by the seizing agency to be sold shall be sold at public sale to the highest bidder for cash without appraisal. The seizing agency shall first cause notice of the sale to be made by publication at least once in an official county newspaper as defined by K.S.A. 64-101, and amendments thereto. Such notice shall include the time, place, and conditions of the sale and description of the property to be sold. Nothing in this subsection shall prevent a state agency from using the state surplus property system and such system's procedures shall be sufficient to meet the requirements of this subsection.

(B) Real property may be sold pursuant to subsection (A), or the seizing agency may contract with a real estate company, licensed in this state, to list, advertise and sell such real property in a commercially reasonable manner.

(C) No employee or public official of any agency involved in the investigation, seizure or forfeiture of seized property may purchase or attempt to purchase such property; or

(4) salvage the property, subject to any lien preserved by the court.

(b) When firearms are forfeited under this act, the firearms, in the discretion of the seizing agency, shall be destroyed, used within the seizing agency for official purposes, traded to another law enforcement agency for use within such agency, *sold to a properly licensed federal firearms dealer, traded to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency* or given to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory. *If firearms are sold as authorized by this subsection, the proceeds of the sale shall be credited to the asset seizure and forfeiture fund of the seizing agency.*

(c) The proceeds of any sale *other than the sale of firearms* shall be distributed in the following order of priority:

(1) For satisfaction of any court preserved security interest or lien;

(2) thereafter, for payment of all proper expenses of the proceedings for forfeiture and disposition, including expenses of seizure, inventory, appraisal, maintenance of custody, preservation of availability, advertising, service of process, sale and court costs;

(3) reasonable attorney fees:

(A) If the plaintiff's attorney is a county or district attorney, an assistant, or another governmental agency's attorney, fees shall not exceed 15% of the total proceeds, less the amounts of subsection (c)(1) and (2), in an uncontested forfeiture nor 20% of the total proceeds, less the amounts of subsection (c)(1) and (2), in a contested forfeiture. Such fees shall be deposited in the county or city treasury and credited to the special prosecutor's trust fund. Moneys in such fund shall not be considered a source of revenue to meet normal operating expenditures, including salary enhancement. Such fund shall be expended by the county or district attorney, or other governmental agency's attorney through the normal county or city appropriation system and shall be used for such additional law enforcement and prosecutorial purposes as the county or district attorney or other governmental agency's attorney deems appropriate, including educational purposes. All moneys derived from past or pending forfeitures shall be expended pursuant to this act. The board of county commissioners shall provide adequate funding to the county or district attorney's office to enable such office to enforce this act. Neither future forfeitures nor the proceeds therefrom shall be used in planning or adopting a county or district attorney's budget; or

(B) if the plaintiff's attorney is a private attorney, such reasonable fees shall be negotiated by the employing law enforcement agency;

(4) repayment of law enforcement funds expended in purchasing of contraband or controlled substances, subject to any interagency agreement.

(d) Any proceeds remaining shall be credited as follows, subject to any interagency agreement:

(1) If the law enforcement agency is a state agency, the entire amount

shall be deposited in the state treasury and credited to such agency's state forfeiture fund. There is hereby established in the state treasury the following state funds: Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund, Kansas department of corrections state forfeiture fund and Kansas national guard counter drug state forfeiture fund. Expenditures from the Kansas bureau of investigation state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general. Expenditures from the Kansas highway patrol state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the highway patrol or by a person or persons designated by the superintendent. Expenditures from the Kansas department of corrections state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of corrections or by a person or persons designated by the secretary. Expenditures from the Kansas national guard counter drug state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the adjutant general of Kansas or by a person or persons designated by the adjutant general. Each agency shall compile and submit a forfeiture fund report to the legislature on or before February 1 of each year. Such report shall include, but not be limited to: (A) The fund balance on December 1; (B) the deposits and expenditures for the previous 12-month period ending December 1. Upon the effective date of this act, the director of accounts and reports is directed to transfer each agency's balance in the state special asset forfeiture fund to the agency's new, state forfeiture fund. All liabilities of the state special asset forfeiture fund existing prior to such date are hereby imposed on the Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund and the Kansas department of corrections state forfeiture fund. The state special asset forfeiture fund is hereby abolished.

(2) If the law enforcement agency is a city or county agency, the entire amount shall be deposited in such city or county treasury and credited to a special law enforcement trust fund. Each agency shall compile and submit annually a special law enforcement trust fund report to the entity which has budgetary authority over such agency and such report shall specify, for such period, the type and approximate value of the forfeited property received, the amount of any forfeiture proceeds received, and how any of those proceeds were expended.

(3) Moneys in the Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund, Kansas department of corrections state forfeiture fund, the special law enforcement trust funds and the Kansas national guard counter drug state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses. Such funds shall be expended by the agencies or departments through the normal city, county or state appropriation system and shall be used for such special, additional law enforcement purposes as the law enforcement agency head deems appropriate. Neither future forfeitures nor the proceeds from such forfeitures shall be used in planning or adopting a law enforcement agency's budget.

Sec. 4. K.S.A. 74-5607 is hereby amended to read as follows: 74-5607. (a) In addition to other powers and duties prescribed by law, the commission shall adopt, in accordance with the provisions of K.S.A. 77-415 et seq., and amendments thereto, rules and regulations necessary to carry out the provisions of subsection (c) of K.S.A. 74-5616, and amendments thereto, and such other rules and regulations as necessary to administer this act. The commission may also adopt such rules of procedure as are necessary for conducting the business of the commission.

(b) In all matters pending before the commission, the commission shall have the power to:

- (1) Administer oaths and take testimony;
- (2) issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions

in civil actions in the district courts. In case of the failure of any person to comply with any subpoena issued on behalf of the commission, or on the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of a member of the commission, may require compliance by proceedings for contempt, as in the case of failure to comply with a subpoena issued from such court or a refusal to testify in such court. Each witness who appears before the commission by its order or subpoena, other than a state officer or employee, shall receive for such attendance the fees and mileage provided for witnesses in civil cases in courts of record which shall be audited and paid upon presentation of proper vouchers sworn to by such witnesses and approved by the chairperson of the commission or by a person or persons designated by the chairperson.;

(3) enter into contracts necessary to administer the provisions of this act and the certification of law enforcement officers.; *and*

(4) assess the costs of such matters pending before the commission under this section against the governmental entity employing the police officer or law enforcement officer.

(c) Members of the law enforcement training commission attending meetings of ~~such~~ *the* commission, or attending a subcommittee meeting ~~thereof~~ authorized by ~~such~~ *the* commission, shall be paid amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto. The director and the chairperson of the commission shall be responsible for approving all expense vouchers of members.

(d) The commission shall meet at least once each year at the training center and may hold special meetings whenever they are called by the chairperson.

(e) *The commission shall adopt the rules and regulations that are necessary to ensure that law enforcement officers are adequately trained and to enforce the provisions of this act. Such rules and regulations shall include, but are not limited to, the establishment of a course of fire as a standard qualification for active law enforcement officers to carry firearms that may also be used for qualified retired officers to carry firearms pursuant to federal law. The director shall provide qualification opportunities for qualified retired officers at least twice a year at the times and places the director determines to be necessary. The training center shall charge and collect a fee from retired state, local and federal officers for the qualification opportunities, but these fees shall be limited to the actual costs of presenting the standard qualifications course.*

Sec. 5. K.S.A. 2004 Supp. 79-3235 is hereby amended to read as follows: 79-3235. If any tax imposed by this act or any portion of such tax is not paid within 60 days after it becomes due, the secretary or the secretary's designee shall issue a warrant under the secretary's or the secretary's designee's hand and official seal, directed to the sheriff of any county of the state, commanding the sheriff to levy upon and sell the real and personal property of the taxpayer found within the sheriff's county for the payment of the amount thereof, with the added penalties, interest and the cost of executing the warrant and to return the warrant to the secretary or the secretary's designee and pay to the secretary or the secretary's designee the money collected by virtue of it not more than 60 days from the date of the warrant. *Firearms seized may be appraised and disposed of in the same manner prescribed in K.S.A. 79-5212, and amendments thereto.* The sheriff, within five days after the receipt of the warrant, shall file with the clerk of the district court of the county a copy thereof, and thereupon the clerk shall either enter in the appearance docket the name of the taxpayer mentioned in the warrant, the amount of the tax or portion of it, interest and penalties for which the warrant is issued and the date such copy is filed and note the taxpayer's name in the general index. No fee shall be charged for either entry. The amount of such warrant so docketed shall thereupon become a lien upon the title to and interest in the real property of the taxpayer against whom it is issued. The sheriff shall proceed in the same manner and with the same effect as prescribed by law with respect to executions issued against property upon judgments of a court of record and shall be entitled to the same fees for services to be collected in the same manner.

The court in which the warrant is docketed shall have jurisdiction over all subsequent proceedings as fully as though a judgment had been ren-

dered in the court. In the discretion of the secretary or the secretary's designee a warrant of like terms, force and effect may be issued and directed to any officer or employee of the secretary, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, and the subsequent proceedings thereunder shall be the same as provided where the warrant is issued directly to the sheriff. The taxpayer shall have the right to redeem the real estate within a period of 18 months from the date of such sale. If a warrant is returned, unsatisfied in full, the secretary or the secretary's designee shall have the same remedies to enforce the claim for taxes as if the state of Kansas had recovered judgment against the taxpayer for the amount of the tax. No law exempting any goods and chattels, lands and tenements from forced sale under execution shall apply to a levy and sale under any such warrant or upon any execution issued upon any judgment rendered in any action for income taxes. Except as provided further, the secretary or the secretary's designee shall have the right after a warrant has been returned unsatisfied or satisfied only in part, to issue alias warrants until the full amount of the tax is collected.

If execution is not issued within 10 years from the date of the docketing of any such warrant, or if 10 years shall have intervened between the date of the last execution issued on such warrant, and the time of issuing another writ of execution thereon, such warrant shall become dormant, and shall cease to operate as a lien on the real estate of the delinquent taxpayer. Such dormant warrant may be revived in like manner as dormant judgment under the code of civil procedure.

Sec. 6. K.S.A. 2004 Supp. 79-3617 is hereby amended to read as follows: 79-3617. Whenever any taxpayer liable to pay any sales or compensating tax, refuses or neglects to pay the tax, the amount, including any interest or penalty, shall be collected in the following manner. The secretary of revenue or the secretary's designee shall issue a warrant under the hand of the secretary or the secretary's designee and official seal directed to the sheriff of any county of the state commanding the sheriff to levy upon and sell the real and personal property of the taxpayer found within the sheriff's county to satisfy the tax, including penalty and interest, and the cost of executing the warrant and to return such warrant to the secretary or the secretary's designee and pay to the secretary or the secretary's designee the money collected by virtue thereof not more than 90 days from the date of the warrant. *Firearms seized may be appraised and disposed of in the same manner prescribed in K.S.A. 79-5212, and amendments thereto.* The sheriff shall, within five days, after the receipt of the warrant file with the clerk of the district court of the county a copy thereof, and thereupon the clerk shall either enter in the appearance docket the name of the taxpayer mentioned in the warrant, the amount of the tax or portion of it, interest and penalties for which the warrant is issued and the date such copy is filed and note the taxpayer's name in the general index. No fee shall be charged for either such entry. The amount of such warrant so docketed shall thereupon become a lien upon the title to, and interest in, the real property of the taxpayer against whom it is issued. The sheriff shall proceed in the same manner and with the same effect as prescribed by law with respect to executions issued against property upon judgments of a court of record, and shall be entitled to the same fees for services.

The court in which the warrant is docketed shall have jurisdiction over all subsequent proceedings as fully as though a judgment had been rendered in the court. A warrant of similar terms, force and effect may be issued by the secretary or the secretary's designee and directed to any officer or employee of the secretary or the secretary's designee, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs with respect to executions issued against property upon judgments of a court of record and the subsequent proceedings thereunder shall be the same as provided where the warrant is issued directly to the sheriff. The taxpayer shall have the right to redeem the real estate within a period of 18 months from the date of such sale. If a warrant is returned, unsatisfied in full, the secretary or the secretary's designee shall have the same remedies to enforce the claim for taxes as if the state of Kansas had recovered judgment against the taxpayer for the amount of the tax. No law exempting any goods and chattels, land

and tenements from forced sale under execution shall apply to a levy and sale under any of the warrants or upon any execution issued upon any judgment rendered in any action for sales or compensating taxes. Except as provided further, the secretary or the secretary's designee shall have the right after a warrant has been returned unsatisfied, or satisfied only in part, to issue alias warrants until the full amount of the tax is collected. No costs incurred by the sheriff or the clerk of the court shall be charged to the secretary or the secretary's designee.

If execution is not issued within 10 years from the date of the docketing of any such warrant, or if 10 years shall have intervened between the date of the last execution issued on such warrant, and the time of issuing another writ of execution thereon, such warrant shall become dormant, and shall cease to operate as a lien on the real estate of the delinquent taxpayer. Such dormant warrant may be revived in like manner as dormant judgments under the code of civil procedure.

Sec. 7. K.S.A. 2004 Supp. 79-5205 is hereby amended to read as follows: 79-5205. (a) At such time as the director of taxation shall determine that a dealer has not paid the tax as provided by K.S.A. 79-5204, and amendments thereto, the director may immediately assess a tax based on personal knowledge or information available to the director of taxation; mail to the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax, penalties and interest; and demand its immediate payment. If payment is not immediately made, because collection of every assessment made hereunder is presumed to be in jeopardy due to the nature of the commodity being taxed, the director may immediately collect the tax, penalties and interest in any manner provided by K.S.A. 79-5212, and amendments thereto.

(b) The tax, penalties and interest assessed by the director of taxation are presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show their incorrectness or invalidity. Any statement filed by the director of taxation with the court or any other certificate by the director of taxation of the amount of tax, penalties and interest determined or assessed is admissible in evidence and is prima facie evidence of the facts it contains.

(c) In making an assessment pursuant to subsection (a), the director of taxation may consider but shall not be bound by a plea agreement or judicial determination made in any criminal case.

(d) Within 15 days after the mailing or personal service of such notice of assessment pursuant to subsection (a), the taxpayer may request an informal conference with the secretary of revenue or the secretary's designee relating to the tax, penalties and interest assessed by filing a written request with the secretary or the secretary's designee. Such written request shall set forth the taxpayer's objections to the assessment. The purpose of such conference shall be to review and reconsider all facts and issues that underlie the assessment. The informal conference shall not constitute an adjudicative proceeding under the Kansas administrative procedure act and the rules of evidence shall not apply. No record of the informal conference shall be made except at the request and expense of the taxpayer. The taxpayer may be represented at the informal conference by an attorney licensed in the state of Kansas. The taxpayer may also present written or verbal information from other persons. The secretary or the secretary's designee may confer at any time with any employee of the department of revenue who has factual information relating to the assessment under reconsideration. The secretary or the secretary's designee shall issue a written final determination within 270 days of the date of the request for informal conference unless the parties agree in writing to extend the time for issuing such final determination. A final determination issued within or after 270 days, with or without extension, constitutes final agency action subject to administrative review by the state board of tax appeals pursuant to K.S.A. 74-2438, and amendments thereto. In the event that a written final determination is not rendered within 270 days or within an agreed extension, the taxpayer may appeal the assessment to the state board of tax appeals within 30 days after the expiration date of the 270 days or agreed extension. A taxpayer's request for an informal conference shall not stay the collection of the assessment but shall stay the sale of real or personal property, or the disposal of firearms, seized pursuant to K.S.A. 79-5212, and amendments thereto,

until the final determination is made by the secretary or the secretary's designee. A taxpayer's appeal to the state board of tax appeals shall not stay the collection of the assessment but shall stay the sale of real or personal property seized pursuant to K.S.A. 79-5212, and amendments thereto, until a decision is rendered by the state board of tax appeals.

Sec. 8. K.S.A. 2004 Supp. 79-5211 is hereby amended to read as follows: 79-5211. All moneys received from the collection of taxes imposed under the provisions of K.S.A. 79-5201 et seq., and amendments thereto, and 25% of all moneys collected from assessments of delinquent taxes and penalties imposed thereunder, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. *The appraised value of a firearm seized and disposed of pursuant to K.S.A. 79-5212, and amendments thereto, which is applied to a taxpayer's liability shall not be considered as a collection of moneys under this section.* The director of taxation shall remit 75% of all moneys received from the collection of assessments of delinquent taxes and penalties imposed pursuant to the provisions of K.S.A. 79-5201 et seq., and amendments thereto, as follows: (a) If the law enforcement agency which conducted the investigation is a county agency, the entire amount shall be deposited in the county treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; (b) if the law enforcement agency which conducted the investigation is a city agency, the entire amount shall be deposited in the city treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; and (c) if more than one law enforcement agency is substantially involved in the investigative process, the amount shall be distributed equally among the city, county and state law enforcement agencies involved and credited to the appropriate county and city special law enforcement trust funds and state law enforcement agency funds unless an alternate distribution is mutually agreed upon by the law enforcement agencies involved and submitted in writing to the director of taxation. Funds received by city and county treasurers shall not be considered to be a source of revenue to meet normal operating expenses of law enforcement agencies.

Sec. 9. K.S.A. 79-5212 is hereby amended to read as follows: 79-5212. (a) Whenever a taxpayer liable to pay any tax, penalty or interest assessed pursuant to K.S.A. 79-5205, and amendments thereto, refuses or neglects to immediately pay the amount due, the director of taxation may issue one or more warrants for the immediate collection of the amount due, directed to the sheriff of any county of the state commanding the sheriff to seize and sell the real and personal property of the taxpayer, *or to seize, appraise and dispose of the firearms of the taxpayer, found within the sheriff's county to satisfy the amount specified on the warrant and the cost of executing the warrant.* The director of taxation may also issue one or more warrants directed to any employee of the department of revenue commanding the employee to seize and sell the real and personal property of the taxpayer, *or to seize, appraise and dispose of the firearms of the taxpayer, found anywhere within the state of Kansas to satisfy the amount specified on the warrant and the cost of executing the warrant.* A copy of the warrant shall also be mailed to the taxpayer at the taxpayer's last known address or served upon the taxpayer in person.

(b) The sheriff or department of revenue employee shall proceed to execute upon the warrant in the same manner as provided for attachment orders by K.S.A. 60-706, 60-707 and 60-710, and amendments thereto, except as otherwise provided herein. In the execution of a warrant issued to a department of revenue employee, the employee shall have all of the powers conferred by law upon sheriffs. Any law enforcement officer may assist in the execution of a warrant if requested to do so by a department of revenue employee.

(c) No law exempting any goods and chattels, land and tenements from forced sale under execution shall apply to a seizure and sale, *or in the case of firearms, sale or disposal,* under any warrant.

(d) A third party holding funds or other personal property of the taxpayer shall immediately, or as soon thereafter as possible, after service

of the warrant on such third party, deliver such funds or other personal property to the sheriff or department of revenue employee, who shall then deliver such to the director of taxation or the director's designee for deposit toward the balance due on the taxpayer's assessment.

(e) The sheriff or department of revenue employee shall make return of such warrant to the director of taxation within 60 days from the date of the warrant. If property is seized, then the sheriff or department of revenue employee shall also make return of such warrant to the clerk of the district court in the county where the property was seized.

(f) (1) If the taxpayer fails to appeal the assessment as provided by subsection (b) of K.S.A. 79-5205, and amendments thereto, or if the taxpayer requests a hearing and a final order has been entered by the director of taxation as to the correctness of the assessment, then the sheriff or department of revenue employee shall sell the seized property at public auction, *except that firearms may be sold at public auction or disposed of as provided in subsection (2)*. The provisions of K.S.A. 60-2406, and amendments thereto, shall apply to liens against the property being sold. Notice of the sale of personal property shall be given in accordance with K.S.A. 60-2409, and amendments thereto. Notice of the sale of real property shall be given in accordance with K.S.A. 60-2410, and amendments thereto. The taxpayer shall have the right to redeem real property within a period of six months from the date of the sale.

(2) *In the case of seized firearms not sold, the director of taxation shall obtain an appraisal value performed by a federally licensed firearms dealer or an employee thereof. Such value shall be credited against the taxpayer's outstanding liability. Subsequent to such appraisal and credit against the taxpayer's outstanding liability, the director shall transfer such firearm or firearms as follows:*

(A) *If the firearm or firearms have historical significance, the director may transfer the firearm or firearms to the Kansas state historical society;*

(B) *the director may transfer the firearm or firearms to the secretary of wildlife and parks;*

(C) *the director may transfer the firearm or firearms to the director of the Kansas bureau of investigation; or*

(D) *the director may transfer the firearm or firearms to such city or county law enforcement agency where the firearm was seized.*

At least 30 days prior to the transfer of such firearm or firearms, pursuant to this subsection, the director shall give written notice by mail to the taxpayer at the taxpayer's last known address of the appraised value of such firearm or firearms and the date that the director intends to transfer such firearm or firearms. The taxpayer may appeal the appraised value of any such firearm or firearms by filing a written request for a hearing before the district court in which the tax warrant used to seize such firearm or firearms was filed. Such request must be filed with the district court within 15 days after such notice to the taxpayer was mailed by the director. If no appeal is filed with the district court within 15 days, or if upon appeal the district court rules against the taxpayer, the director shall transfer such firearm or firearms.

(g) The director of taxation may also direct the sheriff or department of revenue employee to file any warrant issued pursuant to subsection (a) with the clerk of the district court of any county in Kansas, and thereupon the clerk shall enter in the appearance docket the name of the taxpayer mentioned in the warrant, the amount of the tax or portion of it, interest and penalties for which the warrant is issued and the date such copy is filed and note the taxpayer's name in the general index. No fee shall be charged for such entry. The amount of such warrant shall thereupon become a lien upon the title to, and interest in, the real property of the taxpayer located within such county. Thereupon, the director of taxation shall have the same remedies to collect the amount of the tax, penalty and interest, as if the state of Kansas had recovered judgment against the taxpayer, including immediately garnishing the wages or other property of the taxpayer pursuant to K.S.A. 60-716 et seq., and amendments thereto. Such remedies shall be in addition to the other collection remedies provided herein.

(h) The director of taxation shall have the right at any time to issue alias warrants until the full amount of the tax, penalty and interest is collected.

New Sec. 10. (a) No city or county shall adopt any ordinance, resolution or regulation, and no agent of any city or county shall take any administrative action, governing the purchase, transfer, ownership, storage or transporting of firearms or ammunition, or any component or combination thereof, other than those expressly authorized by statute. Any such ordinance, resolution or regulation adopted prior to the effective date of this act shall be null and void. For purposes of this section, a statute that does not refer to firearms or ammunition, or components or combinations thereof, shall not be construed to provide express authorization.

(b) Nothing in this section shall:

(1) Prohibit a city or county from adopting any zoning measure related to firearms licensees if otherwise authorized by law to do so;

(2) prohibit a law enforcement officer, as defined in K.S.A. 22-2202, and amendments thereto, from acting within the scope of such officer's duties;

(3) prohibit a city or county from regulating the manner of carrying any firearm on one's person;

(4) prohibit a city or county from regulating in any manner the carrying of any firearm in any jail, juvenile detention facility, prison, courthouse, courtroom or city hall; or

(5) prohibit a city or county from adopting an ordinance, resolution or regulation requiring a firearm transported in any air, land or water vehicle to be unloaded and encased in a container which completely encloses the firearm or any less restrictive provision governing the transporting of firearms.

(c) No person shall be prosecuted or convicted of a violation of any ordinance, resolution or regulation of a city or county which regulates the storage or transportation of a firearm if such person (1) is storing or transporting the firearm without violating any provision of the Kansas criminal code or (2) is otherwise transporting the firearm in a lawful manner.

(d) No person shall be prosecuted under any ordinance, resolution or regulation for transporting a firearm in any air, land or water vehicle if the firearm is unloaded and encased in a container which completely encloses the firearm.

Sec. 11. K.S.A. 21-4206, 74-5607 and 79-5212 and K.S.A. 2004 Supp. 21-3110, 60-4117, 79-3235, 79-3617, 79-5205 and 79-5211 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.

Proposed KS•CPOST 50 Round Annual Handgun Qualification Course of Fire

Stage	Distance	Rounds Fired	Time	Conditions
Stage 1	3 yard line	2 strings of 3 <u>(6 rounds total)</u>	3 seconds per string	Beginning on the 1 1/2 yard line, shooter will draw and fire 3 rounds as they are stepping backward and moving laterally on step. Shooter will re-holster and repeat this procedure again on command.
Stage 2	5 yard line	2 strings of 3 <u>(6 rounds total)</u>	5 seconds per string	Shooter will draw and fire 3 rounds from a two-hand, supported grip. Shooter will re-holster and repeat this procedure on command.
Stage 3	7 yard line	1 string of 4 <u>(4 rounds total)</u>	10 seconds	Shooter will fire 2 rounds from the threat ready position with weapon in strong hand, supported by the weak hand. The weapon is then transitioned to the weak hand and supported by the strong hand for the final two rounds.
	7 yard line	1 string of 3 <u>(3 rounds total)</u>	4 seconds	Shooter will fire 3 rounds from threat ready, strong hand only, one-hand shooting grip.
	7 yard line	2 strings of 3 <u>(6 rounds total)</u>	4 seconds per round	Shooter will fire 3 rounds from threat ready while moving laterally one step, using the two-hand, supported grip. Re-holster and repeat on command.
Stage 4	10 yard line	2 strings of 4 <u>(8 rounds total)</u>	5 seconds per string	Shooter will draw and fire 4 rounds using the two-hand, supported grip. Re-holster and repeat on command.
Stage 5	15 yard line	1 string of 4 <u>(4 rounds total)</u>	6 seconds	Shooter will draw and fire 4 rounds using a two-hand, supported grip.
	15 yard line	1 string of 3 <u>(3 rounds total)</u>	5 seconds	Shooter will draw and fire 3 rounds using a two-hand, supported grip.
Stage 6	25 yard line	1 string of 5 <u>(5 rounds total)</u>	15 seconds	Shooter will draw and fire 5 rounds from a two-hand, supported grip around a barricade in a standing position.
	25 yard line	1 string of 5 <u>(5 rounds total)</u>	15 seconds	Shooter will draw and fire 5 rounds from a two-hand, supported grip around a barricade in a kneeling position.

Proposed KS•CPOST Annual Handgun Course Management

- Item #1 Agencies may use either an IALEFIQ or an FBIQ target for the qualification course of fire.
- Item #2 There are no required, timed reloads in this course of fire. Ammunition management is the responsibility of the shooter.
- Item #3 Scoring will consist of counting any round that touches fully or partially, the shaded, silhouette portion of the target.
- Item #4 A passing score will be 35 or more hits on target equaling 70% or above.
- Item #5 No deviation from course of fire is authorized or permitted, NO EXCEPTIONS.
- Item #6 Shooters are allowed two attempts at qualification in a given day. If shooter fails to qualify, shooter will be given two additional attempts at qualification within 30 days.
- Item #7 A range master authorized by the agency head must be present during all qualification attempts.
- Item #8 Alibis are defined as those shots allowed after time has lapsed and weapon induced malfunction has been corrected or the defective ammunition has been replaced.
- Item #9 Alibis will only be granted for weapon or ammo induced malfunctions. No alibis will be granted for shooter induced malfunctions, time violations or ammunition management issues.
- Item #10 Threat ready is defined as the shooter having the weapon presented to the target in a two-hand grip. The weapon is lowered to allow complete visibility of threat over the top of the weapon.
- Item #11 A string of fire is defined as a continuous series of shots fired between the commands to fire and cease fire.
- Item #12 At the discretion of the range master, this course may be fired either cold or hot barrel.

**Recommended Course of
Fire July 20, 2005**

ATCH # 19
KS-CPOST MEETING
8/2/05

The University of Kansas
Kansas Law Enforcement Training Center
Hutchinson Kansas

To: Chairman Jackie Williams and Commission Members
From: Ed H. Pavey, Director
Subj: 2005 Senate Bill No. 195 Effective July 1, 2005
Date: Wednesday, July 27, 2005

In advance of the August 2nd meeting I wanted to advise Commission members of an agenda item that will be presented by staff (at the direction of the Commission).

2005 Senate Bill 195 became effective 7/1/05. One of senate bill's provisions was the requirement that the Commission "shall adopt the rules and regulations that are necessary to ensure that law enforcement officers are adequately trained and to enforce the provisions of this act. Such rules and regulations shall include, but are not limited to, **the establishment of a course of fire as a standard qualification for active law enforcement officers to carry firearms that may also be used for qualified retired officers to carry firearms pursuant to federal law** (*bold & underlined emphasis added*)."

THE PROCESS: Over a period of three different meeting dates held here at KLETC involving invited firearms range masters/firearms instructors from the satellite academy programs, Commission representatives and KLETC staff, the assembled group was tasked by the Commission Chair with developing a proposed "**course of fire as a standard qualification for active law enforcement officers to carry firearms**" which would fulfill the requirements of Senate Bill 195 and could be presented at the Commission meeting on August 2nd. These meetings provided an excellent forum for discussion, which also included email feedback responses between meetings and the actual beta testing of the proposed course of fire by several Committee members. The task before the Committee was to develop a "statewide standard" course that could evaluate at a minimum (1) safety; (2) competency; (3) marksmanship. While tactics and tactical shooting is important to many agencies it was felt that both of these issues should be left to the discretion of local agencies and not be incorporated into a minimum standard used for statewide evaluation purposes.

In addition to the proposed qualification course **beta testing** conducted by many of the satellite academy committee members involved in the course development process, the proposed course of fire was also beta tested at 10 different agencies across Kansas (Saline Co. S/O; Leavenworth P/D; Russell Co. S/O; Garden City P/D; Osage County S/O; Cowley Co. S/O; Emporia P/D; Goodland P/D; Stafford Co. S/O; Pittsburg P/D). The overwhelming majority of feedback comments received was positive. Several suggestions were received from beta test sites and many of those suggestions were incorporated in the final recommendation that will be presented and discussed by the Commission next Tuesday.

ATCH # 20
KC★CPOST Meeting
8/2/05

The Committee was cognizant that whatever course of fire was considered and ultimately proposed, the course of fire could not and would not meet every agencies specific needs, however, depending on the Commission's final determination and action, agencies at a minimum might be only required to use the proposed course of fire **once** annually (a decision that would be made by the full Commission) and then individual agencies would be free to adopt other courses of fire for their individual agency training and qualification needs.

Developing a statewide qualification course of fire where **“apples to apples – oranges to oranges” evaluation comparisons** can be achieved presented the Committee with several challenges. Multiple factors affect course difficulty...factors such as distances to the target; time; number of shots in a string of fire; reloads; target acquisition; scoring and movement. When multiple factors are involved, courses become difficult if not impossible to compare, unless the same identical course w/no modification is used as the evaluation tool. Here is an example: Taking the proposed 50 round course as the basis, an agency suggests that they would like to add 20 more rounds, now making it a 70 round course of fire. In this example depending on what distances the additional 20 rounds of ammunition is fired from could affect whether achieving an overall passing score of 70% or better now makes the course **more difficult or less difficult**. Firing more ammo rounds at closer distances to the target might enhance one's ability to achieve a passing score. Once a base course of fire is modified by adding to or deleting from it becomes more and more difficult if not impossible to “compare apples to apples, oranges to oranges” in determining if someone passed an established standard.

The Committee members present at the last meeting on Wednesday, July 20 voted to present the Committee's proposed course of fire for consideration to the full Commission on August 2nd. The motion to recommend the proposed course of fire as a statewide standard was made by KHP Rangemaster Doug Griffiths; and simultaneously seconded by Sedgwick County Sheriff Rangemaster Dave Mattingly and KBI Rangemaster Mike Metzler. Voting to support Griffiths, Mattingly and Metzler in their motion were Committee members: Wichita PD Rangemaster Kevin Vaughn; KLETC Rangemaster Boyce Moses; Commission member Bob Odell's representative Undersheriff Don Read. While Topeka Rangemaster Dave Thomas and Commission members Sam Breshears (Kansas City PD), Sonny Ralston (St. John PD) and Bill Smith (Harper PD) were absent from the meeting and did not officially vote that day, all assisted in the development of the course of fire and have orally indicated their support of the affirmative vote taken by the Committee on July 20th.

This proposed course of fire would also be used as the “standard” course of fire for retirees needing to demonstrate firearms proficiency pursuant to federal legislation HR218 (retirees carrying concealed weapons).

One of our Committee members from a large police department involved in the course development process has expressed concerns about the standard qualification course and its relevancy to his agency. Because of those concerns we have invited him or his

agency's representative to appear and share with the full Commission those specific concerns.

In advance of the Commission meeting I have attached to this email for your review the proposed course of fire as brought forward by the Committee. The Committee has completed the task they were assigned.

Listed below are a few of the questions that may possibly need to be addressed by the Commission regarding this subject:

- 1) Qualification on standard course of fire to be conducted at least once annually by all full-time and part-time law enforcement officers as defined by KSA 74-5602 (f) (g) (h)?
- 2) Cold barrel or hot barrel qualification attempts are permitted?
- 3) Agency's discretion whether remedial firearms training is permitted?
- 4) Qualification with duty weapon only, or all weapons the officer might carry?
- 5) How many qualification attempts are allowed? Two? Unlimited? Etc.
- 6) Remedial firearms training for those who fail to qualify?
- 7) Does the Commission desire to track agency firearms qualifications, requiring agencies to report the qualification as part of an officer's 40-hour continuing education requirement annually?
- 8) If an officer fails to qualify with their weapon after remedial training or fails to even attend a qualification event provided by his/her agency, will this jeopardize their Commission certification as a law enforcement officer?

Additional course management guidelines recommended by the Committee are listed beneath the suggested course of fire that is attached as part of this email.

We look forward to seeing everyone next Tuesday.

Ed

Ed H. Pavey, Director
Kansas Law Enforcement Training Center
P.O. Box 647
Shipping Address: 11009 South Hornet
Hutchinson Kansas 67504

[M:0507/02]

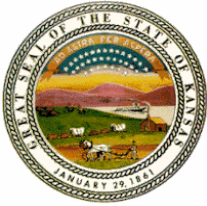
As mentioned previously, we are proposing that either all agencies, or least the certified satellite academies/agencies, be allowed to design and utilize a qualification course to meet the needs of their agency, as long as it exceeds the state-proposed course in terms of the level of difficulty and required elements. In order to accomplish this, we would propose that the following elements must be present in any alternative course of fire that is approved:

- 50 round course
- IALEFIQ or FBIQ target
- All stages are timed
- Distances ranging from 1.5 to 25 yards
- At least 2 off-hand (weak-hand) shots
- At least 17 of the 50 rounds must be fired at or beyond the 15 yard line
- Some form of backward and/or lateral movement on the part of the shooter during at least two stages of fire
- A minimum score of 70% is required to pass (35 hits out of 50 rounds)
- All alternative courses of fire are subject to review and approval by the Director of the KLETC or his/her designee, to ensure that they meet or exceed the level of difficulty of the state's standard qualification course, to include the above-listed elements
- For the purpose of qualifying retired law enforcement officers, agencies may utilize either the state's standard qualification course, or the agency's own designed and approved course

Revised 07-28-05

FROM
CAPT DARREN MOORE
WFCH#TA PD

ATCH # 21
KS+CPOST Meeting
8/2/05



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

FIREARMS COMMITTEE

<u>MEMBER</u>	<u>AGENCY</u>
DARIN BECK	KLETC
SAM BRESHEARS*	KANSAS CITY POLICE DEPARTMENT
BILL BUFFIN	KANSAS HIGHWAY PATROL
RON GOULD (CHAIRMAN)	KLETC
DOUG GRIFFITHS	KANSAS HIGHWAY PATROL
JIM JARBOE*	KEARNY COUNTY SHERIFF'S OFFICE
ED KLUMPP*	TOPEKA POLICE DEPARTMENT
DAVID MATTINGLY	SEDGWICK COUNTY SHERIFF'S OFFICE
MIKE METZLER	KANSAS BUREAU OF INVESTIGATION
DARREN MOORE	WICHITA POLICE DEPARTMENT
BOYCE MOSES	KLETC
BOB ODELL*	COWLEY COUNTY SHERIFF'S OFFICE
ED PAVEY	KLETC
SONNY RALSTON*	ST JOHN POLICE DEPARTMENT
DON READ	COWLEY COUNTY SHERIFF'S OFFICE
BILL SECK*	KANSAS HIGHWAY PATROL
BILL SMITH*	HARPER POLICE DEPARTMENT
KYLE SMITH	KANSAS BUREAU OF INVESTIGATION
RICK STAPLES	OVERLAND PARK POLICE DEPARTMENT
GARY STEED*	SEDGWICK COUNTY SHERIFF'S OFFICE
STEVE STOWERS*	HUTCHINSON POLICE DEPARTMENT
DAVE THOMAS	TOPEKA POLICE DEPARTMENT
KEVIN VAUGHN	WICHITA POLICE DEPARTMENT
LARRY WELCH*	KANSAS BUREAU OF INVESTIGATION
JACKIE WILLIAMS*	KS•CPOST

* KS•CPOST MEMBER

LKG/lkg
1/24/06
[M:0601/10]

ATCH # 22
KS★CPOST Meeting
8/2/05

H.R.218: The Law Enforcement Officers Safety Act of 2004 *
(Enrolled as Agreed to or Passed by Both House and Senate)

One Hundred Eighth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twentieth day of January, two thousand and four

An Act

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Law Enforcement Officers Safety Act of 2004'.

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) In General- Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

' Sec. 926B. Carrying of concealed firearms by qualified law enforcement officers

' (a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

' (b) This section shall not be construed to supersede or limit the laws of any State that--

' (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

' (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

' (c) As used in this section, the term 'qualified law enforcement officer' means an employee of a governmental agency who--

' (1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

' (2) is authorized by the agency to carry a firearm;

' (3) is not the subject of any disciplinary action by the agency;

* <http://www.leea.org/218/218text.html>

` (4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

` (5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

` (6) is not prohibited by Federal law from receiving a firearm.

` (d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

` (e) As used in this section, the term `firearm' does not include--

` (1) any machinegun (as defined in section 5845 of the National Firearms Act);

` (2) any firearm silencer (as defined in section 921 of this title); and

` (3) any destructive device (as defined in section 921 of this title).'

(b) Clerical Amendment- The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

` 926B. Carrying of concealed firearms by qualified law enforcement officers.'

SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) In General- Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

` Sec. 926C. Carrying of concealed firearms by qualified retired law enforcement officers

` (a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

` (b) This section shall not be construed to supersede or limit the laws of any State that--

` (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

` (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

` (c) As used in this section, the term `qualified retired law enforcement officer' means an individual who--

` (1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

` (2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

`(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

`(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

`(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

`(5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms;

`(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

`(7) is not prohibited by Federal law from receiving a firearm.

`(d) The identification required by this subsection is--

`(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

`(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

`(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

`(e) As used in this section, the term `firearm' does not include--

`(1) any machinegun (as defined in section 5845 of the National Firearms Act);

`(2) any firearm silencer (as defined in section 921 of this title); and

`(3) a destructive device (as defined in section 921 of this title).'

(b) Clerical Amendment- The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

`926C. Carrying of concealed firearms by qualified retired law enforcement officers.'

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

Substitute for SENATE BILL No. 77

AN ACT concerning racial and other profiling; prohibiting certain actions and providing remedies for violations.

Be it enacted by the Legislature of the State of Kansas:

Section 1. As used in this act:

(a) "Governmental unit" means the state, or any county, city or other political subdivision thereof, or any department, division, board or other agency of any of the foregoing.

(b) "Law enforcement agency" means the governmental unit employing the law enforcement officer.

(c) "Law enforcement officer" has the meaning ascribed thereto in K.S.A. 74-5602, and amendments thereto.

(d) "Racial profiling" means the practice of a law enforcement officer or agency relying, as the sole factor, on race, ethnicity, national origin, gender or religious dress in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity. Racial profiling does not include reliance on such criteria in combination with other identifying factors when the law enforcement officer or agency is seeking to apprehend a specific suspect whose race, ethnicity, national origin, gender or religious dress is part of the description of the suspect.

(e) "Routine investigatory activities" includes, but is not limited to, the following activities conducted by law enforcement officers and agencies in conjunction with traffic stops: (1) Frisks and other types of body searches, and (2) consensual or nonconsensual searches of persons or possessions, including vehicles, dormitory rooms, school lockers, homes and apartments.

(f) "Collection of data" means that information collected by Kansas law enforcement officers after each traffic.

Sec. 2. A 15-member task force shall be appointed by the governor to design a method for the uniform collection of data. The task force shall include representatives of the Kansas attorney general's office, the Kansas highway patrol, city and county law enforcement agencies, the Hispanic and Latino American affairs commission, the advisory commission on African-American affairs, the department of revenue, Kansas human rights commission, Kansas district courts, Kansas civil rights advocates and others who can assist in the uniform collection of data. The task force shall make a final report and recommendations to the governor and the legislature not later than November 1, 2005.

Sec. 3. It shall be unlawful for any law enforcement officer or any law enforcement agency to engage in racial profiling.

Sec. 4. The race, ethnicity, national origin, gender or religious dress of an individual or group shall not be the sole factor in determining the existence of probable cause to take into custody or to arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle.

Sec. 5. (a) All law enforcement agencies in this state shall adopt a detailed, written policy to preempt racial profiling. Each agency's policy shall include the definition of racial profiling found in section 1, and amendments thereto.

(b) Policies adopted pursuant to this section shall be implemented by all Kansas law enforcement agencies within one year after the effective date of this act. The policies and data collection procedures shall be available for public inspection during normal business hours.

(c) The policies adopted pursuant to this section shall include, but not be limited to, the following:

(1) A prohibition of racial profiling.

(2) Annual educational training which shall include, but not be limited to, an understanding of the historical and cultural systems that perpetuate racial profiling, assistance in identifying racial profiling practices, and providing officers with self-evaluation strategies to preempt racial profiling prior to stopping a citizen.

(3) For law enforcement agencies of cities of the first class, establishment or use of current independent citizen advisory boards which include participants who reflect the racial and ethnic community, to advise and assist in policy development, education and community outreach and

communications related to racial profiling by law enforcement officers and agencies.

(4) Policies for discipline of law enforcement officers and agencies who engage in racial profiling.

(5) A provision that, if the investigation of a complaint of racial profiling reveals the officer was in direct violation of the law enforcement agency's written policies regarding racial profiling, the employing law enforcement agency shall take appropriate action consistent with applicable laws, rules and regulations, resolutions, ordinances or policies, including demerits, suspension or removal of the officer from the agency.

(6) Provisions for community outreach and communications efforts to inform the public of the individual's right to file with the law enforcement agency or the Kansas human rights commission complaints regarding racial profiling, which outreach and communications to the community shall include ongoing efforts to notify the public of the law enforcement agency's complaint process.

(7) Procedures for individuals to file complaints of racial profiling with the agency, which, if appropriate, may provide for use of current procedures for addressing such complaints.

(d) Each law enforcement agency shall compile an annual report of all complaints of racial profiling received and shall submit the report on or before January 31 to the office of the attorney general for review. The annual report shall include: (1) The date the complaint is filed; (2) action taken in response to the complaint; (3) the decision upon disposition of the complaint; and (4) the date the complaint is closed. Annual reports filed pursuant to this subsection shall be open public records and shall be posted on the official website of the attorney general.

Sec. 6. (a) Any person who believes such person has been subjected to racial profiling by a law enforcement officer or agency may file a complaint with the law enforcement agency. The complainant may also file a complaint with the Kansas human rights commission. The commission shall review and, if necessary, investigate the complaint. The commission's designee shall consult with the head of the law enforcement agency before making final recommendations regarding discipline of any law enforcement officer or other disposition of the complaint.

(b) Upon disposition of a complaint as provided for in subsection (a) the complainant shall have a civil cause of action in the district court against the law enforcement officer or law enforcement agency, or both, and shall be entitled to recover damages if it is determined by the court that such persons or agency engaged in racial profiling. The court may allow the prevailing party reasonable attorney fees and court costs.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.

THE IADLEST NATIONAL DECERTIFICATION DATABASE

- *Raymond A. Franklin, Project Manager*

INTRODUCTION

Most states currently provide a system for the professional certification of police officers. Indeed, 43 states maintain a formal authority and procedure for the revocation of such certification. Currently, only Hawaii, Massachusetts, New Jersey, New York, Rhode Island and California do not have the authority to revoke police certificates for misconduct. Vermont, although enabled by statute, has not enacted rules to implement the authority. As such, adequate means generally exist to identify and prevent the in-state reemployment of officers dismissed for cause.

Few would question the critical need to identify such prior misconduct resulting in loss of police authority. While state Peace Officer Standards and Training (POST) agencies generally do an exemplary job of identifying prior loss of certification for their officers, no formal system has existed for the automated interchange of such information among the states.

This informational shortcoming has long been recognized and several solution methodologies have been proposed. IADLEST has taken a leading role with the establishment of its Peace Officer Registry Committee with responsibility to develop a nationally accessible database to serve as a clearinghouse for persons decertified as law enforcement officers for cause.

HISTORICAL BACKGROUND

The Law Enforcement and Correctional Officers Employment Registration Act of 1996 proposed a comprehensive national registry for all police officers. Introduced in the 104th Congress as S. 492 by Sen. Bob Graham (D. FL). And H.R. 3263 by Rep. Harry Johnson (D. FL) the bill enjoyed the endorsement of the Florida Department of Law Enforcement (FDLE) and IACP, however was never reported out of committee.

In spite of this failure, FDLE initiated a National Officer Clearinghouse pilot program. Promoted as a voluntary and non-intrusive pointer system, it attracted some interest and participation before being terminated in 2000 in the light of a newly unveiled IADLEST effort. In June of 1999, the database contained some 129,224 records.

An IADLEST sponsored pilot effort commenced in July of 1999, under the auspices of Peace Officer Registry Committee of the Association and within the scope of the POST-Net Information Access and Exchange System, a cooperative agreement with the U.S.

Department of Justice, Office of Community Oriented Policing Services (COPS). Designed as a decertification pointer system, operation commenced in February of 2000. In early 2000, the DOJ Office of Justice Programs expressed interest in supporting the development of a comprehensive, fully operational national certification data repository. IADLEST responded with a grant application, largely organized by the Idaho Peace Officer Standards and Training Council. It was subsequently disapproved.

While COPS Office funding of the IADLEST POST-Net Information System effort was renewed in 2002, the new cooperative agreement specifically excluded continued operation and development of the National Decertification Database component. COPS cited unspecified legal concerns as the reason for the decision. IADLEST has independently continued the NDD pilot effort, although additional development has been significantly limited.

In 2004, the Bureau of Justice Assistance expressed interest in supporting the study of existing certification information management practices, issues of data sharing and management, and further development of the pilot system. IADLEST responded with a comprehensive grant application. BJA has affirmatively acknowledged the application and issued two pre-approval cost letters, allowing initiation of project operations.

TECHNICAL DESCRIPTION OF THE IADLEST NDD SYSTEM

The system currently functions as an independent IADLEST intranet system, utilizing a Sun Ultra 10 workstation, running the Solaris Operating System and Netscape (Iplanet) Enterprise web server. A CGI form interface is provided for data entry, management and query. The NDD database system is written in PERL. Access is limited through local database authentication utilizing the Lightweight Directory Access Protocol (LDAP).

OPERATIONAL DESCRIPTION OF THE CURRENT SYSTEM

The pilot National Decertification Database comprises a searchable, interstate index system only providing pointer records that reference an appropriate state record custodian. Instructions and query reports clearly state that results are unofficial and subject to verification by the referral agency. The referral agency may confirm record data, provide additional information, and confer with the requestor regarding any dissimilarity of application, threshold or effect of sanction. Pointer records contain no mandatory fields, allowing participant control of information according to state legal or regulatory limitations.

The system has a familiar web interface, allowing authorized users to add, modify or delete record information. The pointer record database may be searched by name, date of birth or Social Security Number. Query results may additionally include employing agency, entry in service date, end of service date, year of decertification action, reporting agency and reporting agency telephone number.

The database is only available to IADLEST members with an active Member Services account and an additional NDD access account.

STATUS OF THE CURRENT SYSTEM

The database currently contains over 6,800 records from 19 states: Arizona, Arkansas, Colorado, Connecticut, Florida, Idaho, Iowa, Maryland, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oregon, South Dakota and Texas. Several additional states participate through query of the database. While this is substantial participation, especially given the 1810 officers reported to be under “sanction” in 1999 by the IADLEST 2000 Sourcebook, the data may be problematic due to survey language and quality of response.

Additional states are expected to join the system in the near future. While interest remains high among other POST agencies, unresolved legal issues have obstructed greater involvement.

The NDD is currently only accessible for query by IADLEST member agencies possessing appropriate user accounts.

INTERIM FINDINGS OF THE PILOT PROGRAM

1. There is a need for a cooperative database system for the interstate sharing of information relating to the decertification of police officers.
2. Such a system is both feasible and practical.
3. IADLEST may serve as host and sponsor of the database.
4. Interest in such a system remains high, not just among POST agencies, but also federal agencies, including the Department of Justice and the F.B.I.
5. Significant state level legal issues remain regarding participation in the system.
6. The pointer record approach has proved to be an acceptable method of system operation for many participants, given state level issues of information management and disclosure.
7. Status of certification action should be expanded and clarified, and include cancellation, revocation, suspension, voluntary relinquishment and failure to achieve initial certification for cause.
8. An on-line, web form based interface provides an excellent method for submission, management and query of data.
9. Technical provision must be made for the bulk, initial submission of data, as required by many states.
10. Appropriate validity, accuracy, security, authentication and access control features must be provided.
11. The need exists for further study, evaluation and discussion.

CONTINUING DEVELOPMENT OF THE SYSTEM

An advanced system has been pre-planned and specified within the currently unfunded effort. The proposed system would utilize a PHP based web interface for an industry standard SQL database, and provide continuous and separate logging of both access and management activity. Enhanced security would comprise LDAP based authentication and access control and end-to-end encryption, provided on a stand-alone, secure Unix server.

Additionally, the enhanced system would provide supplemental data fields and include additional statuses such as suspension and cancellation of certification as well as denial of certification and voluntary relinquishment under certain circumstances. A basic prototype of the proposed system was developed and successfully tested in 2002 using data migrated from the existing NDD.

Also needed is a comprehensive, national POST survey and a National Symposium on POST Information Technology. The symposium would consider the current state of the revocation sanction, state methods of information management, need for information sharing and technical and legal issues effecting interstate information sharing. Both survey and symposium are proposed for funding within the current BJA funding request.

ISSUES FOR FUTURE STUDY, CONSIDERATION AND ACTION

1. Continuation of developmental and operational funding, given disapproval of federal NDD continuation funding within the current POST-Net Cooperative Agreement.
2. Permanent funding of the system, to include consideration of self-supporting, query for fee methodologies.
3. Expanding access to the database for query by hiring agencies.
4. Inclusion of additional, authorized reporting entities, such as non-POST regulated agencies, federal law enforcement agencies, and U.S. Attorneys as part of negotiated plea agreements.
5. Federal study/legislation establishing a permanent Database, specifically protecting POST and other using agencies.

August 3, 2005

NOTE: The version made available to Committee members was dated 10/12/04. This version has updated figures in the "Status of the Current System" section.