

Kansas Commission on Peace Officers' Standards and Training
(KS♦CPOST)

Commission Meeting Minutes
KS-CPOST Conference Room - 1999 N Amidon Ste 350
Wichita KS
March 18, 2011

KS♦CPOST Members	KS♦CPOST Staff
Present	Steven R. Culp, Executive Director
Commissioner John Carmichael, Chairman	Eric Williams, Legal Counsel
Commissioner Dean Bush	Vicki Mork, Administrative Assistant
Commissioner Robert Blecha	Matt Deffner, Registrar
Commissioner Ernest Garcia	John Gaunt, Investigator
Commissioner Mark Pierce	Joe Herridge, Investigator
Commissioner David Miller	Jackie Stuart, Investigator
Commissioner Michael Keller	Gary Steed, Investigator
Commissioner Richard Barta	KLETC Staff
Commissioner Vernon Ralston	Ed Pavey, KS Director of Police Training
	Mark Damitio, Deputy Asst Director
Absent	John Green, Associate Director
Commissioner Ellen Hanson	Darin Beck, Deputy Director
Commissioner James Jarboe	Visitors
Commissioner Steve Stowers	Francesca Williams
	Eric Williams

Commission Chairman Carmichael called the meeting to order March 18, 2010 at 10:09 am, welcomed everyone and lead the Pledge of Allegiance. He asked all to remain standing so they may observe the loss of a Kansas law enforcement officer. On July 29, 2010, shortly after our last meeting of the year Deputy Samuel Smith of the Franklin County Sheriff's Office lost his life in the line of duty. Chairman Carmichael said he attended this young man's graduation ceremony from KLETC and remembered him. At the time of his death Deputy Smith had only been out of the academy for a matter of weeks. He asked the Commissioners, staff and guests to join him in a moment of silence in tribute and honor for Deputy Samuel Smith.

In addition Chairman Carmichael noted the passing of Lanie Grosland last fall. He was the Commission's first investigator and first employee. He explained that Lanie served the Commission well, building the

foundation upon which this body has grown. He is owed much for his service and we honor his memory today.

Chairman Carmichael then called roll noting that all members of the Commission were in attendance except for Commissioners Hanson, Jarboe and Stowers. Chairman Carmichael also introduced the two newest Commissioners Pierce and Garcia and asked them to introduce themselves. Commissioner Pierce said he had been with the Sedgwick County Sheriff's Office for 17 years and he was the Director of Training at the local training facility. Chairman Carmichael also explained that he is the chair of the Training Sub Committee which was formed at our last Commission meeting.

Commissioner Garcia, appointed to the Commission as the Superintendent of the Kansas Highway Patrol, began his introduction saying he was happy to be back in Kansas. Born and raised in Garden City Kansas, he said he had been away for a number of years. In a recap of his career he said it was his privilege and honor to work for Senator Bob Dole. He served in many capacities including as the Sergeant of Arms for the United States Senate. He is a retired Marine as of 2006 after almost 40 years of active and reserve duty. He finished his remarks by saying he felt privileged and honored to be a member of the Kansas Commission on Peace Officers' Standards and Training.

Next on the agenda Chairman Carmichael asked for self introductions of KS-CPOST staff, KLETC staff and visitors. Those in attendance are noted at the beginning of the minutes. The Chair turned the meeting over to Executive Director Culp to lead the formal ceremonies welcoming the new commissioners. Lt. Mark Pierce and Superintendent Ernie Garcia were officially welcomed as KS-CPOST Commissioners. Chairman Carmichael presented each of them with their gold badges and ID card. Chairman Carmichael continued conducting the swearing in of new KS-CPOST staff, Jackie Snyder and Gary Steed along with Eric Williams, agency counsel, as Certified Law Enforcement Officers. Executive Director Culp presented each with their badge and certificate.

It was announced that Commissioner Terry Maple was unable to attend today's meeting. But he requested that his commemorative plaque, honoring his service on KS-CPOST Commission be hung on the wall with the others. Executive Director Culp asked for a motion to permanently display Colonel Maple's plaque on the wall of KS-CPOST. So moved by Commissioner Blecha and seconded by Commissioner Garcia. The motion passed unanimously.

Approval of the minutes

The minutes from the July 22, 2010 commission meeting were discussed. A motion was made to approve them by Commissioner Bush and seconded by Commissioner Miller. The motion passed unanimously.

Commission Chairman Report

Chairman Carmichael began his report saying there would probably be substantive discussions related to distance learning, also known as online learning. There is concern about how it relates to continuing education requirements in Kansas for law enforcement officers. Will be taking a look at how and under

what circumstances credits can be earned online. KLETC has some online courses under development. These classes will require some serious attention by the Commissioners discussing the circumstances under which credits will be granted.

He continued with a second matter, two law enforcement officers have been lost in the past year due to motor vehicle accidents, one was an all terrain vehicle accident and the other was a motor vehicle crash. Chairman Carmichael said it was concerning to him that a young officer, out of the KLETC academy for only nine months, loses his life in a motor vehicle accident. He said he talked with Commissioner Maple and Bob Ladner and requested that a briefing on both accidents be shared with the Commission. Perhaps Commissioner Garcia or Director Pavey could see that this happens at the next meeting.

The next item on Chairman Carmichael's list is the need for revision of our Administrative Regulations. He acknowledged mentioning this needed project at past Commission meetings but he also understands that Executive Director Culp and staff have been exceedingly busy cleaning out a backlog of cases. This was critically important work as there were Kansas law enforcement officers who remained certified after being convicted of some heinous felonies. It is understandable that staff has been working on these critical cases instead of regulation revision. Executive Director Culp will provide us with complete details on staff activity when he makes his report.

The bottom line is that the KS-CPOST investigators, Executive Director Culp and the agency counsel have been very hard at work along with the Investigative Committee and the Hearing Committee clearing out these pending cases. They should all be commended for their efforts to retire the uninvestigated cases. This completed Chairman Carmichael's report.

Investigative Committee Report

The next order of business is the Investigative Committee Report. Since Investigative Committee Chair, Commissioner Jarboe is absent today along with Commissioner Stowers that leaves Commissioner Ralston and Executive Director Culp to provide an overview of committee activities. Executive Director Culp agreed to provide the update. He said the committee met and it was a long day during which a number of cases were considered.

Initially the Committee had over 500 cases to review and assess. A number of them involved various felonies and individuals who were still certified as Law Enforcement Officers in the state of Kansas. Although a lot of them were not actively employed as law enforcement officers there were some with Domestic Violence convictions who remained certified. This agency was exposed; fortunately none of these individuals had been reemployed in law enforcement. Executive Director Culp estimates about 100 cases remain. These are characterized as being of a less serious nature. These may require guidance or deactivation of the case due to the length of time passed since the initial incident. John Gaunt and Joe Herridge were responsible for working through this backlog and they are to be commended.

The Investigative Committee met on February 3, 2011. The minutes of that meeting and the votes that were taken are in your book. All is public information. A number of the noted cases have been referred to the Hearing Committee for further action. Commissioners Bush, Blecha and Hanson comprise the Hearing Committee. It will be a busy time in the next few months. Once the individual is notified of the charge against them the timetable begins. There are five hearings to be held but that number could increase to seven.

Chairman Carmichael noted there are also the Summary Revocations of law enforcement certification which occur routinely when an individual is convicted of an automatically disqualifying offense. Typically a Summary Order of Revocation is prepared by staff and the committee. It is entered by Chairman Carmichael on behalf of the KS-CPOST Commission. This notification provides due process for the accused allowing them 15 days to request a formal hearing upon receipt. If no request is received the revocation becomes final.

Executive Director Culp explained that to date this year nine Summary Orders of Revocation have been issued. These additional activities of the Investigative Committee and staff involve an investigation and compilation of evidence to support the action taken. A Summary Revocation, which ends a person's career in law enforcement, must be backed by documentation as the agency's credibility is at stake in each of these cases.

Two officers voluntarily surrendered their certification. The Commission must vote on whether to accept them. The first one is from William Faerber, a former Kansas Highway Patrol Officer. He was charged with theft, making a false writing, and official misconduct. Investigator Jackie Stuart provided a summary of Mr. Faerber's offense, he falsified his reported time claiming hours he did not work, and he took multiple Discretionary Days but was only permitted one. In addition, there was an instance when he was on the clock on duty but pouring concrete at his house with a friend. He showed a pattern of behavior by engaging in theft or misrepresentation of time worked on a daily basis. In addition he used State of Kansas credit card to put gas in his personal vehicles. He was offered the choice of voluntary surrender of his law enforcement certification and he took it.

Chairman Carmichael asked if Mr. Faerber was convicted on any of the offences. Mr. Faerber was not. He also asked if the offer to surrender his certification came from KS-CPOST. The evidence reviewed with Mr. Faerber was so solid the offer was made for voluntary certification and he accepted it. His surrender was voluntary and in no way coerced.

Commissioner Miller asked if Mr. Faerber could apply later on for reinstatement of his certification. Executive Director Culp explained he could reapply at some point in the future. There is no statute that states a specific amount of time has to pass before this can happen. Commissioner Miller asked if he signed off on any kind of admission, Executive Director Culp explained that no one signs the Voluntary Surrender without full knowledge of their wrong doing but there is no admission of guilt statement to be signed. Chairman Carmichael explained further saying there is no requirement for the officer to give an admission to the conduct.

Commissioner Miller clarified his concern was not about prosecution but that a possible request for reinstatement could not be denied if there was no signed admission of guilt. Investigator Stuart said in this case Mr. Faerber made a statement to Internal Affairs admitting he took the gasoline. KS-CPOST Counsel Eric Williams further explained the voluntary surrender process and handed out a copy of the "Declaration Concerning Surrender of Law Enforcement Officer Certification" signed by Mr. Faerber and noted it is used in every instance.

Commissioner Blecha provided additional details about the Faerber case saying this matter was never presented for prosecution. It was only an internal investigation. He continued by saying his understanding was that the evidence could not be used because of Garrity. Executive Director Culp agreed but added that administratively the information is fair game. Director Culp stated that when an administrative statement is taken from a target he is always advised of and placed under Garrity.

Chairman Carmichael asked if there was any other discussion, hearing none he asked for a motion to accept former Trooper Faerber's surrender of his Kansas Law Enforcement Officer Certification and to issue an Order of Revocation. Commissioner Barta so moved, Commissioner Blecha seconded the motion and Commissioner Garcia abstained. The motion passed unanimously.

The next order of business pertains to a second Surrender of Law Enforcement Officer Certification by Jason D Mackey of the Sedgwick Kansas Police Department. He was an employed, certified law enforcement officer and his department found out that he did not tell the truth about his education. He did not have the minimum required high school diploma or a GED. He fabricated his education on his application. The Sedgwick Police Department notified us.

Counsel Williams added to the facts saying it was originally thought Mr. Mackey fabricated information on two applications. When Mr. Mackey applied for employment he thought his GED, obtained on line, met KLETC requirements. Upon finding it did not when it was brought to his attention he was asked more than once to provide documentation that he met the educational requirements. When he refused to do so he was terminated by his department some time ago and now his voluntary surrender is before the Commission.

Chairman Carmichael clarified the present status of Mr. Mackey. He does not meet the minimum requirements for certification because he has not received a GED or demonstrated other high school equivalency. But he did not knowingly misrepresent his educational status.

Chairman Carmichael asked if there was any further discussion on the case, hearing none he asked for a motion to accept Jason Mackey's surrender of his Kansas Law Enforcement Officer Certification and to issue an Order of Revocation. Commissioner Ralston so moved, Commissioner Garcia seconded the motion and the motion passed unanimously.

Hearing Committee Report

The next order of business was a report from the Hearing Committee. Commissioner Barta reported there had been one hearing since the last meeting. Deputy Zack Baehr, Clay County Sheriff's Office,

went through a construction zone with a temporary traffic light while on his way home from a bar. He rear ended an elderly couple. They were injured and their car was totaled but they were able to get the tag number of the car that hit them. Deputy Baehr left the scene of the accident and returned home in Clay Center. The Clay Center Police Department was notified and went to the deputy's home. When they arrived the deputy claimed he had been drinking just since the accident.

Sufficient evidence was presented at the hearing. Commissioner Barta praised Counselor Williams, saying he did a great job of representing KS-CPOST. It was our recommendation to revoke the certification of the deputy. Executive Director Culp said the Commissioners participated in the trial asking questions that were excellent and Investigator John Gaunt carried out the thoroughly prepared official inquiry.

Counselor Williams added that Mr. Zack Baehr did not appeal the findings, the appeal period has passed and the order of the Hearing Committee has become final and his certification has been revoked. Chairman Carmichael clarified that the Commission does not take action on an officer who receives just a DUI but the officer's department may have a policy. But the evidence presented at the trial showed the deputy leaving the scene of a property damage accident, falsely reporting a crime, and lying to the law enforcement investigators. No formal action is required by the Commission for this incident.

Commissioner Bush echoed Commissioner Barta's comments about the agency counsel. He thought Counselor Williams did a tremendous job presenting the evidence at the hearing. Chairman Carmichael said he reviewed the file and thought the investigator, John Gaunt, did a really good job too.

Municipal Reimbursement Committee Report

Chairman Carmichael began by asking someone to give a brief account on the business of this committee for the benefit of the new commissioners. Executive Director Culp offered to provide the information and said there had also been legislative change too. Director Pavey, working through a legislator introduced a bill which moved control of the Municipal fund monies from KLETC to KS-CPOST.

Background information was given that explained how the Municipal Reimbursement fund was set up in 1992 by the legislature. An increase in the docket funds was needed and the League of Municipalities demanded a share of the funding because expenses were incurred in the municipal academies that provided basic training for their new officers. The formula used to disperse the fees among the municipal agencies is based on the number of officers that are trained annually, divided by the available funds. The funds cannot, by statute, exceed the actual cost of training an individual. A survey is conducted every couple of years to ascertain the actual cost of the training.

Commissioner Miller, Chairman of the Municipal Reimbursement Committee, provided a narration of the Fiscal (Training) Year 2010 Disbursement Formula report that he and other members of the Committee developed. The total amount available to disburse was \$278,794.10. The municipal academies graduated 41 full time graduates at 560 hours each and six reciprocal candidates at 40 hours

each for a total of 23,200 hours of training. The amount of funds available was divided by the number of training hours to determine an hourly training rate of \$12.02.

The funds were dispersed as follows: Johnson County Police Academies with 23 full time graduates and 6 reciprocity graduates received a total reimbursement of \$157,662.81; Lawrence Police Department with 3 graduates received \$20,188.53; and Topeka Police Department graduated 15 officers and received a total reimbursement of \$100,942.65. These disbursements totaled \$278,793.99 leaving eleven cents to carry over to next year.

Commissioner Miller concluded his remarks saying the committee met in December 2010. The members of the committee were Commissioners Keller, Blecha, and Stowers. Chairman Carmichael asked for a motion to approve the report of the Municipal Reimbursement Committee. Commissioner Barta so moved, Commissioner Blecha seconded the motion and it passed unanimously.

Chairman Carmichael said based on the language of the statute the funds are dispersed only to municipal agencies. Therefore, Commissioner Pierce, who trains sheriff's officers, does not receive any reimbursement from the fund. Because it was the Kansas League of Municipalities that did the heavy lifting on getting law passed and designated the funding for city governments but not counties. Concluding there was no further discussion Chairman Carmichael called for the vote on the pending motion and it passed unanimously.

Curriculum Committee Report

Chairman Carmichael corrected himself from the last meeting as he called this a "sub-committee" and that is not correct. The Curriculum Committee is a standing committee that remains available to work with Director Pavey, as well as the other training academies, to deal with necessary changes. Chairman Carmichael indicated he was about to sign a Curriculum Committee resolution from the previous Commission meeting which has been changed from "sub-committee" to standing committee unless someone had an objection. There was none.

Commissioner Pierce began the committee report saying their meeting was short. Darin Beck brought forth a couple of items for consideration. The first concerned what needed to be brought before the Committee before making any curriculum changes. It was decided that if KLETC wanted to make changes to teaching materials or learning objectives that they could be handled in house. But major changes such as deleting or adding to core curriculum would need to be brought before the committee and voted on. The part time curriculum was approved as well as the reciprocity including the addition of racial profiling curriculum in the future. This concluded the meeting.

Chairman Carmichael explained the KS-CPOST statutes allow the director of the KBI and the director of KHP are authorized to send a designee in their stead to activities of the Commission. Commissioner Maple authorized Captain Dennis Gassman, head of KHP Academy to attend Curriculum Committee meetings. This explains why he's listed as a member voting on the Curriculum Committee Meeting

report. Commissioner Garcia said Captain Gassman is an outstanding representative of the KHP and he is extremely qualified and will do a great job.

Director Pavey said the Committee members are the right ones and the meeting generated a great discussion about training matters and the end result is perfect for KLETC. He explained the decision about class materials is first-rate as they are updated frequently based on legal decisions etc. This allows KLETC to make these materials available on their web site for all satellite academies in Kansas. Many of them use KLETC handouts to support their classes.

KLETC Deputy Director Darin Beck clarified the question that was before the committee concerned the statute that gives the Commission the authority to approve any changes to curriculum in the Basic Training Program. But curriculum has never been defined. The committee took on the challenging task of defining what "curriculum" means. Determining if it is changes to courses or changes to the wording of learning objectives and how much of an alteration makes it a curriculum change? He publicly thanked the committee for developing a workable definition and system that will work well.

Chairman Carmichael recalled Commissioner Barta moved for adoption of the committee report and Commissioner Blecha seconded it. He called for a vote and the motion carried unanimously.

An off agenda item was brought up by Chairman Carmichael. He referred to the last Commission meeting decision to assist Director Pavey and his staff related to physical standards for applicants. A committee was developed however it has not been possible to schedule a meeting for all committee members. Executive Director Culp said a date will be set soon to bring all committee members together for a meeting and a detailed report will be presented at the next Commission meeting.

Commissioner Blecha, chair of the subcommittee on physical standards, said he has visited with other state agencies about their requirements. He received information from North Dakota concerning their physical standards for their criminal investigative agency. The reason they require physical standards is because they had four individuals die of heart attacks at age 50 or a little older within a year's time. They adopted physical standards which Commissioner Blecha said he would present at the committee meeting.

Executive Director Culp announced that lunch had arrived and was ready for all. Chairman Carmichael suggested the meeting recess for 45 minutes and reconvene at 12:00 pm. He cautioned the members to avoid talking about Commission business over lunch in order to abide by the Kansas Open Meetings Act.

The meeting reconvened after lunch. Chairman Carmichael announced to all that Executive Director Culp was also the President of the Kansas Peace Officers Association. Congratulations were given to Executive Director Culp.

Executive Director's Report

Executive Director Culp began his report with a summary of KS-CPOST 2010 activities. They are as follows: there were 7,524 full time certified law enforcement officers; 701 part time certified law enforcement officers; 437 law enforcement agencies; 380 officers were certified in; 421 officers were provisionally certified; 136 officers were terminated for cause; 76 complaints checked by KS-CPOST, of these 31 concerned officer misconduct, 35 were about officer performance (not the purview of KS-CPOST) and 4 concerned criminal conduct; 23 officers were decertified in 2010 and 13 officers decertified so far in 2011; 5 hearing are pending with 2 possible additions; and 23 cases currently assigned for investigation.

Historical perspective of Kansas full time peace officers was charted in a hand out. Executive Director Culp noted the steady increase of officers from 2000-2009 and the small decline of 62 officers in 2010 and 2011 (to date). Another chart showed the distribution of LEO's by number of officers. It is significant that over 50 per cent of Kansas agencies have 5 or fewer officers; 22 per cent have between 6-10 officers; while 7 per cent have 11-15 officers; 9 per cent are comprised of between 16-25 officers; while 7 per cent have 26-50; 3 per cent have 51-99 officers and 3 per cent have more than 100 officers.

The next handout illustrates the number of law enforcement agencies by function. Executive Director Culp explained there have been some changes in this area. There are 263 municipal agencies; 104 county agencies; and 3 departments of public safety. The category of other agencies has increased to 65 agencies. A ruling from the Attorney General's Office allowing County Attorneys and District Attorneys to have police departments has impacted this category. The positions are sworn officers working as investigators.

The fiscal report portrays a financially healthy agency. The bar chart illustrates a mid-year comparison with previous years since 2007. Overall revenue is stable; the 2011 amount is about \$15,000 less than 2010. Executive Director Culp explained that the next chart, KSCPOST Income by Month, Mid-Fiscal Year 2011 depicts the monthly revenue stream is well ahead of the average needed to maintain our budget. The current average is \$57, 519 per month which more than covers the required average of \$54,166 per month.

Executive Director Culp reviewed KS-CPOST expenditures initially by broad category. A listing of individual expenditures was included. He invited questions from anyone saying KS-CPOST financials are an open book.

The narrative of the budget submission by KS-CPOST was included in the Commission meeting handbook. Executive Director Culp explained it was submitted to the State Department of Administration Division of the Budget. Reviewing the pages he mentioned that everyone's salary was listed and they hadn't changed in quite a while.

Executive Director Culp said for whatever reason the estimated amount of revenue for KS-CPOST, which is quite predictable, is never the amount of our budget as determined by the Department of Administration. It is set at a lesser amount and the State of Kansas takes the difference. Our account has been swept in the past by the Department of Administration to compensate for the services they provide to us.

Executive Director Culp reviewed KS-CPOST expenses and explained the favorable lease terms for the office space. Explaining the cost is \$9.00 per square foot which is much less than the average cost for office space in Wichita which is about \$16.00 per square foot. Chairman Carmichael reminded everyone about the availability of the hearing room and encouraged Commission members to use it if needed saying it is available to any state related agency or state agency. Executive Director Culp echoed the chairman's invitation saying the conference room had been utilized by Commissioner Bush for Data Collection sub-committee meetings for Racial Profiling and the Kansas Internal Affairs Association committee meeting.

This brought the Executive Directors Report to an end. Chairman Carmichael asked for a motion to approve Executive Director Culp's report including the financial report, Commissioner Ralston so moved and it was seconded by Commissioner Garcia. Hearing no request for further discussion Chairman Carmichael called for a vote and the motion carried unanimously.

Director of Police Training Report

Director Pavey began his report saying his report would be brief, there was no power point but he had handouts for some items. He thanked Executive Director Culp for the lunch enjoyed by him and his staff. He agreed with the Chairman's earlier concerns about the two driving accidents and said he and Commissioner Garcia would provide an update on Deputy Smith's tragic accident. Commissioner Garcia would look at the report angle while KLETC staff would provide a basic training review of driver training.

The long range goal is to have a full time instructor for the EVOC driving course for in-service training for law enforcement throughout the state. It could be coordinated through Deputy Director Damitio, who handles continuing education programs for KLETC. Current budgetary considerations are slowing down the implementation of the plan. This is a timely concern as nationwide statistics show more officers are being killed annually in vehicle related incidents/collisions/accidents than by firearms or felonious assaults.

KLETC does a great job with basic training for officers but there has not been an opportunity to conduct in-service training on the driving course. It's an expensive program to operate due to vehicle maintenance and on-going costs for gasoline and instructors. But the first priority is having the cars and course available during basic training classes and KLETC is meeting that need.

One possibility is that agencies could provide their own police car(s) for training their officers. KLETC would have to certify that the car(s) is properly maintained and in good working order. At this present time KLETC lacks the funding for EVOC program expansion. Chairman John Carmichael suggested that

statistics be collected and reviewed for officer critical incidents with vehicles for graduates since the EVOC course has become part of basic training.

Director Pavey continued his report saying KLETC is required by statute to provide an annual report to the Attorney General. This year's report is complete and is dedicated to Boyce Moses, retired KLETC Range Master. It is available for review.

The Kansas Law Enforcement Training Act is the Kansas law that guides both KLETC and KS-CPOST. Deputy Director Darin Beck reviewed the laws that had revised since the last session and updated the Act. It's available both online and in the handout being passed to Commissioners. Director Pavey commented that he and his staff at KLETC along with Executive Director Culp and his staff rely heavily upon this document. Deputy Director Beck pointed out that if there are changes enacted by the 2011 Legislature, it would require revision later this year.

Director Pavey explained the funding difference between KLETC and KS-CPOST. KLETC receives both District and Municipal Court Docket fees whereas KS-CPOST only receives Municipal Court fees. The Municipal Court fees have been holding steady. The District Court fees have been decreasing. Possible contributing factors could be fewer KHP troopers enforcing traffic laws due to budget constraints resulting in unfilled vacancies, and severe winter weather could have played a role. Currently the fees are \$638,000 below projections, or down by 10.5 per cent over projected revenue. Chairman Carmichael asked about the impact of a 10.5% revenue reduction. Director Pavey explained there would be no immediate impact. However, in the next couple of years it could affect the bottom line budget this is presented to the University of Kansas. It may result in scaling back substantially and/or a requesting increased funds from the Legislature.

KLETC has three new employees. Director Pavey gave Commissioners a handout with photos and brief biographical summaries of each new employee. He began by introducing Heather Buller. She is the new Senior Program Manager. She was hired to replace Gary Steed who is now with KS-CPOST. Before joining KLETC, Heather was the Associate Director of the Regional Community Policing Institute (RCPI) at Wichita State University. She can be reached at 620-694-1537 and her email address is hbuller@kletc.org.

Shelly McGrane is the new registrar; she replaced Diane Pack who retired. She will be handling the registration of officers in the Full-Time Basic, Part-Time Basic, Reciprocity classes and Challenge exams. She can be reached at 620-694-1457 and her email address is smcgrane@kletc.org.

The last new employee identified is Dr. Sunhong "Sami" Hwang. He is from South Korea, works under the supervision of Darin Beck, Chief Academic Officer and Deputy Director. Dr. Hwang has a doctor of education in Curriculum and Instruction from the University of Houston and a master's degree (M.Ed.) in Educational Technology from the University of Missouri – Columbia. His field of expertise is instructional design. His immediate priorities are creating on-line domestic violence (part of the Violence Against

Women Act Grant), stalking, and racial profiling courses. This requires the development of internal infrastructure and a secure portal site which he and Deputy Director Beck are working on.

The portal registration system will allow Kansas law enforcement officers with a password to register for an e-Learning class, take the course on line, and receive a completion certificate after passing a written test administered on-line. Sami can be reached at 620-694-1538 and his email address is shwang@kletc.org.

Director Pavey stated The Midwest Regional International Association of Directors of Law Enforcement Standards and Training (IADLEST) meeting would be held April 19-21st and co-hosted by Executive Director Culp, Counsel Eric Williams and KLETC staff. Deputy Assistant Director Damitio is the Regional Director of the IADLEST for the Midwest Region. Every year a regional site hosts a conference and this year is Kansas' turn.

Basic Training enrollment data reveals that the September 2010 class was cancelled due to lack of sufficient enrollments. Agencies weren't hiring, only 14 officers enrolled which did not justify a class. Some agencies sent their officer to Basic Training in an earlier class, and others were enrolled in the next following class. Fortunately things are back to normal. Fifty-eight students graduated from the last class and the current class began with sixty but enrollment is currently at fifty-nine student officers. The 213th Class begins April 4th and fifty-six officers are enrolled. Plenty of openings are available for the 214th class which begins June 6th.

The Governor's Domestic Violence Grant allowed KLETC to hire Mary Stolz Newton. She works with Deputy Assistant Director Damitio. Mary provides Domestic Violence training throughout the state of Kansas. She has been busy with many classes scheduled. Because of the Governor's Grant free training is available to any agency in Kansas related to stalking orders, abuse orders and domestic violence. Any interested organization should call Mark Damitio or Mary Stolz Newton to arrange for onsite training.

The Governor's Task Force on Racial Profiling has been convening regularly; Director Pavey said he had been meeting with Commissioner Bush's sub-committee throughout the year. It is anticipated the soon KLETC will make an application with the KS Department of Transportation through the Racial Profiling Committee for grant dollars to fund addition infrastructure to assist with KLETC's distance learning program. About \$900,000 was earmarked for data collection and it does not appear that it will be part of the law. A suggestion was made to the Department of Transportation that the funds be utilized instead by KLETC to further Biased-based policing/racial profiling training via distance learning. The ultimate goal is to have online eInstruction related to this topic.

Senior Armenian Police officials have been visiting KLETC for the past few days. Prior to arriving here they were in Kansas City, visiting Overland Park and then Wichita. The focus of their trip was Community Policing. They stayed at KLETC for two days and slept in the dorm. This is an on-going program to help the country of Armenia with community policing and other police training and procedures.

In the capital expansion projects report, Director Pavey explained that the EVOC course skid pad is still not fully operational as originally planned. The engineers, architects and consultants and a privately hired consultant reviewed the skid pad and determined the sophisticated irrigation system does get some areas of the skid pad as needed on a windy day in Kansas. If the skid pad is not totally wet it creates serious problems with the driver skid-training. A solution is being devised and in the meantime another water source has been installed and staff can manually wet it down in conjunction with the sprinkler irrigation system. The architects and engineers are coming back out again but this time while the course is being used for an EVOC skid pad training session. Associate Director John Green will be coordinating the visit.

The new dormitory has problems with the floor tile in the bathrooms; apparently the company that installed the floor tile did not install the tile according to contract specifications. The General Contractor will arrange for and pay for the tile to be reinstalled correctly. This way the problem is corrected at no cost to KLETC.

Director Pavey reported on the status of the Kansas Law Enforcement Resources Working Group, a group chaired by Kansas Highway Patrol Captain Pippin and vice chaired by Pratt County Sheriff Vernon Chinn, representing the Kansas Sheriff's Association. The group is meeting monthly at KLETC. The group includes both KLETC and KS-CPOST and other law enforcement and emergency management folks from throughout the state. It is tedious work but the result will be beneficial in emergency situations. The group's goal is to identify certain types of law enforcement officers with their area of expertise and develop a data base by the end of the year. In the event of a disaster in the state of Kansas, certified officers could be called up to assist with the needs of the disaster based on their area of expertise. A data base is to be established by the State of Kansas so law enforcement and emergency managers can find the kind of help they need during a man-made or natural disaster. This eliminates large numbers of volunteers showing up during a disaster, though well meaning, it is a time consuming job to sort out what people can do and assign them, or to find equipment during the disaster.

Director Pavey said KLETC and KHP will co-host the 5th Annual Women in Law Enforcement Seminar on June 9, 2011 at the KHP Academy in Salina Kansas. Attendance has grown from 60-70 women the first year to 125 female LEO's this past hour. This year the title of the seminar is "Don't Whine -- Win -- Female Leadership in a Para Military Environment" and the speaker is Sgt. Betsy Ratner Smith. She's a retired officer currently working as Lead Instructor for Caliber Press, Inc.

Director Pavey suggested everyone note this on their calendar, May 6th is the 29th annual Law Enforcement Memorial ceremony on the State Capital Grounds in Topeka. This is a Friday during the Joint Conference. KLETC representatives will be unable to attend as graduation is being held that same day. The morning begins with a reception for the families of the slain officer's held on the 2nd Floor of the Capitol's 2nd floor Rotunda at 11 am. Followed immediately by the 12 Noon ceremony on the South

steps of the Rotunda and then to the monument for a short ceremony. Chairman Carmichael asked those Commissioners who plan to attend the memorial service to send Executive Director Culp an email.

Announcements continued with the information the John Foster Memorial Scholarship deadline is June 3, 2011. John Foster was the Chief of Police in Lenexa, and then he became the Sheriff of Johnson County. He was an unforgettable veteran lawman who had a 40 plus year career before he passed away a few years ago. This scholarship is the result of KPOA, KSA and KACP organizations jointly funding an annual \$3,000 scholarship in his memory.

Director Pavey continued saying he had three more items to report on; the University of Kansas initiated a project identified as "KU Works for Kansas." Targeting the KU Medical Center because KU trains and educates doctors and nurses who then work throughout the state, KU decided to focus on KLETC because of law enforcement officers being trained at KLETC from all over the state of Kansas. As part of the campaign Director Pavey was asked to designate both a male and female officers to represent KLETC. Director Pavey conferred with Commissioner Keller, chief of police in Andover and Coy Lee, the Derby Police Chief. They suggested a couple of recent graduates employed in their respective agencies. KU's University Relations photographer arranged to take their photos working and visiting with students in a school library. The photo, along with an article appeared in newspaper inserts in selected newspapers throughout the State. KU paid for a billboard just outside of Hutchinson (junction of K-96 and Highway 50), utilizing the advertising photo of former KLETC students – now police officers – and the slogan..."KU WORKS FOR KANSAS".

A packet of information on future training classes was handed out to Commissioners. Director Pavey commended Deputy Assistant Director Mark Damitio and his staff for all the training that's coming up. These handouts show the available classes for the next couple of months. The courses can be attended by all agencies; the offerings are diverse, some classes are free, some have limited cost, but lots of choices are available.

Another important seminar is planned, entitled 'Brady-Giglio Cases and Career Risk'. Director Pavey said he hoped everyone was familiar with Brady-Giglio case law. KLETC staff Mark Damitio and Darin Beck, KS-CPOST staff Executive Director Culp and Counsel Eric Williams, a group of law enforcement agency attorneys from the Kansas City Police Department, Overland Park Police Department, KHP, Topeka Police Department, Sedgwick County Sheriff's Office, Wichita Police Department and the FOP joined together to develop the agenda for a seminar to be held at KLETC on April 27th. It is recommended that administrators send top command staff, including anyone in their agency that needs to be aware of Brady-Giglio. Agencies need to know how this is being enforced throughout the state by County Attorneys, District Attorneys and the US Attorney – District of Kansas. For example Sedgwick County District Attorney Nola Foulston is taking a very hands on approach with case files involving officers that may have been untruthful sometime in their past. The seminar's goal is to enlighten everyone about how agencies are addressing Brady-Giglio across the state.

Director Pavey concluded his remarks by praising his staff on the great job they do and the high standing and good reputation that is enjoyed by KLETC and that it can all be attributed directly to the staff's dedication and commitment.

Chairman Carmichael said that there would be discussion concerning distance learning, however the plan is not fully developed. But by our next meeting Executive Director Culp and Director Pavey will give a report of what's planned for online training.

Legal Issues Report

Executive Director Culp began the report with a review of legislation including House Bill No. 2001 and Senate Bill No. 93 based on the House Bill. Because he was concerned about blending his presidency of Kansas Peace Officers Association and directorship of KS-CPOST Executive Director Culp talked with the Attorney General Derek Schmidt along with Kyle Smith. Senate Bill 93 has the AG's office assuming the investigations for racial profiling complaints from the Human Rights Commission. Executive Director Culp informed AG Schmidt that the Commission had voted unanimously to assume the racial profiling investigations. This seemed more in line since the Commission would also decide upon an officer's certification in such a matter.

Executive Director Culp said he reported the vote of the Commission as not in favor of allowing juvenile felons to become certified law enforcement officers and they felt so strongly about it they directed legislation be introduced supporting their position. Further more support for this position had been sought and received from Kansas Sheriff's Association, Kansas Association of Chiefs of Police and KPOA. The law shows the proposed changes as developed by Counsel Williams. Executive Director Culp explained he waited on this matter until the new AG was in office.

Old Business

Chairman Carmichael called on Executive Director Culp to report on old business. He explained that many things have already been covered including why there was no report on a physical standards sub-committee meeting. The only remaining item is a report from Commissioner Bush on Racial Profiling.

Commissioner Bush explained he was not sure anything was going to change this year as indicated by his conversation with Ed Klumpp. A number of bills were presented this year and a bill was submitted on behalf of the task force. One bill was presented as a law enforcement bill that somewhat mirrored many of the components of the Task Force bill. The problem with the Task Force was a lack of consensus concerning who would investigate the allegations of racial profiling. The law enforcement bill recommended that KS-CPOST investigate the complaints. It's interesting that in Kansas lawyers investigate lawyers, judges investigate judges, cosmetologists investigate cosmetologists but law enforcement officers can't be trusted to investigate law enforcement officers.

Discussion has taken place about keeping the investigatory component where it already is and the law enforcement bill proposed moving the investigations to KS-CPOST. Senate Bill No. 93 moved the

investigation arm to the AG's office and that's where it's at presently. The bill passed and then there was a hearing in the House. According to today's update from Ed Klumpp it's uncertain what will happen and the bill may not be passed.

Chairman Carmichael asked how the Sunset provision of the Racial Profiling Committee would be affected if no bill was passed. Commissioner Bush explained the only thing that sunsets this year in the current legislation is the task force which sunsets at the end of June. There is nothing in the current legislation that would change that.

Commissioner Bush finds this concerning as the task force balances the interests of the community with the law enforcement community and the communities that are served. In closing Commissioner Bush thanked Executive Director Culp for hosting many Data Collection Committee meetings during the past year. Commissioner Keller confirmed that the data collection recommendations by the Task Force and the Law Enforcement Committee were the same and made data collection discretionary as the statute will change by using the words "may" not "will".

Chairman Carmichael shared his connection with this legislation as he served for approximately a year on the Human Rights Commission. He understands there is a part of society that is distrustful of law enforcement officers investigating other law enforcement officers. But he said he had seen the investigations of racial profiling cases performed by Kansas Human Rights Commission staff and he had seen the investigations performed by KS-CPOST. He believes the concerned individuals would be relieved if they knew KS-CPOST investigations are far superior to the others.

He also feels the present racial profiling statute, a result of legislation passed several years ago, is bad legislation which fails to address basics such as how KHRC is to reach determinations and what determinations may be reached. No administrative rule making authority was given to establish policies or procedures on how to handle complaints that are made. The KHRC Commission does not have subpoena power in racial profiling cases. There is no due process, no hearings and no appeal process.

Chairman Carmichael expressed confidence that KS-CPOST could assume investigatory duties of KHRC but he is concerned whether additional resources would be made available to KS-CPOST with increased duties. Executive Director Culp said a financial impact statement had been done on each piece of proposed legislation.

Commissioner Garcia shared his recent experience with the topic of racial profiling. During his confirmation hearing KHP issues were discussed. Racial profiling was one of the issues brought up by Senator Haley. Haley was extremely complimentary to Governor Brownback and to Commissioner Garcia but continued saying he couldn't say the same about the KHP as an organization.

Commissioner Garcia responded saying he was interested in joining the ongoing efforts to combat racial profiling but he felt like Senator Haley wanted more than that. Commissioner Garcia said he is very

interested in getting to know more about the issue of racial profiling and the concerns as related to KHP. He also wants to get to know Senator Haley better and learn about the issues of his constituents. Uncertain at this time is if there are issues or if there is just political posturing but feel certain his previous experience in Washington DC will serve him well as he becomes more acquainted with the Kansas legislature.

Chairman Carmichael congratulated Commissioner Garcia on his unanimous confirmation as Superintendent of the Kansas Highway Patrol by the Kansas Senate. He also explained Senator David Haley is from Wyandotte County. He represents an area in Kansas City that includes constituents who may be concerned about racial profiling and unequal law enforcement from a historical perspective. He has a constituency to satisfy in this area. Hopefully their concerns are historic and current law enforcement practices.

Executive Director Culp explained that he was from Kansas City and familiar with Senator Haley. During his career in Kansas City he met with Senator Haley numerous times, carefully noted his concerns and complaints and addressed issues. By working with him to resolve issues and concerns and by engaging in a dialogue with him of the differences in policing by local, state and federal law enforcement officers the department won his respect and he felt comfortable participating in activities which affected the community.

Chairman Carmichael acknowledged Senator David Haley was his friend. He said their views were sometimes divergent and frequently that involved law enforcement and KS-CPOST. However he respects him and we give each other's opinions fair hearings.

Chairman Carmichael called for other old business hearing none he suggested that even though the next agenda item is Executive Session that be delayed to the end of the meeting. It is traditional during the yearly Commission meeting held here in Wichita to visit with Executive Director Culp about performance and compensation issues which are proper for discussion in Executive Session. He contends there will be no substantive action taken in that regard other than matters of general responsibility. It will provide some Commissioners the opportunity to leave early if necessary.

New Business

Executive Director Culp explained that in 2007 the Commission met in Executive Session and directed him to attend various national conferences such as the IACP, KSA or National Sheriff's Association, and FBI National Conference. They mandated his attendance at the instate conferences of same organizations. However a disparate view was given at the budget hearing earlier this year.

Executive Director Culp said he always attended one conference the International Directors of Law Enforcement Standards and Training (IADLEST). Earlier Director Pavey mentioned the Regional IADLEST Conference but there is also an annual national event. It is the yearly meeting of my peers, the time when all fifty of the director's of law enforcement training and standards get together.

He feels it is the most important conference to attend. The most important event is the Round Table discussion. That is when the most current and pressing issues of law enforcement are presented and discussed. Topics include current litigation and things like that.

Executive Director Culp said attendance is budgeted every year. This year the conference is being held in Nashville and registration and travel arrangements have already been made. However attendance is not yet scheduled for 2012 or beyond. However, he anticipates being in attendance at future IADLEST events unless the Commission dictates otherwise. He doesn't think another vote is required on this because of the previous vote taken by the Commission in 2007.

If finances improve he would like to attend another national conference perhaps the Sheriff's or IACP or the FBI National Conference. But at this time he limits himself to attending the IADLEST convention and the Kansas and Western Missouri Regional FBI Conference is held in Missouri. Chairman Carmichael suggested that the Commission pass a resolution attesting to the importance of KS-CPOST Director and Legal Counsel attending at least one or more national meetings per year. This allows for networking with their peers.

Chairman Carmichael called for a motion that the Commission once again recommend and reaffirm the necessity of Executive Director and General Counsel attend the meeting of IADLEST and other national meetings as budget permits. Moved by Commissioner Garcia and seconded by Commissioner Barta. Hearing no further discussion the motion passed unanimously.

Chairman Carmichael related a conversation he had with a State Senator concerning the benefit of out of state travel for KS-CPOST director and legal counsel. The Senator posed an interesting question, why doesn't the chair attend any of these conferences. Chairman Carmichael said his term would expire in two more meetings and he doesn't anticipate being reappointed so attending any conferences would not apply to him but he suggested the Commission consider sending future chairs to IADLEST or other conferences.

Executive Director Culp announced that since his first full year of tenure, 2007 the agency has given back to the State of Kansas \$1.3 million of our funding, an amount equivalent to two years worth of budgets. If KS-CPOST were to be combined with the Attorney General's Office Executive Director Culp feels it's entirely possible the Municipal Court funding stream would be diverted or entirely ended through efforts of various law enforcement professional organizations. The Municipal Court funds are a direct result of law enforcement community efforts to pay for and support KSCPOST's Law enforcement agency, administrative function, maintenance of the Central Registry operations and to support the Commission in its function, goals and objective.

Executive Director Culp announced that he enrolled in the Certified Public Manager program through University of Kansas. He attends classes two days a month for 12 months. He wasn't able to attend class in February due to the weather so he will carry over an extra month to finish next year.

He continued saying that on the left wall of the lobby in entryway to the KSCPOST suite is a new framed print of the law enforcement memorial in Topeka on the grounds of the statehouse. He thinks it's very handsome. Also he and Chairman Carmichael will be making a contribution to a fund for the upkeep of the memorial. He said other Commission members were welcome to contribute also if they desired and could send their contribution to him or Vicki Mork. He will make the contribution in the name of the Commission to the fund with the Core bank in Topeka.

Chairman Carmichael asked for an update on the dedication of the Law Enforcement Memorial of Sedgwick County located at Central and Main southwest corner of the intersection. Gary Steed said it would be held on Saturday April 2. Comments were made about the beauty and poignancy of the memorial as the boots of officers killed in the line of duty are displayed.

Executive Director Culp said setting the date of the next Commission meeting is his last item of business. He suggested August 25th or 26th adding if the Commissioners could accommodate either of those he would be most grateful. Chairman Carmichael after brief discussion with some Commissioners and Director Pavey declared the best date for the next KS-CPOST Commission Meeting to be August 26 and by statute it is to be held at KLETC. However, the date is tentative until the three Commissioners absent from the meeting can be consulted.

Executive Director Culp handed out envelopes to each Commissioner containing an email address and a pass word. These email addresses are located on the secure server of KS-CPOST. Executive Director Culp explained the reason for this. Separating KS-CPOST email from the Commissioners work email account is helpful in the event KS-CPOST actions are challenged in court and emails are requested. This procedure would prevent intrusions from official inquiries.

Chairman Carmichael explained that all email communications regarding the business of the Commission are subject to the Kansas Open Records Act as well as State Records Retention Policy. When the Commission email addresses are on the KS-CPOST server rather than private or company email s of the Commissioners compliance is assured. For Commissioners with Blackberry's the new email address can be set up on it if desired.

Executive Director Culp proceeded to show the Commissioners how to log onto their new email account while Director Pavey informed the Commissioners that anytime a law enforcement officer is killed in the United States KLETC sends out an email notification to staff, officials with University of Kansas, Executive Director Culp, Counsel Williams and the chairman of KS-CPOST. If Commissioners would like to be added to this notification list Director Pavey asks that they send him an email request.

All Commissioner Email addresses are listed on the handout and they are also listed under KS-CPOST contacts. Anyone having problems should contact Executive Director Culp. The presentation closed with an admonishment about serial emails. Commission business cannot be handled through emails passing serially from one Commissioner to the next. The Kansas Open Meetings Act also prohibit Commissioners from discussing official business whenever six or more are together.

Chairman Carmichael asked if there was any further business to come before the Commission besides Executive Session. Hearing none he said this was the time to retire to Executive Session to visit with Executive Director Culp about performance and compensation issues. He asked for a motion that the Commission adjourn to Executive Session for 14 minutes by the Chair's watch or until 2 pm for the purpose of considering certain confidential personnel matters. It was so moved by Commissioner Garcia and seconded by Commissioner Barta. The motion carried unanimously. Executive Director Culp was invited to join the Executive Session. Chairman Carmichael asked that the tape recorders be turned off.

Chairman Carmichael called the meeting to order, Commissioner Miller said based on the earlier discussion he would move that Chairman Carmichael draft a letter to the governor reporting Executive Director Culp's fine performance throughout the year and the Commission's favorable opinion of his work and abilities. It should also indicate the even though Executive Director Culp is entitled to more compensation than he receives for his position in light of the budgetary problems for the State of Kansas a raise is not recommended for him at this time. Commissioner Bush seconded the motion.

Chairman Carmichael asked if there was any discussion, then continued saying it is a privilege to work with Executive Director Culp and that he was very pleased with their relationship and the work done on behalf of the Commission. The motion carried unanimously.

Chairman Carmichael asked if there was any further business to come before the group. Director Pavey explained there was a pending budget bill calling for a 7.5% reduction in pay for the rest of this fiscal year for 136 State Officers identified by position and statute that includes Executive Director Culp, Commissioner Garcia, Commissioner Blecha, and himself. It would continue for FY '12.

Chairman Carmichael asked if there was any further business to come before the Commission. Motion made by Commissioner Bush to adjourn the meeting and seconded by Commissioner Barta. The motion carried unanimously.