

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

**Commission Meeting Minutes  
Held at KLETC – 11009 S Hornet  
Hutchinson KS  
June 11, 2014  
9:02 am**

**Attendees:**

<b>KS•CPOST Members Present</b>	<b>KS•CPOST Staff</b>
Chairman John Whitmer	Gary Steed, Executive Director
Commissioner Mark Bundy	Eric Williams, Counsel
Commissioner Dean Bush	Vicki Mork, Administrative Assistant
Commissioner Ernest Garcia	John Gaunt, Investigator
Commissioner James Jarboe	Darren Moore, Investigator
Commissioner Melissa Johnson	Jackie Stuart, Investigator
Commissioner Herman Jones	Dave Thompson, Investigator
Commissioner Mike Keller	
Commissioner Mark Pierce	<b>KLETC Staff</b>
Commissioner Robert Sage	Ed Pavey, Director
Commissioner Kirk Thompson	Darin Beck, Associate Director
	Mark Damitio, Deputy Assistant Director
Commissioner Brad Schoen - absent	Dave Warry, Assistant Director
	Lisa Webster, Director's Assistant

The public KS-CPOST Commission meeting, held at the Kansas Law Enforcement Training Center at 11009 S Hornet Hutchinson Kansas, was called to order on June 11, 2014 at 9:02 am by Commissioner Bush in Chairman Whitmer's absence with a roll call of commissioners in attendance as listed above. KS-CPOST staff in attendance as listed above made self-introductions.

The first order of business was approval of KS-CPOST commission meeting minutes from October 16, 2013. Motion was made by Commissioner Jones, seconded by Commissioner Sage. Motion passed unanimously.

### **KS-CPOST Directors Report**

Meeting packets with information which supported many of the agenda items were provided for everyone in attendance. Executive Director Steed began his report with a review of KS-CPOST budget for FY 14. He explained the budget supplemental, about \$50,000 had been authorized and received and the KS-CPOST budget for FY 15 had been approved at the same time.

### **Terrance Brown Continuance Request and Hearing**

On June 4, 2014 Terrance Brown submitted a continuance request for the motion to reinstate certification scheduled today at 9:00 am.

Upon motion by Commissioner Jarboe, seconded by Commissioner Jones the meeting was suspended at 9:27 am for Executive Session for 15 minutes by unanimous vote for the purpose of privileged attorney client conversations. Assistant Attorney General Janet Arndt appeared by telephone. The meeting reconvened at 9:32 am. Commissioner Bundy recused himself from the hearing and all deliberations as he was Brown's field training officer.

Upon motion by Commissioner Thompson, seconded by Commissioner Johnson the request for continuance by Mr. Brown was denied and the reinstatement hearing will proceed by unanimous vote with Commissioner Bundy abstaining. Mr. Brown did not appear.

The matter of Terrance Brown's hearing, Case No. 2010-0108 began at 9:35 am. Eric Williams on behalf of the Commission presented the facts of the case. Mr. Brown did not appear.

State's exhibits 1 through and including 7 were admitted for the record and judicial notice was taken of the original disciplinary record.

The meeting was closed for Judicial Deliberation by the Commission and resumed at 10:13 am. Upon motion by Commissioner Thompson, seconded by Commissioner Pierce the request by Mr. Brown for certification reinstatement was denied and Chairman Whitmer was authorized to sign an order to that effect by unanimous vote with Commissioner Bundy abstaining.

### **Motions to delegate authority to the Hearing Committee**

Director Steed and Assistant Attorney General Arndt reviewed and explained Official Motions 2014 M 01 and 02 that pertain to delegating authority to the Hearing Committee. Two years ago an official motion was passed delegating authority to the Hearing Committee for hearings and appeals, however when Mr. Brown's request for reinstatement was received it was determined to be outside the scope of KAPA.

Two motions will rectify this matter, Official Motion 2014 M 01 which, under Kansas Administrative Procedures Act permits Commission members to broadly delegate matters to the Hearing Committee to investigate and act upon alleged violations of the Training Act including requests for reinstatement.

Official Motion 2014 M 02 specifies that the Commission delegates authority to the Hearing Committee for petitions of reinstatement.

Upon motion by Commissioner Thompson, seconded by Commissioner Jones both motions were adopted by unanimous vote.

At 10:30 am Chairman Whitmer called for a 10 minute break.

#### **KS-CPOST Directors Report**

At 10:47 the meeting resumed and Executive Director Steed continued with the agency report. He reviewed future funding ideas, work flow and cooperation within the office, increasing complexity of Investigator cases, Freedom of Information and Open Record requests and Quick Facts agency and officer statistics. Progress report was given on joint project with KLETC to replace FileMaker.

At 11:10 am Chairman Whitmer called for a lunch break and to continue the meeting at noon.

#### **KLETC Directors Report**

At 12:05 pm Chairman Whitmer restarted the meeting. Director Pavey of the Kansas Law Enforcement Training Center presented his report which included financial review, changes in the location of the KU Continuing Education program, staffing changes, 2015 Training schedule, and the Bias Based Policing classes in online learning.

#### **New Business**

First agenda item is consideration of a request to modify the Annual Training Requirements to waive the in-service training requirements for officers with 35+ years of service. There was no action by the Commission to change the training requirement.

Juvenile Justice Authority has 3 Certified Law Enforcement Investigator positions who have become KDOC employees through 2014 legislative action. A statute for KS-CPOST says a Department of Corrections employee cannot be a certified law enforcement officer. Discussions are ongoing to resolve this matter.

Director Pavey requested adoption of a revised KLETC Student Code of Conduct Manual, it concerns two additional requirements for student officer behavior and conduct, the first is restricting cell phone use in the cafeteria and other locations and the second one concerns restricting the use of electronic cigarettes to designated smoking areas only. Upon approval these changes will be incorporated in the 2014 version of Basic Training Code of Conduct.

Upon motion by Commissioner Sage, seconded by Chairman Whitmer Official Resolution 2014 R 001 was approved by unanimous vote.

Director Pavey requested adoption of a Resolution in Support of Additional KLETC Funding. Due to reductions in docket fees and bond payments for legislatively approved capital improvements at KLETC additional funding is being requested, as anticipated by KLETC from the Kansas Legislature during 2015 Legislative Session.

Upon motion by Commissioner Whitmer, seconded by Commissioner Keller KS-CPOST Official Resolution 2014 R 002 assuring support by KS-CPOST is approved by unanimous vote.

Upon motion by Commissioner Jones, seconded by Commissioner Bush the meeting was adjourned at 12:45 pm by unanimous approval.