

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

**Commission Meeting Minutes
Held at KS-CPOST – 1999 N Amidon Ste 350
Wichita KS
June 27, 2012 9:00 pm**

Attendees:

KS•CPOST Members Present	KS•CPOST Staff
Commissioner John Carmichael, Chairman	Gary Steed, Director
Commissioner Danny Bardez Bain	Eric Williams, Counsel
Commissioner Mark Bundy-by telephone	Vicki Mork, Administrative Assistant
Commissioner Dean Bush-by telephone	John Gaunt, Investigator
Commissioner Garcia by proxy Colonel Stoecklein-by telephone	Jackie Stuart, Investigator
Commissioner James Jarboe-by telephone	
Commissioner Herman Jones-by telephone	
Commissioner Mike Keller	KLETC Staff
Commissioner David Miller-by telephone	Ed Pavey, Director-by telephone
Commissioner Mark Pierce	John Green, Associate Director- by-telephone
Commissioner Kirk Thompson-by telephone	Darin Beck, Deputy Director-by telephone
Janet Arndt, Assistant Attorney General – by telephone	

KS-CPOST Commission meeting, a public meeting, was called to order on June 27, 2012 by Chairman Carmichael with a roll call of commissioners in attendance as listed above. The minutes of the May 8, 2012 meeting were approved. The motion was made by Commissioner Keller and seconded by Commissioner Pierce. The motion carried unanimously.

The next order of business was the appointment of the Hearing Committee Chairperson upon the expiration of current Chair Ellen Hanson's term on 6-30-2012. Chairman Carmichael announced Director Bradley Schoen of the Riley County Police Department was appointed to that Commission vacancy. Chairman Carmichael proposed that Commissioner Bardez Bain, the alternate on the Hearing Committee become a regular committee member and asked Commissioner Bush to serve as the Chairman, to which he agreed. Upon motion by Commissioner Bardez Bain, seconded by Commissioner Keller Commissioner Bush was nominated Chairman of the Hearing committee. The motion carried unanimously.

Upon motion by Commissioner Pierce, seconded by Commissioner Bardezbain Executive Director Steed was appointed custodian of KS-CPOST Records and directed to take any necessary step to complete certification and filing of the temporary regulations as adopted by the Commission as well as any permanent regulations that may be adopted in the future. The motion carried unanimously.

Upon motion by Commissioner Pierce, seconded by Commissioner Bardezbain an additional \$5,000 out of FY 2012 funds was authorized to pay the fees of Outside Counsel Mark Stafford, if needed, in order to complete the updating of temporary and permanent regulations for KS-CPOST. The motion carried unanimously.

Chairman Carmichael requested an update from KS-CPOST Counsel Eric Williams on the approval of the temporary administrative regulations and a report on the advancement of the permanent administrative regulations. The Temporary Regulations have been approved by the Department of Administration and the Attorney General's Office. A small change was made at the request of the AG's office before approval was granted. The approved version has been emailed to all commissioners.

One other change has been made, instead of adopting the code of ethics from International Association from Chiefs of Police the regulation has been modified to upholding the oath required for certification, the oath taken by cadets at the Kansas Law Enforcement Center prior to their graduation and certification. It will be part of a one page form that is sent to all of the satellite academies for all graduates to sign off on. Counsel Williams emailed the permanent regulations to Mary Grebe for review.

There is an approval process for both the Temporary Regulations as well as the Permanent Regulations. Once this board approves both documents they are reviewed by the Rules and Regulations Board, once approved the rules and regulations become effective for 120 days. During this time the permanent regulations are put into place. They must be approved by the Department of Administration and the Attorney General's Office before being filed with Secretary of State's office along with the economic impact and notice of hearing. The Secretary of State publishes the regulations and allows comments for 60 days from the public and the Legislative Oversight Committee. Any changes made are reviewed by Department of Administration and Attorney General's office and published for 15 days before being adopted permanently.

The Commission will need to meet prior to the next formal Commission meeting scheduled for October in order to formally adopt the Regulations. Upon motion by Commissioner Pierce, seconded by Commissioner Keller the temporary regulations revoking: K.A.R. 106-1-1; K.A.R. 106-1-2; K.A.R. 106-1-3; K.A.R. 106-1-4; K.A.R. 106-1-5; K.A.R. 106-1-6; K.A.R. 106-1-7; K.A.R. 106-1-8; K.A.R. 107-1-1; K.A.R. 107-1-2; K.A.R. 107-1-3; K.A.R. 107-1-4; K.A.R. 107-1-5; K.A.R. 107-2-1; and K.A.R. 107-3-1 was carried by unanimous roll call vote: Commissioner Carmichael –aye; Commissioner Garcia proxy by Colonel Stoecklein – aye; Commissioner Thompson – aye; Commissioner Bush – aye; Commissioner Jarboe – aye; Commissioner Bardezbain – aye; Commissioner Keller – aye; Commissioner Bundy – aye; Commissioner Miller- aye; Commissioner Pierce-aye; Commissioner Jones-aye.

Upon motion by Commissioner Bardez Bain, seconded by Commissioner Keller to adopt the temporary regulations: K.A.R. 106-2-1; K.A.R. 106-2-2; K.A.R. 106-2-2a; K.A.R. 106-2-3; K.A.R. 106-2-4; K.A.R. 106-3-1; K.A.R. 106-3-2; K.A.R. 3-3; K.A.R. 106-3-4; K.A.R. 106-3-5; K.A.R. 160-3-6 and K.A.R. 106-4-1.

Discussion followed Commissioner Bundy's comments and concerns on the expansion of the provisions made in the regulations that allow behaviors to be addressed without agencies using these provisions as discipline tools, for example the "respect for others". An officer uses a swear word when speaking to someone on a car stop and an agency already issues 5 days of discipline. Would KS-CPOST review such an action? Chairman Carmichael explained KS-CPOST could develop guidelines or policy statements to clarify the circumstances under which discretion would be exercised to take action with respect to "technical" or relatively insignificant regulations. There is no intent to turn KS-CPOST into a Human Resources agency.

Commissioner Thompson encouraged guidelines to explain to agency heads and personnel what actions are to be referred onto KS-CPOST and to clarify the limits of authority of the agency head. Chairman Carmichael agreed that clarification of the general intentions of the new regulations for Chiefs and officers would be helpful. Chairman Carmichael asked KS-CPOST staff, as time permits, to begin work on the guidelines and provide a report on their progress at the October Commission meeting.

Hearing no further discussion the vote was taken by roll call. The motion carried unanimously: Commissioner Carmichael –aye; Commissioner Garcia proxy by Colonel Stoecklein – aye; Commissioner Thompson – aye; Commissioner Bush – aye; Commissioner Jarboe – aye; Commissioner Bardez Bain – aye; Commissioner Keller – aye; Commissioner Bundy – aye; Commissioner Miller- aye; Commissioner Pierce-aye; and Commissioner Jones-aye.

Question was brought up by Commissioner Thompson concerning the certificates of adoption to be used as the two versions included in the packet were not identical. Chairman Carmichael replied that Counselor Williams and Assistant AG Arndt would work that out.

No further new or old business to be discussed. Director Ed Pavey announced that he and John Green joined the meeting at 9:12 am. Chairman Carmichael announced that Director Brad Schoen of Riley County Police Department has been appointed to the commission to take Commissioner Hanson's place and Shawnee County Sheriff Herman Jones has been appointed to the commission to complete Commissioner Barta's term.

Upon motion by Commissioner Jones, seconded by Commissioner Bardez Bain adjournment of the meeting was passed unanimously, the meeting ended at 9:53 am.