

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

**Commission Meeting Minutes
KLETC - 11009 S. Hornet
Hutchinson KS
August 26, 2011 9:40 am**

Attendees:

KS•CPOST Members Present	KS•CPOST Staff
Commissioner John Carmichael, Chairman	Steven R. Culp, Executive Director
Commissioner Richard Barta	Eric Williams, Legal Counsel
Commissioner Kirk Thompson	Vicki Mork, Administrative Assistant
Commissioner Mark Pierce	John Gaunt, Investigator
Commissioner Dean Bush	Joe Herridge, Investigator
Commissioner Mike Keller	Jackie Stuart, Investigator
Commissioner James Jarboe	Gary Steed, Investigator
Commissioner Ernest Garcia by proxy*	
Commissioner David Miller	KLETC Staff
Commissioner Vernon Ralston	Ed Pavey, Director
Commissioner Steven Stowers	Darin Beck, Deputy Director
*Lt. Col. Alan Stoecklein	Dave Warry, Assistant Director
	Mark Damitio Deputy Assistant Director
Visitors	Mark Bomgardner, Deputy Assistant Director - IT
Terry and Donna Maple	Lisa Webster, Director's Assistant
	Alvin Sowers
	Dr. Sammi Hwang
	Darla Fisher

Call to Order

Chairman Carmichael called the meeting to order at 9:40 am and led the flag salute. He extended condolences to Investigator John Gaunt on the recent loss of his father. Next the Chairman introduced Kirk

Thompson who was recently appointed director of the Kansas Bureau of Investigation (KBI). He provided a brief synopsis of his extensive law enforcement career which included 30 years with the KBI.

Other Commission changes include the departure of Commissioner Stowers. Chairman Carmichael said he announced his resignation from the Hutchinson Police Department and today would be his final Commission meeting. His wise council will be missed.

The chairman called roll noting that all members of the Commission were in attendance except Commissioner Hanson whose absence is excused and Commissioner Garcia who appears by proxy through Lt. Colonel Alan Stoecklien. Staff introductions were next, Executive Director Culp began and staff self introductions followed: Investigators Gary Steed; Jackie Stuart; Joe Herridge; and John Gaunt: Agency Counsel Eric Williams; and Administrative Assistant Vicki Mork. The other staff member, Central Registry Manager Matt Deffner is at the office.

Kansas Law Enforcement Training Center Director Ed Pavey introduced his staff: Darin Beck, Associate General Counsel and Deputy Director; Alvin Sowers, EVO Driver Training Instructor; Dr. Sammi Wang; newest employee, Darla Fisher, Curriculum Writer; Mark Damitio, Deputy Assistant Director in charge of continuing education; Mark Bomgardner, Deputy Assistant Director in charge of technology; Lisa Webster, assistant to Director Pavey; and Dave Warry, Assistant Director and principal of the school.

Next on the agenda was presentation of plaques to retiring commission members: Executive Director Culp explained that at the last Commission meeting a plaque honoring the service of Colonel Terry Maple upon his retirement from the Kansas Highway Patrol and the Commission was unable to be presented due to his absence. However, the Commissioners voted to permanently display it in the KS-CPOST office. At this time the plaque was presented to Terry Maple by Executive Director Culp with thanks and congratulations and he was informed that he could retain the plaque if he wanted.

Executive Director Culp presented a plaque to Steve Stowers honoring his time spent as the Fraternal Order of Police representative on KS-CPOST as he has ended his employment with Hutchinson Police Department. Director Culp commended Commissioner Stowers for his dedication and willingness to serve. Sgt Stowers expressed his gratitude for the opportunity to serve on the Commission as he accepted his plaque and then left the meeting.

Another plaque was to be presented to former Commissioner Bob Blecha who retired from the Kansas Bureau of Investigation. However, Director Culp was unable to reach him to request his Commission badge for the honorary plaque or invite him to the meeting. Director Culp will get the contact information from Commissioner Thompson, and make those arrangements for next time.

A motion was made by Commissioner Ralston to permanently display Commissioner Steve Stowers' plaque in the KS-CPOST office. Motion was seconded by Commissioner Miller and passed unanimously.

Approval of Minutes

Chairman Carmichael called for review of the minutes from March 18, 2011 meeting, a draft was sent out to the Commissioners a week ago. Chairman Carmichael said he hurriedly reviewed them the previous night and requested changes which he gave to Ms. Mork prior to the meeting. Chairman Carmichael said he was informed the minutes in the Commission books had been further edited but he had not had an opportunity to review the new version. He would leave it to the Commission's discretion about what to do about these.

Executive Director Culp explained to Chairman Carmichael that Director Pavey suggested edits to clarify the minutes but the meaning remains unchanged. Chairman Carmichael reminded the Commissioners that he feels the minutes are more extensive than required and that if they are going to be so detailed some things are being omitted. He then asked if the Commissioners wanted to approve the minutes without reading them. Director Culp reiterated the substantive material is exactly the same as what went out originally. Chairman Carmichael asked what would be done with the changes he recommended and Director Culp replied he would make sure the changes were made.

Motion was made by Commissioner Barta to approve the minutes with noted changes. Seconded by Commissioner Bush. The motion passed with 9 votes in favor and Chairman Carmichael abstained.

Commission Chairman's Report

Chairman Carmichael shared that he did not have a particular report for today. He noted there was a reinstatement hearing scheduled to begin at 1:15 pm irrespective of other Commission business. Reviewing the agenda items he guessed the meeting would last until 4:00 pm.

Investigative Committee Report

Chairman Carmichael called on Commissioner Jarboe and Executive Director Culp to provide the report. It was noted that Commissioner Ralston and Keller were also on the Investigative Committee. Commissioner Jarboe said the committee last met on August 10, 2011. He said he attended by conference call and thanked the Commission for permitting that.

It was reported by Commissioner Jarboe that several investigations were reviewed by committee members and KS-CPOST staff including Executive Director Culp, Agency Counsel Williams, and the investigators. Recommendations were made and Executive Director Culp has additional information to report. Director Culp began by expressing his thanks for the diligence of the committee he said the meeting lasted all day. It involved deliberations in a closed session, with one public vote taken that recommended the investigation on Tyler Vancoevern be forwarded to the Hearing Committee for further action.

Chairman Carmichael called for a motion to approve the report of the Investigative Committee, Commissioner Barta so moved and it was seconded by Commissioner Bush. The motion carried by unanimous voice vote.

Hearing Committee Report

Due to the absence of Committee Chair Commissioner Hanson, Commissioner Barta reported there had been no meeting since the last Commission meeting. But multiple hearings are to be held on September 26th and 27th in the KS-CPOST office.

Chairman Carmichael called for a motion to approve the Hearing Committee report. It was so moved by Commissioner Ralston and seconded by Commissioner Pierce. The motion carried by unanimous voice vote.

Commissioner Bush asked if an alternate could be appointed to the committee to fill former Commissioner Stowers' empty seat. Chairman Carmichael explained he preferred to wait until a replacement from the Fraternal Order of Police was appointed to the Commission because he felt it was important to have an FOP representative on either the Investigative or Hearing Committee. Chairman Carmichael said that if in the meantime the unavailability of a Commissioner threatens to hold up committee business he asked to be informed so he could take action.

Municipal Reimbursement Committee Report

Chairman Carmichael called on Commissioner Miller for a Municipal Reimbursement Committee update. Commissioner Miller said the committee only meets once a year to approve the reimbursement formula and it's not time yet. Executive Director Culp explained he had received the material and he's been working on it with Counselor Williams. It's about ready to submit and the committee meeting will be scheduled at that time. He will have something tangible to report at the next meeting. Chairman Carmichael commented that last year there were some glitches and delays with the report. He's glad to know progress is being made. No action was taken with this report.

Curriculum Committee

Chairman Carmichael confirmed with Commissioner Pierce that no committee meeting had been held since the last commission meeting. Chairman Carmichael explained to the new members of the Commission the committee is charged with considering changes to the curriculum at KLETC as proposed primarily by the Director of Police Training Ed Pavey. Meetings are only held when a matter requires consideration.

Director of Police Training for the State of Kansas

Director Pavey began his report by referring to a discussion about officer involved accidents that took place at the March 18, 2011 KS-CPOST Commission meeting. There were two law enforcement fatalities last year in Kansas that involved motor vehicles. Director Pavey said at that Chairman Carmichael requested the accidents be reviewed and Commissioner Garcia offered to review the accident reports and report on the primary cause of both accidents at this meeting. Lt. Colonel Stoecklein, attending the KS-CPOST meeting as Commissioner Garcia's proxy was prepared to make that report. Following that Al Sowers, lead EVOC instructor for KLETC will make a brief presentation on officer training in vehicle driving. .

Lt. Colonel Stoecklein said he looked through both accident reports. They were filed by the Kansas Highway Patrol, as they worked both accidents. He explained both were charted by the KHP's Critical Accident Reconstruction team.

The first fatal accident involved Luke Nihart, a Kansas Wildlife and Parks officer. According to the report he came into the parking lot late that evening, at the end of his shift working at the Country Stampede. He drove onto the black top parking lot on an ATV with low pressure tires that were designed for non pavement use. Officer Nihart went behind a vehicle, made a hard left turn which caused the ATV to roll. He was thrown off, striking his head on the pavement. The injury was listed as the cause of death in the coroner's report. The ATV continued on righted itself and ended up in a shed area. It appeared the accident was a result of making a hard left turn, there was no excessive speed.

The second fatality accident involved Deputy Sam Smith of Franklin County Sheriff's Office. He was responding to a domestic situation running red light and siren. He was going northbound on California Street, a flat blacktop road which then transitioned to a downhill gravel road with a foot high crown at the end of the asphalt. As he headed downhill on the gravel road he started to skid sideways, lost control went through a fence and struck the only tree in the area. There was quite a bit of damage to the car, it spun around and caught fire becoming fully engulfed in flames in a matter of minutes. No estimate of speed was given in the chart report, it was impossible to determine because of the many responders driving on the gravel road after the accident and no way to get a speed reading from the black box in the car due to the fire.

In conclusion Lt. Colonel Stoecklein said he wasn't criticizing the officers at all. He didn't see any deficiencies in training, no reckless behavior, and no equipment problems that contributed to these incidents. These were just accidents those things that can happen to any of us as we are running to a call. He finished his account saying he had written reports for both accidents available for review by anyone interested. Chairman Carmichael thanked Lt. Colonel Stoecklein for the information.

Alvin Sowers, Instructor of Police at Kansas Law Enforcement Training Center and lead instructor of Emergency Vehicle Operations Course (EVOC) began his presentation saying curriculum revision began when he joined the facility in 2000 with approval and adoption culminating in 2002. Measures were taken to ensure KLETC EVOC training was comparable to what was presented at satellite academies. Not an easy task due to departments having different resources. This is especially true when it comes to driving facilities.

However, consensus was reached on including eight basic required driving exercises in the curriculum. The exercises include threshold braking, shuffle steering, and some kind of a backing exercise. In addition eleven hours of lecture are required as follows; fundamentals of vehicle dynamics (2 hours), fundamentals of EVOC (3 hours), legal block (2 hours), emergency response and pursuits (4 hours).

Mr. Sowers said the Phase II project resulted in a great EVOC track much improved over the original 750 foot square by 750 foot square training area. The EVOC track has a 1.8 mile driving course and it is set up

so multiple groups can be taught at the same time. He noted those areas on the map, being projected from his Power Point presentation, the north loop which is one area of instruction, the west loop, the skid pan and a skills area. These areas are built specifically for instruction in the eight basic required driving exercises curriculum.

Two days are devoted to EVOC training, one day is spent on the loops and the other day focuses on the skills area. Mr. Sowers explained the course design permits drivers to feel the weight transfers normally felt with high speed driving without going that fast. The driving course permits driving at higher speeds and that probably should be taught, however given the present curriculum mandates there is not enough time.

Chairman Carmichael asked Mr. Sowers if he was satisfied with the current distribution of instructional hours and he replied additional hours were needed in driving instruction. Then he allowed as how the question was putting him on the spot. KLETC Deputy Director Beck said if the chairman asked the same question of other instructors at KLETC they would all say the same thing.

Mr. Sowers said officers were being killed in traffic crashes at a huge rate in the nation and it's an officer survival issue. The accidents are analyzed and the biggest current trend is one vehicle accidents, cars leaving the road and hitting a fixed object like the one discussed earlier by Lt. Col Stoecklein. Additional motor vehicle training would be good but there are constraints.

A class room with 3 driving simulators is located near the track. The first day students spend 2 hours on the simulators, 2 hours on the skid pan, 2 hours on the north loop and 2 hours on the west loop. The second day concentrates on the skills area. The third day is qualification on the skills and then the class is divided to take turns on the simulators doing pursuits. It's the only way.

In response to a request from Chief Jones, South Hutchinson Police Department, ATV training has been developed. It's offered every year. The training stresses weight transfer which can be problematic at slow speeds. It also includes training on the range, using it for cover, learning to shoot around and underneath it. Safety equipment is covered also. The session concludes with a trail ride.

Director Pavey added bicycle training was offered on occasion. Deputy Assistant Director Damitio explained bike patrol officer training can be held when interest warrants. It's taught by members of the Emporia Police Department and IPMBA, International Police Mountain Bike Association. Commissioner Keller requested bike patrol officer training for his department, Andover Police Department. Commissioner Keller then asked if vehicle training was available for existing staff. Director Pavey said very little was available but some Garden City Police had received training recently. He explained that offering continuing education EVOC training is an equipment issue. KLETC has a priority to maintain their fleet of 14 Crown Victoria's for use in basic training which is the mission of the school.

Director Pavey said he proposed a possible solution for EVOC continuing education to some agency administrators. He suggested that the agency send two or three of their good condition agency cars with their officers for training by instructors from KLETC. Most of the administrators were willing to do that.

The second issue for this training is staffing as it takes 2 or 3 instructors to run a safe operation. When Garden City staff received training with their cars it was scheduled at a time the track was available and a KLETC instructor was available to oversee the exercise. A full time EVOC instructor permanently assigned to the track is a long term goal but won't be realized for a couple of years. Director Pavey explained that EVOC continuing education is limited at this time due to lack of resources for KLETC.

Within the limited scope of available EVOC training for agencies Mr. Sowers said if requested by an agency remedial processes for driving are available for officers that are having crashes. Both simulation and actual driving can be included. The session can be tailored to the needs of the officer.

Commissioner Keller encouraged Director Pavey to dedicate all possible resources to this critical area as more officers are being killed in vehicle accidents every year than by shootings and knives. Yet officers are required to qualify on the shooting range every year but there is no recurring vehicle training. He thinks the Commission should strive toward qualifying officers' driving every year. Director Pavey said that change would require a substantial amount of resources to implement.

Director Pavey pointed out agencies can provide driving training to their officers at the local level in parking lots with traffic cones. He offered his staff to assist agencies to set up those local courses. Director Pavey said with 436 law enforcement agencies in Kansas there is no way KLETC has the resources and the staff to provide EVOC continuing education training to all those. Executive Director Culp said in Kansas City driving training was conducted every two years in house.

Chairman Carmichael said this might be a good time to develop outreach driver training for continuing education for agencies and officers. He continued saying CPOST, a small agency; spent \$1,000 on bullets and targets during the past year for their staff one would think funds would be available for tires and brakes. He pointed out this is a matter that affects not only officer's lives but innocent citizens who sometimes get caught up in high speed chases. Director Pavey agreed that Commissioner Keller was right on target and reiterated that he would like to have full time EVOC staff.

He also polled the Commissioners to see if they would send agency vehicles with their staff for EVOC training at KLETC. All agreed they would have no problem sending officers with vehicles for continuing education EVOC training. Commissioner Barta explained Shawnee County Sheriff's office conducts officer driving training every 2 to 3 years. The officers receive instruction on the course set up on the race way using their assigned vehicle. The agency has about 30 accidents a year that are scrutinized by an in-house accident review board. Approximately 65-75 per cent of the accidents are preventable and the officers involved are disciplined in an effort to save their lives.

According to Commissioner Barta in his agency there are two major reasons for accidents, backing up and speeding. Director Pavey said this was consistent with other departments also. Mr. Sowers said KLETC driving training emphasized backing and the same exercises could be easily duplicated by agencies. Commissioner Keller asked if there was instructor training available for a local agency. Commissioner Bush said he sent one of his deputies out of state for training. But their biggest challenge was finding large enough space for training.

Director Pavey said KLETC could set up an instructor training session for 10-12 people. It would show them how to set up a driving course in their area and how to train in it. Mr. Sowers said he thought a week long session would be enough and he also wanted to include coaching concepts because it provides the best learning environment.

Director Pavey asked Mr. Sowers to work with Deputy Assistant Director Damitio, Commissioner Keller, Commissioner Barta and Commissioner Bush to develop a vision for local level instructor's driving training. Then KLETC staff can work out a curriculum to train the trainers for continuing education drivers training to be taken back to their community. Chairman Carmichael thanked everyone for the presentation.

Director Pavey continued with his report and a handout of it was given out.

- New staff effective August 29th former Reno County Deputy Josh White will be a KLETC instructor
- New staff effective August 22nd Darla Fisher will be the Curriculum Developer for on-line e-Learning Biased-based Policing/Racial Profiling for KLETC distance-learning classes. Her position is grant funded.
- Staff assignments, longtime KLETC employee Pat Dunsworth reassigned as acting Basic Training Registrar.
- Reviewing Docket Fee Funding for FY'11 the target was \$6.1 million but only \$5.4 million was received, 11% below target. Belt tightening has occurred. For FY '12 a review of court fees year to date shows both District Court and Municipal Court fees are below projections.
- Report on training statistics for FY'11 will be finished in next 30-45 days and sent to the Office of the Kansas Attorney General as required by law.
- Nearly all Kansas counties were served except for Wichita County
- Training statistics:
 - Full time basics- 4 classes; 198 students enrolled and 189 completed the class
 - Part time basics- 2 classes; 51 students enrolled and 45 finished
 - Challenge Exam – given 3 times; out of 15 students 12 passed
 - Reciprocity -2 classes; 43 officers enrolled and 36 finished
- Continuing education statistics on events delivered by KLETC
 - Continuing education classes, seminars & workshops attended by 4,681 officers
 - Telenet 2 distance learning programs-19 attended by 410 officers
 - In summary 5,091 officers attended 184 regular Continuing Education training events.
 - Domestic Violence training events – 75 attended by 1,621 officers and other professionals

- Domestic Violence Telenet 2 distance learning programs- 6 attended by 100 officers and other professionals
- Continuing education grand total: 7,119 attendees at 276 training events.

Director Pavey continued his report. He explained the authorized funding for KLETC Fiscal Year 2012 is \$6.1 million but it is anticipated docket fees will continue to decline and the budget will be similar to the FY'11 amount of \$5.4 million. He says the belt tightening will continue and KLETC will work within the available budget.

Director Pavey reported on enrollments for current and future full time Basic Training courses. He said two classes were in session, the 214th class with a September graduation date. The 215th class began a week ago with an enrollment of 49 officers out of a 60 officer capacity. The 216th class starts in October currently 33 slots reserved but only 5 confirmed enrollments. The 217th class scheduled to begin January 9, 2012 has 6 slots reserved but only 2 confirmed enrollments. The 218th class anticipated for March 12, 2012 has no enrollments yet.

The 2012 Fiscal Year training schedule for KLETC was distributed. It lists all Basic Training Classes, all Part-time Basic Training Classes, Reciprocity Classes, Challenge Examinations, Retired Officer Qualifications and Prosecutors Carry Concealed Classes for 2012. Since legislation was passed in 2009 allowing prosecutors to carry concealed weapons KLETC has been holding weapons classes. However, interest and attendance has been limited only 16 people have enrolled and attended bi-annual classes since September 2009. Because of that in the future only one class will be offered per year. The AG's office has been notified of this change.

KLETC project highlights were enumerated by Director Pavey as follows:

- All of the tile in every bathroom in the new dorm will be replaced as it was not installed properly. The Law Company is looking for a contractor they can trust to redo the work.
- EVOC skid pad surface water coverage problem is being addressed. A second well and a second water cannon has been added to correct the water coverage problem.
- Passage of 2011 House Bill No. 2001 and 2014, as requested by KLETC to move control and oversight of municipal court fee account from KU/KLETC control and oversight to KS-CPOST and Kansas Department of Administration was passed and signed into law by the governor. This allows satellite municipal academy reimbursement by KS-CPOST.
- KDOT Highway Safety three year grant of \$493,375 was awarded to KLETC for on-line Biased-Based Policing distance learning. Deputy Director Darin Beck wrote the grant with encouragement from Commissioner Bush and others. Currently KLETC staff working on infrastructure for online registration and Darla Fisher, curriculum writer, is working on content. Plan to offer courses on line and available to law enforcement by next year.
- Applied for but did not receive a 2011 Byrne Grant Funding Request to give laptops to each student
- KLETC staff Deputy Director Beck and Deputy Assistant Director Bomgardner are spearheading the SharePoint project, a way to electronically manage class handouts, learning objectives, policies and a host of other KLETC documents.

- E-Learning on-line registration system is being developed by KLETC staff who are working with KU on registration infrastructure.
- Emergency Management grant awarded for KLETC tornado warning siren.
- Domestic Violence grant to fund a new Ti Training Corporation Judgmental Use of Force Decision-Making System. Similar to previously used FATS systems but improved program and better support by company.
- KLETC staff completed a review of the Domestic Violence model policy for Kansas law enforcement and the DV training materials. Materials posted on Attorney General's website <http://www.ksag.org/page/model-domestic-violence-policy> for use by Kansas law enforcement.
- Midwest Regional Child Passenger Safety Conference was held at KLETC in May. Al Sowers was instrumental in securing the safety conference which provided the most current information from local, regional and national traffic safety experts in safe travel of children. The 246 registrants were from several state and included law enforcement, child passenger safety technicians, nurses and emergency medical providers.
- Associate Director John Green conducted inspections of all Kansas LEO satellite academies in August.
- Kansas Law Enforcement Resources Working Group scheduled to meet at KLETC on August 29th. This group is chaired by KHP and Sheriff Vernon Chinn meets monthly to identify resources and manpower throughout Kansas in the event of a disaster or emergency situation.
- KPAS Seminar held at KLETC, who was a joint sponsor along with Kansas Association of Chiefs of Police. The Kansas Police Administrator's Seminar developed by Mark Damitio's group was held from July 17-22.
- Brady-Giglio Cases and Careers at Risk Seminar held at KLETC on April 27 featured 10 presenters and was attended by 164 officers and criminal justice professionals, including lawyers from every major agency in the state. Attendees from Topeka and Kansas City, KHP, KBI, Sedgwick County, Wichita, Overland Park, and AG's office. KS-CPOST was also represented Counsel Eric Williams made a presentation. A lot of good information was provided for the group.
- Ceiling tiles collapsed in Integrity Auditorium overnight last Tuesday, the maintenance crew found them on Wednesday morning. It was theorized that either the extreme hot weather from the summer caused the building to shift or Colorado earthquake, which was felt by some Hutchinson residents, may have caused the damage. Construction crews here to repair the damage.
- Three different associations: Kansas Peace Officers' Assn; Kansas Sheriffs' Assn and the John Foster Memorial are holding their scholarship applicant interviews at KLETC.
- Beta-testing for the newly revamped KLETC website will begin soon, Dr. Wang and Deputy Director Darin have constructed a more user friendly site with improved navigation to the information categories and links.

As Director Pavey ended his report Chairman Carmichael brought up the Regional Conference of the International Association of Director's of Law Enforcement Standards and Training that was held at KLETC since the last commission meeting. Co hosted by Executive Director Culp and Director Pavey and their staffs. This valuable event brought together law enforcement directors of training and regulation from all over this region.

Commissioner Keller asked Director Pavey why the docket fees were down. He explained there were several possible reasons. It may be due to agencies short of personnel because of budgetary issues, or there may be agency vacancies due to a lack of qualified personnel, and some agencies may choose not to fill vacancies in order to direct the funds to other areas. Another possible factor people may not be paying their fines.

For example the Kansas Highway Patrol is currently down between 40-50 troopers and until recently gas had been rationed limiting the miles driven because of budgetary considerations. Lt. Colonel Stoecklein said the gas restrictions were removed August 1 and full patrol for the troopers has been restored. The restrictions have affected the morale of KHP. But a class of 12 to 20 recruits is scheduled to begin in January 2012.

Director Pavey concluded his report by thanking his staff saying all the activities he reported on were a direct result of the hard work they put forth. A motion was made by Commissioner Keller to approve Director Pavey's report and Lt. Colonel Stoecklein seconded the motion. The motion carried unanimously.

Executive Director's Report

Director Culp began his report he said the addition of two more investigators, Jackie Stuart and Gary Steed, has doubled the number of on-going investigations for KS-CPOST. The caseloads are growing and according to the Investigative Committee the quality of the investigations are good. The work for all of the staff is increasing.

Director Culp next presented a summary of law enforcement agencies and personnel in Kansas. The number of full time law enforcement officers state wide is 7,447. This represents a small decrease from 7,502 officers in 2011. But it is counter to the trend of increased officers over the past ten years. There is a beginning trend to disband some small police departments with county sheriffs assuming municipal policing duties.

According to the graph, Number of Law Enforcement Agencies by Function there are 263 municipal agencies in Kansas, 104 county agencies, 3 departments of public safety and 65 other agencies. The number of "other agencies" continues to increase as a ruling from the Attorney General's Office allows KS-CPOST to create a law enforcement agency from a County Attorney's office if requested. Approximately two requests are received each month or every other month.

Director Culp reviewed the number of LEO's in Kansas and their percentage by agency. He explained that 50 percent of all Kansas Law Enforcement Agencies have 5 or fewer officers. Many requests for training waivers and extensions come from this group as lack of manpower prevent officers from fulfilling their training requirements. The categories remain stable from year to year.

The duties of KS-CPOST were reviewed by Director Culp who presented them as KSCPOST Quick Facts. He stressed the independence of the organization. It is necessary for regulation of Kansas law enforcement officers and agencies and for fair and impartial investigation of any and all allegations. It is critical in this time of fiscal concern and state agency consolidation that KSCPOST remain independent.

Other KS-CPOST duties include maintenance of a central registry with files of demographics, training events and law enforcement status on all officers in Kansas. The agency is also charged with compliance enforcement in cases of officer misconduct. The Commission conducts hearings and imposes sanctions against certified officers and can also fine agencies or municipal entities if intentional avoidance of statutes is determined.

Reviewing 2011 activities for KS-CPOST, Executive Director Culp said there were 7,447 full time certified law enforcement officers and 701 part time certified officers employed by 437 law enforcement agencies. This number has hovered between 435 and 437. During 2011 408 officers were certified, an increase over the 380 officers certified in 2010. Chairman Carmichael clarified the year referred to as 2011 was the fiscal year, time period 7-1-2010 through 6-30-2011. During the same time period 420 officers were provisionally certified. These are new recruits who will be attending KLETC within 12 months of their hiring date.

Executive Director Culp continued with 2011 statistics saying 156 officers had been terminated for cause, an increase of 20 over the 136 officers terminated in 2010. He said agency procedure is to follow up on every separation for cause with at least a letter to the agency head. Chairman Carmichael recalled that Executive Director Culp had previously expressed difficulty in getting meaningful termination reports from agencies and asked if that had improved. Executive Director Culp said it had when he sent out an associated letter. The forms used, statute gives authority to the Executive Director to change the form asking for more detail. Executive Director Culp explained more narrative could be requested and the check boxes could be changed. Because if an officer is terminated due to budgetary constraints it's listed as a terminated officer and he has to follow up on that.

Chairman Carmichael said the form gave choices as follows: Terminated; Terminated Under Investigation; Voluntary Termination due to Ongoing Investigation; and Involuntary Termination due to Ongoing Investigation. Chairman Carmichael then asked if the agency was following up on every termination including those as a result of a budget cuts. Executive Director Culp replied that's the problem, every termination must be followed up as there is no way of knowing the reason for the separation. Chairman Carmichael asked if the only impediment was for him to change the form or is action by the Commission needed.

Executive Director Culp replied the current form was chosen by the Commission a while back and they chose not to include a lot of detail. He's unsure of the reason, as he had not been hired yet, but the form is not helpful to the compliance aspect of the agency. Chairman Carmichael asked the director if he could correct the form on his own initiative. Executive Director Culp replied in the affirmative but he

would confer with the Commission in the process. Chairman Carmichael urged him to go ahead and modify the form to more efficiently gather the needed information.

Commissioner Barta asked if an agency report indicated an officer was terminated for misconduct would that result in an investigation. Executive Director Culp explained if the termination was for a disciplinary purpose he would follow up with a letter to the agency. Commissioner Barta replied he was working on a response now for an employee terminated a year ago. Since then the guy has worked at a number of places and he shouldn't be working at all. Executive Director Culp explained if the guy's termination was an "I Code" meaning terminated under less than desirable circumstances it automatically generates a letter from him to the agency head asking if it pertains to domestic violence or felony diversion or conviction or any other violation of the statute. If that is the case the director must be informed.

Commissioner Barta took the situation one step further; an agency submits a report on an employee terminated for cause that is a violation of the statute. Does that information go into the system that another administrator from a different part of the state could call up KS-CPOST and find out the officer's dismissal information. Executive Director Culp said yes that is currently happening. KS-CPOST is a mirroring agency and if an agency head calls in for information on an officer under consideration for a job with an I Code termination they are encouraged to call the terminating agency directly.

Executive Director Culp said any agency in the hiring process should have a waiver of background signed by each applicant. The waiver grants immunity to any agency head providing information in response to a written inquiry of the hiring agency as long as the information provided is true. This is the only instance of complete immunity for a law enforcement officer in his entire career.

Chairman Carmichael asked Executive Director Culp if this agency provided substantive information from the files. Director Culp responded yes, if the request is in writing any open records information can be shared. No information will be supplied from an ongoing investigation. Chairman Carmichael pursued the matter further saying for example, if Commissioner Barta terminates an employee and turns in the form saying "Voluntary termination while under investigation" and Commissioner Bush is considering this person for a job with his department can Commissioner Bush find out the circumstances of the employee's termination from POST records. Executive Director Culp explained he would send a letter directing Commissioner Bush to contact Commissioner Barta directly for information on the person's record at the agency with a signed waiver of background from the individual in question. Chairman Carmichael sought further clarification asking if our agency information could be provided to the hiring agency. Executive Director Culp said that a copy of the termination form could be provided as it is a public record.

Commissioner Keller explained that his agency henceforth would be obtaining CPOST records on any applicant for a certified law enforcement officer position. The CPOST records when compared to the application will reveal if the applicant omitted any agency he was employed by. They will also reveal any dismissals and Commissioner Keller will contact agency heads directly in writing for details

concerning the individual's work history after securing a signed waiver of background from the applicant.

Chairman Carmichael explained that he is frequently asked by law enforcement officers how it's possible that a former employee who was fired is now working at another agency. Executive Director Culp responded that if the termination is a violation of the training act that's one thing but if they are fired for anything else then that is the agency's issue. Chairman Carmichael summarized that if CPOST receives a Freedom of Information Act request all available information in the file will be provided to the requestor.

Commissioner Keller related an instance when he terminated an officer at 7:30 am and by 9:00 am he received a call from an agency head requesting information on the officer. Commissioner Keller said he explained the man's issues at length but the department head ignored it all and hired the man. Commissioner Bush said many of his dismissed officers had been hired by other agencies who did no background check.

Commissioner Thompson shared an experience he had with a prior employer several years ago, an officer had been terminated. The Notice of Termination or Status Change form was completed as an involuntary termination but no details were provided on the form. The out of state agency contacted CPOST and received a copy of the Notice of Termination. The agency contacted the agency that submitted the form. Several persons at the agency provided information to the out of state agency about the terminated individual. Legal action was filed by the dismissed office who made application alleging staff from his former employer provided exaggerated information.

Commissioner Thompson feels the event could have been avoided if the CPOST form had more detailed information about the involuntary termination. The lesson learned by the agency is to always include a letter of explanation along with the CPOST form to the inquiring agency. Commissioner Keller asked if the agency that provided the information did so without a written request would that affect their immunity. Executive Director Culp there would be no immunity.

Commissioner Thompson said it was the agency's understanding that when a letter explaining the details of the separation was included as a part of the Notice of Termination form it becomes a part of the form. Counsel Williams agreed saying the statute says CPOST will provide information in detail as related to terminations. Any agency requesting information in writing on that individual's involuntary termination will get the form and the letter.

However, if the letter does not accompany the Notice of Termination form when submitted to CPOST but arrives in response to a letter from Executive Director Culp requesting the information then the letter is not shared with inquiring agencies because it is part of a KS-CPOST investigation.

Executive Director Culp finished KS-CPOST 2011 Activities slide report saying 192 complaints were checked in 2011 compared to 76 complaints in 2010. The investigators are producing at a high rate.

They talk to all complainants calling into the office but not every call result in an investigation. If they can't help the caller they direct them to where they can receive help.

Chairman Carmichael asked Executive Director Culp to hold that slide for questions after lunch. The meeting recessed for lunch at 11:30 am and will reconvene at 12:15 pm.

Chairman Carmichael announced the meeting was back in session at 12:20 pm. He said the meeting left off with Executive Director Culp's unfinished report. Chairman Carmichael observed the number of complaints checked more than doubled from 2010 to 2011 and asked Executive Director Culp to what did he attribute that increase. Executive Director Culp said word about KS-CPOST was getting out combined with some outreach at the Sheriff's Conference, the Chief's Conference and as part of the curriculum of Basic Training.

Chairman Carmichael asked if the complaints checked were counted as the number of incoming calls Executive Director Culp assured him it was only the complaint calls that were counted. Chairman Carmichael sought further confirmation asking if they were formalized by a written document. Executive Director Culp explained every complaint call is documented in writing. Chairman Carmichael asked if the number represented telephone calls or was this the number of complaints that are signed by complainant or what number is he looking at.

Executive Director Culp said the numbers didn't represent cases but it's a complaint from a member of the public who called our office with a particular gripe against law enforcement. He explained we get many more phone calls and he personally takes a dozen calls a day from sheriffs, chiefs or patrol officers. Chairman Carmichael asked if the 192 complaints represented any complaint that would fall in our jurisdiction or does that represent complaints that have some apparent merit. Executive Director Culp said the complaint may not have any merit or they may require a referral to someone who has jurisdiction over their issue but if any concern ever comes back to the Chairman from the Governor's office or the AG's office saying KS-CPOST didn't do anything about the issue there will be a record of the call. Chairman Carmichael asked if a record was made every time someone calls.

For instance, if someone calls in with a complaint about a jailor would that constitute a complaint? Executive Director Culp explained that concern is not within our regulatory area and the caller would be referred to the Department of Corrections but the call would be documented and counted in the number. Commissioner Bush clarified the earlier example of a call about a jailor, asking Executive Director Culp if the caller would be referred to the Department of Corrections. He clarified that saying the caller would be referred to the Sheriff of the county or if it was about a municipal jail the head of the facility.

Chairman Carmichael asked Executive Director Culp if he could update the Commission on the referrals from the AG's office on the biased and racially based policing law. He asked if any calls had been received from them and what's happening with the backlog of cases at Human Rights Commission (HRC). Executive Director Culp explained Jackie Williams has been designated the liaison to law

enforcement. He continued saying that he, Commissioner Bush, and a number of others wrote the model policy for law enforcement and it has been approved. Since then Executive Director Culp informed Counselor Williams that KS-CPOST received a couple complaints after the bill was passed and needed to know how to proceed. He would like something in writing documenting procedure.

Executive Director Culp said there has been no communication with HRC but KS-CPOST could subpoena records from them. Chairman Carmichael said he was not suggesting that just trying to determine what had been referred to CPOST under the new statute and how investigator time was being spent on those cases. Because of the lack of funding for investigations in the new law he wondered about the impact on the agency. Executive Director Culp said he was promised funding as part of the racial profiling bill. He also said a budgetary impact statement was prepared for the legislature as required which requested an additional investigator and a part time staff support person to process all the new investigations and associated paperwork. Start up funds to outfit another office with furniture and computer equipment was also requested.

Both the Kansas Senate and the Legislature agreed to the funding request but when the bill was passed no funds were allocated. The request will be submitted again next year. In the meantime, grant funds have provided an investigator for the AG's office. A protocol needs to be developed between KS-CPOST and the AG's office as to how these cases are to be handled. However, if the AG's office is going to handle the investigations then no additional staff will be needed for KS-CPOST. By statute the dispositions of the racial profiling complaints will be done by the KS-CPOST Commission. Executive Director Culp said the complaints would come through him and it would be up to him to ascertain if the investigation is complete and thorough before it is presented to the Commission.

Chairman Carmichael interjected that the KS-CPOST Commission is to be the deciding body only on complaints referred to the agency by the Attorney General's office. Executive Director Culp said he anticipates a lot of investigations being handed down to us. Chairman Carmichael expressed concern that a number of uninvestigated complaints based on issues of bias based policing or racial profiling may remain with the KHRC. But the agency doesn't know anything about status of investigation or how many this involves. Commissioner Bush said he doubted there were very many based on a total of 73 complaints made with the agency in the six years since the law went into effect. Findings of probable cause were found in only six of those cases.

Commissioner Keller directed Executive Director Culp back to the slide of KS-CPOST 2011 Activities specifically the numbers of officer terminated for cause in 2011 being 156. He asked if any of those officers were terminated for anything less than desirable. Executive Director Culp responded that a few of those officers may have been let go due to budgetary issues or the department was disbanded but the majority were dismissed due to some kind of misconduct. Commissioner Keller clarified that the number 156 officers included all terminated officer along with those who resigned to avoid termination.

Commissioner Barta asked how many of the 156 officers terminated for cause had lost their certification. Executive Director Culp directed the Commission's attention to the next slide, a continuation of 2011 KS-CPOST Activities which showed that 23 officers were decertified in 2010 and 18 officers received decertification in 2011. An increased number of decertified officers are anticipated for the current year. There are approximately 7 hearings pending and 54 cases assigned for investigation at the end of July and about 20 cases assigned for investigation since then.

Commissioner Barta clarified that the 156 terminated officers were not automatically investigated. Executive Director Culp explained that most of the officers were terminated due to rules and regulations violations at their local agency. Chairman Carmichael asked if 54 cases were assigned between 2 full time equivalent investigators in 2011 does that mean the case load is 25 – 30 files per year per investigator. Executive Director Culp responded that is correct at this time. He noted that there are 46 cases currently assigned and they would combine with cases carried over from the previous year.

Commissioner Bush asked how many of the officers being investigated were still working. After considerable discussion Chairman Carmichael restated the question as how many officers are under investigation but still carrying a badge and a gun. Executive Director Culp replied he didn't have that number but he could get it.

Executive Director Culp began the financial portion of his report noting that revenues for KS-CPOST from 2007 through 2010 increased every year, however the 2011 period shows a slight decrease of approximately \$15,000. The average amount needed each month to support the annual 2011 budget of \$547,000 is \$45,833 but the actual revenue averaged \$56,782. Executive Director Culp moved onto the KS CPOST FUND FACTS slide which showed \$813,047 residing in KSCPOST account at the end of 2010. The State swept \$500,000 out of the account. The authorized budget for 2011 was \$549, 246 and our expenditures were \$528,822 representing 96 percent of the budget. The amount of revenue that remains in the fund as of July 1, 2011 was \$284,964. For the first time there isn't enough money in the account to cover the 2012 budget at the onset of the year, this year's revenue will be heavily relied upon. Executive Director Culp said since 2006 \$1.5 million has been swept from KS-CPOST account.

Expenditures for 2011 were summarized in broad categories on the next slide. Executive Director Culp said last year total expenditures were \$549, 347 and for 2012 they will be \$527,593. The budget is impacted by one position that is not filled at this time but the governor's office has approved hiring for it.

The KS-CPOST Fiscal Year 2012 budget request was included in the Commissioner's note book. The requested budget was \$650,005 but it was not granted. Chairman Carmichael asked how much was authorized and Executive Director Culp said \$549,000 which eliminated all training, travel, and fuel allocations. However he said he appeared before the budget committee of the House and they restored \$10,000 for travel and fuel expenses.

Chairman Carmichael asked how the agency will make up for the 20% cut in the budget. Executive Director Culp said some was recouped through the vacant position and there are some technology projects that will be postponed. He said his report was finished and asked if anyone had any further questions. He apologized for not answering Commissioner Bush's question concerning officers under investigation but he could provide additional statistics at the next meeting. Chairman Carmichael explained he didn't mean to put Executive Director Culp on the spot. Commissioner Bush explained he asked the question because he wondered how many of the officers being actively investigated do those who remain employed and armed become a priority in the order of the investigations.

Executive Director Culp said his instructions to the staff are that racial profiling cases are the highest priority, second priority cases are when someone's safety is in jeopardy and priorities are set on a case by case basis beyond those. Some of the cases take quite a bit of time to retrieve information or set up an interview so other cases are worked in the interim. Catching up the 500 plus backlog of cases wasn't the highest priority but rather the high priority cases were culled out and the remainder of the cases was worked on as time permitted. Commissioner Bush said when he came onto the Commission there were still some of those carrying cases and he wanted to know how many of the officers from the backlog were still employed and he was lead to believe none were. Executive Director Culp said there were a couple of officers under investigation in the backlog that were unhappy. They called up saying this has gone on so long why is this coming up now. Commissioner Bush confirmed that some employed officers had been in the backlog of cases.

Commissioner Barta asked Executive Director Culp when he ran an investigation did he take an agency's Professional Standards Unite file and base his decision on it. Executive Director Culp said not solely but files from some agencies were very well done and very helpful to KS-CPOST issues but other agencies just abandoned their investigation when the officer resigned.

Chairman Carmichael brought up his favorite thing saying he presumed resources had not permitted the agency to deal with updating administrative regulations yet. Executive Director Culp said that was on the short list. Chairman Carmichael said there was another area of concern but he guessed that with the IT position unfilled it had not been possible to make a lot of progress on the KS-CPOST website. He explained he was trying to look something up on there and it was still under construction. Executive Director Culp agreed that Matt was quite busy with paper work and filing.

Commissioner Keller referred back to the investigative statistics presented earlier. He clarified there were 46 assigned investigations as of July 1st and may be up to 50 by now, Executive Director Culp said even 60. Commissioner Keller asked would it be safe to say, thinking back to the Investigative Committee meeting he attended last week, some officers were no longer working and some still working but wouldn't the number be less than 60. Executive Director Culp agreed. Commissioner Keller continued saying if the investigators have 10 cases assigned to them could they provide a ball park figure of how many of those represent employed officers.

Executive Director Culp asked the investigators if they could say of the law enforcement officers being investigated how many are employed. Investigator Jackie Stuart said there were a couple things that complicated that calculation. Agencies have 30 days to report changes for either a termination or a new hire so it may be a while before KS-CPOST is notified of the changes. She said the vast majority of her cases represent unemployed officers.

Investigator John Gaunt said there were only a couple of employed officers on the cases he was working, as far as he knew. In reviewing some of the cases a pattern of job losses through the years is apparent. In former cases one officer is in jail and another one the officer has been released. Of the 156 cases of officers that had been terminated the number of currently employed would be much higher. But the cases being investigated are the ones that may be in violation of the training act.

Executive Director Culp related that Director Pavey had received a reciprocity application from a guy in Missouri who had worked for 23 law enforcement agencies over a span of 10 years and was trying to become certified in Kansas. Investigator Gary Steed looked into the application and explained his findings. Missouri POST does certification differently and many of the positions were part time or temporary. He was accepted for reciprocity. Director Pavey explained he asked Executive Director Culp to look into the guys background because that's a lot of jobs.

Director Pavey said there had been much discussion by the Commission over the years on the issue of immediate temporary suspension of an officer's certification pending a full blown investigation. How does the Commission have the authority to take such action. Executive Director Culp said he recalled this issue was discussed about a year and a half ago. The resolution called for contacting three people on the hearing committee, presenting the information and requesting the temporary action on it. Counsel Williams said there were narrow procedures described in the Administrative Procedures Act that address summary orders, petitions and emergency orders. They concern procedures for emergencies, safety and welfare.

Chairman Carmichael said that area of the Administrative Regulations was one that always concerned him because there are professional licensing boards that adopt regulations as to under what emergency circumstances will we take action as outlined in the Administrative Procedures Act. It allows the Commission to, on a temporary basis and/or emergency basis to suspend somebody.

The Summary proceedings are squared away as the rule now reads that upon learning that someone been convicted of a felony we do an investigation and an order is presented to Chairman Carmichael for signature. This revokes the officer's certification unless an appeal is filed within 15 days. Related to emergency action, Chairman Carmichael said he didn't think there was any regulation or policy developed. He suggested KS-CPOST Council Williams think about addressing the absence of policy as it is something KS-CPOST should be doing.

The motion to accept Executive Director Culp's report was offered by Commissioner Ralston and seconded by Commissioner Barta. The motion carried unanimously.

Report on Legal Issues

Counselor Williams began his report with the House Substitute for Senate Bill No. 6 that passed the legislature and is now the law, also known as the DUI Bill. He referred to the first paragraph in the handout which is highlighted as the new section and it deals with professional licensing. The stance KS-CPOST has always taken is a first time DUI by a certified officer has not required action by the Commission. By virtue of the bill that position has become statutory.

Counselor Williams reviewed the New Section 1. (a) Notwithstanding any other provision of law, no professional licensing body shall suspend, deny, terminate or fail to renew the professional license of a licensee solely because such licensee has: (1) Been convicted of a first violation DUI, he emphasized solely a first violation DUI or entered into a diversion for a DUI. The bill also allows the opportunity to be heard in accordance with the administrative procedures act.

Further clarification of the Open Meetings Act was Counselor Williams's next topic. He explained this was in the context of a couple of examples from the Board of Education that attracted attention. He felt their experience could be instructive for continued proper procedures for Open Records and the Open Meetings Act as related to the business of KS-CPOST.

He referred to his handout entitled, 75-4317a. Meeting defined. He said "meeting" means any gathering or assembly in person or through the use of a telephone or any other medium for interactive communication by the majority of the membership. Interactive communications means emails and that sort of thing.

Recently a couple of allegations of violations against the State Board of Education went to the District Attorney's Office in Shawnee County. The first one concerned an open meetings violation. A copy of an article in the Capital-Journal about this case was handed out for review. The violation had to do with emails. The DA's office found a technical violation. They said it was something that should not have happened but no grounds for taking action against the board or invoking the power of the court to deal with this. The person who provided the email was Walt Chappell.

The Board's attorney sent out an email to all members of the Board and one of the Board members replied by hitting "reply all" to a majority of the board talking about the business of the board. Counselor Williams said he spoke with AG Patterson, DA's Office in Shawnee County, and received a copy of the letter he sent to counsel as it related to this violation.

Basically in determining if this matter was a violation it was clear from the email chain that when one of the board members issued a "reply all" email that discussed board business with other board members. That constituted an interactive communication that would be subject to the meetings act. Counsel Williams asked commission members to keep this in mind when dealing with emails in particular. He also stated that he had a copy of the DA's letter for everyone to include in their book.

The next situation didn't have to do with interactive communications or email. It was a complaint made by Doug Wright towards the State Board of Education. He went to Pisano's Restaurant in Topeka for dinner one evening. He observed six of the ten board members sitting in the place eating together and reported it to the DA's office. Mr. Wright had no knowledge of their circumstances or what if anything was being discussed. No violation was found in view of the circumstances. Each of the six board members present was polled, and their sworn affidavits comprised no violation. They had been meeting earlier in the day and they all went out to eat afterwards and discussed no business while they were there.

Executive Director Culp said this is instructive as the chiefs and sheriffs all go to conferences, including the joint conference for everyone. It's not a problem to be there all together visiting as long as they're not a majority and don't talk business. Commissioner Bush asked if it was a problem to hit "reply all" to a meeting notice and was informed by Chairman Carmichael the rule applied to substantive exchanges which this was not. Commissioner Keller clarified that since the rule applies to a majority of members if three Commissioners went out to dinner they could talk business. Chairman Carmichael confirmed that it was a majority and for the Commission a majority would be seven or more members. This concluded Counselor Williams' report.

At 1:05 pm Chairman Carmichael recessed the meeting until 1:15 pm at which time a disciplinary matter would begin. It's was open hearing and the public was welcome to attend. A separate record of the proceeding was be taped. He also asked that only the Commissioners and the Superintendent's designee be seated at the tables as things may be rearranged to accommodate the Commission's counsel attendance by telephone.

The administrative proceeding concluded and the meeting resumed after 5:00 pm. Chairman Carmichael asked if there was any old business from the staff. Executive Director Culp asked that discussion on In-Service Guidelines be taken up. Chairman Carmichael agreed to proceed with the discussion.

Director Pavey said Deputy Director Darin Beck would make the presentation. Deputy Director Beck referred to Director Pavey's earlier report to reiterate KLETC's advances in the area of online learning and distance learning. The proposed changes are a result of their progress in the online learning.

Dr. Sammi Hwang was hired by KLETC as an instructional designer and developer for online courses. Darla Fisher was just hired to develop content for Bias Based Policing Grant. A course in Domestic Violence is being developed to present online as well as one for Stalking. A mandate was received from the Kansas Legislature for bias based policing and the statute specifically references distance learning.

Deputy Director Beck explained online learning in academics is a growing area and KLETC is moving forward. Technology for delivering the training is improving over the previously used format Telenet 2. Studies have shown that blended education is more effective than face to face education. Classes that

have both components are the most effective. Technology is advancing and improving. And law enforcement has embraced this method of educating officers from the Federal level on down.

Deputy Director Beck referred to the In-Service Training Guidelines contained in everyone's notebook. They were developed by KLETC in 1996 at the direction of and with the approval of the Commission. They've been around for quite a while and don't answer questions that arise for in-service training that aren't addressed in the statute as it is rather broad. The last revision of the training guidelines was in 2001 and it didn't address multi-media training.

The Commissioners were referred to the KLETC handout, Proposed Changes to the In-Service Training Guidelines for Kansas Law Enforcement. It is intended to bring the training policy in line with more modern concepts of online training practices. To summarize the proposed changes Deputy Director Beck said they would allow officers and deputies to take online courses wherever they want, whenever they want and however they want with the approval of their agency head. He noted that in the handout the actual language of the Training Act is in black with red writing representing the new additions and the black writing with a line through it is to be taken out.

This would change the guidelines from allowing interactive training from a recognized learning environment such as an agency's training class room, a community college, or university to allow training in any venue as long as the training has been approved by the agency head. The agency head could allow an officer or deputy to take training at home if he/she deemed that setting appropriate for the officer. An officer/deputy could access the training on a mobile data terminal in a vehicle if that's deemed appropriate by the agency head. These changes follow the philosophy of the In-Service Training Guidelines that it is the agency head that makes the judgment calls.

It has always been the agency head's responsibility to sign off on the quality of the training for their officers and the proposed changes are an extension of those responsibilities. The proposed changes also eliminate agency responsibility to maintain examination records if the examination is administered online as a part of the online course or class. Under the current guidelines agencies' were required to maintain records of individual officers' testing but it is not feasible to have copies of the online tests for classes given by KLETC to be floating around. The agencies would be required to keep records of the officers' certificate of completion for the courses taken online.

Deputy Director Beck explained the third aspect of the changes will update the terminology. For instance the term "multimedia" will become "on-line e-Learning" and "compressed video" will change to "streaming video or video files." The terminology will reflect current technology.

Deputy Director Beck concluded his presentation with the explanation that the changes are proposed for the benefit of the law enforcement agencies in the state of Kansas. Online e-Learning provides training to the officers where they need it, where they can use it, and with convenience for the agency.

Chairman Carmichael opened discussion on the proposal. Executive Director Culp said he'd like to respond and was given the floor. He said he supported the use of technology for training in general law enforcement. He read the guidelines and he has no problem with them and would expand them more than Deputy Director Beck.

Then he referred to Statute 74-5607 which he explained gives the executive director along with the Commission the authority to change and adopt rules and regulations regarding such education and training. That means your executive director has to agree with it as well as the Commission and it has to go through KS-CPOST for any changes to take effect.

Executive Director Culp specifically referred to item 2 second paragraph "or any other computer and venue as approved by the agency head." He said it should read approved by the KS-CPOST director who would make the determination. With 437 agency heads they are likely to have different policies about training.

He said he supported conducting training in different places. But there have been over 40 cases investigated for possible fraudulent training submitted by officers. He said if officers are allowed to take training wherever they want, whenever they want and however they want it would lead to a great breach of compliance. KS-CPOST is all about compliance and KLETC is all about the instruction part of it.

He strenuously objected to agency head approval and said it should be approval by KS-CPOST Director. Furthermore he would expand it to only a few narrow instances would they not. Uncontrolled training done off hours and in a basement somewhere or on a bass boat is going to become a wage and hour issue for agency heads. He said some of the mandatory training and some of the other things will result in officers being paid extra to achieve it. He thinks training needs to be controlled. The proposed changes open the door to abuse of the system without any way of determining compliance.

Executive Director Culp said he discussed online e-training with other state POST directors. There is a great variance as some states allow no online training to others which allow more than three hours. But in every instance when the door was opened too wide to begin with, they lament the loss of their process. They lost the ability to control their training by the officers. He thinks the board exists to set standards for officers not to provide the most convenient thing an officer can do. It is through the executive director to the Commission that requires both bodies to agree on the policy change before it gets implemented.

Cooperation between KS-CPOST and KLETC exists said Executive Director Culp; he related an inter-agency agreement was developed for reciprocity. Director Pavey has the expertise for reviewing officer transcripts. But there is no interagency agreement for online e-Learning revisions for training and Executive Director Culp doesn't think there will be.

Of all the changes presented Executive Director Culp recommends adoption of them except for the surrender of control from the director of KS-CPOST over the professionalism of law enforcement training. And the loss of control over reporting, tracking and auditing training. The agency has tracked down people in Oklahoma who falsely reported attending training because it was physically proven and substantiated by witness statements.

Executive Director Culp said some media training is allowed already and there are no investigations happening. He also said it, adoption of proposed changes, was not a viable option if KS-CPOST is to continue doing compliance. He continued saying that aspect of KS-CPOST, The Central Registry for Training investigation might as well be closed. He also made the point that if officers or deputies were allowed to do whatever whenever however in training it would not be good and deviates from all other policies of KS-CPOST. He said he did not favor opening that door and if it was opened it could never be closed. He stated that if a better grasp of e-Learning happened the door could be opened wider later and he would be willing to review the proposed policy again. But for right now Executive Director Culp recommends e-Learning be opened up without giving the authority to agency heads because sometimes the agency heads are the problem and that is why the authority should be placed with KS-CPOST director.

Commissioner Miller asked Executive Director Culp about the next paragraph stating the training is approved by the agency head or their designee. He said he didn't have a problem with that because it's current policy. Chairman Carmichael asked Executive Director Culp if he approved Section 3, third paragraph, second bullet concerning viewing of the live, interactive trainingbut not limited to,....or any other venue as approved by the agency head. Executive Director Culp emphatically stated no. He continued in all regards to granting new and expansive authority to agency heads should state instead to executive director of KS-CPOST. He acknowledged that he and Director Pavey don't agree on this matter and he tried to change his mind. Executive Director Culp viewed the changes as a degradation of standards.

Commissioner Barta clarified Executive Director Culp's position asking if he would have to approve any online training rather than the agency head. Executive Director Culp replied no his concern was the location of the training. Commissioner Barta asked Executive Director Culp if he was saying that was a wage and hour issue for an agency. Executive Director Culp said the training act was mute on pay and it was not an area to get involved with that issue. But for small agency heads that don't know wage and hour laws and don't have access to legal staff if they have officers that run around and do training whenever they want to that could certainly have wage and hour ramifications. He had problems with wage and hour in the past and it was because the department didn't control when and where their people worked.

Commissioner Bush asked Executive Director Culp where agencies would take their training. Executive Director Culp said any structured environment. He allowed that many communities were small and had worked with this language for a long time. He sees no problem with recognized learning environment and he considers a patrol car with an in car computer a structured environment. It does

present the opportunity for another officer to take the test for the student but not as likely as if it were an officer's basement with a six pack watching a basketball game and letting the video run. He believes that number one is more likely to happen than number two.

Commissioner Jarboe asked Executive Director Culp if he was OK with the expanded training sites if the officer was on duty because he would not have an officer take training in the basement of his house if he's on duty. Executive Director Culp said there were agency heads that would allow such a thing and that's what the proposed changes are opening it up to do. That scenario would be perfectly permissible the way the revision is written saying training can happen anywhere.

Commissioner Thompson explained KBI agents work out of their homes in many situations. If he directed on duty agents to come into the office so he could see them and see that they logged into the KBI network and took training for an hour or two. How would he justify that when they work out of their homes? Executive Director Culp replied if he was contacted about that scenario he would say that was OK. But he wouldn't give that approval on a carte blanche basis without some monitors in place.

Commissioner Thompson said every hour of work by KBI agents is valuable and he can't justify having anyone drive two or three hours to a structured environment for training purposes. Executive Director Culp pointed out that's the current policy and he's in favor of expanding that to other places such as a public library which he considers a structured environment. If an officer cheats somehow while training in that space KS-CPOST could conduct an investigation and a conclusion could be reached. But he emphasized there is no way KS-CPOST can conduct an investigation of training taken wherever, whenever and however. He said a possible option was to just stop tracking training and accept reports as they come in but he said some of the reports are false. This has been proven by past investigations of these matters.

Director Pavey asked Executive Director Culp wouldn't he investigate an allegation of online cheating if it was reported. Executive Director Culp said it would be difficult to prove or disprove an allegation of cheating online especially if it was in an officer's basement or on his bass boat. Commissioner Bush made the point that KLETC classes would have testing. Executive Director Culp said he wasn't worried about KLETC classes because students could use their dorm rooms and stuff like that for training environments.

Executive Director Culp said he receives six to eight requests a month from outside vendors to sell media training to police departments in Kansas but when he tells them about the controls that are in place he never hears back from them. It seems like every retired FBI agent becomes a training consultant selling online training and Executive Director Culp has no idea of their level of competence.

Commissioner Keller asked Executive Director Culp if determining the trainers competence was his job or the job of the agency head. Executive Director Culp said he is asked to certify the training for POST hours before it's given so they can advertise it to local agencies. Chairman Carmichael pointed out that wasn't a CPOST process whoever is the agency head determines the appropriate training and Executive

Director Culp agreed. But the current regulation says the training program is conducted on a designated computer in a recognized learning environment, such as but not limited to an agency's training classroom, community college or other recognized place. He said the policy had been working but we needed to look to the future which is going to be digital, electronic and streaming which needs to be accommodated. But the proposal is going to let the horse run out of the barn.

Commissioner Keller summarized Executive Director Culp's argument against adoption of the proposed changes as being based on his inability to investigate possible fraud in other venues. He asked Executive Director Culp to give him an example of another venue that would be more difficult to investigate than an officer sitting in a class room by himself taking a class online. How is that more difficult if he's in his basement or a classroom? Commissioner Keller continued saying the fact that the training is online makes it more difficult to investigate than the location.

Commissioner Bush said if he has an officer off work due to an injury he can either put him on workers compensation or let him work on his training requirements while he's home. Executive Director Culp said he would certainly accommodate that request. Commissioner Bush asked Executive Director Culp if he would have to call him each time that situation came up and he replied he was called on lots of training issues all of the time, a dozen a day. Commissioner Jarboe objected to having to do that on a training plan based on his best judgment. Executive Director Culp said agency heads sign off on backgrounds and demographics and all those things which he frequently has to look into. If there is an issue there are files and papers to examine and determine if they have done their job or not. But he's not sure he can investigate an online training issue except the officer can tell him if he took the class or not.

Commissioner Jarboe said there would be a record of their password in the computer. Executive Director Culp said the proposal doesn't require a monitored test. Commissioner Bush said there was a difference of opinion on this matter but would it be acceptable if the proposed guidelines required a test for the training class. Deputy Director Beck interjected that was included in the guidelines.

Executive Director Culp asked if the testing applied to all training. Director Pavey said it applied to all online e-training but there was no requirement for testing on face-to-face training. Commissioner Jarboe pointed out that when he attended a training conference in Topeka with many different speakers he was never tested. He said this policy was a lot better because of a record of the test and a score. This way made more sense to him. Referring back to his example of attending a conference in Topeka he said there was no record of what he learned. Executive Director Culp said there was someone sitting beside him and that was important because complaints come in about three officers signing in to a conference but leaving to go gamble and that can be investigated.

Commissioner Jarboe said there is a computer showing a sign in there is a record they entered their password. He said he forgot his password for Kansas E-Train before and it was a big deal. Executive Director Culp asked who took the test. Commissioner Jarboe said his password validated his participation. Commissioner Bush said when his staff take online training they are required to produce

the certificate they print off upon completion and that is kept in their file. Commissioner Jarboe said that online training had been happening for some time. He took his Intoxalyzer 5000 training from Kansas Train on his computer in his office. He was alone, his secretary may have checked on but he's not sure. Executive Director Culp asked him if he was more likely to be diligent at your desk or apartment rather than sitting on a bass boat with a cooler full of beer. Commissioner Jarboe said he thought there were a number of checks and balances built into the Kansas E-Train program and it has worked for several years.

Commissioner Thompson agreed that he also supported compliance but wasn't the importance of delivering the training in an effective timely manner is more important to Kansas law enforcement than the possibility that someone might compromise the system. When that happens they are dealt with harshly. He was concerned that the door was being shut on a lot of good training preventing people from receiving it in a timely fashion. Executive Director Culp reiterated his concern that the door was being shut on compliance and his POST colleagues across the nation cautioned against opening the door so wide the horse gets out of the barn and never to be returned. Chairman Carmichael asked why is that the case if it is determined that the system is being abused what can't the door be slammed shut just as easily as it was opened. Executive Director Culp said it was because it is not in the nature of how things are done once a right is granted to agency heads they're not going to give it up.

Commissioner Keller said in the Training Act much of the onus is put on the agency head to make those decisions and didn't know if he was ready to take that authority away from the agency heads. He allowed that some agency heads didn't always make good decisions and Executive Director Culp interjected that some had been decertified. Commissioner Keller agreed that should be the case. Executive Director Culp reiterated his concern about being able to prove that an officer did something wrong. Commissioner Jarboe said if someone took a class and test on a bass boat it would be spread all over the department and agency heads would be aware of it. Executive Director Culp said that there was no regulation preventing that. Commissioner Jarboe asked if taking the training on the bass boat was approved by the agency head it would be OK. But the department head would be dealt with in another way. Executive Director Culp asked how that would happen. He reiterated his concern and cautioned against adoption of the proposed changes in a giant leap rather than normal steps.

Director Pavey said he and Executive Director Culp had discussed this issue already. In fact they met with the Executive Director of the Rural Law Enforcement Executive Institute and he said people take their training while waiting at airports. Director Pavey said he and his staff saw the new guidelines as a mechanism for Kansas to get up to speed and have opportunities for training if approved by the agency head. He understood Executive Director Culp's concern about compliance with ½ of 1% of the officers who violate the policy but understand it prevents 99.5% from doing it right.

Deputy Director Beck said it was understandable that there was a conflict between Directors Pavey and Culp because of different interests of training versus compliance for their respective agencies. He explained the proposed policy was about balance between quality training that's necessary and required for law enforcement officers and verification of the training happened. KLETTC is very

interested in verification of the training but is more concerned with the quality of the training and validation with a testing mechanism than visual confirmation of a person sitting in front of a computer. Because Deputy Director Beck said that visual confirmation of a person sitting before a computer doesn't prove they learned anything. But validation of distance e-learning training could be a signed affidavit by someone who saw the officer sitting at the computer.

Deputy Director Beck said the executive director knows not what he's asked for, the enormity of the task of approving training for the 8,022 law enforcement officers within the state would be a big undertaking. Anyone of these individuals might want to take training at a different location such as at the airport, at home or on a bass boat. He contends the best person to make the decision about an officer taking training is not a person in Wichita but the person who is responsible for and supervises that officer or deputy on a daily basis. The supervisor could be held civically liable for the officer and therefore he has a vested interest in making sure the officer is trained and determining the best location for that training to occur.

Deputy Director Beck explained the wage and hour issue is further evidence of the need for the local person making the decision. Who would know better if whether this is a good use of a person's time and if it should be overtime or not. The chief or sheriff would know best whether the situation called for overtime. Executive Director Culp said he received no calls during the past year on the current language.

Commissioner Barta said he would like to get home some time tonight, but aside from that he said training approval should continue residing the agency head who is responsible to the citizens and responsible for the agency. Executive Director Culp interjected that currently the location of the training is decided by the regulations. Commissioner Barta asked if the issue could be assigned to a committee and the commission could come back to it at a later time.

Chairman Carmichael said the issue is already six months old and has not been acted upon by the commission. All the while KLETC is ramping up their technology capacities and curriculum; they've hired new staff and received grant funds. He said the hour was late but he didn't think tabling the matter to revisit later was going to change anything. Executive Director Culp said KLETC can continue with the implementation of technology changes under the existing language of the current training act the changes are only two words.

Executive Director Culp said he would agree with the Commission on this matter if they want to adopt the proposed changes to the In-Service Training Guidelines for Kansas Law Enforcement. He said he would not be the lone guy standing out if everyone thinks the agency head should be approving the training programs and the location of the training. He said he thought his position was seen as someone trying to exert control over agency heads but he's not proposing the language of the changes.

Executive Director Culp said he looked at the proposed changes as someone responsible for the investigations and he knows they are hard and it isn't going to happen. And from the input he had from

other POST heads saying don't let the cat out of the bag because you'll never get it back in there. He suggested the change be made incrementally. Commissioner Bush said the e-Learning door should be opened wider and allow more than 20 hours on online or e-Learning classes each year.

Lt. Colonel Stoecklein said he wanted to inform all that Commissioner Garcia is in favor of the proposal and has talked to Director Pavey about this issue. It supports their VPN technology advancements as every Highway Patrol Officer is connected to an air card. They may work anywhere and the agency has no way to know where the officer is when he signs on. But he and Commissioner Garcia appreciate they can use the internet whenever they can and wherever they can. Since only 20 training hours can be obtained through e-Learning classes the other 20 hours have to be in person in a structured setting he sees that as a happy medium.

The troopers are given rules for using their air card such as not to be used at home or use only while on duty in their district office in St. John for example. There would not be anyone to monitor a trooper taking training at a district office but that is how it's to be done. The trooper may go home and do it but the hours wouldn't be billed because they're not approved over time. Utilizing the air card technology keeps the troopers out of the office and moving on the road getting the job done with their computer.

Sometimes troopers log on their VPN at home, there's a certain percentage that skirt the rules at times but it can't always be proven. The exception is logging on while off duty, the system shows every log in and that is a violation. Executive Director Culp made the point again he is not against e-Learning but there needs to be some control. Commissioner Jarboe said there were department heads that were controlling the use of technology while training.

Commissioner Keller said he didn't want to expand e-Learning but he liked the research presented by Deputy Director Beck saying combined training was the most effective. He has experienced that in classes that he's taught. He wants the authority to determine the best use of his agency's time and he doesn't want that taken away from agency heads. Executive Director Culp said CPOST does direct the activities of agency heads in other areas. This would not be the first time.

Chairman Carmichael asked if the matter was ripe for a motion. Commissioner Jarboe made a motion that the proposed changes to the In-Service Training Guidelines for Kansas Law Enforcement be approved. Commissioner Barta seconded the motion. Chairman Carmichael asked if there was any further discussion before calling for the vote.

Executive Director Culp said the administrative regulations also needed updating because of outdated verbiage, like the Kansas Law Enforcement Training Commission instead of KS-CPOST. It would be good to make it all accurate for the commission as it exists today. Chairman Carmichael said he had been calling for the same thing for the past three years. The regulations needed to be cleaned up and particularly the In-Service Training Guidelines which are not KAR. As badly as that needs to be done and should have already been done in his judgment there is no reason to slow down KLETTC's

technological advancements while KS-CPOST gets its act together regarding the regulations and the training manual. Chairman Carmichael called for the vote and the motion carried unanimously.

Chairman Carmichael said the next item of business is Juvenile Felons in Law Enforcement Executive Director's Meeting with Attorney General Schmidt and Kyle Smith and gave Executive Director Culp the floor. Previously the Commission voted to support language changes, a 10-2 vote, for the last AG's opinion that said diverted felons, if they were juveniles opposed that policy but decided to go ahead and follow the AG's opinion until such time that it was legislatively changed. In the meantime, a new AG is elected. Executive Director Culp said he did not want to go into a new legislative session opposing the new attorney general on something if he wasn't opposed to it. Not wise as if there was litigation concerning the subject the attorney general would be defending KS-CPOST.

Executive Director Culp said he met with AG Schmidt and Kyle Smith and he endorsed the CPOST independent action to submit the language that was provided at the last Commission meeting or the one previous to that. The proposed change closes the door on felon applicants, juvenile or adult. With no objection from the attorney general Executive Director Culp will try to find a sponsor for that legislation during the next session unless something has changed. Chairman Carmichael said he didn't see any inclination of the commission to change their prior position and he wasn't changing his no vote either.

Chairman Carmichael said the next item was the Governor's Domestic Violence Program. Director Pavey said everything had been taken care of and the item could be removed from the agenda.

Chairman Carmichael then moved onto the Attorney General's LE Model Policy. Executive Director Culp said he worked with Commissioner Bush and Kyle Smith and a number of others served on a committee that wrote the Law Enforcement Model Policy on Racial Profiling. It was sent to Director Pavey who reviewed it to make sure training matches the policy and after review by a host of others it is now on the Attorney General's desk for his signature.

Administrative Assistant Vicki Mork asked if it was Senate Bill 93 that is in the notebook. Executive Director Culp said that was not the case that he made a copy of the bill that passed during the last session. He said significant changes had been made to the bill that truly benefits law enforcement. Commissioner Bush deserves kudos for his hard work and persistence. Commissioner Bush said that Counselor Williams, Director Pavey and Executive Director Culp were very helpful too. As the chair of the data collection committee he used KS-CPOST conference room a number of times for committee meetings and he thanked Executive Director Culp for his hospitality. Commissioner Keller clarified the Model Policy has not been approved but is waiting for AG Schmidt's signature. Commissioner Keller also inquired about a comprehensive plan being included but Commissioner Bush said that was not the case at this time. Executive Director Culp said the bill contains some elements of a comprehensive plan. Commissioner Bush said he thought the Model Policy could and put together an expanded version for a comprehensive plan. Commissioner Bush added the task force is now over, it sunsetted at the end of

June. He said there was some merit to keeping the task force because he doesn't see the topic going away and it will be interesting to see what happens in future years.

Chairman Carmichael asked for any other old business before announcing a brief matter needed to be taken up in executive session at the very end of the meeting. Moved on the new business stating he had no new business. He asked the members of the Commission if they had any new business and Executive Director Culp but none was stated. Chairman Carmichael asked if there were any members of the public wishing to address the Commission but there were none.

Chairman Carmichael moved on to the next matter, selection of a meeting date which is typically held in January. Executive Director Culp said the meeting could be held in January, February or March and he was usually out of pocket in February. Chairman Carmichael asked if he had a specific date in mind. Executive Director Culp said he would pick a range of dates and send out an email. He asked if anyone was blocked out the first week of March but no one said they were. Chairman Carmichael said it had been established that serial emails for meeting date selection were approved and asked Executive Director Culp to send out, as quickly as possible, proposed dates for the next meeting.

Chairman Carmichael said the matter for executive session, personnel issues are discussed in executive session. At the last meeting a motion was passed concerning a recommendation letter for Executive Director Culp. He provided a draft letter to Chairman Carmichael who wants to run it by the Commission for discussion. He anticipates they will need only 10 minutes. A motion was made by Commissioner Pierce to proceed into Executive Session for a period of 10 minutes for the purpose of discussing a personnel matter of a particular employee. Commissioner Barta seconded the motion. And it passed unanimously. Chairman Carmichael announced the executive session will last until 6:28pm and he does not anticipate any substantive business following that session.

The meeting reconvened at 6:28 pm and a motion by Commissioner Ralston, seconded by Commissioner Barta called for an additional 10 minutes executive session. Passed unanimously.

Chairman Carmichael reconvened the meeting at 6:39 and asked if there was any further business. He called on Commissioner Barta who noted they had just met for 20 minutes or so and patience is getting short. He suggested that the commission set a special time to discuss those issues that were being discussed sometime in November. Chairman Carmichael said it had been recommended that the Commission be convened in November 2011 with the purpose of the meeting to take up matters primarily in executive session. There will still need to be a notice of a public meeting. Commissioner Barta said his request was a motion. Commissioner Thompson seconded the motion. Chairman asked for any further discussion hearing none he called for a vote and the motion carried unanimously. Chairman Carmichael asked Executive Director Culp to coordinate a meeting date in November. Executive Director Culp clarified the meeting place was to be Wichita.

Chairman Carmichael asked if there was any further business, hearing none a motion was made by Commissioner Bush to adjourn the meeting, seconded by Commissioner Keller, motion passed unanimously. The meeting was adjourned at 6:45 pm.