



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

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## **COMMISSION MEETING MINUTES September 26, 2005**

Chairperson Jackie N Williams convened a special conference call meeting to order at on or about 2PM on September 26, 2005.<sup>1</sup> The purpose of the meeting was to discuss the recommendations of a firearms subcommittee relative to management issues.

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

Also present was Commission Counsel Kyle G Smith.

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

Chairman Williams entertained a motion to defer the approval of the minutes of the August 2, 2005, meeting until the next regularly scheduled meeting, which was moved by Director Welch and seconded by Sheriff Steed. There was no discussion and the motion passed unanimously.

AD Gould advised at the August 2, 2005, meeting the Commission asked the firearms committee to reconvene to discuss specific issues concerning the firearms course that was approved on that date. The Committee met on August 29, 2005, and made the following recommendations:<sup>2</sup>

- (1) The Committee recommended that full and part-time officers should be required to qualify on the State of Kansas standard firearms qualification course of fire once each training year. This will not prohibit any agency from requiring their officers to qualify an additional number of times annually on

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<sup>1</sup> The conference call was set-up by Southwestern Bell, who subsequently provided a audio CD of the call and a written transcript (Atch # 1).

<sup>2</sup> Atch # 2 — Minutes from the August 29, 2005, Firearms Committee meeting.

this course or their agency's own qualification course of fire.

- (2) The number of re-shoots allowed prior to any remedial training is an agency issue to be left at the discretion of the agency head.
- (3) The type of remedial firearms training required (if any) is an agency issue.
- (4) The agency will be responsible for maintaining all records regarding the qualification shoot, and on each officer. As part of a full-time officers' annual forty hour continuing education obligation agencies shall report completion of firearms qualifications each training year to KLETC on a form designed for that purpose or through KLETC's on-line reporting system.
- (5) If an officer fails to qualify on the required course of fire once during a given training year, it will be handled in the same manner as we currently handle those officers who fail to get their 40 hours of required training completed.
- (6) It was recommended that this requirement be made effective on July 1, 2006. This would allow agencies an opportunity to become familiar with the new course of fire and have an opportunity to implement it within their agencies. It would also give POST and KLETC time to develop reporting procedures, etc...
- (7) Existing guidelines found in KLETC's In-Service Training Guidelines for Kansas Law Enforcement publication regarding supervision of firearms training at the local level would be applied to this area of training. Officers would not be able to fire the course on their own without a firearms training supervisor approved by the agency head present.
- (8) It was recommended that all agencies be sent information on the State of Kansas Partners Program once again so that agencies can purchase ammunition at a reduced rate through state contracts.

Chief Klumpp suggested that in sub-paragraph five (5) that the words "at least" be inserted between the words "fire" and "once." During the subsequent discussion Chairman Williams suggested they could re-word it to say, "An officer must qualify at least once annually on the required course during a given training year." There was no additional discussion concerning sub-paragraph five.

Commission Counsel Smith questioned the effective date of July 1, 2006, which would mean retired officers would not be allowed to carry concealed until next July. It was pointed out that the

course of fire<sup>3</sup> was approved by the Commission at the August 2, 2005, meeting and this meeting was to adopt an implementation procedure for in-service training.

There was then a discussion concerning sub-paragraph eight (8) regarding the State of Kansas Partners Program. There was a general agreement that this paragraph was not relevant.

Chief Klumpp made a motion that the recommendations of the Firearms Committee be adopted with the noted revision of paragraph five (5) and the deletion of paragraph eight (8).<sup>4</sup> The motion was seconded by Sheriff Odell and passed unanimously without further discussion.

The adopted recommendations are as follows:

- (1) The Committee recommended that full and part-time officers should be required to qualify on the State of Kansas standard firearms qualification course of fire once each training year. This will not prohibit any agency from requiring their officers to qualify an additional number of times annually on this course or their agency's own qualification course of fire.
- (2) The number of re-shoots allowed prior to any remedial training is an agency issue to be left at the discretion of the agency head.
- (3) The type of remedial firearms training required (if any) is an agency issue.
- (4) The agency will be responsible for maintaining all records regarding the qualification shoot, and on each officer. As part of a full-time officers' annual forty hour continuing education obligation agencies shall report completion of firearms qualifications each training year to KLETC on a form designed for that purpose or through KLETC's on-line reporting system.
- (5) An officer must qualify at least once annually on the required course during a given training year, it will be handled in the same manner as we currently handle those officers who fail to get their 40 hours of required training completed.
- (6) It was recommended that this requirement be made effective on July 1, 2006. This would allow agencies an opportunity to

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<sup>3</sup> Atch # 3 — KS★CPOST Annual Firearms Qualification Course, adopted on August 2, 2005.

<sup>4</sup> Upon the suggestion of Director Pavey, the motion also gave KLETC the "right to wordsmith this into the proper documents..."

become familiar with the new course of fire and have an opportunity to implement it within their agencies. It would also give POST and KLETC time to develop reporting procedures, etc..

- (7) Existing guidelines found in KLETC's In-Service Training Guidelines for Kansas Law Enforcement publication regarding supervision of firearms training at the local level would be applied to this area of training. Officers would not be able to fire the course on their own without a firearms training supervisor approved by the agency head present.

Director Pavey briefed the Commission members on KLETC's progress in getting the requirements for retirees on their website ([www.kletc.org](http://www.kletc.org)). They will offer retirees an opportunity to qualify four (4) times a year at a charge of \$46.00.

With no additional formal business the meeting adjourned.

The KSC Post's conference call hosted by Ed Pavey on September 26, 2005, at 2:00 p.m., CT. Confirmation #12729264.

*Operator: Pardon me, Bob O'Dell has joined.*

Ed Pavey: Hi Bob.

Bob O'Dell: Hi there.

Male Speaker: How are you doing?

Bob O'Dell: Fine.

Ed Pavey: Also, just for FYI, this will be totally recorded by the conference call.

*Operator: Pardon me. We have Jackie Williams on the line.*

Ed Pavey: Hi Jackie.

Jackie Williams: Hi Ed.

Larry Welch: Hi Jack. This is Welch.

Jackie Williams: Hey, Larry Welch.

Bob O'Dell: Bob O'Dell.

Jackie Williams: Yes, sir. Are we ready to go?

Ed Pavey: Not yet but just to remind everybody, this is being recorded by Southwestern Bell for us.

Larry Welch: So watch your language, Bob.

Bob O'Dell: I just wanted to try to get in before Larry Welch did.

Ed Pavey: Well, you missed it. He beat you.

Jackie Williams: I know.

Larry Welch: Of course, I have P.J. making my decisions for me.

Jackie Williams: Yes. Met with three or four of us on that hate...

Ed Pavey: Racial profile (inaudible).

Jackie Williams: Yes, racial profiling task force this morning. We met as a group twice, or just a few of us, but we met for the first time last week; but it is not official yet because we still have one member that the governor is deciding on.

Larry Welch: Oh, I see.

Jackie Williams: But we still have to go to work on it because the time frame is so short.

Larry Welch: You have told me and I have already forgotten, I think. But who decides; you or the law enforcement people on it?

Jackie Williams: Gary Steed and Leroy Green out of Kansas City.

Larry Welch: Right.

Jackie Williams: Herman Jones.

Ed Pavey: Mike Watson.

Jackie Williams: Mike Watson is a good one. I think that is the law enforcement.

Larry Welch: Well, those are good ones.

Jackie Williams: Yes, yes, and O'Dell was there for our first meeting outside the committee.

Larry Welch: Yes, so then you got rid of him?

Jackie Williams: We needed his expertise in those tickets and stuff.

Male Speaker: Hey, Bob, what expertise do you have?

Bob O'Dell: Well, I do not know, but I got invited tonight to the NAACP meeting on racial profiling here in Cowley County and...

(Crosstalk)

Male Speaker: That is great.

Ed Pavey: Yes, it is a good opportunity to hear what the concerns are.

Bob O'Dell: Yes.

Ed Pavey: Hey, Jackie, did you get a chance to check your email and check the agenda?

Jackie Williams: I got it in front of me. I appreciate that very much.

Ed Pavey: Very good, very good.

Larry Welch: By the way, Bob, on that driver's license issue, I told everybody about your driver's license and they tell me I am crazy and that cannot be. It is the people from DMV that are saying that; that there is no way that could rub off because it is laminated. I said, "Well, I saw it and it is rubbed off."

Male Speaker: It is rubbed off of mine, too.

Ed Pavey: Dave Wury\* says his is coming off.

*Operator: Pardon me, Jim Jarbo has joined.*

Ed Pavey: Okay, hi Jim.

Jim Jarbo: Hello.

Larry Welch: Cannot talk about him now.

Ed Pavey: That is right.

Male Speaker: Oh, man. I will tell you later.

Ed Pavey: When was that issued?

Male Speaker: A year ago, maybe.

Male Speaker: Yes, the printing has come off; his name and his address.

Ed Pavey: Yes, sure enough.

*Operator: Pardon me, Ed Klumpp has now joined.*

Several: Hi Ed.

Ed Klumpp: How is everybody today?

Male Speaker: Good Ed.

Larry Welch: Good, good, good.

Male Speaker: Hey, how was the funeral today? I would have gone to that if it was not for our meeting.

Male Speaker: How was what?

Male Speaker: The funeral Enteron\*.

Ed Pavey: It was packed, overflow crowd, and standing room only.

Male Speaker: Oh, great.

Larry Welch: By the way, the young deputy sheriff from Thomas County, I guess, you saw, he is going to have three different services.

Ed Pavey: Yes, we just got the fax in on that. We are going to try to see if somebody from staff can go on Wednesday because the rest of us are going to be up in Junction City.

Larry Welch: Tribune tomorrow and Council Grove one day and Thomas County one day.

Male Speaker: What happened? I did not hear about that.

Larry Welch: A young deputy sheriff found in Thomas County, Colby, committed suicide last Friday. In fact Jason Moses, under sheriff - -

*Operator: Pardon me, Gary Steed has now joined.*

Larry Welch: Since Gary is on, I will tell you guys later. Hi Gary.

Gary Steed: Well, thank you. Whatever, who was that?

Larry Welch: That was Pavey.

Male Speaker: That was Larry Welsh, Gary.

Gary Steed: I hear Jackie and I hear...



Ed Pavey: We are waiting on some more members.

Gary Steed: I hear Pavey.

*Operator: Pardon me, David Miller has joined.*

Ed Pavey: David Miller.

Male Speaker: Now we cannot talk about lawyers.

Gary Steed: You better not.

*Operator: William Seck is on line.*

Ed Pavey: Bill Seck, all right.

William Seck: Hey, Ed, how are you?

Ed Pavey: I am doing fine, Willie, how are you doing?

William Seck: Good, good, good.

Ed Pavey: Quite a few others are on with us. The chairman is going to do a roll call here in just a few minutes.

William Seck: Perfect, thank you.

Ed Pavey: We are waiting on a couple more people.

William Seck: All right.

Ed Pavey: Larry, did you happen to see Kyle around there anywhere?

Larry Welch: Yes, yes, I hope he has not forgotten. Yes, I saw him all day.

Male Speaker: Lawyers do not forget stuff.

Larry Welch: I can see if he is back there on his phone, or he may have... I hope he did not forget.

Male Speaker: Hey, Larry? Larry?

Larry Welch: Yes.

Male Speaker: Is Ed wearing a cheif suit today after that wedding?

Male Speaker: Probably. He is probably just wearing underwear.

Male Speaker: Just kidding Ed.

Male Speaker: I know I did not buy anything for three years after Laurie's wedding and reception.

Male Speaker: You are probably right.

Kyle Smith: This is Kyle here but I am not sure I want to participate in a discussion of Ed's underwear.

Gary Steed: Well, I was most concerned about the quality of the liquor at the reception.

Male Speaker: Kyle, I do not understand that because I thought attorneys always dealt in briefs.

Ed Pavey: I will make a motion. We will defer this subject and move onto another topic.

Male Speaker: Good idea.

Ed Pavey: Okay, we are lacking Sunny\* Ralston and Bill Smith. Sam Beshears\* is in Florida and if we fail to get a quorum, he would be available via cell phone if we absolutely had to have him; but I do not think we are going to need him.

Male Speaker: We already have a quorum.

Male Speaker: He does not want to get sand in his cell phone, does he?

Ed Pavey: I do not blame him.

Gary Steed: Well, Seck and I are down in Florida. What is the deal here?

Ed Pavey: Yes, I do not know. We should have got him on the telephone.

Gary Steed: Yes, we should have.

Male Speaker: I think we should have all gone down there and had a conference call.

Male Speaker: Hey, that is a good idea.

Male Speaker: That sounds good.

Ed Pavey: Two, three, four, five, six, seven, eight; right now, Steve Stowers\* is sitting here with us at the training center, so he is on board. So that is one, two, three, four, five, six, seven, eight, and nine. Nine members, Darin, does that conduct as a quorum?

Darin Beck: That is a quorum.

Ed Pavey: Mr. Chairman, you have a quorum on board.

Kyle Smith: Not to be an attorney but remember, Ed, I am not a member.

Ed Pavey: One, two, three, four, five, six, seven, eight, and nine. Nine on board and you are ten, Kyle.

(Crosstalk)

Jackie Williams: Okay, good afternoon. This is a special commission meeting. The purpose is discussing the recommendations by the commission of a subcommittee report appointed by the chair. If we could have an official roll call, please, starting with Mr. Welch.

Larry Welch: Here.

Jackie Williams: Ed, you have the list there. Could you just call them off?

Ed Pavey: Yes, I could do that for you, Mr. Chair. Chairman Jackie Williams.

Jackie Williams: Here.

Ed Pavey: Commissioner Larry D. Welch.

Larry Welch: Still here.

Ed Pavey: Commissioner James Jarbo.

James Jarbo: Here.

Ed Pavey: Commissioner Ed Klumpp.

Ed Klumpp: Here.

Ed Pavey: Commissioner David Miller.

David Miller: Here.

Ed Pavey: Commissioner Bob O'Dell.

Bob O'Dell: Here.

Ed Pavey: Commissioner Vern Ralston, Vernon Ralston? He is not on the line with us. Commissioner William Seck.

William Seck: Here.

Ed Pavey: Commissioner William Smith. Not on the line. Commissioner Gary Steed.

Gary Steed: Here.

Ed Pavey: Commissioner Stephen Stowers\*.

Stephen Stowers\*: Here.

Ed Pavey: For the purposes of the audio recording, Ed Pavey is here representing the Law Enforcement Training Center; Kyle Smith, Commission Counsel.

Kyle Smith: Here.

Ed Pavey: Lee Davidson, I have not heard from him. Also, representing the commission is the KLETC staff is Associate Director Ron Gould.

Ron Gould: Here.

Ed Pavey: Darin Beck, Legal Counsel.

Darin Beck: Here.

Ed Pavey: And also representing KLETC is David Wury\*, Assistant Director.

David Wury\*: Here.

Ed Pavey: That is it, Mr. Chair.

Jackie Williams: Thank you, sir. Before we get to the discussion of the subcommittee's recommendations relative to the firearm's course management issues, we need to defer the minutes of the August 2, 2005, meeting until our next regularly scheduled meeting; so we will need a motion from somebody to defer the minutes from the August 2<sup>nd</sup> meeting to the next regularly scheduled commission meeting.

Larry Welch: This is Welch and I so move.

Jackie Williams: It is moved so by Larry Welch. Is there a second?

Gary Steed: Second it by Gary Steed.

Jackie Williams: Any discussion? Motion is made by Larry Welch, seconded by Commissioner Steed. All in favor, say, "I."

Several: I.

Jackie Williams: Any against? It carries unanimously. Mr. Pavey, I believe the KLETC staff is ready to present the commission subcommittee's recommendation.

Ed Pavey: We are and I am going to turn it over to Associate Director Gould to explain the process and the recommendations of the subcommittee.

Ron Gould: After our last commission meeting on August 2<sup>nd</sup>, we were asked to reconvene our firearms committee so that we could discuss the actual issues around the firearms course of fire that was adopted on August 2<sup>nd</sup>. We called a committee meeting for August 29<sup>th</sup> and although there were not a lot of committee members there, I did forward the minutes and the notes from the meeting to all committee members and asked for input from them. The people at the meeting were under Sheriff John Green, representing Gary Steed from Sedgwick County Sheriff's Office; Lieutenant Doug Griffith, Kansas Highway Patrol representing Colonel Bill Seck; Captain Darin Moore from the Wichita Police Department, along with Director Pavey and Legal Counsel Darin Beck and myself. We came up with eight recommendations to the commission. The first one that we recommended was that all full- and part-time officers should be required to qualify on the standard firearm's qualification course once each training year. Of course, we also recommend that that not prohibit any agency from requiring their officers to

qualify an additional number of times on whichever course of fire they chose. Mr. Chair, do you want to go over these one at a time, or do you want me to go ahead and go through the list?

Jackie Williams: I would think we would want to go through the list unless anybody on the commission would prefer them one at a time. Would anybody prefer them one at a time? Why do you not go over all of them; I think everybody has that in front of them, and then if anybody has a question, they can break in with that.

Ron Gould: Okay, that would be fine. The second recommendation was on re-shoots; how many re-shoots would be allowed if an officer failed to qualify and the committee recommends that that be an agency issue, left to the discretion of the agency head. As far as remedial firearms training for those officers who are having difficulty qualifying on this course, that also is recommended that that be left to the agency and agency head. As far as recording or keeping records, the agency is responsible for maintaining the records as far as the time, the date, whatever other information that they feel is pertinent; and then reporting that to KLETC on the regular on-line reporting system or on the forms provided by KLETC for that purpose. If an officer fails to qualify during a given training year, we would recommend the commission handle that in the exact same manner as we currently use for those officers who do not receive their 40 hours of training during that year. We also would recommend that this required shoot not become effective until July 1, 2006, and we recommended that because that would give agencies the time to become familiar with the course and then to have an opportunity to implement it within their own agencies. It would also give Kansas C-Post and KLETC time to further develop reporting procedures and also to, perhaps, continue with the KAR process that needs to be done during this next six months.

Jackie Williams: And on that and that is in accordance and all the legalities of the bill itself?

Ron Gould: Well, the bill was just to deal with the retired officers. We complied with that. There was nothing in there that said when we had to implement this, as far as I know. What do you guys...

Male Speaker: I would agree. There is no requirement in the legislation as to when this would become effective.

Jackie Williams: Okay, thanks.

- Ron Gould: We also recommended that the existing guidelines in the in-service training guidelines for Kansas Law Enforcement regarding the supervision of firearms training be applied to this also; and specifically in that, that officers, of course, would not be able to fire this course of fire on their own, without a firearm's training supervisor approved by the agency head present at the time and that is for obvious reasons. And then lastly, it was recommended that the agencies be sent information about the State of Kansas Partner's Program and I believe that is through the highway patrol. It says that they could, in fact, purchase ammunition at a reduced rate through state contracts if they chose to do so.
- Male Speaker: Ammunition and targets.
- Ron Gould: Oh and targets, yes. Mr. Chair, those are the recommendations made by the committee to the commission at this time.
- Jackie Williams: Okay and we appreciate the subcommittees work on that. Those are pretty concise and to the point and well thought out. Any discussion on any of those points? I think there are one, two, three, four, five, six, seven, eight different recommendations involved. Any discussion on any of those points?
- Ed Klumpp: This is Ed Klumpp. I have got a question on number five, and I think I know what we are saying. I am not sure we really said it. Lay out a scenario here.
- Jackie Williams: Is that the one, "If an officer fails to qualify?"
- Ed Klumpp: Right, yes, and it goes on to say on the required course of fire, "Once you are in a given training year." Are we saying that if they qualify, let us say in September, and for some reason, they would shoot the same course again in March; are they qualified or not qualified?
- Male Speaker: You only have to qualify once per year if we adopt these Ed. It really would not matter what they did; if they qualified in September, it is July 1<sup>st</sup> to June 30<sup>th</sup> is what the training year would be.
- Ed Klumpp: Right and I assumed that is what we are trying to say. I think that is not clear here. I think this could be interpreted either way, and I would recommend and make a motion that in between the words "fire" and "once" that we put the words "at least."

- Larry Welch: I agree with Ed. It is a matter of semantics. I am not sure, Ron, that you are picking up on what Ed is saying because I saw that, too. In other words, Ed is saying, "If one of my guys shoots it five times during the year, and one of those five times, I mean four of the five, he zipped through it and one time he did not." The way that is strictly reading, pursuant to Ed's interpretation and I agree, we would have to notify you about that once; and yet all that you care about, all that KLETC and C-Post cares about, and notice Ed, I said, "C-Post." I am working on that.
- Ed Pavey: Good job, Larry.
- Larry Welch: Is that during the year, every one of my agents shot that and qualified.
- Ron Gould: Yes, I get what you are saying now. That makes sense.
- Larry Welch: In fact, Ed, if I might, what about just, "If an officer fails to qualify on the required course of fire," how about eliminating, omitting "once"?
- Male Speaker: Well, I think you still have the same question there because then it could be interpreted that he did fail, even though he passed it four times, he did fail; and, therefore, somebody could interpret that as "he is not qualified."
- Ed Pavey: Can you not turn it around and say, "An officer must qualify at least once annually" on it?
- Male Speaker: Yes, there you go.
- Male Speaker: That is fine. I think we need to have that at least once in there.
- Ed Pavey: If we could re-word it just to say, "An officer must qualify at least once annually on this course," period; and that eliminates...
- Male Speaker: And cellular\* would be handled in the same manner; yes leave it that way.
- Male Speaker: Yes, we can re-phrase that and say that.
- Jackie Williams: So it would say, "An officer must qualify at least once annually on the required course during a given training year?"



Ed Pavey: Exactly. We could narrow that...

Male Speaker: That would work.

Male Speaker: All done.

Several: Yes.

Ed Pavey: We understand. That is a good catch, good catch on it.

Dave Miller: This is Dave Miller. How is this different than what is already in effect?

Ed Pavey: There is no requirement...

Male Speaker: There is nothing in effect.

Dave Miller: Gotcha.

Male Speaker: I guess it is entirely different then, yes.

Male Speaker: I was pleased to handle that. Those kinds of questions, I can handle.

Jackie Williams: He knew that already. He just wanted to give you...

Male Speaker: Yes, he just wanted to see if we were alert.

Male Speaker: Throw you a softball.

Ed Pavey: Does anyone have any discussion or concerns, and this is Ed Pavey; just from the standpoint of the recommendation of handling it, from the way we handle continuing education now; if a person does not get it, it goes before the commission's subcommittee and the process?

Jackie Williams: I have none.

Male Speaker: I have none.

Jackie Williams: It does not sound like there is any on that, Ed.

Ed Pavey: Okay. We were trying to make this as simplistic as possible and not a burden on agencies and letting them handle their own

firearm's qualifications, in essence, of working out whatever their issues are.

Jackie Williams: I will just go down the number of items and see if there are any. How about:

- 1) The committee recommended that full- or part-time officers should be required to qualify, etc. on firearm's course. Any further discussion on that one?
- 2) The number of re-shoots allowed prior to any remedial training is an agency issue to be left at the discretion of the agency head. Any discussion or questions?
- 3) The topic of remedial firearm's training required, if any, is an agency issue.
- 4) The agency will be responsible for maintaining all records regarding the qualification shoot and on each officer, etc.
- 5) As amended, an officer must qualify at least once annually on the required course during a given training year, and it will be handled in the same manner as we currently handle those officers who fail to get their 40 hours of required training completed.
- 6) Recommended that this requirement be made effective July 1, 2006, etc.

Kyle Smith: This is Kyle. May I ask a question about that?

Jackie Williams: Yes, sir.

Kyle Smith: A lot of the interest in this, of course, is the retired officers and have we... How does this work with the fact that they will have to have met the state standard, yet we are not going to have a state standard until July 1, 2006? In other words, are any of our retired officers going to be allowed to carry until next July? Are we going to catch a lot of grief on that?

Ed Pavey: On the HR 218 for the statewide standard, we have already implemented that on our website. We have got our first shoot scheduled in October here at KLTEC. We have got three or four people already signed up for it and more are coming.

Kyle Smith: Well, I do not doubt with proceeding with it, but the statute says that they have to have met the state standard and if we do not have a state standard until July 1<sup>st</sup>...

Male Speaker: No, we have one Kyle; it is just not required to be implemented or effective until then but we have one, as of this vote today.

Kyle Smith: Works for me. Being the attorney, I am sitting here thinking, imagining somebody carrying concealed, having met the standard, shooting somebody, and then figuring out that we do not have a state standard for law enforcement officers in effect until July 1, 2006; and they are saying, "This person never met the requirements, should not have had a gun, and soon they will out everybody."

Male Speaker: But for the purpose of those guys, the retired, it looks to me like we could certainly, honestly, ethically say, "We now have," or I am presuming that this is going to be voted on successfully today, that we do have a standard. Now as far as Kansas law enforcement agencies being required to comply with that standard, we are simply saying that they must comply with it during the training year, starting July 1, 2006, for the first time.

Kyle Smith: And we could even say that actually we adopted a standard August 2<sup>nd</sup> and today we are just adopting an implementation procedure.

Male Speaker: Exactly.

Kyle Smith: Okay, yes; okay, I am happy.

Male Speaker: Okay, I am happy.

Ed Pavey: Kyle, this is really a temporary rule until we conduct the KAR process.

Kyle Smith: Right, which is time for a delay things anyway so I... We just might want to phrase it that way for any kind of releases or anything on the website.

Jackie Williams: Do we need any change in the language of the recommendations or anything?

Ed Pavey: That is one area that we would like to take the time wordsmith and not lose the intent of each of the items, if that would be permissible by the commission because we are going to have to be taking this into publication and the continuing education guidelines and also, as we move forward in the KAR process.

Ed Klumpp: This is Ed Klumpp. If that is an issue, I think there is an easy fix. In the letter, the cover letter that went out by email from Lanny\*, what it stated in there was, if I can find it here, that the statewide firearm's qualification course and fire would be voluntary during '06, July 1, 2005 or June 30, 2006, with an effective date of requirement of July 1, 2006, we could add language to that to simply say, "Any agency made elect to use this standard prior to July 1, 2006." I mean, it is still not a requirement but if that would resolve any legal issues, I do not see any problem with doing that.

Male Speaker: I think I am comfortable that we take the position that we have adopted a standard and today's purpose is an implementation scheduling issue and procedural issue, so let us just go ahead and say, "August 2<sup>nd</sup> we adopted a standard," and if KLETC wants to train to that standard and if, like I say, if the police agency wants to use that standard, "Hey, more power to them." But as far as KLETC and Kansas Post doing the...

Male Speaker: Yes, I think it is a lot cleaner if we do that.

Male Speaker: Yes.

Male Speaker: Okay, any other discussion on that paragraph? The next to last, existing guidelines found in KLETC's in-service training guideline for Kansas Law Enforcement Publication regarding supervision of firearm's training at the local level would be applied to this area of training. Officers would not be able to fire the course on their own without a firearm's training supervisor approved by the agency head present. Any discussion or questions?

Ed Pavey: For clarification, Mr. Chair, there are guidelines right now that say that an individual has to be present that is recognized by the agency head to be qualified as a firearm's instructor or a range master; and that is just reinforcing that, that somebody has to be present. You just cannot go out by yourself.

Jackie Williams: Yes, that would not be good.

- Ed Pavey: Yes, and then say that you had qualified.
- Jackie Williams: Okay, the last one. It was recommended that all agencies be sent information on the State of Kansas Partner's Program. Once again, so that agencies can purchase ammunition at a reduced rate through state contracts.
- Kyle Smith: My only thought on that is that it is not necessarily a C-Post issue; it certainly does not hurt anything to include that in the letter or on the website reminding people of that program, but I am not sure that is something that we need to officially adopt.
- Male Speaker: I am not so sure it is even related to the issue at hand. I wonder if some other... Again, and I do not care, you understand, but I am wondering if some other folks who want to bid on the process to provide ammunition might think that is undue influence when it is contained in the recommendations from...
- Jackie Williams: I think that is a good point.
- Larry Welch: I just do not see where that is relevant to the issue of a standard.
- Ron Gould: No, I do not think so either. Larry, this is Ron. I do not either. That was just another recommendation from the committee; but I agree, Larry, it does not seem to pertain to what we are doing.
- Larry Welch: I think it lacks relevance. I think it ought to be deleted.
- Gary Steed: Yes, this is Gary Steed. I concur with that. I do not think it needs to be in there.
- Bill Seck: Yes, I agree. This is Bill.
- Ed Klumpp: I agree, too. This is Ed.
- Jackie Williams: Any other changes?
- Jim Jarbo: This is Jim Jarbo. I agree.
- Male Speaker: Do we need to do a motion and actually formally do that?
- Jackie Williams: I am thinking maybe we can do a motion on the recommendations, as a whole, and with the one deletion and the one qualification on it

and if someone would like to make a motion and then I can restate it with those two on it.

Ed Klumpp: It is Ed Klumpp. I would so move.

Jackie Williams: Do we have a motion to adopt the recommendations with modifications?

Ed Klumpp: It is Ed Klumpp. I would so move.

Jackie Williams: And we have a motion to adopt the recommendations with the modifications. The modifications are on the fifth recommendation to read now, "An officer must qualify, at least once annually, on the required course during a given training year; and it will be handled in the same manner as we currently handle those officers who fail to get their 40 hours of training completed." And on the last recommendation, to delete that recommendation which is, "It was recommended that all agencies be sent information on the State of Kansas Partner's Program, etc." Is there a second on that motion?

Bob O'Dell: This is O'Dell. I will second that.

Jackie Williams: All those in favor...

Ed Pavey: Here, for discussion.

Jackie Williams: Yes, I am sorry.

Ed Pavey: Just for the purposes of the meeting and before the vote, we would like to also make sure that we have the right to wordsmith this into the proper documents because some of this needs to be wordsmithed; all of it.

Jackie Williams: Do you want to amend the motion?

Male Speaker: That would be fine with me to amend the motion that way.

Jackie Williams: So amended that, let us, again, vote on the motion then. The motion to adopt the recommendation with the modification so noted; again, we need a motion on that and who made the motion the first time?

Male Speaker: Ed Klumpp.

Jackie Williams: Okay and seconded by?

Male Speaker: O'Dell.

Jackie Williams: Any further discussion? All those in favor?

Several: I.

Jackie Williams: Those against? Motion passes unanimously, Mr. Pavey.

Ed Pavey: All right.

Jackie Williams: I think that the only other thing on the commission meeting today is an update on HR 218.

Ed Pavey: Just to let you know and, again, I mentioned it just a moment ago. Ron Gould and Darin and the staff members have been working hard getting this website up and running with all the requirements for the retirees if they choose to come here and conduct their qualifications. We have had a couple inquiries about whether the satellite academies are going to be providing this qualification opportunity to outsiders. At the present time, because of the language, instead of Bill 195, it says, "The director shall conduct it here or at other places that I deem appropriate." We would like to get up and running here. We will see what develops and we are not sure that Ed Klumpp or Gary Steed or any of the other commission members that operate satellite academies want to undertake the liability issues that could be eventually involved in providing qualification opportunities for people outside their agencies; but if there is a demand for it, we will be glad to take a look at it and sit down with people like Ed and Gary and Norman Williams and Billy Seck and talk to them about if they have any desire to be involved in that process; but right at the point in time, it is the agency from which the individual retired from will handle the qualifications of their own retirees. In an event that they do not want to do that, then KLETC is going to offer it four times annually. At this point in time, we have a special one. The very first one is outside the normal four times a year and we are doing it in October. And after that, we will see what the demand and what some of the issues may be.

Male Speaker: How much are you charging, Ed?

Ed Pavey: It is \$46.00 and...

Male Speaker: \$45.59 and do not ask.

Male Speaker: That is doggone reasonable.

Ed Pavey: Well, it is. We think it is.

Male Speaker: Seriously, my gosh...

Male Speaker: You know, what we are spending on our instructors here at the KBI director, we might be able to just let the KLETC do that and let the agents work those days.

Male Speaker: If I were you guys, I would charge \$100.00.

Ed Pavey: Well, the statute was very specific and we tried to be fair about it and try to make it just reasonable for the retirees to come here; and right now, we have got a secret service retiree and an ATF retiree scheduled to come here and the rest are...

Male Speaker: We have two Olathe PD retirees.

Male Speaker: If the ATF retiree is John Workman, have... Well, strike that.

Male Speaker: And we have a Bureau of Prison Police retiree coming.

Male Speaker: Federal Bureau of Prisons?

Male Speaker: Yes.

Ed Klumpp: Ed, this is Ed Klumpp. Just so I understand. The individual agencies satellite facilities right now can only do their own, right?

Ed Pavey: That is correct.

Ed Klumpp: Okay; I thought that is what I understood, yes.

Ed Pavey: That is correct. Now I want to caveat that because, in essence, if you have had an arrangement with another agency to be doing their qualifications for them, that can continue. So if they want to have their retirees come over and see you, that is up to you, Ed.

Ed Klumpp: So we could do like the sheriff's office if we wanted to.



Ed Pavey: Yes.

Ed Klumpp: But we could not do the ATF guy.

Ed Pavey: No, he needs to come down here.

Ed Klumpp: Yes.

Ed Pavey: Unless we want to start revisiting this whole subject.

Ed Klumpp: That is fine with me.

Ed Pavey: Because that opens up a whole can of worms.

Male Speaker: Especially if it is Workman.

Ed Pavey: It opens up a whole can of worms.

Ed Klumpp: Well, I have one that has been bugging me but it is not Workman, but that is fine.

Ed Pavey: We have had private entities calling and wanting to know if they could be the sites where this could be conducted. If we do that, then we have to get into the regulatory business of inspections and we are trying to avoid all of that.

Male Speaker: How many do you have for this first class?

Ed Pavey: I think Ron said that five signed up, but we just came up on the website last week and so it is new.

Male Speaker: Oh, yes, sure. And then they have to do this every year?

Ed Pavey: Once a year; if it is good, for one year from the time they qualify. Yes, good for one year, but it has to be coupled with their credentials from the agency from which they retired, which we will not do anything, way, shape, or form to try to help them get their credentials. We have already had one phone call on that. You gentlemen may remember Art Stone that was former state police chief?

Male Speaker: Sure.

Ed Pavey: Well, Art was at Wichita State, Derby...

Male Speaker: Derby.

Ed Pavey: Sedgwick County Sheriff's Department in the 60's and he is retired from the Kansas Public Employee's Retirement System, but he did not actually retire from any specific agency. He had enough time in to retire, if you added them all together, and he is seeking an agency from which somebody will give him retired credentials and I think he is running into some difficulties.

Male Speaker: Gosh, I had not even thought of that angle. That could be a problem.

Ed Pavey: Well, it is a problem. He has already emailed us and he has been in touch with K-State and he is trying to decide. But that is his issue that he has to work out. We will be glad to do the qualification for him if he wants to come here, if he happens to be back. He is living in Arizona right now but it is one of those issues.

Male Speaker: Yes, he needs to be down in Arizona.

Ed Pavey: Yes, yes.

Ed Klumpp: This is Ed Klumpp again. I will just throw something out here. You talked about the liability of the satellite academies doing this. We have had quite a discussion with our legal staff and our legal staff's opinion is that as long as all we do is the qualification and you either pass or you fail, all we do is do it and score it, our liability is pretty minimal. Where we would get in trouble is if the range master starts instructing.

Ed Pavey: Yes and we are not doing any... We are doing the same thing you are talking about. We are not doing any teaching. We are affording an opportunity; however, if they go out and do anything with that weapon, the deep pocket theory, I am sure you are going to have to defend your firearm's program.

Ed Klumpp: But, heck, they can sue us now for anything.

Ed Pavey: Yes, yes. So that is an issue where if there is a big demand and an outcry for it, we can sure take a look at it and those academies that want to be involved, maybe we can work out something.

- Ed Klumpp: I think you are a good test base for it and then we will see where it goes from there.
- Jackie Williams: Okay, any other further discussion or, I am sorry, add anything else about HR 218 or any questions on that?
- Ed Pavey: No, not unless the commission members present have any questions. We will keep you updated and feel free to check our website. Go to [www.kletc.org](http://www.kletc.org). Right on the homepage is the HR 218 link and you can, right there, find out everything you want to know about it.
- Male Speaker: Well, I have got all that on my computer right now. It is looking good, too.
- Jackie Williams: I think we have covered the agenda that was on the schedule for today. Is there anything else anybody would like to bring up in regard to C-Post business? Hey, I got it right last time, too.
- Male Speaker: So where is lunch?
- Jackie Williams: Was O'Dell?
- David Miller: No, it is Miller.
- Jackie Williams: No, I am kidding.
- Ed Pavey: We will buy it next time you are down here, David.
- Jackie Williams: Well, listen, thanks to Ron Gould and certainly Darin Beck and Kyle Smith for the legal expertise and everything. You guys did a really good job on that subcommittee. I appreciate it very much.
- Ed Pavey: We will get this all typed up and run it by our legal counsel here, Darin; and Kyle, we will share it with you, and Mr. Chair, we will get you a copy to kind of make sure that everybody still feels strongly about the wording of it and then...
- Male Speaker: Hey, Kyle.
- Kyle Smith: Yes, sir.
- Male Speaker: When we hang up. Come and see me. I want to talk about the credentials.

Kyle Smith:           Okay.

Male Speaker:        Thanks Mr. Chairman.

Jackie Williams:     Sure, okay, thank you. Thanks everybody.

Male Speaker:        Okay, thank you.

Ed Pavey:            Thanks guys.

Several:             Bye.

\*Please Note: Proper names/organizations spelling not verified.

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*[C/comm meetings:minutes-050926-atc h 1]*

## Kansas Commission on Peace Officer Standards and Training

### Firearms Committee Meeting

August 29, 2005

#### Members present:

Undersheriff John Green, Sedgwick County Sheriff's Office  
Lt. Doug Griffith, Kansas Highway Patrol  
Capt. Darren Moore, Wichita Police Department  
Director Ed Pavay, Kansas Law Enforcement Training Center  
Darin Beck, Legal Counsel, Kansas Law Enforcement Training Center  
Associate Director Ron Gould, Kansas Law Enforcement Training Center

The agenda was focused on a directive from KS•CPOST to discuss and make recommendations concerning the administration of the newly adopted annual firearms course of fire.

- The Committee recommended that full and part-time officers should be required to qualify on the State of Kansas standard firearms qualification course of fire once each training year. This will not prohibit any agency from requiring their officers to qualify an additional number of times annually on this course or their agency's own qualification course of fire.
- The number of re-shoots allowed prior to any remedial training is an agency issue to be left at the discretion of the agency head.
- The type of remedial firearms training required (if any) is an agency issue.
- The agency will be responsible for maintaining all records regarding the qualification shoot, and on each officer. As part of a full-time officers' annual forty hour continuing education obligation agencies shall report completion of firearms qualifications each training year to KLETC on a form designed for that purpose or through KLETC's on-line reporting system.
- If an officer fails to qualify on the required course of fire once during a given training year, it will be handled in the same manner as we currently handle those officers who fail to get their 40 hours of required training completed.
- It was recommended that this requirement be made effective on July 1, 2006. This would allow agencies an opportunity to become familiar with the new course of fire and have an opportunity to implement it within their agencies. It would also give POST and KLETC time to develop reporting procedures, etc...
- Existing guidelines found in KLETC's In-Service Training Guidelines for Kansas Law Enforcement publication regarding supervision of firearms training at the local level would be applied to this area of training. Officers would not be able to fire the course on their own without a firearms training supervisor approved by the agency head present.
- It was recommended that all agencies be sent information on the State of Kansas Partners Program once again so that agencies can purchase ammunition at a reduced rate through state contracts.

These recommendations will be discussed at the next KS•CPOST meeting. If you have any thoughts or concerns, please contact me at 620-694-1400 or [rgould@kletc.org](mailto:rgould@kletc.org).

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ATCH # 2  
KS★CPOST Meeting  
9/26/05

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

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

## Proposed KS•CPOST Annual Handgun Course Management

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

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

ATCH # 3  
KS-CPOST MEETING  
9/26/05