February 14, 2012

The Honorable Senator Tim Owens
Chair, Senate Judiciary Committee
Kansas State Capital
Room: 548-S
300 SW 10th St.
Topeka, KS

RE: Testimony in Support of SB 424

Committee:

Thank you for the opportunity to appear today on behalf of the Kansas Commission on Peace Officer Standards and Training in support of Senate Bill 424.

The Commission is a twelve member body that is established by statute to administer portions of the Kansas Law Enforcement Training Act. This is accomplished through certifying individuals to be law enforcement officers when they meet statutory grounds for certification.

The Commission requests adoption of the proposed amendments to the act. Some of the requested amendments strengthen the law so that the public is served by professional and qualified law enforcement officers. Other requests update the Act to more clarify divisions of duties between the Commission and the Director of Police Training.

A substantive section of Senate Bill 424 clarifies the initial qualifications for applicants who seek provisional certification. Provisional certification allows the individual to attend training at the Kansas Law Enforcement Training Center (KLETC). Those initial qualifications appear at K.S.A. 74-5605. The amendments would update the basic educational requirement of a high school diploma by authorizing regulations to identify the equivalency. Secondly, the
amendments address past difficulties in determining whether an individual is of “good moral
class” by connecting that phrase with the trust that the public should expect from law
enforcement officers. The amendments would also clarify that a juvenile diversion for
otherwise felonious conduct disqualifies an individual from certification.

The Commission determines whether an individual's certification should be denied, revoked
or suspended. The Commission believes that an appointing authority and an individual who
meets initial qualifications for provisional certification but who might not be permanently
certified as provided by K.S.A. 74-5616 should be able to receive a determination prior to
appointing so that the resources and costs of training are not wasted. The amendment creates
a procedure for doing so.

The Commission also asks that K.S.A. 74-7607 be amended to explicitly establish the
authority to investigate. That authority is currently implied but not stated in the statute.
Additionally, the amendment to this section would authorize the Commission to require
fingerprinting and to receive full criminal history regarding the applicant or certified
individual.

K.S.A. 74-7616 establishes grounds for denying certification or disciplining a certified
person. The proposed amendments to that section would modify the felony provisions by
establishing that some criminal conduct, whether or not actually resulting in a felony
conviction, would nonetheless be grounds for discipline. Additionally, grounds for discipline
would include racial or bias-based policing, a matter that is already stated in K.S.A. 22-4611.

The proposed amendments to K.S.A. 74-7616 would also authorize the Commission to adopt
regulations to define unprofessional conduct. Misconduct that reflects negatively on a law
enforcement agency or on the law enforcement profession might not be defined as a felony,
yet it can destroy public confidence in the agency or on officers in general. Public trust and
confidence is a necessary component of effective detection and prevention of crime.

The proposed amendments to this section would allow the Commission to act immediately
when necessary to protect the public health, safety and welfare. This is authority is common
to other licensing and regulatory agencies.
Finally, the Commission requests appropriate standards to be stated in K.S.A. 74-5622 regarding reinstatement of a certification. Once again, thank you for this opportunity to support Senate Bill 424.

The proposed revisions of the Kansas Law Enforcement Training Act that directly affect the Kansas Law Enforcement Training Center (KLETC) are contained in KSA 74-5602, 74-5603 and 74-5608a. These proposed revisions are offered as “clean up” and are not intended to effect substantive changes to the Act. Attempting to avoid ambiguity from changes in titles of administrators and units within the university, the proposed changes in the first two statutes clarifies that the Chancellor may designate the person or organizational unit to oversee the operations of KLETC regardless of current titles. The third statute revision codifies current practice that the Director of Police Training rather than the Director of the KSCPOT reviews the training of applicants to determine whether basic or continuing training requirements may be waived for individual officers.

The Commission is happy to address questions this Committee might have.

Sincerely,

Gary E. Steed
Interim Executive Director