

Gary E. Steed, Interim Executive Director

Sam Brownback, Governor

March 12, 2012

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Director - KLETC

Eric N. Williams
Commission Counsel

The Honorable Representative Lance Kinzer
Chair, House Judiciary Committee
Kansas State Capital
Room: 346-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 character” by connecting that phrase with the trust that the public should expect from law enforcement officers.

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 authority is common to other licensing and regulatory agencies.

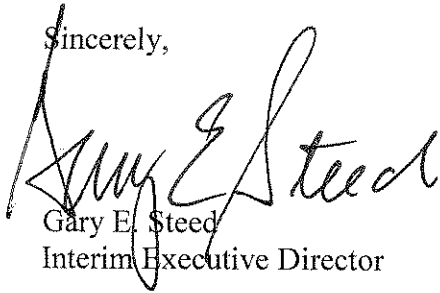
The Commission requests appropriate standards to be stated in K.S.A. 74-5622 regarding reinstatement of a certification.

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 KSCPOST reviews the training of applicants to determine whether basic or continuing training requirements may be waived for individual officers. Once again, thank you for this opportunity to support Senate Bill 424.

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

Sincerely,

A handwritten signature in black ink that reads "Gary E. Steed". The signature is written in a cursive style with a large, prominent initial "G".

Gary E. Steed
Interim Executive Director