



Testimony to the Committee on Federal and State Affairs  
In Opposition of SB 76  
February 1, 2017

Chairman LaTurner and members of the Committee:

The Kansas Commission on peace Officers' Standards and Training (KSCPOST) is committed to providing the citizens of Kansas with qualified, trained, ethical, competent, and professional peace officers. It is also dedicated to adopting and enforcing professional standards for certification of peace officers to promote public safety and preserve public trust and confidence.

KSCPOST is responsible for regulating the law enforcement profession in Kansas. KSCPOST adopts and enforces rules and regulations that are necessary to ensure that law enforcement officers are adequately trained, certified, and de-certified. It has the responsibility to establish and maintain a central registry of all Kansas law enforcement officers and their qualifications and histories. The registry is used by all agencies that appoint or elect law enforcement officers in Kansas as a resource when reviewing employment applications. KSCPOST's staff also conducts administrative investigations related to law enforcement officers' qualifications.

SB 76 proposes reciprocity for any person who is currently licensed and in good standing from another state. SB 76 further states that the license issued pursuant to this section may not be a provisional license.

SB 76 is in direct conflict with existing legislative intent regarding law enforcement officers and reciprocity from other jurisdictions. Existing legislation provides the opportunity for law enforcement officers to become certified in Kansas, when appropriate.

K.S.A. 74-5608a currently states:

- (a) The commission may, in the exercise of discretion, award a certificate to any person who has been duly certified under the laws of another state or territory if, in the opinion of the director of police training, the requirements for certification in such jurisdiction equal or exceed the

qualifications required to complete satisfactorily the basic course of instruction at the training center.

(b) The commission may waive any number of the hours or courses required to complete the basic course of instruction at the training center, part-time school, reciprocity school or for the hours required for annual continuing education for any person who, in the opinion of the director of police training, has received sufficient training or experience that such hours of instruction at the training center would be, unless waived, unduly burdensome or duplicative.

Further, just as KSCPOST has a central registry in place to keep Kansas law enforcement officers that are under investigation from freely moving from department to department, leaving behind various degrees of misconduct, Kansas law enforcement should have a safeguard in place to prevent the “gypsy cop” from infiltrating our state from other jurisdictions in a similar manner. The existing legislation does so, while SB 76 would eradicate this protection. There are currently six states that lack the authority to decertify law enforcement officers, including Massachusetts, New York, New Jersey, Rhode Island, California and Hawaii. Other states, like Wisconsin, only disqualify officers with certain criminal convictions or incomplete training.

While Kansas sets forth minimum qualifications for certification as a law enforcement officer in K.S.A. 74-5605, it is clear that not all states have similar qualifications. Even in the 44 states that de-certify officers, only half of those states require agencies to report disqualifying officer conduct to governing officials, like KSCPOST. Childress, Sarah. “How States Are Moving to Police Bad Cops.” Frontline. April 8, 2016: retrieved from <http://www.pbs.org/wgbh/frontline/article/how-states-are-moving-to-police-bad-cops/>.

Finally, de-certification is often a time consuming process. Internal agency investigations, criminal cases, and de-certification hearings and appeals are often being conducted while a law enforcement officer’s certification remains in “good standing”.

KSCPOST respectfully requests that the Committed not pass SB76.

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