

STATE OF KANSAS

KANSAS COMMISSION ON PEACE
OFFICERS' STANDARDS AND TRAINING
1999 N AMIDON STE 350
WICHITA KS, 67203



PHONE: (316) 832-9906
FAX: (316) 832-9679
gsteed@kscpst.org
www.kscpst.org

GOVERNOR JEFF COLYER, M.D.
GARY STEED, EXECUTIVE DIRECTOR

Testimony to the House Committee on Corrections and Juvenile Justice In Support of HB 2625 March 1, 2018

Chairperson Jennings and members of the Committee:

HB 2625 amends the Kansas Law Enforcement Training Act (KLETA), K.S.A. 74-5601 *et seq.*, by designating the Central Registry and investigative records related to violations of the KLETA as confidential. This designation is subject to the five-year sunset as required by K.S.A. 45-229. HB 2625 brings the Central Registry statute in line with previous legislative intent.

K.S.A. 74-5611a(a) currently states:

“The commission shall establish and maintain a central registry of all Kansas police officers or law enforcement officers. **The purpose of the registry is to be a resource for all agencies who appoint or elect police or law enforcement officers to use when reviewing employment applications of such officers. The registry shall be made available only to those agencies who appoint or elect police or law enforcement officers.**” [emphasis added]

The original legislative intent behind this statute was to prevent the “gypsy cop” from freely moving from department to department, leaving behind various degrees of misconduct.

The CPOST Central Registry contains records from over 29,000 former and current officers. It contains training reports, demographic reports, employment forms, and both personnel and personal information of each individual officer. Law enforcement agencies are required to submit a Demographic form to CPOST

whenever they hire an officer, and a Notice of Termination or Status Change form, explaining the circumstances under which an officer left the department, anytime an officer leaves the department. These forms are kept in the officer's Central Registry file. If an officer leaves the department under questionable circumstances or while under investigation, the agency must provide a narrative of that officer's conduct. Many times, agencies attach medical, psychiatric, psychological, personnel, and criminal investigative records as defined in K.S.A. 45-221(a)(3), (4) and (10). While this gives CPOST and potential hiring agencies details of the circumstances under which the officer left a department, if those same records are requested directly from an agency, they are generally not released. That being the case, there should not be a system in place that would allow for a fishing expedition through the CPOST Central Registry. The originating agency is most certainly in a better position than CPOST to determine how their agency reports should be handled.

Most CPOST investigations are initiated from the information included on the Notice of Termination or Status Change form, but may also arise from calls, letters, or media coverage. Throughout the course of the investigation, CPOST will generally obtain agency documents that consist of medical, psychiatric, psychological, personnel, and possibly criminal investigative records. If a certification action is warranted, CPOST releases our own document in the form of an order. However, CPOST is in the untenable position of having custody of another agency's confidential documents at the conclusion of our investigation, without clear direction on how open records requests should be filled on behalf of the originating agency. As a result, some agencies have directly expressed their concerns to CPOST about the status of their records, and have begun to provide terse, insufficient, and incomplete records due to these concerns.

CPOST is committed to transparency and the importance of providing Kansas citizens information about officer misconduct. One way that is accomplished is by posting the name and agency of every law enforcement officer upon whom CPOST takes a certification action. We routinely provide fact specific certification orders

in response to open records requests. Under HB 2625, CPOST will continue to provide an officer's certification status, employing agency, employment history, CPOST training history, and any order taking a certification action. HB 2625 balances the importance of public information about officer misconduct while upholding long established open records law for an agency's records, and it does so in a way that provides direction and clarifies expectations to all those involved.

The language in HB 2625 is the direct result of an extensive study and recommendation by the Judicial Council. It is important to note that the designation of CPOST's central registry records as confidential is consistent with the records classification of other licensing agencies throughout the state, including the Board of Healing Arts, the Emergency Medical Services Board, the Dental Board, the Behavioral Sciences Regulatory Board, the Kansas Board of Barbering, and oversight of attorneys and judges.

The purpose of HB 2625 is to bring the Central Registry statute in line with the original statutory intent. To allow Central Registry information to be released pursuant to the open records act would cause a chilling effect on the information CPOST receives in order to effectively investigate officer misconduct and prevent the "gypsy cop" from moving from agency to agency.

Michelle R. Meier
Commission Counsel