



# An Overview of the Kansas Commission on Peace Officers' Standards & Training

City of Topeka

Police & Community Subcommittee

November 12, 2021

# WHAT IS KS CPOST?

- Regulatory agency for KS law enforcement
- Authority derived from the Kansas Law Enforcement Training Act (KLETA), K.S.A. 74-5601 *et seq.*
- Issues law enforcement certifications
- Maintains Central Registry that includes an officer's employment and in-service training history
- Serves as resource to prevent the "Wandering Officer"
- Investigates KLETA violations and takes certification action as appropriate

# KS CPOST DOES NOT:

- Conduct criminal investigations
- Conduct independent investigations for agencies
- Substantiate allegations
- Exercise authority over non-certified law enforcement (KDOC, jail deputies, reserve officers)
- Exercise authority over law enforcement agencies
- Exercise authority over the judicial system (complaints regarding prosecutors, judges, ineffective legal counsel)

# WHO IS KS CPOST?

- Twelve-member commission appointed by the Governor in accordance with K.S.A. 74-5606:
- Superintendent of the Kansas Highway Patrol
- Director of the Kansas Bureau of Investigation
- Three Sheriffs (KSA)
- Three Chiefs of Police (KACP)
- Training Officer from a Basic Training Academy (KPOA)
- Officer nominated by Fraternal Order of Police
- Prosecutor (KCDAA)
- Chairperson – represents the public and is not associated with law enforcement

# WHO IS KS CPOST?



Herman T. Jones  
KHP Superintendent



Kirk D. Thompson  
KBI Director



Roger Soldan  
Saline CO Sheriff



Jeffrey L. Herrig  
Jefferson CO Sheriff



B. Cole Presley  
Graham CO Sheriff



Chief Don Scheibler  
Hays Police Department

# WHO IS KS CPOST?



Chief Jeffrey C. Hooper  
Hutchinson Police Department



Chief Timothy J. Bauer  
Louisburg Police Department



Major Jody Prothe  
Johnson CO SO



KCKPD Det Mark Bundy  
FOP Lodge #4



Sherri Schuck  
Pottawatomie County Attorney



Brandon J. Johnson  
Commission Chair

# HISTORY OF KS CPOST

- **1968** – KLETA created by statute
- **1983** – Statutory establishment of a certification program for LEOs, minimum hiring standards for LEOs, authorization for the suspension, revocation, or denial of LEO certifications
- **1992** – agencies required to report terminations (previously only required to report when officer hired)
- **1995** – added diversions to disqualifying convictions
- **1997** – misdemeanor crimes of DV added to disqualifiers
- **1998** – began posting certification actions



# HISTORY OF KS CPOST

- **2004** – added language to address the “wandering officer”:

“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.”

“Upon termination, the agency head shall include a report explaining the circumstances under which the officer resigned or was terminated. Such termination report shall be available to the terminated officer and any law enforcement agency to which the terminated officer later applies for a position as a police officer or law enforcement officer.”

- **2006** – KS CPOST created in its current form



# HISTORY OF KS CPOST

- **2012** – began participation in the NDI and undertook extensive expansion of statutes and regulations:
  - Ability to proceed on conduct alone (not just conviction) and racial or other BBP
  - 58 misdemeanors added
  - Added “Unprofessional Conduct”
    - Includes excessive use of force, false statement in official communication, exploiting the position as an officer to gain something of value, and 11 other behaviors

# HISTORY OF KS CPOST

- **2014** – began posting Integrity Bulletin online
- **2017** – sought legislation to include deferred judgments as disqualifiers for certification (close loophole)
- **2018** – Associations (KSA, KACP, KPOA) lobbied for adoption of K.S.A. 75-4379, mandating disclosure of officer records between LEAs
- **2019** – KS CPOST began work on KARs to expand psychological testing; require an officer to self-report criminal charges; expand unprofessional conduct
- **2020** – began posting certification orders online
- **2021** – began using IA Pro for tracking data, enhanced outreach and education, working on legislation to require mandatory KS CPOST records check by hiring agencies



# MINIMUM QUALIFICATIONS FOR CERTIFICATION

## **K.S.A. 74-5605(b)**

- United States Citizenship
- Fingerprints and Background Check
- High School Graduate or Equivalency
- No Physical or Mental Condition Which Impacts Ability to Perform LEO Duties with Reasonable Skill, Safety, and Judgment – psychological testing
- Minimum Age – 21 years old
- Good Moral Character
- No Disqualifying Criminal History

# ONGOING OFFICER REQUIREMENTS

- Officer must be employed by a law enforcement agency to obtain provisional certification
- Officer must attend next available basic academy once provisionally certified
- 40 hours annual in-service training
- Annual firearms qualification
- Annual racial or other biased-based policing training required
- Other agency requirements or certifications may be required (taser, lidar, intoxilizer, etc.)

# GROUNDS FOR CERTIFICATION ACTION

## **K.S.A. 74-5616(b)**

- Fail to meet or maintain minimum requirements of K.S.A. 74-5605 or 74-5607a
- Submitted false or misleading documents or failed to obtain certification under the KLETA
- Provide false information or fail to cooperate with KS CPOST
- Fail to complete annual in-service training
- Engaged in conduct which constitutes felony, MCDV, or one of the 58 misdemeanors
- Used racial or other biased-based policing as defined by K.S.A. 22-4609
- Unprofessional Conduct as defined by the Commission (14 behaviors including excessive use of force, performing duties under the influence, dishonesty in official communication, using position for benefit, etc.)

# GROUNDS FOR CERTIFICATION ACTION



**KLETA Violation**



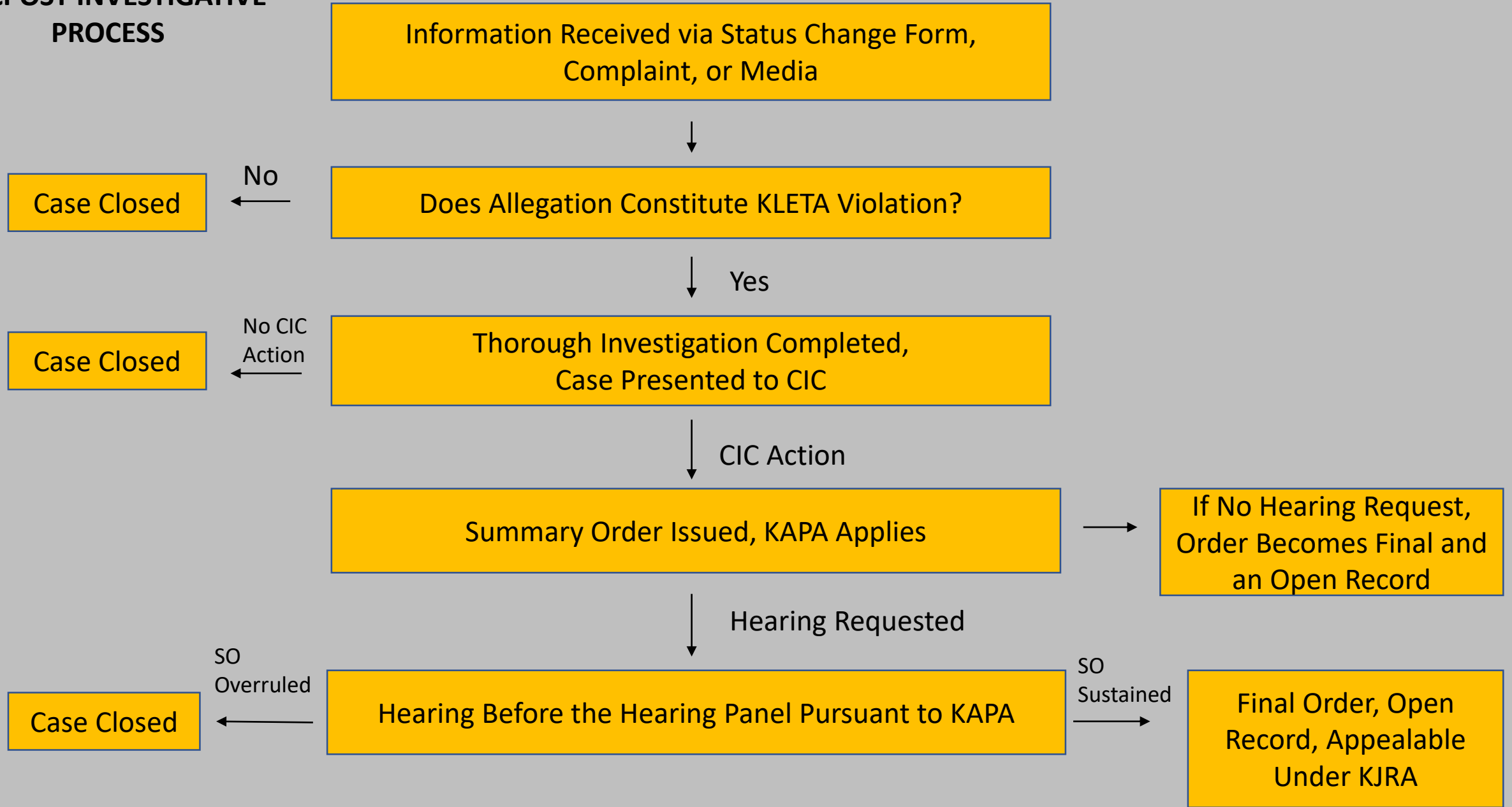
**Performance Issues**



**Broader Ethical Scope**



**KS CPOST INVESTIGATIVE  
PROCESS**



# KS CPOST – Defenders of Integrity and Truth

**DECERTIFICATION** - KS has authority to decertify an officer

- HI, NJ, RI, and the federal government have no such authority
- MA passed decertification legislation in December 2020
- CA passed decertification legislation in September 2021

**EXTENSIVE GROUNDS FOR DECERTIFICATION** – Many states can only decertify on conviction; some state decertification tied to employment status

**“WANDERING OFFICER” PROVISION**

- KS requires LEA to tell us when and why an officer leaves
- Must be reported within 30 days of separation from the agency
- KS participates in the NDI

# KS CPOST – Defenders of Integrity and Truth

## ACTIVE ENFORCEMENT OF THE KLETA

- KS has 8,317 active LEO
- KS took 371 certification actions between 2012 – 2020
  
- MN has 10,896 active LEO\*
- MN took 33 certification actions between 2012 -2020
  
- PA has over 27,000 active LEO\*
- PA took 35 certification actions between 2014 – 2018 (KS took 307)

\*MN and PA officer data from 2020

# KS CPOST – Defenders of Integrity and Truth

- **TRANSPARENCY**

- All certification actions are public records, along with Employment History, In-Service Training History, and certification status
- Certification actions are posted on the KS CPOST website
- Hearings are open to the public, subject to the KAPA
- Certification orders now posted to the website - <https://www.kscpost.org/disdate.html>
- Integrity Bulletin posted on website

# KS CPOST – Defenders of Integrity and Truth

## **Looking Forward:**

- Working on adopting new Kansas Administrative Regulations
- Working on legislation requiring mandatory KS CPOST records checks
- Working on facilitating LE agencies in hiring process of non-certified applicants
- Increased outreach and communication to agencies and the public

# KS CPOST – Defenders of Integrity and Truth

## CURRENT KANSAS LEO DEMOGRAPHICS:

<u>RACE</u>	<u># of Officers</u>	<u>Percentage</u>
American Indian	55	1%
Asian	63	1%
Black or African American	290	3.5%
Hispanic	421	5%
White	5430	65%
Not Reported*	2034	24.5%
Other	24	<1%
Total Officers		
*Most data is from older records.	8317	

<u>GENDER</u>	<u># of Officers</u>	<u>Percentage</u>
Male	7358	88.5%
Female	954	11.5%
Null Data*	5	
Total Officers	8317	

<u>EDUCATION</u>	<u># of Officers</u>	<u>Percentage</u>
GED or Equivalent	332	4%
Associate's Degree	1025	12%
Graduate Degree	415	5%
High School	4313	52%
Undergraduate Degree	2232	27%
Total officers	8317	

# QUESTIONS?

## KS CPOST CONTACT INFORMATION:

Executive Director Doug Schroeder

[dschroeder@kscpost.org](mailto:dschroeder@kscpost.org)

316-832-9906

Legal Counsel Michelle R. Meier

[mmeier@kscpost.org](mailto:mmeier@kscpost.org)

316-358-7642

