

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by CHAIRMAN MILLER at \_\_\_\_\_  
Chairperson

1:30 a.m./p.m. on MARCH 30, 1987n room 526S of the Capitol.

All members were present except:

Representative Sifers -E  
Representative Peterson-U

Committee staff present:

Raney Gilliland, Research  
Connie Kelsey, Secretary

Conferees appearing before the committee:

Dan Rice, Legal Counsel of Secretary State's Office  
Rep. Duane Goossen  
John P. Wolf, Assistant Dean, Division of Continuing Education,  
Kansas University  
Delbert Fowler, Chief of Police, Derby, Kansas  
May Lou McPhail, Chairman, Legislative Committee, Kansas Peace  
Officers Association  
Robert Cluster, Executive Director, Kansas Sheriff's Assn.  
David N. Holstead, Legal Advisor, Shawnee County Sheriff's Dept.  
Leonard S. Richter, Reserve Officer, Shawnee County  
Jim Kaup, Attorney, League of Municipalities

The meeting was called to order by Chairman Miller.

Rep. Barr made a motion, seconded by Rep. Roper to approve the minutes of the March 26 meeting. The motion carried.

Rep. Roenbaugh introduced a bill concerning noxious weeds to increase the effectiveness of weed control for consideration of the committee next year. Rep. Roper made a motion, seconded by Rep. Barr to introduce this bill. The motion carried.

Rep. Acheson introduced and explained a bill concerning crime victims and certain moneys payable to convicted persons; amending K.S.A. 1986 Supp. 74-7320 & 74-7321 and repealing the existing sections.

Rep. Hensley made a motion, seconded by Rep. Walker to introduce and send this bill directly to the Committee of the Whole. The motion carried.

HB2540-Kansas General Corporation Code

Dan Rice, Legal Counsel of the Secretary of State's Office, gave testimony on support of the bill.

He mentioned several technical amendments that he wanted the committee to be aware of: 1) the amendment to K.S.A. 17-6003, the filing schedules for all corporate instruments, 2) not-for-profit annual reports. He would like it changed so the not-for-profit reports are filed at the the same time - June 15. He asked that two amendments be added to the bill: 1) line 276...this would make it clear that extensions may be granted for filing reports for all not-for-profit corporation. 2) deletion of line 10 on page 329. This makes it clear that all not-for-profit organizations will not be required to file a certificate of good standing and that they would not have to file one each year.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 526S, Statehouse, at 1:30 a.m./p.m. on MARCH 30, 1987

This bill would cure any defects resulting from these late filings and prevent serious adverse tax results for many corporations.

T.C. Anderson, Executive Director of the Kansas Society of Certified Public Accountants, gave testimony in support of the bill. He introduced Charles Clinkenbeard, C.P.A., President of the Kansas Society, who agreed with the filing deadline of June 15 and the extension date to be September 15.

Rep. Aylward made a motion, seconded by Rep. Barr to adopt the amendments for HB2540 as provided by the Secretary of State's Office. Motion carried.

Rep. Barr made a motion, seconded by Rep. Roenbaugh that HB2540 by reported favorably, as amended. Motion carried.

HB2580 - Marion County Hospital Dist. #1 property

Rep. Goossen introduced HB2580 which allows Marion County Hospital District #1 to dispose of real estate property. He requested the committee report it favorably.

Rep. Rolfs made a motion seconded by Rep. Aylward to pass HB2580 favorably and place it on the Consent Calendar. Motion carried.

HB2348 - Law Enforcement Training

John P. Wolf, Assistant Dean, Division of Continuing Education, Kansas University, gave testimony in support of the bill. He explained the fiscal note and the requirements for basic law enforcement training for permanent and part-time officers, where and when this training would be. See attachment A.

He said there would be no impact on the state general fund, this program would be funded from the court docket fees.

Rep. Barr asked if this bill would help alleviate future lawsuits from lack of experience in law enforcement. He felt it would by bringing reserve officers under the current law enforcement act and require them to be 21 years of age.

In discussing the training, he reiterated that this should be done on a local level so the trainees could attend evening meetings several nights a week, for several weeks, for the minimum hours required for training. He said there is an 80-hour minimum requirement now, either taught at training centers or a certified local law enforcement school. There is also the issue of the yearly requirement for continuing education.

Delbert Fowler, Chief of Police, Derby, Kansas, gave testimony in favor of the bill. He feels training is a must for reserve officers and is opposed as it is written. See attachment B. He agrees that the age of 21 should be left intact in the bill.

May Lou McPhail, Chairman of the Legislative Committee, Kansas Peace Officers Association, gave testimony in favor of the bill. She stressed proper training for reserve officers for themselves and the community. See attachment C. She said Shawnee County reserve officers group wanted this bill introduced. She mentioned officers who are not properly trained can be open for lawsuits.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 526S, Statehouse, at 1:30 a.m./p.m. on MARCH 30, 1987

Robert R. Clester, Executive Director, Kansas Sheriffs Association, gave testimony in favor of the bill. His group supports proper training to promote and benefit professionalism of law enforcement officers. See attachment D. He feels without this training, reserve officers are opening themselves for lawsuits. He said grandfathering the bill may help, but with the problems in this bill, he suggested an interim study on this issue and bring it back with a better version.

David N. Holstead, Legal Advisor, Shawnee County Sheriff's Department, gave testimony in favor of the bill. He said this bill would refer to reserve officers as "law enforcement officers".

He said Sheriff Ritchie would like this bill implemented so discretion would be alleviated that is now present internally in each county on the training program. He said proper training would exonerate them from any liability upon them. See attachment E.

Leonard S. Richter, Reserve Officer, Shawnee County, gave testimony in support of the bill. He asked Rep. Charles Laird to draft this legislation. He said Rep. Laird is in favor of the grandfather clause. He said the purpose of the bill is to be grandfathered and second, the reserve officers would be trained similar to the part-time officers and they would therefore, be certified.

He passed out statistical data on the 105 counties in Kansas on reserve officers as of January, 1987. See attachment F. He said this bill would provide uniform training and make reserve officers law enforcement officers.

In discussion he stated he does not intend for reserve officers to go through law enforcement training, but be trained under the jurisdiction of their local departments or at the academy; but mainly to have the local department provide the training.

He said the same people used for the 40-hour training would be used for the 80-hour training course.

Jim Kaup, Attorney, League of Municipalities gave testimony against the bill. First, he feels no need for state-mandated training of reserve law enforcement officers and the legislature should not mandate state regulation. He said smaller cities would not justify the cost of this training where special events at football games and parades overwhelm the capacity of fulltime law enforcement officers. He said there is a problem with the definition of reserve officer. If a reserve officer cannot be considered a law enforcement officer, why train them. He said reserve officers required to take the state-mandated training be defined as: 1) uncompensated; 2) chief of police appointed; 3) empowered to make arrests; and 4) empowered to carry firearms, K.S.A. 74-5602.

He suggests the bill be left in committee as is and not change the law. He feels local training is being done where needed. See attachment G.

Rep. Rameriz made a motion, seconded by Rep. Aylward, to table HB2348 til next year. Motion carried.

Chairman Miller commented this would be the last regularly scheduled meeting, unless otherwise announced.

The meeting was adjourned.



# FISCAL NOTE

HB 2348

Prepared by:

John P. Wolf

Assistant Dean

Division of Continuing Education

The University of Kansas

**THE UNIVERSITY OF KANSAS  
Division of Continuing Education  
Administrative Services  
Continuing Education Building  
Lawrence, Kansas 66045-2602  
(913) 864-4873**

23 February 1987

Ms. Ann Victoria Thomas  
Office of the General Counsel  
227 Strong Hall  
Campus

Dear Vickie:

This will respond to your request of 17 February 1987 for a fiscal note and policy statement on HB 2348 introduced by Representative Laird.

This proposed legislation deals with those individuals who are serving as reserve law enforcement officers in Kansas. Reserve officers are individuals appointed by the head of a law enforcement agency with the authority to make arrests and/or enforce some or all of the laws of this state and who serve without compensation for their service. This bill directs the University to establish an 80-hour program in basic law enforcement training for such individuals. In effect, this bill makes all of the provisions and requirements of the law enforcement training act applicable to reserve officers and provides that no such officer shall receive a permanent appointment without complying with the provisions of the act. The bill inconsistently mandates that the training be provided at the training center (Section 3) and only at certified local law enforcement training schools (Section 5).

This bill would require unpaid reserve police officers to complete an annual continuing education requirement in subjects directly relating to law enforcement. This actually places a more severe training requirement on the unpaid volunteer reserve officers than it does on the paid part-time officers who are not presently required to complete any training on an annual basis. The continuing education requirement for reserve officers will be twenty hours per year should this legislation be adopted in its present form.

There is no provision for "grandfathering" any reserve officers presently holding appointments as such. All existing officers would be required to complete the certified training within one year of the effective date of this act or forfeit their positions. Any officer required to forfeit such a position would be ineligible for reappointment as a reserve officer at any time within a one year period immediately following the date of

forfeiture.

In order to determine the extent of the impact of this legislation the Kansas Law Enforcement Training Center telephoned each county sheriff in Kansas to inquire how many unpaid reserve volunteer sworn personnel there were in each county, including those individuals attached to municipal police departments. We were able to determine from this survey that there are at least 1,180 such individuals.

Determining the exact fiscal impact of this act is somewhat difficult due to the uncertainty regarding the locations at which the training for reserve officers is to be provided. Section 3 requires that some of this training would be provided at the training center while Section 5 seems to mandate that all of it would be conducted at certified local law enforcement training schools. To the extent that any of this training is provided at the training center the costs of such training to the state would be higher. If all of the training is conducted by local jurisdictions, the costs to the state would be decreased. It seems, however, most likely and appropriate that this training should be conducted at local training schools. Given that all of the officers to be trained are unpaid volunteers who earn their livelihood in some other job or profession, it seems highly unlikely that too many of them would be able or willing to devote two weeks of their time to acquire the training mandated by this act all at once.

At present, due to limitations of space, both classroom and dormitory, we do not feel that we would be able to conduct the additional training required by this act at the training center. Our facilities are already too cramped to permit us to fit this additional training into them. Consequently, should it be decided that it is the responsibility of the training center to conduct this training we would be forced to hold such training at regional schools which are held at other locations. Estimating that the average attendance at such a regional school would be sixty students, and it is not at all certain that we would average this many, we would be required to conduct twenty such schools in Fiscal Year 1988 in order to comply with the provisions of this act.

The estimated costs for each such regional school are as follows:

Host Institution charges (student room, board)	7,225
Staff Expenses	
Subsistence	1,568
Travel (mileage)	462
Distributed Classroom Materials	1,260
Photocopying	128
Driving Range Vehicles	600
Firing Range	2,580
	=====
Total	\$13,853

While I do not really anticipate that the training center would be required to conduct all of this training, for the sake of completeness I have calculated the costs of doing so. The costs of the twenty regional schools would be \$277,060. We would need five additional unclassified staff members to carry out this training at a cost of \$178,500.

We would need to purchase five new vehicles to accommodate the travel needs of conducting these twenty schools at a cost of \$48,000. The costs mentioned in this paragraph total \$456,160.

Irrespective of where the training is conducted or by whom it is conducted, significant changes would be required to the central registry for law enforcement officers required by K.S.A. 74-5611a. The costs associated with this would have to be born by the training center in any case. The central registry is a large multi-segmented, computerized database system. To implement the changes necessary to accommodate this legislation over fifty-five on-line programs and in excess of twenty-five batch reports would need to be modified before any data regarding reserve officers could be entered into the database. The costs of making these changes to the central registry database are estimated to be \$17,000. Additionally, the training center would have to employ an additional clerical person to assist with the data entry and control of these records. The cost of this is estimated to be \$14,601.

In summary then the anticipated additional costs to the training center, assuming that the training proposed by this legislation would be conducted by local law enforcement agencies, would be \$31,601. It would be necessary to have the expenditure limit for the law enforcement training center increased by this amount. We feel that the law enforcement training fund, as presently constituted, would provide sufficient income to accommodate such an increase in the expenditure limit.

I hope, Vickie, that this information will be adequate for your purposes. If I have omitted something or if there is something about which you have questions, please do not hesitate to contact me.

Sincerely,

John P. Wolf  
Assistant Dean

cc: Dean Senecal  
Vice Chancellor Brinkman  
Maynard Brazeal  
Larry Welch

JPW:kb

87-038



**Derby Police Department**

*Chief Delbert Fowler*  
229 N. Baltimore • Derby, Kansas 67037  
Phone (316) 788-1557

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

Ref. HB 2348-relating to appointment, training and authority of reserve officers.

Dear Committee Member:

Many smaller and some larger agencies throughout the state rely on reserve officers as a back up to their full time staff. The vast majority of these reserves are citizens with employment outside of law enforcement, wanting to donate time to their community by being a reserve officer.

I have contacted a few Chief's in Sedgwick County, including Clearwater, Haysville and Maize Police Departments who are opposed to HB 2348 as it is currently written. We are all advocates of training and feel training is a must for reserve officers. The problems with this bill as I see it are:

1. There is no provision in the bill to grandfather those reserve officers already appointed.
  - a. Most agencies have trained their reserves at their local agencies but most are not certified training schools as the bill stipulates.
  - b. All currently appointed reserves would have to attend a certified school within one year.
  - c. Many of our current reserves would have to be terminated because their current work schedules would keep them from attending a certified school.

I am very much behind the concept of this bill, including the training and requirements to become a reserve officer, if an amendment was introduced to grandfather those reserves currently appointed. I do feel the age requirement of 21 years should be left intact, including those currently appointed.

Sincerely,

*Delbert E. Fowler*  
Delbert E. Fowler  
Chief of Police  
Derby, Kansas

JIM HUFF, President  
Salina Police Department  
Salina, Kansas 67401

ROBERT SCHUMAK, President-Elect  
Santa Fe Police  
Topeka, Kansas 66605

DELBERT FOWLER, Vice-President  
Chief of Police  
Derby, Kansas 67037

ALVIN THIMMESCH, Secretary-Treasurer  
Wichita Police Department  
Wichita, Kansas 67202

# Kansas Peace Officers' Association

INCORPORATED



March 30, 1987

## BOARD OF GOVERNORS

### GOVERNORS

(At Large)

JOHN DAILY

Sedgwick Co. Sheriff's Office  
Wichita, Ks. 67203

DENNIS TANGEMAN

Kansas Highway Patrol  
Salina, Ks. 67401

GEORGE SCHUREMAN

Ks. Bureau of Investigation  
Topeka, Ks. 66604

GALEN MARBLE

Ks. Bureau of Investigation  
Dodge City, Ks. 67801

### DISTRICT 1

MIKE CHIDDIX

Johnson Co. Sheriff's Office  
Olathe, Ks. 66202

WARREN McVEY

Chief of Police  
Springhill, Ks. 66083

LAYNARD SHEARER

Kansas Highway Patrol  
Olathe, Ks. 66202

### DISTRICT 2

ROGER KRAMER

Junction City, Ks.  
Junction City, Ks. 66441

GLENN GATHERS

Saline Co. Sheriff's Office  
Salina, Ks. 67401

NATE SPARKS

Kansas Highway Patrol  
Junction City, Ks. 66441

### DISTRICT 3

LAWRENCE YOUNGER

Chief of Police  
Hays, Ks. 67601

KENNITH McGLASSON

Kansas Highway Patrol  
Wakeeney, Ks. 67672

FRANK REESE

Ellis Co. Sheriff's Office  
Hays, Ks. 67601

### DISTRICT 4

GLENN WELSH

Coffeyville Police Dept.  
Coffeyville, Ks. 67337

HOWARD KAHLER

Woodson Co. Sheriff's Office  
Yates Center, Ks. 66783

DAVE MAYFIELD

Kansas Highway Patrol  
Yates Center, Ks. 66783

### DISTRICT 5

JIM DAILY

Great Bend Police Dept.  
Great Bend, Ks. 67530

JACK ATTEBERRY

Pawnee Co. Sheriff's Office  
Larned, Ks. 67550

F. DUANE DUGAN

Alcohol Beverage Control  
Great Bend, Ks. 67530

### DISTRICT 6

RANDY MAGNISON

Garden City Police Dept.  
Garden City, Ks. 67846

LARRY MAHAN

Kansas Highway Patrol  
Garden City, Ks. 67846

RAY MORGAN

Kearny Co. Sheriff's Office  
Lakin, Ks. 67860

### DISTRICT 7

DOUG MURPHY

Chief of Police  
Maize, Ks. 67101

ED PAVEY

Sedgwick Co. Sheriff's Office  
Wichita, Ks. 67203

LARRY WELCH

Ks. Law Enforcement Training Cen.  
Hutchinson, Ks. 67504

### DISTRICT 8

ROBERT HUDSON

Riley Co. Police Dept.  
Manhattan, Ks. 66502

CLIFFORD HACKER

Lyon Co. Sheriff's Office  
Emporia, Ks. 66801

HOWARD DOCKER

Kansas Highway Patrol  
Topeka, Ks. 66603

SERGEANT-AT-ARMS

DALE HOLSEY  
Kansas Highway Patrol  
Sedgwick, Ks. 67135

Honorable Robert H. Miller  
Chairman  
Federal and State Affairs  
State Capitol  
Topeka, Kansas

Dear Chairman Miller:

House Bill 2348 is presented to you this session to urge mandatory training for reserve law enforcement officers.

The Kansas Peace Officers' Association recognizes the importance of reserve officers in both urban and rural communities in providing additional manpower and support to local agencies. However, because reserve officers perform many of the same duties and responsibilities of a full-time officer, it is imperative they receive proper training, not only for the safety of the citizens they are serving, but for themselves. An agency that does not provide proper training for their reserves puts itself in a very hazardous situation from a liability standpoint. We feel HB 2348 as it is written properly addresses the problem and offers protection against the liability factor, plus gives the local citizenry better quality law enforcement.

Training is an important part of the KPOA's goals and services. Our organization promotes and provides training at the district level (involving local agencies) and we would welcome any participation by reserve officers.

Sincerely,

Mary Lou McPhail, Chairman  
Legislative Committee

cc: Committee members  
Jim Huff, President

*In Unity There Is Strength*

*Attachment C*

D



# Kansas Sheriffs Association

3601 S.W. 29th St. #125  
Topeka, Kansas 66614

913-273-5959

## OFFICERS

President

**Sheriff Harris Terry**  
McPherson County

First Vice President

**Sheriff Darrell Pflughoft**  
Grant County

Second Vice President

**Sheriff Marion L. Cox**  
Wabaunsee County

Secretary-Treasurer

**Sheriff Darrell Wilson**  
Saline County

Sgt.-at-Arms

**Sheriff Grover Craig**  
Finney County

## BOARD OF DIRECTORS

Chairman

**Sheriff Ray McGuire**  
Pratt County

**Sheriff Thomas W. Jones**  
Thomas County

**Sheriff J.D. Ochs**  
Trego County

**Sheriff Larry G. Tebow**  
Republic County

**Sheriff Roy Dunnaway**  
Jefferson County

**Sheriff James Jarboe**  
Kearny County

**Sheriff Harry Craghead, Jr.**  
Hodgeman County

**Sheriff Michael D. Hill**  
Sedgewick County

**Sheriff Lynn Fields**  
Crawford County

## ALTERNATE DIRECTORS

**Sheriff Larry Jones**  
Rawlins County

**Sheriff Gary O'Brien**  
Ness County

**Sheriff William L. Deppish**  
Geary County

**Sheriff Daniel R. Morgan**  
Miami County

**Sheriff Michael E. Cox**  
Meade County

**Sheriff Arlyn Leaming**  
Ford County

**Sheriff Bob Odell**  
Cowley County

**Sheriff Joe R. Robinson**  
Neosho County

## EXECUTIVE DIRECTOR

\* **Robert R. Clester**

## OFFICE SECRETARY

**Sandra L. Cantwell**

DATE: March 24, 1987

TO: Members of the House Federal and State Affairs Committee

FROM: Kansas Sheriffs Association

REF: Support of H.B. 2348

At a meeting of the Kansas Sheriffs Association held February 16, 1987, those members present voted to support passage of H.B. 2348. For many years the Kansas Sheriffs Association has been a strong advocate of training to promote professionalism of law enforcement officers.

Sheriff and Police Departments benefit greatly from the services of the citizens who volunteer to be reserve officers so we feel it is proper that they receive the benefit of training when they accept responsibility.

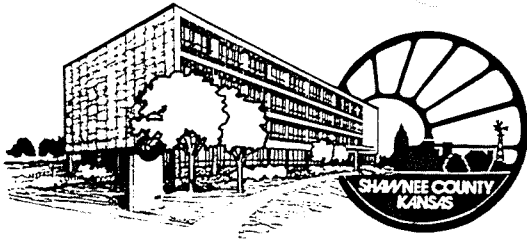
We realize that not all departments or reserves feel that they can afford the time or money to devote to additional training, however, the liability protection offsets the costs.

If amendments can be made to the bill to alleviate some of the time and expense of reserve training we would support this concept.

KSA:sc

*Attachment D*

E



**Shawnee County  
Sheriff's Dept.**

200 East 7th, Topeka, KS 66603-3973

**ED RITCHIE**  
SHERIFF  
295-4047

**DALE COLLIE**  
UNDERSHERIFF  
295-4050

MEMORANDUM

March 24, 1987

**TO:** HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

**FROM:** David N. Holstead, Legal Advisor  
Shawnee County Sheriff's Department

**RE:** House Bill No. 2348

On behalf of the Shawnee County Sheriff's Department, I wish to thank you for the opportunity to address you as to the merit of House Bill No. 2348. From the outset, it should be noted that Sheriff Ed Ritchie is unequivocally in favor of this legislation which would provide for the elevation of reserve officers to the statutory status of "law enforcement officers". The reasons for Sheriff Ritchie's support of this bill are numerous. For brevity's sake, however, only the most salient reasons will be mentioned.

With the incidence of crime on the rise, the safety and welfare of the citizens of this state is ensured by the maintenance of a properly trained and qualified law enforcement community. The financing of law enforcement is very expensive, with 80 to 85 percent of a law enforcement agency's budget being consumed by the paying of officers' salaries. Needless to say, the volunteer law enforcement services provided by reserve officers save quite a few tax dollars that

*Attachment E*

would have to be expended in order to provide the same level of service on a paid basis.

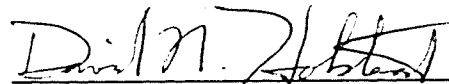
The thrift enjoyed by the retention of services provided by reserve law enforcement officers does not come without a price. This price is the exposure to liability which confronts the law enforcement agency heads and is the result of there being no provision in the current law for uniform training and certification standards for reserve officers. Because of the discretion allowed in the development of a law enforcement agency's internal training program for reserve officers, if indeed one exists at all, there is no shield from potential civil liability for the misfeasance, malfeasance or nonfeasance on the part of a reserve officer.

If enacted, House Bill 2348 would provide some protection to the authority which appoints reserve officers, against civil liability for the negligent acts of these officers which resulted from improper or inadequate training. The uniform certification and training procedures that are a part of House Bill 2348 would reduce this exposure to liability and thus benefit both agency heads and the citizens of this state. The agency head's liability is lessened by removal of the burden of determining the legal adequacy of a reserve training program and vesting the same in the associate director of police training at the law enforcement training center.

The public would undoubtedly benefit from reserve officers being qualified to be, and certified as, "law enforcement officers". The standardized training procedure required by House Bill 2348 would help to ensure citizens of more uniformly adequate law enforcement services delivered by reserve officers while at the same time being fiscally advantageous to the public.

For the aforementioned reasons, Sheriff Ritchie and the Shawnee County Sheriff's Department support the proposed legislation contained in House Bill 2348.

Thank you for your time and consideration in this matter.



David N. Holstead, Legal Advisor  
Shawnee County Sheriff's Dept.

DNH/jl

STATISTICAL DATA ON RESERVE DEPUTIES  
AS OF JANUARY 1987

Questionnaires (see enclosure 1) were sent to all of Kansas' 105 sheriff departments. We received 46 replies. Of the 46 replies received, 10 county sheriff departments did not have reserve officers. The following statistics are based upon the remaining 36 departments.

1. The average number of reserve officers per county responding was 13. However, this number is skewed because one county, Wyandotte, has 80 reserve officers. The median is 10 officers. That is, 18 of the reporting counties had 10 or less reserve officers and 18 had 10 or more reserve officers.

2. The breakdown of the number of reserve officers per county responding is:

Counties    No. of Reserve officers

2	1
3	5
5	6
4	7
2	8
4	10
1	11
7	12
2	13
1	18
1	20
1	25
1	30
1	44
1	80

Of the 36 Counties responding to the question of initial training of reserve officers, the following applies:

Counties    No. of hours

4	0
7	1 - 10
6	11 - 40
2	41 - 79
11	80 or more
6	not able to quantify

The figures clearly provide that only 36% meet the minimum initial training hours that the new legislation would require.

4. The number of hours of ongoing training of responding departments:

<u>Counties</u>	<u>No. of Hours</u>
4	0
6	1 - 10
4	11 - 20
2	21 - 39
17	40 or more
3	not able to quantify

The figures shown above clearly show more than half the departments responding provide their reserve officers with the minimum hours that would be required under the proposed legislation.

A compilation of the questionnaire replies is provided as enclosure 2.

A map with the counties marked that replied is provided as enclosure 3. The map shows a fair representation of the counties across the State. The distribution based upon population and geography in the counties shown should fairly represent a statistical distribution of the State from which to draw a reasonable conclusion.

Any questions regarding these figures or the questionnaire should be addressed to the undersigned.

Leonard S. Richter  
3609 SW Woodvalley Place  
Topeka, KS 66614



NAME OF DEPARTMENT:

OFFICER RESPONDING:

DATE:

1. Do you have a Reserve Organization?
2. How many participants do you have in your Reserve Organization?
3. Do you provide class room training? If so, how many hours?
4. How much O.J.T. do you require?
5. If you have a Reserve Organization, are they self-supporting?
6. Do you allow your Reserves to work part-time jobs in uniform for pay?
7. Is your Reserve Organization a member of the Kansas Peace Officer Reserve Association?
8. Do you have a liaison officer between your Reserves and Regular Department?
9. How many hours do you require your Reserves to work?
10. Do you require the same type of background investigation for the Reserves as you do the Regular Department?
11. Do you require annual on-going training? If so, how many hours?

PLEASE FEEL FREE TO MAKE ANY COMMENTS ON THE BACK OF THIS QUESTIONNAIRE

**ENCLOSURE(1)**

STATISTICAL DATA ON RESERVE DEPUTIES  
as of January, 1987

COUNTY	Q1	Q2	Q3	Q4	Q9	Q11
ALLEN	Yes	7	No	6 M	8	2
ANDERSON	Yes	12	UNK.	10	10	40
ATCHISON	Yes	7	80	16	16	40
BOURBON	No					
BUTLER	Yes	10	No	240 YR	240 YR	No
CHEYENNE	Yes	6	0	0	0	No
CLARK	No					
CLAY	Yes	12	3	10	10	40
COFFEY	Yes	5	VARY	CONT.	16	No
COWLEY	Yes	7	50	No	12	10
CRAWFORD	Yes	12	8	20	8	40
EDWARDS	No					
ELK	Yes	11	80	0	0	No
FINNEY	Yes	25	80	100	8	20
FRANKLIN	Yes	12	40	40	0	40
GEARY	Yes	13	40	6 M	8	40
GOVE	Yes	6	2	8	8	Yes
GRANT	No					
JEWELL	No					
KEARNY	Yes	12	70	70	15 Q	30
LABETTE	Yes	13	80	14	14	80
LEAVENWORTH	Yes	10-15	80	8	8	40
LINCOLN	No					
LINN	Yes	5	0	40	0	40
MARION	No					
MCPHERSON	Yes	10	2-3	6 M	15	2
MEADE	No					

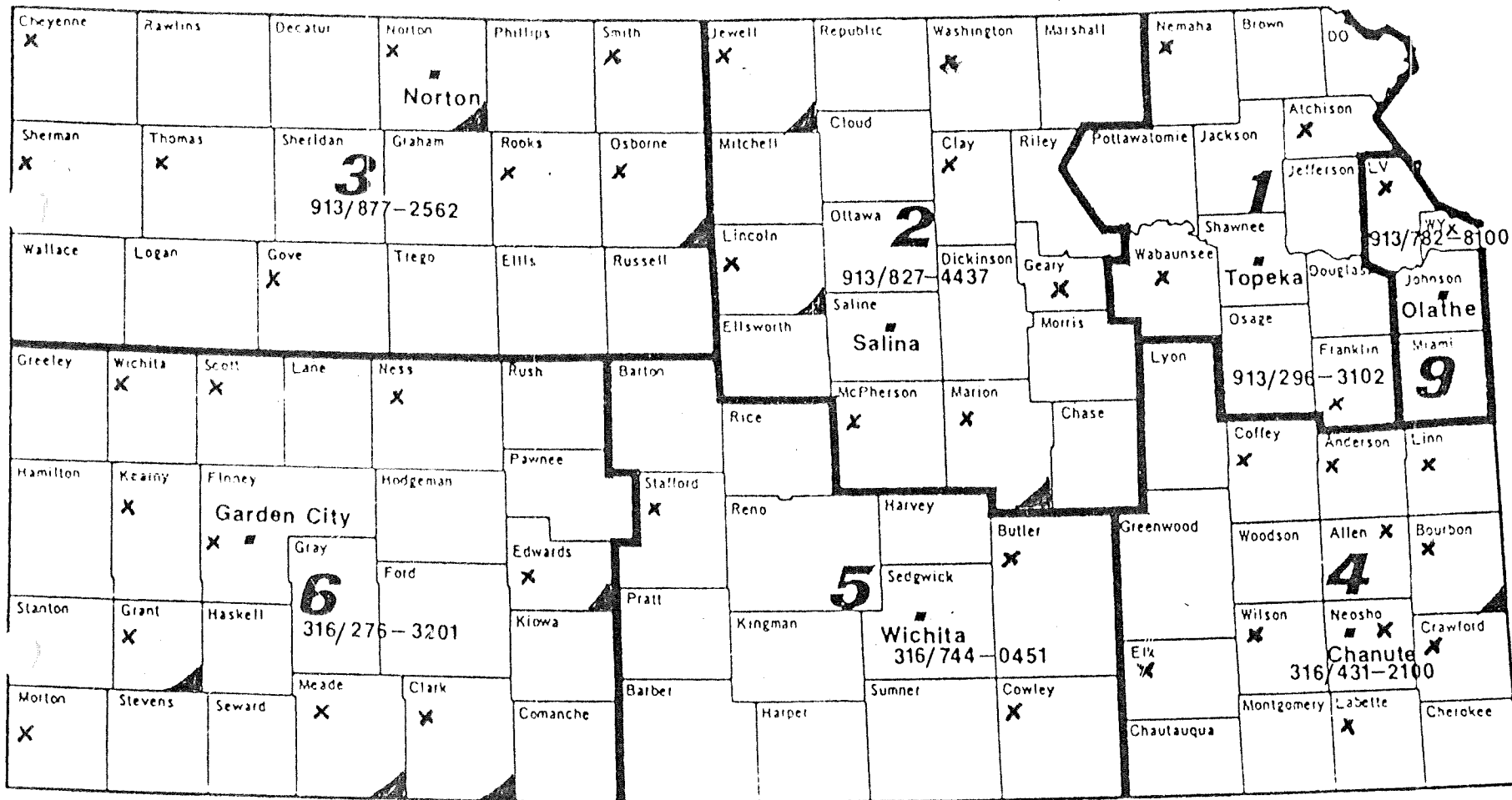
COUNTY	Q1	Q2	Q3	Q4	Q9	Q11
MONTGOMERY	Yes	30	40	0	0	40
MORTON	Yes	6	80	CONT.	VARY	80
NEMAHA	Yes	12	40	6 M	120	No
NEOSHA	Yes	8	80	0	8	24
NESS	Yes	10	2-3	16	16	2-3
NORTON	No					
OSBORNE	No					
ROOKS	Yes	8	4	CONT.	10	40
SCOTT	Yes	12	VARY	8	8	2
SHAWNEE	Yes	44	125	40	20	40
SHERMAN	Yes	18	40	4	16	40
SMITH	Yes	20	10	20	VARY	10
STAFFORD	Yes	1	VARY	8	8	40
THOMAS	Yes	6	80	40	10	20
WABAUNSEE	Yes	7	80	0	0	40
WASHINGTON	Yes	6	VARY	0	0	20
WICHITA	Yes	5	UNK.	UNK.	UNK.	UNK.
WILSON	Yes	1	40	3 NW	0	40
WYANDOTTE	Yes	80	100	20-60	16	20

- Q1. Do you have a Reserve Organization?  
Q2. How many participants do you have in your Reserve Organization?  
Q3. Do you provide class room training? If so, how many hours?  
Q4. How much O.J.T. do you require?  
Q9. How many hours do you require your Reserves to work?  
Q11. Do you require annual on-going training? If so, how many hours?

- \* UNK. - Unknown
- \* YR - year
- \* VARY
- \* CONT. - Continuous
- \* M - month
- \* NW - nights weekly
- \* Q - Quarterly

Enclosure

# Highway Patrol Division Headquarters



TO: House Committee on Federal and State Affairs  
 FROM: Jim Kaup, Attorney  
 DATE: March 30, 1987  
 SUBJECT: HB 2348--Reserve Officer Training Requirements

The League appears in opposition to HB 2348. First, we challenge the argument that there is a need for state-mandated training of reserve law enforcement officers. Second, if this legislature does feel obliged to mandate state regulation of reserve officers, it needs to do so in a way that shows greater sensitivity to the realities of our smaller communities than is evidenced by the wording of HB 2348.

It is a simple fact that many of the smaller cities in Kansas could not afford to pay the price of the type of state regulation called for in HB 2348.

We submit to this Committee that the changes called for in HB 2348 are not needed, and if enacted would actually be harmful to public interest.

More and more cities, and perhaps counties as well, appear to be using reserve and auxiliary officers. This is particularly true of small towns where special events like football games and parades overwhelm the capacity of fulltime law enforcement officers.

(1) We are not sure why reserve officers suddenly need to be required to take state-mandated training. Where's the evidence of harm to the public from current law and current practice?

Home Rule: It is important to recognize that cities have the power

*attachment G*

to have and use reserve officers. In addition, local training, where appropriate, seems to be working well.

e.g., Topeka: 100 hour training requirement. Reserve officers work alongside law enforcement personnel. But in other cities, the role of reserve officers, and the training they need, is much more limited.

(2) Even if we accept the argument that reserve officers should be required to have training and state certification, there is still a serious problem with HB 2348. That problem is the scope of the definition of reserve officer at lines 187:193.

As drafted, this definition is going to include reserve officers in my home town that are used to direct traffic at Friday night football games and at the annual Old Settlers Day parade. Do those people, and many, many other reserve officers throughout Kansas, really need the 80 hours of initial training called for in the bill and the 20 hours of annual continuing education just to wave a flashlight or to erect barricades?

There is a way to narrow the bill's definition of reserve officers. Reserve officers required to take the state-mandated training could be defined as

1. Serve without compensation;
2. Appointed by chief of police;
3. Empowered to make arrests; and
4. Empowered to carry firearms.

This criteria tracks well with language already in K.S.A. 74-5602 defining law enforcement officers (lines 175:179).

In considering HB 2348, this Committee needs to be aware of the logical consequences of the bill's passage. We would foresee the end of the use

of reserve officers in many cities in Kansas, especially smaller towns. The result of the end of the use of reserve officers means that either the cost of providing the public safety component that had been provided by reserve officers will be increased as those duties are picked up by salaried law enforcement officers, or the level of public safety provided citizens will decline. It is that simple.

Closing: Is this a legitimate expense that the state legislature should place upon the taxpayers?

Where's the compelling need for this legislation, especially at a time when cities and counties are desperate to cut down on existing costs? We have lost general revenue sharing, and are on the verge of losing considerable moneys which previous state legislatures had pledged to our cities.

If there were a demonstrated need for better training of reserve officers, and if it were shown that local governments could not, or would not, meet that challenge, perhaps then we would accept the state mandates found in this bill. We do not see the need to change the law. Further, if there was ever a time for state government to get off the back of local government, it is 1987. Big government, and big government solutions, are not always better than the solutions that people come up with at their own local level of government. We ask for this Committee to oppose passage of HB 2348, or in the alternative, to amend it to more narrowly define those persons who would be subject to the state-mandated training and certification.

# Elements of Kansas Municipal Law Enforcement

## Survey Summary of Certain Features of City Police Departments and Functions

There are about 2,675 full time city police officers in Kansas. The typical municipal police department averages about 1.5 officers per thousand population. While police protection is provided primarily by full time officers, at least 55 Kansas cities utilize full time city employees as part-time police officers. In addition, at least 169 cities utilize reserve or auxiliary police officers, including 123 of 185 Kansas cities with a population of over 1,000. County-city law enforcement agreements are common, and there are at least 56 Kansas cities where the county sheriff's department is utilized to enforce municipal ordinances.

These are some of the general conclusions from this summary of certain municipal law enforcement practices, based on a survey conducted by the League of Kansas Municipalities in December of 1981 and January of 1982. The questionnaire used to obtain data for this report is included at the end of this article.

### Full Time Officers

There are about 2,675 full time, uniform police officers employed by Kansas cities. This is not the total of officers serving Kansas cities . . . it excludes officers providing law enforcement services to cities under contract with a county or another city and those within the Riley county department.

Included within the approximate 2,675 total are all cities over 1,000 population, and 204 reporting cities of less than 1,000 population. The survey covered most Kansas cities of over 500, and it is estimated that the total would not significantly increase with the inclusion of complete responses from all small cities.

### Size of Municipal Departments

The size of a municipal police department is, of course, related to the size of the city it serves. Statewide, the number

of city police officers averages 1.58 per 1,000 population, with this average declining to 1.54 with the exclusion of the three largest cities of over 100,000.

Table 1 presents the number of police officers per 1,000 population for Kansas

per 1,000 in this group varied from a minimum of 1.0 in one city to a maximum of 2.9 in another.

In preparing these median and range figures, those cities that do not have city police officers, such as those within the Riley county department and those which contract for service with their county or another city, have been excluded. In addition, cities with joint police-fire departments have been excluded.

Cities of less than 1,000 population have been excluded from Table 1, since the number of police officers per 1,000 population tends to become statistically misleading for small cities.

**Cities Under 1,000.** A substantial number of Kansas cities do not have a full time police officer. As shown in Table 2, this is true in 86 of 89 responding cities of less than 400 population. Typically, a Kansas city does not have a full time officer unless it has a population of 500 or more. Table 2 shows the practices of cities of less than 1,000 population.

It is emphasized that this information is based on the number of city police officers, not necessarily as to whether police protection is provided. Thus, a city

**Table 1**  
**Median Number of City Police Officers**  
**Per 1,000 Population, Kansas Cities**  
**Over 1,000**

No. and Population Range	Median	Range
3 cities over 100,000	1.9	1.5-1.9
5 cities over 50,000	1.5	1.2-1.9
6 cities 25,000 to 50,000	1.3	1.1-1.4
12 cities 15,000 to 50,000	1.4	1.0-2.5
17 cities 10,000 to 20,000	1.8	1.2-2.5
15 cities 7,500 to 15,000	1.6	1.1-2.0
10 cities 5,000 to 10,000	1.4	1.0-2.1
21 cities 4,000 to 7,500	1.3	1.0-2.5
34 cities 3,000 to 6,000	1.5	1.0-2.9
71 cities 2,000 to 5,000	1.6	0.9-2.8
45 cities 2,000 to 4,000	1.7	0.9-2.6
37 cities 2,000 to 3,000	1.7	0.9-2.6
34 cities 1,750 to 2,500	1.7	0.9-3.4
24 cities 1,500 to 2,000	1.5	0.6-3.4
57 cities 1,000 to 1,750	1.3	0.6-3.0

cities within various population groups. To eliminate extremes, the median or mid-point average is used in these calculations, not the mean average. (The median of the numbers 1, 2, 2, 2, 2, 2, 4, 5, and 7 is 2, while the average is 3.) In addition, a "floating" population group is used to provide a larger sample within each population class and to provide more realistic information for cities that tend to be in the extreme of a population range.

In addition to the median figure, the range per 1,000 is also presented. For example, the median number of police officers per 1,000 for cities of 3,000 to 6,000 is 1.5, but the actual number of officers

which contracts with its county or another city for law enforcement services are reported as having no city officers. Further, cities which do not contract for services, but receive some level of public safety protection from the county sheriff's department, but do not have city police officers, are reported as having no officers.

**Officer Strength Variations.** For many years, the figure of about 1.5 uniformed police officers per 1,000 population has been considered a national norm in this area of the country. A higher number has been common in larger cities (generally over 100,000), due in part to such factors as the number of non-



**Table 2**  
**Number of City Police Officers**  
**Kansas Cities Under 1,000 Population**

Population Range	Number of Cities	Number of Police Officers		
		None	One	Over One
900 - 1,000	14	5	8	1
800 - 900	8	1	0	1
700 - 800	20	6	12	2
600 - 700	19	9	9	1
500 - 600	22	14	8	0
400 - 500	26	18	8	0
Under 400	89	86	3	0

resident workers and visitors and not just the incidence of crime. In addition, a figure higher than the purported norm of 1.5 is not uncommon in smaller cities, such as those under 5,000 population, simply to provide around-the-clock coverage.

The median office-per-thousand figures shown in Table 1 tend to show Kansas conformance to these traditional regional norms. However, some variations among cities is found, apparently not explained by the limited number of cities within each population group.

There are a number of reasons why the number of police officers per thousand population varies among cities. For example, the survey requested the number of full time, uniformed city police officers; one city may use officers as dispatch personnel or for administrative purposes, while another may not. Cities within metropolitan areas tend to have a larger number of officers, but this appears influenced by the comparative wealth of the city. (One city of 854 population reported six officers; it is a higher income residential area enclaved within a large city.) Other factors include the characteristics of the area, such as the Fort Riley influence on Junction City, as well as the adequacy of the county sheriff's department. Fiscal resources, and perceived public needs, obviously influences the number of police officers a city has.

#### **Part-time Police - City Employees**

At least 55 Kansas cities have one or more full time city officers or employees who *also* work part-time as city police officers. As noted in Table 3, this is *not* a practice confined only to small cities without other police protection; only nine of the 55 cities using full time city employees as part-time police officers have no other full time police officer. However, it does tend to be more common in cities of less than 3,000 population. Of the 55 cities, 38 of them utilizing such personnel have a population of less than 3,000.

While "professional" police officers are often critical of such practices, it does provide an opportunity for cities to supplement their law enforcement strength within their fiscal resources, and does not imply unprofessional capacity. Such individuals may have equal training and career experience to a full time officer. Full time employees performing part-time law enforcement work were more common in earlier years, when the emphasis was on community service and public order.

There are about 79 such officers in Kansas. In 47 cities, there is one such officer. In the remaining eight, the number ranges from two to seven.

The survey question was intended to apply only to city employees who work regularly as part-time police officers and not to those employees who serve as auxiliary or reserve police officers. A few cities which reported a substantial number of city employees performing police work were excluded in the above summary since they probably serve in a reserve capacity.

#### **Auxiliary Police Officers**

At least 169 Kansas cities utilize reserve or auxiliary police officers. Only 19 of these cities are cities which have no other full time city police officers.

Of 185 Kansas cities with a population of over 1,000 population, which have one or more other full time police officers, 123 report the use of auxiliary or reserve officers and 62 report no such officers.

There are approximately 985 reserve police officers serving Kansas cities. The number in individual cities varies from a minimum of one to a high of 33. There are 29 Kansas cities with 10 or more auxiliary or reserve officers.

Size of city does not appear to influence whether a city uses this method of supplementing their law enforcement function. Reserve officers are found in very small cities as well as the four largest Kansas cities.

The following shows the size of reserve police officer units in cities over 1,000.

No. of Cities	No. of Reserve
9	1
21	2
10	3
15	4
9	5
10	6
9	7
7	8
4	9
7	10
22	Over 10

While the survey did not request information as to the frequency of use of such auxiliary officers, this is known to vary widely throughout Kansas. In some instances, reserve officers seldom perform direct public services, and receive the minimum training necessary for their occasional use for emergencies. In other cities, auxiliary officers provide a continuing function, supplementing full time officers and providing public safety services otherwise not possible under the local budget.

#### **County-City Agreements**

There are 121 Kansas cities which report having a county-city law enforcement agreement. An "agreement" means different things to different people; the survey question simply requested a yes sign only if there was an agreement with the county to provide law enforcement services especially for the city, excluding sheriff department services normally extended to all areas of the county.

Most city-county "agreements" are in-

**Table 3**  
**City Employee - Part-time Officers**

Population Range	Number Cities
Under 1,000 (no full time officer)	9
Under 1,000 (supplemental)	18
1,000 to 2,000	13
2,000 to 3,000	7
3,000 to 4,000	4
4,000 to 5,000	1
5,000 to 6,000	1
Over 6,000	2
	<hr/> 55

formal. Only 45 of the 121 cities report that it was a written agreement.

Money is paid to the county by 47 cities, generally where a written agreement is in effect.

County-city law enforcement agreements are of three basic forms: (1) where the county sheriff's department agrees to provide an additional level of service to secure enforcement of statutory offenses within the city, (2) where the county officers also enforce ordinances within the city, or (3) where special facilities or ser-

vices are agreed to, such as for dispatch services. The first arrangement is typically used by very small cities, including those that have comparatively few ordinances or do not have a municipal court system. Employees of the county sheriff's department, under this arrangement, are not "city policemen." Under the second arrangement, officers of the sheriff's department are appointed as city police officers, and thus have legal powers to enforce city ordinances. There are at least 56 Kansas cities where the county enforces municipal ordinances.

Generally, when a county provides ordinance enforcement services to a city, there is a written agreement and a payment of money to the county.

A future issue of the *Journal* will review county-city law enforcement agreement practices in Kansas.

### The Questionnaire

The survey results reported in this issue of the *Journal* are based on a League survey conducted by the League in December 1981 and January 1982. The questions and explanations are shown below.

1. Number of full-time, uniformed city police officers. \_\_\_\_\_ (Exclude any part-time police officers or any law enforcement officers *not paid as city employees*. Also exclude any police department employees who are not uniformed or appointed as police officers, such as office personnel and dispatchers.)

2. Number of full time city employees who also work part-time as police officer. \_\_\_\_\_ (Include any regular city employees who work only part-time or occasionally as police officers, practice generally found only in small cities.)

3. Number of reserve or auxiliary officers. \_\_\_\_\_ (Exclude any regular, part-time police officers. Include only those reserve officers who are occasionally used, such as for emergencies or special events.)

4. Do you have a county-city law enforcement agreement? Yes \_\_\_\_\_ No \_\_\_\_\_. (Answer "yes" only if you have an agreement with the county to provide law enforcement services espe-

cially for the city. Exclude any sheriffs department services normally extended to all areas of the county.)

5. If yes, (a) is it a written agreement? Yes \_\_\_\_\_ No \_\_\_\_\_; (b) is any city money paid to county? Yes \_\_\_\_\_ No \_\_\_\_\_; (c) does county enforce city ordinances? Yes \_\_\_\_\_ No \_\_\_\_\_.