



Kansas City Metro Tactical Officers Association | P.O. Box 19084 | Lenexa | Kansas | 66215

Proposal for Bi-State Law Enforcement Mutual Aid Legislation

History

In 2003 the Kansas City Metropolitan area, at the direction of the Mid America Regional Council, chose to assemble and fund a regional Tactical Operations (SWAT) asset capable of responding to incidents of Terrorism and/or Weapons of Mass Destruction. The team, designated as the Kansas City Metro Disaster Tactical Response Team (KCMDTRT) is comprised of approximately 160 highly trained SWAT operators from eight selected Tactical Teams from the metro area: Kansas City and Independence in Missouri and Kansas City, Shawnee, Lenexa, Overland Park, Olathe, and Leavenworth in Kansas. These eight police chiefs would serve as the board of directors for this regional team and they committed the resources of their established Tactical Units to support this mission.

The KCMDTRT then set out to train the operators, supervisors and commanders to an agreed upon standard to ensure that this uniquely regional team had the capability to utilize the vast resources the Homeland Security funding procured. The Board of Directors looked to the Kansas City Metro Tactical Officers Association (KCMTOA) to provide guidance and expertise as the training standards were identified. Each operator is to have attended Basic and Advanced SWAT Training through the KCMTOA and then receive training from Louisiana State University in Basic and Advanced Tactical WMD (80 hours), Law Enforcement Protective Measures through FEMA (40), and train annually on 32 additional hours of identified skills proficiency approved by the Board of Directors to maintain their WMD response skill set. This training is above and beyond that already required by each agency for their team. Additionally, the commanders and team leaders also complete the Tactical WMD Commanders course through Louisiana State University (24 hours).

Once the composition and training of this team was in progress, the region began to receive the specialty equipment needed for this team to operate in these hazardous environments and be classified as a FEMA Type I Tactical Team. Specialized armored vehicles and ballistic armor protection, Personal Protective Equipment (PPE), Self-contained Breathing Equipment (SCBA), monitoring equipment and night vision are examples of this equipment. Each of the eight teams is now trained, equipped, and proficient in the skills need to operate as a regional asset.

Issue

The one hurdle that the Board of Directors and the region have not been able to overcome is the issue of interstate jurisdiction for the officers and agencies. The size of the team was determined by the number of officers needed to operate in the equipment for any length of time. In the event that the team was to be activated, half of the team would need to operate as law enforcement officers outside of their state. Attempts at federal deputation were not feasible and in a critical incident a governor's request through the Emergency Management Assistance Compact (EMAC) would not be a timely

solution and therefore impractical. The agencies are then left with the dilemma of risking liability or not sending their officers across the state line.

This issue has exposed a problem that law enforcement agencies in the Kansas City area have faced for many years; the fact that assets in the metropolitan area are cut in half due to the inability of police to respond to requests for assistance across the state line. While agencies on both sides of the line are more than capable of responding to and handling the day to day operations in their jurisdictions and states, those invaluable resources could prove to be the difference between life and death in any critical incident, not just those involving a weapon of mass destruction. An active shooting at a mall or school or an officer's call for assistance could bring officers, often times much closer from the neighboring state, and the ability to prevent the loss of life.

Solution

The Kansas City Metro Tactical Officers Association has proposed bi-state legislation that would provide for a Metro Law Enforcement Mutual Aid Law that would be limited to the nine counties of the Kansas City Metropolitan area as identified by the Mid America Regional Council (MARC). Those counties include Leavenworth, Wyandotte, Johnson and Miami counties in Kansas and Platte, Clay, Ray, Jackson and Cass counties in Missouri. This is the region that is supported by MARC funding and regional assets and encompasses the area commonly referred to as the KC Metro. It is proposed that the bi-state legislation would include the following elements:

1. The region be clearly identified in the law and include only those counties listed above. The Kansas City area is unique to both states as the state line divides an identified metropolitan area and not just cities bordering the state line.
2. The law provides for circumstances that mutual aid would be limited to Critical Incidents, defined as incidents that could result in serious physical injury or loss of life or,
3. That the authority to make the request for assistance in a Critical Incident is permitted from the on-scene incident commander as defined by the National Incident Management System (NIMS). The incident commander is responsible for on-scene management until command authority is transferred to another person. For the purposes of field operations the Incident Commander could be a line officer or supervisor until relieved of that duty by a higher ranking officer.
4. In the event that an officer makes an arrest or apprehension outside their home state, the officer will turn that offender over to the first officer who is commissioned in the requesting jurisdiction. This is consistent with current extradition laws officers in the metropolitan area currently operate under.
5. That the law, if possible, provides for protections from liability through qualified immunity as long as the officer(s) acted in good faith and in an objectively reasonable manner. This would be included as a way to recognize that each state has slightly different criminal statutes and, as in an EMAC deployment, the officers' actions and decisions will be consistent with the lawful authority of their home state.

Progression

Once it was decided to move forward with this proposal, I requested meetings with legislators from Missouri and Kansas to informally explain the need and look for guidance on moving forward. This became the working group that the proposal would run through once proposed language and points could be submitted.

This proposal has also been before the law enforcement groups that represent the interests of the police chiefs, sheriffs and other key players in Kansas City area law enforcement. The following groups strongly endorsed this measure:

- The Metro Chiefs and Sheriffs Association
- The Johnson County Chiefs and Sheriff Association
- MARC Law Enforcement Subcommittee
- Regional Homeland Security Coordinating Committee
- Kansas City Crime Commission

We also met with the Kansas Attorney General Derek Schmidt and the Deputy Director of the KBI. Both reviewed the legislation and said that it was a measure that they would support.

With the support of these groups and individuals, our measure made it through the Missouri House of Representative and Senate with bills proposed in both houses and Senate Bill 852 was into law in Missouri by Governor Jay Nixon. Final enactment is pending the State of Kansas passing the same legislation.

Summary

For many years law enforcement officers in the Kansas City Metropolitan Area have enjoyed a spirit of cooperation that is seen in day to day operations, information and resource sharing, investigations, and support. Groups like the Metro Squad have brought the best investigators from the area together to solve countless homicides. The KCMTOA since 1989 has brought SWAT and patrol officers together for training and logistics. And groups like the Johnson County Chiefs and Sheriff, the Wyandotte County Chiefs, and the Kansas City Metro Chiefs have ensured that the spirit of cooperation continues on. Unfortunately, in times of critical incidents requiring immediate help agencies and officers in this region have worked without any real protection for those officers. This region is unlike any other in Kansas or Missouri as we share the metropolitan area in more ways than geographically. Crime, emergencies, investigations, and critical incidents do not stop or change direction at the state line. Officers and agencies are more than willing to come to the aid of their neighboring agencies and deserve the protection that would be afforded through bi-state legislation.

I respectfully ask that you give consideration to this proposal,

Fred Farris
Board of Directors President
Kansas City Metro Tactical Officers Association