



**Kansas Association of  
Chiefs of Police**

PO Box 780603  
Wichita, KS 67278  
(316)733-7300



**Kansas Sheriffs  
Association**

PO Box 1122  
Pittsburg, KS 66762  
(620)230-0864



**Kansas Peace Officers  
Association**

PO Box 2592  
Wichita, KS 67201  
(316)722-8433

**Testimony to the Senate Judiciary Committee  
In Support of SB180  
March 7, 2017**

Chairman Wilborn and Committee Members,

Our associations requested this bill to address an ongoing difficulty our agencies encounter when screening applicants for law enforcement positions who have been employed by another law enforcement agency in the state. We cannot express strongly enough the importance in obtaining information necessary to determine if the applicant is or has been a problem employee or has records of repeated similar performance deficiencies. Our background investigations are meant to explore indications of moral or integrity issues. This is even more important today as officers face Giglio/Brady challenges as witnesses in court based on past reports of issues relating to honesty or other impeachable misconduct.

However, we frequently encounter law enforcement employers who are told by their city or county legal or human resources team to not disclose anything other than employment dates. This occurs even when we have releases signed by the applicant. This leaves an enormous void in the information necessary to assure we are not enabling a problem employee or transferring a problem to a different agency who will have to learn of the problem through their own experiences.

This bill is fashioned after a bill passed into law in Colorado in 2015. In drafting this bill, we have tried to balance the needs of the hiring agency, the agency releasing the information, and the applicant.

The bill protects the hiring agency by:

- Providing if the applicant declines to sign a release they are no longer considered for the position. See subsection (a) on page 1, lines 5-18.
- Providing access to review files that may have non-disclosure agreements. See subsection (c) on page 1, lines 27-31. That provision is limited to apply only to future non-disclosure agreements and not those put in place prior to the enactment of the bill.
- Assuring access to performance and investigative documents necessary to evaluate the ethical and integrity virtues of an applicant. This will avert later problems with impeachment as a witness and reduce exposure of the hiring agency or the citizens it serves to improper conduct.

The bill protects the current or past employer and their records by:

- Allowing the agency holding the information the choice of releasing copies or only allowing the investigator access to examine the files. See subsection (b) on page 1, lines 19-26.
- Clearly stating what files are accessible under the bill and what files are not. See the definition in subsection (g) on page 2, lines 14-22.
- By requiring a written release signed by the applicant to be provided to the agency holding the information. See subsection (a) on page 1, lines 5-18.
- Providing liability relief when providing documented information. See subsection (d) on page 1, lines 32-35.
- Prohibiting further disclosure of information by the hiring agency. See subsection (e) and (f) on page 2, line 36 through page 2, line 12. Subsection (e) prohibits the receiving agency from further disclosure. Subsection (f) addresses KORA requests. It is important to note subsection (f) does not close the record but merely makes the originated agency the location where KORA requests must be pursued.

The bill protects the applicant by:

- Allowing a path for the hiring agency to confirm or refute information or allegations the hiring agency may receive from other sources.
- Reducing the risk the hiring agency might be in a position of choosing to pass up a good candidate only because they are unable to access records that would show the allegations are not true.
- Protects current employees from a situation where they might leave an existing law enforcement position only to be soon released by their new employer due to information in existing files of former employers coming to light after they are hired.

We believe the provisions of this bill adequately protects agencies currently or previously employing the applicant who would be required to release the information. It also protects the hiring agency from exposure to future liability for hiring a problem employee where documentation of those problems exist but were not accessible to the hiring agency. And it protects the applicants by assuring access by the hiring agency to the best information to accurately vet their potential for a lasting career with the new agency.

Most importantly, the passage of this bill will enhance the quality of law enforcement services by assuring accurate vetting of law enforcement applicants and diminishing the opportunities for employees with known ethical or moral issues from jumping from one agency to another.

We encourage you to recommend this bill favorably for passage.

Ed Klumpp  
E-mail: [eklumpp@cox.net](mailto:eklumpp@cox.net)  
Cell: (785) 640-1102