

# KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS & TRAINING

## Policy: 205 Hearing Policy

Issue/Rev: February 7, 2023

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Issuing Authority: Executive Director Doug Schroeder

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### I. Purpose

The purpose of this policy is to give direction for hearing decorum, confidentiality, the use of electronic devices, and allowable items in the hearing room so that all hearing participants feel valued and safe.

### II. Policy

It is the policy of the Kansas Peace Officers' Standards and Training to provide a safe hearing room environment in which all participants can feel safe.

### III. Procedures

All matters before the Kansas Commission on Peace Officers' Standards and Training's (KSCPOST) Hearing Panel shall be conducted in accordance with the following:

#### A. Hearing Decorum.

All parties, attorneys, witnesses, and hearing attendees shall:

1. through conduct, demeanor, and attire, show respect for the dignity and authority of the Hearing Panel.
2. exhibit respect at all times to the Hearing Panel, KSCPOST staff, other parties, witnesses and attendees. This includes, but is not limited to, no swearing, interrupting, or talking over the Hearing Panel, witnesses or attorneys, no disruptive behavior of any kind and addressing others in a respectful manner.
3. obey all instructions and orders of the Hearing Panel. Order is required to assure all applicable facts are heard, the correct principles of law are applied and to assure a clear and accurate record.

#### B. Confidentiality.

Hearings shall be conducted pursuant to K.S.A. 77-523 and are open, except, as determined by the presiding officer, it is necessary to close parts of the hearing pursuant to a provision of law requiring confidentiality or expressly authorizing closure. Examples of subject matter necessitating closure include:

1. evidence related to medical, psychiatric, psychological, alcoholism or drug dependency treatment pertaining to an identifiable patient.
2. evidence related to sexual assault, domestic violence, human trafficking, or child in need care victims.

3. protected address information pursuant to the Kansas Safe at Home program.
4. student education records protected by the Family Education Rights and Privacy Act.
5. subject matter deemed confidential pursuant to K.S.A. 45-229(i).

C. Use of Electronic Devices.

1. Any electronic device, including but not limited to, a cell phone, smart phone, laptop, still or video camera must be turned off in the hearing room unless prior permission has been obtained from the Hearing Panel. An electronic device must be put away and out of sight in the hearing room unless the use of the device is permitted by subsections (b) (d) or (e) or authorized by the Hearing Panel under this subsection.
2. KSCPOST staff, attorneys of record, and unrepresented parties appearing before the Hearing Panel may use a smart phone, laptop, or tablet computer during a hearing if the sound is turned off and no disruption occurs. An electronic device shall not be used for oral communication while in the hearing room.
3. Except as authorized by subsections (d) and (e), no person may use a cell phone or any other electronic device in the hearing room to: take pictures, take videos, make sound recordings, broadcast sound, broadcast still or moving images (video).
4. Pursuant to K.S.A. 77-523, a party may, at the party's expense and subject to reasonable conditions imposed by the Hearing Panel, cause an additional recording to be made during the hearing. A party intending to cause an additional recording to be made shall notify the Hearing Panel, in writing, at least 10 days prior to the hearing. The notification shall describe the method the party intends to use. Nothing in this subsection shall be construed to allow for a recording other than a sound recording.
5. Media requests will be considered individually by the Hearing Panel. Any request must be in writing, identify the media affiliation of the requestor, describe the type of electronic device and the intended use of images or recordings obtained. All requests must be received at least 10 days prior to the hearing.
6. A violation of this section may result in the possessor of the device being directed to remove the device from the hearing room. Refusal to remove the

device may result in the possessor, and the device, being excluded from the hearing room.

D. Weapons.

No weapon shall be possessed in the KSCPOST hearing room or any space being used to conduct a KSCPOST proceeding. A “weapon” includes any firearm, other than a handgun authorized by the Personal and Family Protection Act, K.S.A. 75-7c01 et seq., any item described in K.S.A. 21- 6301(a)(1) or (a)(2) or any lachrymatory agent spray. The Hearing Panel specifically finds that a person with pending disciplinary action for violations of the Kansas Law Enforcement Training Act is not in “good standing” for purposes of K.S.A. 75-7c22(f)(1)(A).

E. Violations.

A violation of any provision of this policy may result in removal from the hearing or the exclusion of testimony/evidence. If the actions of a party result in their removal, the Hearing Panel may choose to continue the hearing without their presence or enter a default order against the offending party. Any conduct believed to be criminal in nature will be referred to the appropriate authorities for investigation.

**End of Policy**