

BEST PRACTICES IMPLEMENTATION GUIDE

Model Policy for Kansas Law Enforcement Agencies

GUIDING PHILOSOPHY

Law enforcement and prosecutors are jointly responsible for identifying the person(s) responsible for criminal acts and bringing them to justice through complete, impartial and constitutional investigation and legal practices. They are also responsible for conducting the investigative and prosecutorial process in a manner to assure all steps are taken to remove suspicion from those not responsible for the criminal act. Neither is subservient to the other.

HOW WE GOT HERE

These model policies were developed in response to studies revealing the advisability to review certain law enforcement procedures closely tied to fulfilling the guiding philosophy. They were developed by the Contemporary Issues in Criminal Investigation and Prosecution Working Group created by the Kansas County and District Attorneys Association. The Working Group includes representatives not only from the KCDAA, but also from the KBI, KHP, KLETC, KS-CPOST, Kansas Sheriffs Association, the Kansas Association of Chiefs of Police, and the Kansas Peace Officers Association.

RECOMMENDATION

The Working Group recommends every Kansas Law Enforcement Agency adopt a written policy for topics covered by the offered Model Policies. Our goal is for this document to facilitate that process.

IMPLEMENTATION

Model policies are not intended to be a “plug-and-play” solution. They should serve as a guide to assist law enforcement discussions both internally and with local prosecutors, legal advisors, and others representing your jurisdiction in furtherance of a final law enforcement policy. Your final policy should be a derivative of those discussions which may or may not result in modifications to the model policy prior to implementation.

If you already have a written policy on the model policy topic, we encourage you to use this tool to review your existing policy. Perhaps you will find points in the model policy to add to your existing policy.

If you do not have a written policy on the model policy topic, we encourage you to use this tool to implement written policy for your agency. You should closely examine all aspects of the model policy and identify:

1. Any recent best practices research on the topic useful in clarifying the purpose of policy content.
2. Critical points of the procedure that should remain intact.
3. Areas already covered in other agency written policy that can be referenced instead of duplicative direction provided in the model policy.
4. Points that should be discussed with appropriate local leadership (prosecutors, agency legal representation, etc.) to determine if modifications to the model policy should be made based on local needs, local resources, local judicial preferences, local prosecutorial preferences, and other community based issues.

The resulting written policy is your agency’s policy, primarily aimed at providing guidance to law enforcement employees, and should remain constructed in a manner to facilitate clarity for those intended users. Successful policy implementation will also include training for employees who will carry out the agency policy. We encourage you to develop a plan for such training in conjunction with implementation of the policy.