

112-105-1. Security department. (a) Each facility manager shall have a security department that is responsible for the security of the gaming facility. The facility manager, through its security department, shall do the following:

- (1) Protect the people in the gaming facility;
- (2) safeguard the assets within the gaming facility;
- (3) protect the patrons, employees, and property from illegal activity;
- (4) assist with the enforcement of all applicable laws and regulations;
- (5) prevent persons who are under 21 years old from gambling or entering gaming areas;
- (6) detain any individual if a commission enforcement agent so requests or if there is reason to believe that the individual is in violation of the law or gaming regulations;
- (7) record any unusual occurrences, including suspected illegal activity;
- (8) identify and remove any person who is required to be excluded pursuant to article 111 or 112 of the commission's regulations;
- (9) report security violations or suspected illegal activity to the commission security staff within 24 hours;
- (10) report to the commission's security staff, within 24 hours, any facts that the facility manager has reasonable grounds to believe indicate a violation of law, violation of the facility manager's minimum internal control standards, or violation of regulations committed by any facility manager, including the performance of activities different from those permitted under that person's license or certificate;

(11) notify commission security staff, within 24 hours, of all inquiries made by law enforcement officials and any inquiries made concerning the conduct of a person with a license or certificate; and

(12) establish and maintain procedures for handling the following:

- (A) Identification badges;
- (B) incident reports;
- (C) asset protection and movement on the property;
- (D) power or camera failure;
- (E) enforcement of the minimum gambling age;
- (F) firearms prohibition;
- (G) alcoholic beverage control;
- (H) disorderly or disruptive patrons;
- (I) trespassing;
- (J) eviction;
- (K) detention; and
- (L) lost or found property.

(b) No open carrying of firearms shall be permitted within a gaming facility except for the following:

- (1) Kansas racing and gaming commission enforcement agents;
- (2) on-duty law enforcement officers;

and

(3) trained and certified guards employed by an armored car service while on duty and working for a licensed non-gaming supplier company.

(c) No concealed carrying of firearms shall be permitted within a gaming facility except for the following:

(1) Kansas racing and gaming commission enforcement agents;

(2) on-duty law enforcement officers in plain clothes engaged in the performance of their official duties; and

(3) any off-duty or retired law enforcement officer who meets the following conditions:

(A) Is in compliance with the firearms policies of the officer's law enforcement agency;

(B) is carrying a photographic identification card that identifies the individual as a current or retired law enforcement officer and has been issued by the officer's current agency or the agency from which the individual separated from service as a law enforcement officer;

(C) presents the photographic identification card specified in paragraph (c)(3)(B) when requested by a commission agent or gaming facility security personnel; and

(D) has not been denied a license to carry a concealed handgun and does not have a license to carry a concealed handgun that has been suspended or revoked pursuant to the personal and family protection act, K.S.A. 75-7c01 et seq. and amendments thereto.

(d) As used in this regulation, "law enforcement officer" shall mean any of the following:

(1) Any person employed by a law enforcement agency who is in good standing and is certified under the Kansas law enforcement training act;

(2) a law enforcement officer who has obtained a similar designation in a jurisdiction outside the state of Kansas but within the United States; or

(3) a federal law enforcement officer who, as part of the officer's duties, is permitted to make arrests and to be armed.

(e) Each facility manager shall meet its obligations in subsections (b) and (c) in accordance with the personal and family protection act, K.S.A. 75-7c01 et seq. and amendments thereto. (Authorized by and implementing K.S.A. 74-8772; effective Sept. 26, 2008; amended April 1, 2011; amended P- November 26, 2020.)

112-105-2. Security plan. (a) Each applicant for a facility manager certification shall submit a security plan to the commission at least 120 days before the proposed opening of a racetrack gaming facility or lottery gaming facility. The plan shall be consistent with the applicant's contractual obligations with the Kansas lottery.

(b) A facility manager shall not commence gaming operations until its security plan has been approved by the commission.

(c) To be approved, the security plan shall include the following:

(1) An organizational chart showing all positions in the security department;

(2) a description of the duties and responsibilities of each position shown on the organizational chart;

(3) the administrative and operational policies and procedures used in the security department;

(4) a description of the training required for security personnel;

(5) a description of the location of each permanent security station;

(6) the location of each security detention area;

(7) provisions for security staffing; and

(8) the emergency operations plan required by K.A.R. 112-105-3.

(d) All amendments to the security plan shall be submitted to the commission for approval at least 30 days before the date of desired implementation. (Authorized by

and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-105-3. Emergency operations plan. (a) The director of security in the security department shall maintain an emergency operations plan, including evacuation procedures, to deal with the following:

- (1) The discovery or threat of an explosive device on the property;
- (2) a fire or fire alarm;
- (3) a terrorist threat directed at the property;
- (4) severe storms;
- (5) the threat or use of an unauthorized firearm or any other weapon, as described in K.S.A. 21-4201 and amendments thereto; and

(6) any other event for which the applicant determines that prior planning is reasonable.

(b) When the applicant establishes the emergency operations plan, the safety of patrons and personnel shall be the first priority.

(c) The director of security shall ensure that the commission's security staff at the facility are notified of any emergency situation at that time.

(d) All amendments to the emergency operations plan shall be submitted to the commission for approval at least 30 days before the desired date of implementation.

(Authorized by and implementing K.S.A. 2010 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-105-4. Security department staffing. (a) Each security department shall be supervised by a director of security, who shall report directly to the general manager.

(b) The facility manager shall at all times maintain sufficient security officers on duty to reasonably meet the requirements in this article.

(c) The personnel in the security department shall be employees of the facility manager.

(d) Staffing considerations shall include the following:

(1) The size and layout of the property;

(2) special events;

(3) the number of people entering the facility at a given time;

(4) the number of occurrences of suspected illegal activity; and

(5) the safety of the people lawfully on the property. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective Sept. 26, 2008.)

112-105-5. Reports. (a) The director of security shall ensure that a report is prepared regarding each incident observed by or reported to a security department employee that the employee suspects involves any one of the following:

- (1) Criminal conduct;
- (2) injuries to a patron or employee;
- (3) gambling or any attempt to gamble by a person under the age of 21;
- (4) the detention of persons;
- (5) violation of any of the commission's regulations; and
- (6) the presence within the facility of any person who is on the self-excluded

or involuntary exclusion list.

(b) Each report shall include the following, at a minimum:

- (1) The name of the person preparing the report;
- (2) the date and time of the incident;
- (3) the names of the security personnel present;
- (4) the nature of the incident;
- (5) the names of the persons involved, if available;
- (6) the names of any witnesses, if available; and
- (7) the security department's action.

(c) Each security department report shall be provided to commission security employees within 24 hours of the incident reported.

(d) Each security department report shall be retained by the director of security for at least one year after the reported incident. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective Sept. 26, 2008.)

112-105-6. Security detention area. (a) The staff of the security department shall have access to at least one security detention area that is designated and used for the detention of persons by security officers, commission employees, or other law enforcement personnel.

(b) The security detention area shall be used exclusively for the detention of persons and shall be safe, secure, and away from other people lawfully at the facility.

(c) The security detention area shall have video and audio surveillance whenever the area is being used.

(d) A security department employee shall be present in the security detention area whenever a person is being detained. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective Sept. 26, 2008.)

112-105-7. Communications system. (a) Each security department shall have a communications system that allows all security officers on duty to communicate with each other.

(b) The communications system shall provide two-way communications between security officers and the surveillance department.

(c) The communications system shall be available to and useable by commission security agents. (Authorized by and implementing K.S.A. 2007 Supp. 74-8772; effective Sept. 26, 2008.)