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**Testimony to the House Corrections and Juvenile Justice Committee
Overview of Kansas Law Enforcement Challenges and Needs**

January 12, 2022

Chairman Owens and Committee Members:

The thousands of members of our associations thank the Committee for requesting a presentation on the state of Kansas law enforcement and an opportunity to speak about the challenges and needs for us to be effective in serving the people of Kansas. To our knowledge this is the first time we have been given this opportunity to present a general state of law enforcement message to a legislative committee.

Like is seen across our great nation, Kansas is facing significant increases in violent crimes at the same time law enforcement is facing staffing and operational challenges. Anyone who studies the cause of crime knows the issue is very complex including influencing societal factors outside of the criminal justice system such as poverty, joblessness, mental illness, homelessness. It is also influenced by the ability of the government to bring those who violate the law quickly to justice, especially for offenses imposing on people's sense of safety and security. When crime goes up, regardless of cause, the entire criminal justice system is challenged with the capacity to quickly respond. From law enforcement to prosecution to the courts, we have seen unprecedented challenges due to a pandemic effecting our staffing and operational limitations restricting the ability of the entire system to respond in the same timeliness and efficiency of the past. As a result, the backlog of cases to be investigated, charged, prosecuted, and tried is at levels not previously seen. But we believe the blame for the rise in crime cannot be entirely placed on the pandemic. The rising tide of resistance to government authority, the loss of jobs, the challenges of families to put food on the table and keep a roof over their heads, the resulting increase in mental health issues faced by our citizens with limited mental health treatment resources are all among many other factors leading to these challenges.

With those things in mind, we offer the following insight into the challenges faced by law enforcement and the state of our ability to respond to the current public safety issues.

Protecting the Public from Known (Convicted) and Accused Offenders

There are several areas of concern relating to those convicted of crimes and those awaiting trials for criminal charges.

- **The parole system in Kansas** is becoming an increasing concern to law enforcement. We are seeing what appears to be an increase in parolees committing new crimes, especially violent crimes. There needs to be a review of the parole processes and the data on new crimes committed by those on parole to address this issue. Whether that increase is reality or perception, there are far too many new victims at the hands of these convicted criminals. There is also concern that parolees are assigned disproportionately into our major metropolitan areas only adding to the higher crime rates inherent to an increased population density.
- **Security issues at Larned State Hospital** is another area of concern. We are aware of the steps the Governor has announced to examine how this can be addressed after two recent escapes from the facilities at Larned involving convicted violent offenders. We agree steps must be taken to increase the security at these facilities.
- **Bond reform** is being suggested and recommended in Kansas. We believe efforts to assure financial status should not be the major determining factor on whether a person is held in jail pending trial. However, to remedy this by also making it easier for violent offenders to re-enter society while awaiting trial is proving to be a public safety issue in states already adopting significantly relaxed bond requirements across the board for all crimes. The needs of public safety should weigh heavily on bond decisions and the widespread use of no bond or recognizance bonds should be limited for violent crimes, for repeat offenders, and for those who have violated bond conditions. Balance is critical in this area to meet the public safety needs while assuring a fair and equitable treatment of those accused but not yet convicted.
- **The Kansas Juvenile Justice System** was overhauled several years ago. Many of the changes have proven to be successful for the vast majority of juvenile offenders. However, as we warned when those changes were implemented, there are a small percentage of juvenile offenders who are committing violent crimes posing the same level of risk to public safety as adults. The new rules that are working so well for the vast majority of juvenile offenders are not working for many violent juvenile offenders. This is largely due to the lack of ability to detain them immediately following the crime while assessments for public safety risk and need for intervention programs are completed and secondly for those pending court disposition relating to the most egregious crimes. We are seeing too many repeat juvenile offenders facing charges of violent crimes going out the revolving door back into the same environment that led them to their misconduct.
- **Firearm** concerns are also present. The problem is not with the vast majority of firearm owners who are responsible law-abiding citizens, but rather with those possessing firearms in criminal actions. We must do more to address offenders committing crimes when possessing firearms while protecting the rights afforded by the constitution.
 - **We strongly suggest fixing the restoration of rights laws passed last year.** We do not believe it was the intent of the bill proponents nor of the legislature to create a system to restore firearm possession rights to felons convicted of a person felony while using a firearm, but that was included in the final bill. This includes convictions that prior to the change in law resulted in a permanent prohibition.

Nor do we believe enough thought was put into the lower hurdle of expungement standards for restoration of rights versus a court consideration of a higher public safety standard.

- **Disposition of firearms** used in crimes is also a concern, especially in the metropolitan areas. Many of our agencies are seeing the same firearms used in serious felonies in subsequent offenses because of the statutory requirement for law enforcement to sell those firearms back into public circulation rather than an option of destroying the firearm.
- **Penalties for using firearm in commission of a crime** should be examined for assurance of significant additional penalties on top of those for the base crime. This should include consideration of mandatory consecutive sentencing for the any firearms crime and a sentencing enhancement for possessing the firearm during commission of the crime.

Mental Health Concerns

The status of mental health treatment capacity in Kansas continues to be a concern. Those concerns include continued need for law enforcement intervention when no crime has been committed. Some of those cases require a law enforcement response for safety purposes when the mental health issues result in potential violent or destructive behavior, but some do not require law enforcement intervention. The capacity of mental health programs in Kansas remains a challenge, especially in our rural areas. We must find ways for Kansans to have greater access to timely mental health treatment voluntarily in order to keep those disorders from manifesting into levels requiring emergency response and risks to both the public and to those suffering from mental health disorder.

- **The State Hospital System** is improving but we are far from where we need to be. KDADS has implemented several changes attempting to address these issues. But it is too early to tell if they will address the capacity demands.
- **Emergency commitment** processes are still problematic. We still have waiting lists for emergency commitments at Osawatomie State Hospital. The new programs by KDADS to utilize contract beds is in its early stages and it remains to be seen if this can produce the additional bed space necessary to meet the demand.
- **The backlog of competency evaluations and restoration** remains a very large problem. This causes a large increase in time offenders are in our county jails awaiting trial and creates an additional burden on our jails and on county budgets.

Law Enforcement Staffing and Training

Many of our agencies are facing challenges in recruiting and retaining officers.

- **Recruitment of new officers is at critically low levels.** The pool of applicants for law enforcement officers and for local corrections staff is the lowest we have ever seen.
- **Retention of Officers** is an increasing challenge requiring us to look at new incentives for our officers to stay in their profession. Many existing law enforcement officers and corrections staff are feeling the same overload factors as we are seeing in other public

sectors, such as teachers and medical staff, resulting in many seeking alternative careers or earlier retirement. Some of the programs the legislature can help us with include:

- **Expanding the DROP Program** to all KP&F member agencies.
- **Examining the disparity between KP&F and Regular KPERS** (especially the tier 3 KPERS) for those performing the same law enforcement and correctional services.
- **The current reform dialog** includes some counterproductive suggestions we believe are harmful to those officers doing their best to do the right thing in the right way instead of narrowing the focus to the very small number of problematic officers and how to quickly identify them and remove them before a major crisis occurs. These include changes such as eliminating qualified immunity in civil cases and increased reporting requirements.
- **Training and certification** issues are also at the forefront of discussions. It is important to realize the Kansas has been a leader in these areas for many years. The training and certification requirements, including decertification processes, have a long-standing history in Kansas and are exceeded by few, if any, other states. The training demands are many and increased training time creates both logistical and financial challenges for our agencies, especially our small agencies. Keep in mind that half of the law enforcement agencies in Kansas are 5 or fewer officers and 70% are 10 or fewer. It takes 5 full time officers to have one officer on duty 24/7. These are communities that also face very limited financial resources.