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

January 17, 2023

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. We are privileged to respond to that request.

The media and the public generally categorize crimes under two classes, violent and nonviolent crimes. Violent crimes make up only a small share of the number of crimes, they clearly carry the most significant impact on the victims. However, many nonviolent crimes can impact victims and society nearly as significantly. If any of you have ever had your home broken into, you know what we are referring to. Or perhaps you have a relative who has been victimized by a fraud scam and lost significant portions of the savings they depend on to survive. Violent crime has shown some signs of levelling off or perhaps declining slightly, but we are still far from dropping back to the level of violent crime rates of just 5 years ago. Today, we see news articles from across the nation of the impact of property crimes on the future of businesses and neighborhoods. Businesses that are closing and abandoning neighborhoods because of shoplifting losses and neighborhoods that no longer feel safe from extreme financial losses from thefts such as the stealing of catalytic converters, automobiles, and other critical need items.

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 current public safety issues.

Mental Health Concerns

It is now well recognized in Kansas that behavioral health treatment capacities have a direct impact on many Kansans. The status of mental health treatment capacity in Kansas continues to be a concern. While strides are being made to address this problem, we are probably still at least 2 years out from making meaningful changes in the mental health treatment capacity in Kansas. Our concerns include the 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.

- **Criminal Conduct and Mental Health:** Many people with mental health issues commit crimes. Some of those crimes are very serious and others are minor public disorder crimes. Many times, those crimes are not committed because of the mental health issues, but the person committing those crimes clearly have unrelated serious mental health conditions we must deal with if they are incarcerated. It is the desire of law enforcement to defer those committing minor “victimless” crimes to mental health services and not to the criminal justice system. This effort is impeded by insufficient mental health services both at the community level and within the state hospital system. The waiting lists for admission to state hospitals for persons determined to be a risk to self or others due to a mental health crisis remains an obstacle to timely treatment and consumes law enforcement and emergency room resources while waiting on admission to the state hospitals.
- **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 eventually address the capacity demands. We see the addition of a state hospital in south central Kansas as a key element to success.
- **Emergency commitment** processes are still problematic. We still have waiting lists for emergency commitments. The new program by KDADS to utilize contract beds has proven to be helpful but has failed to produce the additional bed space necessary to meet the demand. Finding emergency mental health treatment for a person in a mental health crisis also suffering a serious illness or injury is very difficult to find.
- **The backlog of competency evaluations and restoration** remains a very large problem. This causes a large increase in offenders in our county jails awaiting trial placing additional burdens on our jails and on county budgets. The waiting lists for admissions to our state hospitals for competency evaluation and treatment are still extremely long. New programs allowing local competency evaluation and treatment, when appropriate, have been implemented but are still not in full utilization. There remains an inadequate number of local mental health professionals with competency training and credentials to perform these services in most jurisdictions.
- **Mental health of employees:** Programs to address the mental health of our employees are improving at the agency level. These needs develop from repeated exposure to traumatic events experienced by our first responders. This includes not only law enforcement officers but also our EMS, firefighters, and even our 911 center personnel.
 - Many states have strengthened their work comp statutes to recognize this need. Kansas has not. In Kansas, work comp assistance is only allowed if the employee suffers a physical injury alongside the Traumatic Stress. Many states have removed this restriction, recognizing that traumatic stress is a mental health issue often unrelated to a personal injury. Last year a bill was introduced to change this in Kansas. Unfortunately, it did not get out of committee.
- **Mental Health Training for Law Enforcement:** Kansas law enforcement agencies continue to increase the mental health intervention programs and training in our communities. Most agencies include Crisis Intervention Team training or Mental Health First Aid training for their officers. Several larger agencies have implemented co-responder programs of some type. This training and programming are time demanding on our agencies and staff, creating implementation difficulties especially in small and mid-size

agencies. Co-responder programs are also taxing on local mental health resources in most areas of our state.

Fentanyl Concerns

Fentanyl is a growing concern in Kansas. Substantially more overdose/poisoning deaths from Fentanyl are being reported in autopsy reports from the larger counties in Kansas. Another issue is this particular drug is being used in abundance by Kansas youth. In some instances, they know what they are buying, however, in most instances, youth believe they are buying Percocet pills and not knowing they have been laced with Fentanyl. Below are some suggestions on how the legislators can help on the fight against fentanyl.

- **Education.** A statewide education campaign on the dangers of Fentanyl and how to assist parents in identifying the possible use by their children
- **New Bill Introduction.** Law Enforcement is working on a bill to enhance the sentencing grid for the distribution of Fentanyl because of it being so deadly. This bill will also clear up language in a current bill that makes pressed pills illegal.
- **Rehabilitation Services.** A top/down look at how drug rehabilitation services are being provided to youth who have an arrest on drug charges or their parents have identified the need for drug rehabilitation services.

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** remains a concern to law enforcement. We continue to see parolees assigned disproportionately into our major metropolitan areas only adding to the higher crime rates inherent to an increased population density.
- **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 that small portion of juvenile offenders. This is largely due to the lack of ability to detain them immediately following the crime while more thorough 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 large 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 need stronger laws for criminals using firearms, especially those already prohibited from the possession of firearms due to their prior criminal activity.** Last week we requested a bill in this committee to re-introduce the Reduce Armed Violence

Act, proposed last year by then Attorney General Derik Schmidt. That bill proposes extending the sentence of persons who were prohibited from possessing a firearm when they committed a new crime with a firearm. This bill is truly aimed at the worst of not only the violent offender, but the repeat violent offender.

- **Firearms used during the commission of illegal drug distribution are a continuing concern.** This often results not only to injury or death to the participants in the transaction but also to innocent bystanders. It is our understanding a bill will also be introduced to address this issue as well. This is an area where far too often innocent bystanders become the unintended victims of the criminal's use of firearms.
- **We strongly suggest fixing KSA 21-6301 amended in 2022 to correct what we believe is a flaw when it was amended in 2021.** The bill creating a pathway to the restoration of the right to possess a firearm amended the law on Felon in Possession of a Firearm. That amendment provides a person who committed a list of serious felonies while using a firearm can have their rights restored, but a person committing those crimes while not using a firearm to commit the crimes cannot. That makes no sense from a public safety perspective, and we do not believe it reflects the intent of the legislature when that amendment was made. This includes some convictions that prior to the change in law resulted in a permanent prohibition to possess a firearm.

Law Enforcement Staffing and Training

Training and certification issues are also at the forefront of discussions. It is important to realize 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 have 5 or fewer officers and 70% have 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.
- Over the past several years, the Kansas Law Enforcement Training Center has modified their training processes creating more consistency across the state. This has resulted in improved training but has taxed the current training facilities. There has been an increase in demand as KLETC has trained more basic training students as well as continuing education students than at any point in the past. Continuing education, which is mandated, is now limited due to a lack of dormitory and classroom space. Funding for operational costs has increased over the years due to inflation and the operation of a WW2-era building. An adjustment in funding needs to be made. Law enforcement agencies are operating at critically low staffing, making it imperative that KLETC be able to offer quality training to agencies across the state.

Recruitment and Retention Concerns: Just as you are hearing from state agencies, many of our agencies are facing challenges in recruiting and retaining officers and in some cases support staff. Our 911 centers and local jail corrections officers are included in this concern.

- **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. About 1/3 of the law enforcement officers in Kansas are under regular KPERS, not KP&F. These come from about 2/3 of the law enforcement agencies.
- **Salary and Benefits.** It is becoming ever more difficult for our law enforcement agencies to compete with the private sector pay scale. Limitations on hiring bonuses and other perks to draw candidates create another inequality in our job offerings. Agencies are bound by local government budgets, rising costs of operations, leaving little for incentives, hiring bonuses, or raises to compete.

Presented to the Committee by:

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