



# Kansas Bureau of Investigation

Tony Mattivi  
*Director*

Kris W. Kobach  
*Attorney General*

Before the Committee on Corrections and Juvenile Justice  
Tony Mattivi, Director  
Kansas Bureau of Investigation  
January 16th, 2023

Chairman Owens and Members of the Committee:

Thank you for the opportunity to provide testimony regarding the KBI's concerns and trends regarding public safety issues in Kansas. The clear picture we see is that violent crime in Kansas continues to increase. In fact, pursuant to our most recent compilation of data for 2022, it increased by 2.9% from 2021. Violent crime increased in each of the categories except for murder, which saw a very mild decline (2.9%) from the previous year. A total of 13,808 violent offenses were reported in Kansas in the categories of murder, rape, robbery, and aggravated assault/battery. Violent crime in Kansas has been steadily rising each year since 2014, only declining slightly in 2021. **Violent crime in 2022 was 17.5% above the 10-year average.**

## FENTANYL

There are a number of pressing threats to Kansans. The KBI is in agreement with Attorney General Kobach, the Midwest High Intensity Drug Trafficking Area (HIDTA) Executive Board, and the vast majority of Kansas law enforcement agencies that fentanyl is the greatest drug threat to Kansans. While the KBI recognizes methamphetamines continue to be the illegal drug of choice in the state, the undeniable and startling statistics regarding fentanyl use, overdose and deaths make it the number one trending criminal issue. Last Session, the KBI received "Surge" funding supporting the Fight Against Fentanyl of \$1,346,976. As a direct result, the KBI and our partners stood up the Joint Fentanyl Impact Team (JFIT) and a K-9 interdiction team consisting of 4 canines trained in Fentanyl detection (the first in the region) handled by four KBI Special Agents. The JFIT is comprised of KBI Special Agents, Kansas Highway Patrol Troopers and US Homeland Security Investigation (HSI) Agents. The JFIT's objective is to identify and disrupt fentanyl trafficking and distribution networks. We are starting to see results of this targeted effort, most recently with significant interdictions, seizures and criminal charges in the Wichita area.

Nevertheless, the fentanyl crisis in Kansas and the rest of the country has only worsened. While methamphetamine numbers are high and remain consistent, positive KBI Laboratory fentanyl tests have increased 3,076.7% since 2017. In real numbers, the KBI laboratory found 953 positive exhibits for fentanyl in FY 2023 compared to 692 in FY 2022 and 206 in FY 2021.

Transnational criminal organizations, often referred to as Drug Trafficking Organizations (DTOs) are contributing to the movement of fentanyl in, to and through Kansas. Violent crime and human trafficking are also often closely associated with drug trafficking. The KBI has recognized that DTO's utilize novel and technologically sophisticated means to facilitate communication, obtain payment and monitor drug courier location. These platforms include encrypted messaging applications, social media, portable GPS devices, RFID tagging and tracking and the dark web. Current KBI analytic capabilities struggle to keep up with both technology and the DTOs that are using them. The KBI's current analytical staff cannot meet the need - not due to intellect, training or desire, but due to simple numbers. Without both the strategic assessment and tactical direction that comes from a properly staffed analytic team the Task Forces, Special Agents and Highway Patrol Troopers assigned to the JFIT will be fighting in the dark. This new front of the war on drugs is a significant threat and must be addressed.

An effective, but unfairly criticized tool in the fight against fentanyl is Civil Asset Forfeiture. On behalf of the KBI and Kansas law enforcement interests I was an active participant in the Special Advisory Committee on Asset Forfeiture. This Committee made three specific and substantive recommendations to changes in the Kansas Standard Asset Seizure and Forfeiture Act over the course of several months and numerous meetings. These include requiring a probable cause affidavit for review by a district court judge before a forfeiture case can begin, fee shifting to allow the payment of attorneys' fees for claimants who prevail in recovering property during that case, and removing simple possession as an offense that would permit seizure for forfeiture of currency and property. Together, these changes ensure that law enforcement is using this incredibly valuable tool in such a way as to preserve the due process rights of owners while still protecting the public from the influx of drugs like Fentanyl into and through Kansas.

## **CRIMES AGAINST CHILDREN**

The other major crime trend that continues despite increased attention from law enforcement is crimes against children. The KBI's Child Victims Unit (CVU) has seven specially trained commissioned personnel assigned to conduct violent criminal investigations involving children. Specifically, the CVU investigates the most serious sexually violent crimes designated as "Jessica's Law" violations pursuant to K.S.A. 21-6627, serious physical abuse of a child, and crimes committed by suspects who are designated as habitual sexual offenders pursuant to K.S.A. 21-6627. These crimes are among the most complex to investigate, present unique challenges, and are often defended as aggressively as capital murder cases.

The CVU members conduct approximately 35 investigations per year. CVU members investigate approximately 65% of the cases involving child victims; the remaining 35% of these cases are worked by other Special Agents who normally work cases referred to the General Investigative Operations Unit. This occurs because there are more cases involving child victims than the seven CVU members can possibly manage in a given year.

In addition to the Jessica's Law crimes addressed by the CVU, in 2019 with the help of the legislature, the KBI established the Northeast Child Victim Task Force (NECVTF) in Topeka, KS. The task force investigates cases of child sexual assault and child pornography. The six member task force has a list of over 200 tips waiting to be assigned to investigators. Investigations have shown that more than half of the cases of child pornography also included the subject having direct

physical contact with children as well. Online crimes against children also include sextortion and enticement.

The National Center for Missing and Exploited Children (NCMEC), defines online enticement as “an individual communicating with someone believed to be a child via the internet with the intent to commit a sexual offense or abduction. This is a broad category of online exploitation and includes sextortion, in which a child is being groomed to take sexually explicit images and/or ultimately meet face-to-face with someone for sexual purposes, or to engage in a sexual conversation online or, in some instances, to sell/trade the child’s sexual images. This type of victimization takes place across every platform; social media, messaging apps, gaming platforms, etc.”<sup>1</sup>

NCMEC reported that between 2019 and 2020, the number of online enticement reports increased by 97.5% to 37,872. In 2022 that number has more than doubled again to 80,524. This year over year doubling is indicative of a large and growing problem. This statistic is important in that these are only the *reported* incidents, which represent a fraction of the number of enticements actually occurring.

Federal law refers to child pornography as any visual depiction of sexually explicit conduct involving a minor (less than 18 years old). NCMEC refers to these images as Child Sexual Abuse Material of (CSAM).

CSAM consists of much more than just images and video files. While CSAM is seen and transmitted on computers and through other technology, these images and videos depict actual crimes being committed against children. The human element, children at risk, must always be considered when talking about this offense that is based in a high-tech world<sup>2</sup>.

The disturbing reality is that the internet platforms we use every day to connect with each other and share information, including social media, online gaming, and e-mail, are now being used to disseminate and collect CSAM. CSAM can be found in virtually any online realm.<sup>3</sup>

In 1998, NCMEC created a cyber-tip line for members of the public and electronic service providers to report incidents of suspected child sexual exploitation.

The proliferation of Child Sexual Abuse Material (CSAM) and the continued prevalence of physical and sexual abuse of children in Kansas is one of the primary challenges to public safety. Kansas does not have sufficient criminal investigative resources to intervene when allegations of child abuse are reported and children are being victimized as a result. With over 704,000 children in Kansas<sup>4</sup>, the safety net that exists for our kids is made up of the Kansas Department of Children and Families (DCF), law enforcement, the medical community, service providers, parents, schools and neighbors. The safety net that helps to ensure our children’s safety requires a meaningful, collaborative relationship between DCF and Kansas law enforcement.

---

<sup>1</sup> National Center for Missing and Exploited Children, [Online Enticement \(missingkids.org\)](https://www.missingkids.org)

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> United States Census Bureau July 1, 2021, [U.S. Census Bureau QuickFacts: United States](https://www.census.gov/quickfacts/)

The KBI is committed to intervening and investigating when cases of physical or sexual abuse of children occur in Kansas and has made the response to child maltreatment a top priority.

In recognizing the seriousness of the issue and the lack of resources and investigators in the western part of Kansas, last year the KBI established the West Child Victim Task Force (WCVTF). These five agents and one supervisor were designated in Garden City, Kansas to address child sexual assault and distribution of child pornography in that region of the state. The team members for the WCVTF are currently being identified, hired and trained. I recently swore in three new KBI Special Agents who are assigned to this Task Force.

**CYBERCRIME/CYBER-SECURITY**

The next trend the KBI and our Kansas Law Enforcement partners have observed is the increase in cybercrime and the need for enhanced training and cyber secure systems, The Internet Crime Complaint Center (IC3) is a program administered by the FBI that receives complaints of internet related crime. IC3 has received more than 6.5 million complaints since its inception in 2000. IC3 works with federal, state, and local law enforcement to help those who report criminal activity. The information received through IC3 cyber-tips is analyzed and disseminated for investigative and intelligence purposes for law enforcement and public awareness. Each year the FBI publishes the FBI Internet Crime Report.

According to the 2022 Internet Crime Report over the past five years the number of reported complaints of internet crime have increased 180% from 301,000 to almost 850,000 per year. The total monetary loss also increased from \$1.4 billion dollars in 2017 to \$10.3 billion dollars in 2022

Five of the most common types of cybercrime are extortion, identity theft, personal data breaches, non-payment/non-delivery, and phishing type activity.

There were 2,399 complaints from Kansas reported to IC3 in 2022. That places Kansas 37<sup>th</sup> out of the 50 states for the number of complaints per state. **Victims in Kansas lost approximately \$58 million dollars to internet related crime last year. This is more than twice as much as 2021.**

Here in Kansas, individuals, businesses and even state and local governments have been impacted by cyber criminals. These crimes range from fraud and business e-mail compromises to ransomware.

In FY 2020, the Kansas Legislature provided the KBI funding to establish phase I of the Cyber Crime Unit (CCU). Six Special Agents and one supervisor were hired and tasked with establishing the unit. After getting the unit equipped and trained, the Special Agents began to work cases in FY 2021. Two of the CCU Special Agents serve on federal cybercrimes task forces with the United States Secret Service and the FBI. In FY 2023, the CCU reviewed the following IC3 cyber-tips:

Business E-Mail Compromises (BEC)	191
Computer Intrusion Cases	321
Corporate Data Breaches	19

Malware/Scareware/Virus	5
Ransomware	27
Phishing Activity	81
<b>Total Reviewed Cases</b>	<b>652</b>

Of the cases reviewed, the KBI initiated 24 criminal investigation during FY 2023. Cybercrime cases are particularly manpower and time intensive. Oftentimes the scale of the crime is global, the victims numerous and the perpetrator can be found anywhere from Smalltown, Kansas to Minsk, Russia. Several of the cases opened by CCU have taken more than a year to reach resolution.

The KBI CCU Special Agent serving on the Secret Service Cybercrime Task Force assisted with the recovery of millions of dollars fraudulently taken from the labor departments' of several states during the COVID-19 pandemic, including the Kansas Department of Labor. **Although these investigations are ongoing, to date this same KBI CCU Special Agent and his team have recovered approximately \$4.5 million dollars for the State of Kansas.**

BEC and Computer Intrusion cases continue to rise in lockstep with the total loss amount. Continued attention to this escalating crime is critical. The KBI hopes to expand the capacity of the CCU through increased resources for the unit in future years.

### **EMERGING THREATS**

The KBI notes the increased threat of cyberattack to public systems, including systems maintained and used by law enforcement and the KBI to conduct daily and necessary public safety work.

Beyond those crimes threatening all Kansans, the KBI has identified a series of threats that regard public figures and institutions. Examples of this include threatening communications by mail and e-mail as well as a recent trend of what is known as swatting. Swatting is the malicious attempt to instigate an armed law enforcement response to a public institution, residence or business of a public official by way of claiming shots fired, a mass casualty event or a hostage situation. These claims, most often made from spoofed cell numbers to 911 call centers, do elicit a necessary law enforcement response but in the end are designed to waste said resources and disrupt, scare and potentially harm those innocent people and institutions. The KBI has not only noted the trend in Kansas and elsewhere, we have communicated those observations to all state and local law enforcement agencies and are working to educate the legislature and other public officials about the potential threat and provide possible mitigation measures.

### **RECRUITMENT AND RETENTION**

Finally, the recruitment and retention of KBI Special Agents and Laboratory Scientists remains a critical issue. Recruiting experienced law enforcement officers (detective level with three to five years of experience) to become KBI Special Agents is difficult because, frankly, most of them

already make more money than they would as a KBI Special Agent. Retention of Special Agents encounters the same issue. The problem is slightly different with our scientists (and to a degree our Information Technology staff) in that we don't have as much difficulty recruiting and training but once they are at the appropriate skill and experience level we find a significant number take higher paying positions in private industry. In essence, the KBI becomes the equivalent of Major League Baseball's AAA Farm System. We provide experience and training.

Thank you for the opportunity to provide a brief overview of the most significant trends and threats to public safety in Kansas. Only through continued aggressive investment in public safety will Kansas law enforcement be able to substantially impact these on-going threats to the welfare of our state. The KBI continuously dedicates resources to monitor and engage existing and emerging threats in an effort to promote public safety and reduce crime in Kansas. I appreciate the committee's support of the KBI as we endeavor to fulfill our mission.

#####