



SHAWNEE POLICE DEPARTMENT

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Members of the Federal and State Affairs Committee
Kansas State Capitol
300 SW 10th Street
Topeka, Kansas 66612

Dear Committee Members:

As Chief of Police in Shawnee, Kansas; Past-President of the Johnson County (Kansas) Police Chiefs' and Sheriff's Association (JPCPSA); and a Co-Chair of the Law Enforcement Subcommittee to the Mid-America Regional Council's Regional Homeland Security Coordinating Committee (RHSCC) serving the Bi-State Kansas City region, I am writing you today to urge you to support the passage of Kansas House Bill 2007, which creates a law enforcement mutual aid region in the Kansas Counties of Johnson, Leavenworth, Miami, and Wyandotte. These Kansas counties border five Missouri counties that make up the nine-county Kansas City Metropolitan Area. Additionally, this legislation would allow Missouri law enforcement officers from those Missouri bordering counties to respond to mutual aid requests by an on-scene incident commander from these Kansas counties during times of critical incidents.

Over the past ten years, I have been deeply engaged with the efforts of the RHSCC, and through that experience, I am proud to say that Kansas City is a unique area. Here, local law enforcement agencies work well together with fire service, public health, emergency medical services, emergency management and other public and private disciplines through this regional committee to create a strong system of emergency preparedness and response capabilities. One of the driving forces behind the formation of the RHSCC and its Law Enforcement Subcommittee is "good government": utilizing money and resources wisely. Long ago, law enforcement and government leaders in Kansas City, on both sides of the Stateline, recognized that it was fruitless to just independently prepare for law enforcement emergencies.

In the beginning, while planning and preparing for emergencies like hostile events in our region, the following gap was identified: Kansas City region's every day and extraordinary law enforcement capabilities are impaired by the "Stateline Barrier", which limits our agencies abilities to respond quickly during times of emergencies where seconds and minutes are so precious when it comes down to saving lives. After exhausting all means to solve this problem, the leadership of the Kansas City Metro Tactical Officers Association (KCMTOA) took it upon themselves and decided to seek a legislative solution in both States. KCMTOA's membership of over one thousand law enforcement officers from over seventy-five law enforcement agencies in Kansas, Missouri, and surrounding states is a leader in law enforcement professionals who donate their time and talents for the betterment of the communities they serve.

CORE VALUES

Integrity • Teamwork • Professionalism • Dedication

After much research, I believe there is no current Kansas legislation that would allow for this type of Bi-State (Interstate) law enforcement mutual aid short of a signed order by the Governors of the states of Kansas and Missouri, and only under an Interstate Emergency Management Assistance Compact during a duly declared emergency or disaster (K.S.A. 48-9a01).

I am aware that there is opposition to this proposed legislation. There is a belief that this legislation is not needed because the statutory authorities in responding to incidents like these are covered in K.S.A 19-828: *Multijurisdictional Law Enforcement Group*. That statute states the following:

Any county in the state of Kansas which borders another state, with the agreement of the sheriff, may enter into agreement with the political subdivisions in such other state's contiguous county to form a multijurisdictional law enforcement group for the enforcement of drug and controlled substances laws or for the prevention, detection or investigation of any terroristic activity. Such other state's law enforcement officers may be deputized as officers of the counties of this state participating in such an agreement and shall be deemed to have met all requirements of law enforcement training and certification required under K.S.A. 74-5601 et seq., and amendments thereto, if such officers have satisfied the applicable law enforcement officer training and certification standards in force in such other state. Such other state's law enforcement officers shall have the same powers and immunities as law enforcement officers certified and commissioned in Kansas while conducting investigations to enforce drug and controlled substances laws or engaged in the prevention, detection or investigation of terroristic activity with the multijurisdictional enforcement group.

The groups I represent do not believe the authorities outlined in K.S.A. 19-828 would allow for the timely actions by all (municipal, county, and state) first responders in these situations. Our belief is that K.S.A. 19-828 narrowly focuses on a Sheriff's authority to assemble a "predetermined task force" (law enforcement group) of deputies and/or police officers in and outside their office for the purposes of enforcement of drug and controlled substances laws or for the prevention, detection or investigation of any terroristic activity. This statute calls for a participation agreement up front and for the Sheriffs to "deputize" such other state's law enforcement officers and deem that those officers have met all requirements of law enforcement training and certification required under K.S.A. 74-5601 et seq., and amendments thereto, if such officers have satisfied the applicable law enforcement officer training and certification standards in force in such other state. We do not believe the Sheriffs can deputize officers within these authorities as they are in route to address events such as these. Lastly, the most important capability of "response to" critical incidents is not included in this statute. Its authorities lie in the enforcement of drug and controlled substances laws and/or for the prevention, detection or investigation of any terroristic activity. The passed Missouri and proposed Kansas legislation does nothing to limit or take away from a Sheriff's authority to conduct their office's duties and responsibilities. The passed and proposed legislation gives the

authority to all law enforcement agencies to authority and immunity protection to provide this mutual aid to each other during critical incidents. This legislation gives the incident commander, the first line decision maker on the ground, the ability to request or accept mutual aid in a timely manner. We believe it is unreasonable to try to make an existing statute fit critical incidents when the clear intent is obviously stated. The passed and proposed mutual aid legislation is simply stated and its intent is narrowly focused on response to critical incidents.

I wish I could say that legislation like this is not needed; but the simple truth is that these types of hostile events do occur in this Country and we have to plan for them to happen. In a September 2014 USA Today's on-line article, the news source stated, "The number of incidents in which a shooter opens fire on a crowd of people more than doubled over the past seven years compared with the previous seven, the FBI found in a study." The news source reported from 2006 to date, 258 mass killings – more than three killed by whatever means – occurred in the United States, at a frequency of about one every two weeks. Just in the past few months, a mobile gunman shot up downtown Austin, Texas, and a lone gunman shot multiple students at Florida State University. Well-known images from Newtown, Aurora and Virginia Tech capture the nation's attention, but similar bloody scenes happen with alarming frequency. The question is not will it happen in our community; the question is when it happens, are we prepared? Law enforcement officers from both sides of the Kansas and Missouri state lines in Kansas City will, and have in the past, place the community first during these times because it is the right thing to do. The best example to illustrate how this type of legislation would protect our first responding law enforcement officers would be a shooting several years ago at the Ward Parkway Shopping Center. During the 2007 shooting at the Ward Parkway Shopping Center located in Kansas City, Missouri, it was Leawood, Kansas police officers who were the first to arrive on the scene and deployed inside the shopping center tracking the shooter. Had they found the suspect first, I have no doubt that they would have done what needed to be done to stop the shooter, but they would not have had the legal authority to act. If Kansas passes similar legislation to Missouri's bill, the Leawood officers, and all other first responding officers in this region, would have the legal authority to act during these times when requested. Mutual aid between Kansas and Missouri is crucial because resolving a hostile event quickly is important to saving lives.

As law enforcement leaders, it is our responsibility to provide our staff the tools and lawful authorities they need to perform their tasks in safeguarding our communities, and minimize their liability while performing their jobs. The proposed legislation already in place in Missouri will provide our first responding municipal, county, and state Kansas law enforcement officers the statutory authority to respond to critical life and death emergencies in those Missouri Counties. Please join the Kansas City region's Police Chiefs, Sheriffs, cities, counties, Kansas City's Mid-America Regional Council, and the State of Missouri, in supporting the creation of a law enforcement mutual aid region in the Kansas City Metro for critical incidents, and the mutual aid capabilities contained therein by endorsing House Bill 2007.

I thank you for your consideration in the matter.

Larry Larimore
Chief of Police