

MINUTES

JOINT COMMITTEE ON KANSAS SECURITY

November 9 - 10, 2016
Room 152-S—Statehouse

Committee Members Present

Senator Greg Smith, Chairperson
Representative Mario Goico, Vice-chairperson
Senator Forrest Knox
Senator Mike Petersen
Senator Pat Pettey
Representative Kevin Jones
Representative Adam Lusker
Representative Peggy Mast
Representative Louis Ruiz

Member Absent

Senator Anthony Hensley

Staff Present

Jill Shelley, Kansas Legislative Research Department
Aaron Klaassen, Kansas Legislative Research Department
Heather O'Hara, Kansas Legislative Research Department
Jordan Milholland, Kansas Legislative Research Department
Chuck Reimer, Office of Revisor of Statutes
Scott Wells, Office of Revisor of Statutes
Connie Burns, Committee Assistant

Conferees

Gregg Burden, Kansas Commission on Veterans Affairs Office
Wayne Bollig, Kansas Commission on Veterans Affairs Office
Alex Gard, Legislative Division of Post Audit
Colonel Chris Stratmann, Kansas National Guard
Kim Torrey, Kansas Highway Patrol
Lt. Edna Cordner, Kansas Highway Patrol
Colonel Mark Bruce, Kansas Highway Patrol
Adjutant General Lee Tafari
Captain Andrew Dean, Capitol Police, Kansas Highway Patrol
Director Kirk Thompson, Kansas Bureau of Investigation

Captain Justin Bramlett, Kansas Highway Patrol
Joe Mandala, Kansas Bureau of Investigation
Ron Brown, Topeka Public Schools USD 501
Terri Moses, Wichita Public Schools USD 259
Chief Ed Howell, Director of University Police, Parking Services and Security, Fort Hays State University
Chief Mike McCracken, Director of University Police and Parking Services, Pittsburg State University
Ronnie Grice, Assistant Vice President/Chief, Kansas State University Police
Sara Morris, Chief of University Police, Wichita State University
Chris Hoover, Director of Emporia State University Police and Safety
Chris Keary, Director of Public Safety and Chief of Police, Kansas University-Lawrence
Chris Enos, Interim Director of Police, Washburn University Police Department

Others Attending

[See attached list 1, 2](#)

Wednesday, November 9 Morning Session

Chairperson Smith opened the meeting at 9:30 a.m.

Update on Veterans Issues

Gregg Burden, Director, Kansas Commission on Veterans Affairs Office (KCVAO), provided an agency update to the Committee ([Attachment 1](#)). The mission of the KCVAO is to serve Kansas veterans, survivors, and their dependents with dignity and compassion and to ensure Kansas veterans and their families receive all the services and benefits they have earned in the most efficient and cost-effective manner possible. Director Burden provided highlights on the two veterans' homes and the Veteran Services Program.

For FY 2018 the KCVAO is requesting approval for eight projects at the Kansas Veterans Home (Winfield) and six projects at the Kansas Soldiers Home (Fort Dodge). Director Burden briefly reviewed each project. They include replacement of sewage infrastructure, air handlers, heating and air conditioning units, and doors and windows that are inefficient or no longer meet code; coverings for walkways between building front doors and loading areas; and demolition of three structures at the Kansas Soldiers Home.

Director Burden stated the Veteran Services Program also experienced positive changes over the past year including opening a new Veteran Service Office at Washburn Institute of Technology and acquiring a new mobile van which will enhance agency access to rural areas of Kansas. He also noted agency efforts toward paperless patient records.

New and ongoing issues that could impact the operations of KCVAO programs in the future include the caps on federal funds (on 6 of 26) in the annual appropriations bill, which have been in place for approximately 10 years. The Director said these caps make it very difficult to access money from certain accounts and forces the agency to carry over balances into the next fiscal year. In recent years KCVAO has come close to not meeting its fiscal obligations because of the caps. He said the agency also is concerned about a potential 5

percent budget reduction which could impact services to veterans. He also said another problem for the agency is recruiting qualified applicants to provide medical care, that KCVAO facilities are in competition with other health care facilities in the area that may pay signing bonuses.

The Committee asked the process on addressing the caps. Director Burden said to remove them by the legislative process.

Wayne Bollig, Deputy Director, KCVAO, provided information on open veterans service representative positions and pension poaching ([Attachment 2](#)). He stated the turnover rate among veterans service representatives is approximately 40 percent. He also noted there is concern about pension poaching, and KCVAO would like to see a bill like 2016 HB 2692 move forward in 2017. The U.S. Department of Veterans Affairs terms this “The Third Party Annuity Scam”; veterans and their families are targeted by advisers who are claiming to offer free help with paperwork for pension claims. AARP lists this as one of the top ten scams to seniors in 2016, Deputy Director Bollig said. He also noted KCVAO is working toward paperless data on veterans and their benefits, and the agency has all but three offices converted. He briefly reviewed cybersecurity measures related to that data.

State Agency Data Security

Alex Gard, Principal Information Technology (IT) Auditor, Kansas Legislative Division of Post Audit (LPA), provided an update on the LPA IT security audit function and IT security problem findings ([Attachment 3](#)). He told the Committee LPA has conducted IT security audits for more than 12 years and that the process has evolved over the years and expanded coverage in both the number of agencies and the number of security areas audited. The current triennial plan began in 2014 and finishes in December 2016. Part of that plan was an audit gathering information statewide about the types, volume, and variety of sensitive data agencies have that was presented in July 2014. He said this information was used to put together a risk-based process that was used to select agencies for in-depth IT security audits. Three phases make up the audits:

- Phase I – the agency completes a self-assessment to document whether the agency complies with the requirements;
- Phase II – LPA holds an in-depth interview to learn about the agency’s IT function and ask follow up questions to the completed self-assessment. Agencies are also allowed to opt into social engineering testing;
- Phase III – LPA auditors are on-site to conduct field work, review training files for employees, view computer screenshots, and review policies and procedures and other documentation to determine whether the agency complies with the state’s Information Technology Executive Council requirements and best practices. During this phase scans are run on the agency’s workstations and servers to determine whether the agency has adequately protected itself against known vulnerabilities.

Mr. Gard further explained the process. At the end of the week-long on-site visit, LPA team members document, discuss, and synthesize the findings with occasional follow-ups with the agencies. LPA evaluates the level of severity of the problem presents: a critical risk finding is

a vulnerability that creates an imminent threat for data loss, and technical findings are weaknesses in the agency's documentation or security process that are unlikely to lead to present or future vulnerabilities; LPA communicates the preliminary findings to the agency at an exit conference.

Mr. Gard stated more information on previous audits would be provided in the closed executive session.

Representative Mast moved, and Representative Lusker seconded, a motion *that the open meeting of the Joint Committee on Kansas Security in Room 152-S of the Statehouse be recessed for a closed, executive meeting to commence at 10:17 a.m. in Room 152-S of the Statehouse pursuant to subsection (b)(13) of KSA 2016 Supp. 75-4319 and Rule 5 of the Joint Rules of the House and Senate, for the purpose of discussion with representatives of the LPA on state agency data security, relating to data security measures that protect public bodies or agencies, or public buildings or facilities or the information systems of public bodies agencies, which matters, if discussed at an open meeting would jeopardize such security measures, that the Joint Committee on Kansas Security resume the open meeting in this room, Room 152-S of the Statehouse, at 10:40, and that this motion, if adopted, be recorded in the minutes of the Joint Committee on Kansas Security and be maintained as a part of the permanent records of the Committee. Motion carried.* This was adopted at 10:18 a.m. Designated essential personnel, all from LPA: Alex Gard, Principal IT Audit Supervisor; Katrin Osterhaus, IT Audit Manager; and Clyde-Emmanuel Meador, IT Auditor.

The Committee returned to open session at 10:40 a.m.

Funding for Security Efforts

Kim Torrey, Chief Fiscal Officer, Kansas Highway Patrol (KHP), provided information on Homeland Security Grant Program funding ([Attachment 4](#)). She explained the KHP, through the Homeland Security Operations unit, is the designated state administrative agency; it applies for, administers, and manages the grant and reports to the U.S. Department of Homeland Security /Federal Emergency Management Agency (DHS/FEMA) regarding all preparedness grant program operations funded by DHS/FEMA. She noted 80 percent of the funds flow to local units of government or regional homeland security councils.

Ms. Torrey said the FY 2015 grant provides funding for planning, organization, equipment, training, and exercises; more than 60 projects have been created to sustain and enhance current core capabilities. Although grant awards peaked at \$21.9 million in 2004 and have decreased to approximately \$3.7 million since 2013, activities to sustain or enhance goals of prevention, protection, mitigation, response, and recovery continue to be a priority for grant projects. She said the law enforcement terrorism prevention activities that are supported through grant funding include:

- Information sharing and analysis, such as equipment for the Kansas Intelligence Fusion Center (Fusion Center);
- Fusion Center analyst salaries (Adjutant General, Kansas Bureau of Investigation [KBI], KHP);
- Target hardening – equipment, training, and exercises;
- Terrorist interdiction – equipment, training, and exercises; and
- Agricultural security sustainment.

Lt. Edna Cordner, Homeland Security Grant Program Manager, KHP, addressed questions from the Committee on reimbursement, restriction and distribution of the funds, and the application and approval process. She explained each project for which grant moneys are sought must receive approval from a council and local units are reimbursed after spending is reviewed. In response to a question, she explained the relationships among local law enforcement and emergency response personnel at a crisis scene, noting the grants help pay for planning and training on these responses and coordination. KHP personnel also stated the regions have been involved in identifying the state's most vulnerable core capabilities, so that resources can be directed to where they are most needed.

Efforts to Attain Optimal Staffing for the Kansas Highway Patrol

Colonel Mark Bruce, Superintendent, KHP, provided an update on staffing issues and the manpower initiative for the KHP ([Attachment 5](#)). Colonel Bruce stated the KHP lost 110 troopers from 2006 through 2015. He said there is a correlation between the numbers of troopers and reductions in core safety functions such as arrests for driving under the influence (DUI), moving hazardous violations, and speeding. Total miles driven has risen because fewer troopers are available to cover the state. Superintendent Bruce stated that, when compared with surrounding states, Kansas has the lowest number of troopers; the fewest troopers per law enforcement agency served, 0.83 troopers per law enforcement agency served; the most highway miles per trooper; the highest annual vehicle miles per trooper; and the highest number of registered vehicles per trooper. He discussed the services the KHP provides to local law enforcement agencies, such as training on DUI detection and accident reconstruction, and he noted KHP is the only Kansas law enforcement agency with air assets and it provides bomb technicians, canines, and ordinance disposal for 75 percent of Kansas.

Superintendent Bruce reviewed recent efforts to increase the number of troopers. He said 2015 legislative changes allowed for a competitive compensation plan and a Deferred Retirement Option Plan to keep troopers longer. He also noted the 2016 enactment of House Bill 2696 added a new \$2 nonrefundable vehicle registration surcharge to be credited to a newly appropriated KHP Staffing and Training Fund. He said 34 were expected to graduate from the KHP training academy in December 2016. At the time of the meeting, the KHP had 439 troopers, he said.

Superintendent Bruce addressed questions from the Committee concerning efforts to recruit minorities, whether most recruits have a military background, comparisons between Kansas and Missouri, and criminal investigations that start at the KHP or local level.

Readiness and Staffing, Kansas National Guard

Major General Lee Tafanelli, Kansas Adjutant General, provided an overview on the readiness and staffing of the Kansas National Guard ([Attachment 6](#)). As of the meeting date, he said, 86 Kansas National Guard (KSNG) soldiers and airmen were deployed around the world, 226 soldiers and airmen had recently returned from various theaters of operations, and the KSNG was preparing to deploy an additional 834 personnel within the next 365 days to various locations throughout the world.

He explained the use of the National Guard as an operational force, the number of national security challenges, more demand for warfighting capabilities, and smaller national

security budgets are having a profound effect on personnel, and the country is beginning to see some very real generational and societal changes in how many younger Americans view military service, making recruiting and retention efforts much more difficult. He noted only a small percentage of the population is both interested in serving and eligible to serve for reasons including health. Major General Tafarielli stated tuition assistance is the number one resource that helps recruit and retain personnel. He requested consideration of measures that would make the amount of tuition assistance to each recipient more predictable. General Tafarielli stated federal sequestration that has resulted in the imposition of military budget reductions by \$500 million beginning in 2013 and lasting through 2023 means a loss of 487 in the KSNG Army component and 123 within the Air component, which will continue to negatively impact KSNG readiness, force structure, and full-time staffing.

Major General Tafarielli discussed relocating headquarters to Forbes Field as a means to maintain facilities in Topeka. He also described a partnership with Garden City Community College to use the college's facilities for National Guard training.

Major General Tafarielli addressed questions from the Committee concerning the state partnership with the country of Armenia, tuition and the GI Bill for college reimbursement, and getting land at the Crisis City training facility turned over to the State of Kansas. He also introduced staff who had accompanied him to the meeting.

Kansas Intelligence Fusion Center Tour

Senator Mike Petersen moved and Representative Adam Lusker seconded, a motion, *that the open meeting of the Joint Committee on Kansas Security in Room 152-S of the Statehouse be recessed for a closed, executive meeting to commence at 2:00 p.m. at the Kansas Fusion Center pursuant to subsection (b)(13) of KSA 2016 Supp. 75-4319 and Rule 5 of the Joint Rules of the House and Senate, for the purpose of a tour of the facility and a discussion of the Fusion Center's operations relating to cyber, internet, or information technology security measures that protect systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services, transportation and sewer or wastewater treatment systems, facilities or equipment, public agencies, buildings or facilities, and the information systems of public agencies which matters are under consideration by the Joint Committee on Kansas Security and which matters if discussed at an open meeting would jeopardize such security measures and operations, that the Joint Committee on Kansas Security resume the open meeting in this room, Room 152-S of the Statehouse, at 3:30 p.m., and that this motion, if adopted, be recorded in the minutes of the Joint Committee on Kansas Security and be maintained as a part of the permanent records of the committee. The motion carried.* This was adopted at 12:17 p.m. Designated essential personnel: Adjutant General Lee Tafarielli; Jared Hartter, Fusion Center Interim Director, Office of the Attorney General; Fusion Center staff; and Major Marci Solander, Executive Officer to the Adjutant General.

The meeting was recessed until 3:30 p.m.

The Committee returned to open session at 3:30 p.m. and adjourned for the day at 3:31 p.m.

**Thursday, November 10
Morning Session**

Chairperson Smith opened the meeting at 9:00 a.m.

Capitol Complex Security and Threats to Public Officials

Captain Andrew Dean, KHP Capitol Police, provided a presentation on Statehouse security ([Attachment 7](#)). The Capitol Police is tasked with providing safety and security and police services to State employees and visitors who occupy the State-owned or -leased properties in Shawnee County, to include the Capitol Complex and Statehouse. Capitol Police coordinate and provide security to events for the Complex, while conducting risk assessments for such events. He reviewed the structure of the Capitol Police, which had 71 total personnel and 5 vacancies as of the meeting date.

Captain Dean stated steps taken in 2015-2016 to improve the investigative services for Capitol Police include these:

- An investigator was added to the Criminal Investigations Unit in 2015 (two investigators currently); criminal Investigators are assigned to higher profile cases and work closely with federal, state, and local law enforcement agencies;
- Officers received additional training on topics including crime scene security, evidence collection, crime scene photography, fingerprinting, and interview and interrogation techniques; and
- Capitol Police supervisors regularly meet with investigators to stay current.

Capitol Police public resource officers continue to provide emergency preparedness and Kansas Active Shooter Mitigation training to State employees and agencies. Captain Dean said agencies have been tasked with encouraging and reinforcing the need for State employees and citizens to remain extra vigilant and report any suspicious activity. The Safety and Security Liaison Team meets semi-annually to discuss safety and security issues and concerns for the Complex.

Captain Dean stated recently Capitol Police went live on Facebook and Twitter, and it uses Nixle Connect, a free mass-notification tool connecting the Capitol Police to state employees within the Capitol Complex. When an event occurs, the dispatchers can send out messages as an alert, advisory, or informational message. Currently the Capitol Police are using SMS and email messages.

Capitol Police oversees the key card access control system for the Capitol Complex and other State properties; its responsibilities include the issuance, activation, and deactivation of key cards, as well as monitoring of system users. In 2014, a key card access control policy and forms were created, to improve the overall security of this particular system, Captain Dean stated, adding 861 of 991 Statehouse key cards allow 24/7 access and concerns continue that those with such cards allow people without key cards to access the Statehouse with the cardholder. Capitol area guards currently monitor 286 security cameras for more than 15 State-owned or -leased properties; in Shawnee County, 109 cameras are assigned to the Statehouse (86 interior and 23 exterior). Four FLIR and two infrared cameras are assigned to the

Statehouse. He noted the systems can store less than 45 days of camera images. Bicycle patrols get officers to incident scenes quickly, particularly when events mean clogged downtown streets, he said.

Captain Dean stated Capitol Police are operating two Astrophysics, Inc., x-ray inspection systems (manufactured June 2010); by October 2016 those machines had been used for 141,000 and 112,000 scans. He pointed out both screening systems were exposed to the Statehouse renovation project's dust and relocations and said warranties have expired and screeners are experiencing problems with systems shutting down unexpectedly. Captain Dean recommended looking at options to replace the out-dated x-ray systems, and he provided cost estimates on new systems. He also suggested adding screening capabilities to the loading dock area. Capitol Police officers also use two Garrett PD 6500i magnetometer "metal detector" systems. To gain access to the Statehouse, each visitor must submit to the screening processes. He suggested training costs be considered with acquisition costs and said the older systems could continue to be used for large events.

Senator Forrest Knox moved, and Representative Mario Goico seconded, *a motion that the open meeting of the Joint Committee on Kansas Security in Room 152-S of the Statehouse be recessed for a closed, executive meeting to commence 9:42 a.m. at Room 152-S of the Statehouse pursuant to subsection (b)(13) of KSA 2016 Supp. 75-4319 and Rule 5 of the Joint Rules of the House and Senate, for the purpose of a discussion with representatives of the State Capitol Police (KHP) and KBI regarding Capitol Complex security measures that protect the Capitol Complex, public agencies, buildings or facilities and certain security threats to state public officials, which matters are under consideration of the Joint Committee on Kansas Security and which matters if discussed at an open meeting would jeopardize such security measures, that the Joint Committee on Kansas Security resume the open meeting in this room, Room 152-S of the Statehouse, at 10:02 a.m., and that this motion, if adopted, be recorded in the minutes of the Joint Committee on Kansas Security and be maintained as a part of the permanent records of the committee. The motion carried.* This was adopted at 9:43 a.m. Designated essential personnel: Captain Dean; Kirk Thompson, Director, KBI; Katie Whisman, Executive Officer, KBI; Tony Weingartner, Assistant Director, KBI; and Frank Papish, Assistant Director, KBI.

The Committee returned to open session at 10:02 a.m. to request additional time in executive session.

Representative Goico moved, and Representative Lusker seconded, *a motion that the open meeting of the Joint Committee on Kansas Security in Room 152-S of the Statehouse be recessed for a closed, executive meeting to commence 10:04 a.m. at Room 152-S of the Statehouse pursuant to subsection (b)(13) of KSA 2016 Supp. 75-4319 and Rule 5 of the Joint Rules of the House and Senate, for the purpose of a discussion with representatives of the State Capitol Police (KHP) and KBI regarding Capitol Complex security measures that protect the Capitol Complex, public agencies, buildings or facilities and certain security threats to state public officials, which matters are under consideration of the Joint Committee on Kansas Security and which matters if discussed at an open meeting would jeopardize such security measures, that the Joint Committee on Kansas Security resume the open meeting in this room, Room 152-S of the Statehouse, at 10:20 a.m., and that this motion, if adopted, be recorded in the minutes of the Joint Committee on Kansas Security and be maintained as a part of the permanent records of the committee. The motion carried.* This was adopted at 10:04 a.m. Designated essential personnel were the same as for the previous motion.

The Committee returned to open session at 10:20 a.m.

Director Thompson provided information on the KBI's role in investigating crimes committed against public officials ([Attachment 8](#)). The mission of the KBI is to provide professional investigative, laboratory, and criminal justice information services to Kansas criminal justice agencies for the purpose of promoting public safety and preventing crime. Incidents involving credible threats to or crimes committed against public officials because of their political views or the office they hold would fall within the KBI's investigative priorities, he said. The KBI becomes involved in criminal investigations upon receiving a request for assistance from another local, state, or federal agency; local initiative; or a directive from the Kansas Attorney General. Currently, the KBI has no capacity to combat cybercrime and no internal cyber investigative capacity. Director Thompson stated that, within the Investigations Division, the KBI has limited the acceptance of requests for investigative assistance to those that fall within one of the following categories:

- Crimes against children;
- Homicide or other major violent crime;
- Violent drug trafficking organizations; and
- Governmental integrity and public corruption.

Director Thompson addressed questions from the Committee on the first point of contact for public officials who are not in the Statehouse when threatened; he stated both the KBI and local officials should be contacted.

Efforts to Attain Optimal Staffing, KBI

Director Thompson provided information on that agency's efforts to attain optimal staffing ([Attachment 9](#)) after he introduced staff who had accompanied him. He said threats to the safety of Kansas citizens are omnipresent and can be best mitigated with adequately staffed public safety organizations and a robust statewide information sharing platform. He stated more than 70 percent of Kansas law enforcement agencies have 10 or fewer employees, and the KBI's role includes assisting those agencies. People are its primary resource; the cost of transition if an employee leaves approaches 50 percent of the employee's salary, so retention is important. He stated the salary issue was primary in 2015, followed by a recruiting and retention effort in 2016 for which assistance will be needed in 2018. Improvements to facilities including the laboratory facilities at Washburn University have been important to recruitment and retention, he said.

Director Thompson addressed the main types of crimes investigated by the KBI and trends in those crimes. He said, when violent crimes occur, the biggest impact can be made when the KBI is able to quickly deploy sufficient resources, conduct a thorough investigation, identify and arrest the persons(s) responsible, and turn the case over to a prosecutor in a timely fashion. The longer this process takes, the greater the chance of additional victimization and the less effective the KBI is at preventing crime. He noted violent crime is on the rise in major cities across the country; violent crimes increased 3.9 percent nationally in 2015, but Kansas saw an 11.2 percent increase. This spike can be largely attributed to a 30.7 percent increase in murder and a 31.2 percent increase in robbery. He reviewed the following persistent and emerging threats to public safety and specific areas of concern:

- Major violent crime – On average, the KBI Field Investigations Division investigates more than 200 major violent crimes each year; because of insufficient manpower the KBI declined 33 cases in FY 2016 (many of which

were violent crimes) that fell within KBI's investigative priorities. Across the state, 28 agents are available for these investigations.

- Crimes against children – The KBI's Child Victims Unit (CVU) is staffed with seven agents and can accept only the most serious cases. In FY 2016, CVU opened 58 cases and identified 62 suspects and 78 child victims. Approximately 30 percent of these cases involved aggravated indecent liberties with a child and 17 percent were rape cases; 47 percent of the victims were between the ages of 11 and 16.
- White-collar crimes – Due to staffing concerns, KBI has had to greatly limit acceptance of cases involving financial crimes, including white-collar crimes. Cases of this nature are time-consuming to investigate.
- Officer-involved shootings – Data indicate officer-involved shootings are on the rise, but those data may be incomplete. KBI data show a 79 percent increase in officer-involved shootings in Kansas from 2013 to 2015, to 25 in 2015. On average, the KBI sends five officers per incident, given the need for greater transparency and accountability in officer-involved shooting investigations.
- Statewide information sharing – Criminal intelligence helps stop crime before it happens. The KBI has been working diligently to fill a statewide void by enhancing the capacity of the Criminal Intelligence Unit but current funding and staffing levels have prevented the KBI from creating the robust system envisioned.
- Human trafficking – Challenges with data tracking and incident reporting prevents the KBI from accurately understanding the prevalence of human trafficking in Kansas, but KBI agents have seen firsthand the prevalence of labor trafficking as it relates to clandestine marijuana cultivation operations run by Mexican nationals and it is aware sex trafficking is a problem.
- Domestic terrorism – One KBI agent is assigned to the FBI's Joint Terrorism Task Force (JTTF) in Topeka, who played a key role in preventing the attack at Fort Riley in 2015. Staffing levels have not allowed for agents to be placed on the Wichita or Kansas City JTTFs.
- Cybercrimes – The threat of cyber intrusions, theft of information, on-line fraud, and the sexual exploitation of children are growing problems for the citizens of Kansas; it was reported 1,799 Kansas victims reported a loss of \$3.9 million due to online fraud or scams in 2015. Currently the KBI has no capacity to combat cybercrime. To address this emerging threat would require the KBI to add additional personnel and create a new investigative unit.
- Drug trafficking organizations – The use of illegal narcotics is driven by its availability. The KBI Special Operations Division seeks to disrupt organized criminal enterprises by targeting mid- to upper-level dealers. These investigations are often complex and require a significant investment of time, money, and personnel in order to significantly impact public safety.

- Sexual assault kit testing – The KBI is in the process of determining how many “rape kits” have never been turned over to a crime laboratory for forensic analysis; approximately 2,200 have been identified. KBI staff are working to eliminate the current statewide inventory and make recommendations to prevent “rape kit backlog” in the future. This valuable forensic evidence allows identification and apprehending of serial sexual offenders, prevents future victimization, and significantly impacts public safety.
- Public corruption – These cases often involve public officials or conflicts of interest. The KBI Field Investigations Division investigates 50 to 60 of these cases per year.

Director Thompson stated that optimal staffing would allow the KBI to fulfill the current agency mission. He provided this information on current versus optimal staffing levels:

- Information Services Division - 19 percent below what is considered the optimal staffing;
- Forensic Laboratory - 43 percent below optimal staffing;
- Criminal Intelligence Unit – 64 percent below optimal staffing; and
- Investigation Division – 42 percent below optimal staffing.

Director Thompson thanked the Committee for the opportunity to candidly discuss the current staffing levels and those areas that cause great concern, and to highlight the critical staffing needs. He stated overtime pay has increased substantially over the past five years and the agency is increasingly unable to meet its goals for investigation timeliness. He noted about 45 percent of individuals offered KBI positions do not take them.

Director Thompson responded to questions and concerns on racial profiling, full-time employees, and struggles to find agents to fill management positions.

Public Safety Communications

Joe Mandala, Chief Information Officer, KBI, updated the Committee on the Kansas Criminal Justice Information System (KCJIS) ([Attachment 10](#)). He said the KCJIS provides for the secure, efficient, and timely sharing of critical and sensitive law enforcement data with local, state, and national public safety agencies. The purpose of this system is to provide local, state, and federal law enforcement, prosecutors, courts, corrections officials, and other partners access to information vital to the performance of public safety duties across the state and at all levels of government. Mr. Mandala reviewed a white paper covering these topics:

- Areas of responsibility – The KBI provides all technical systems, services, and infrastructure. The KHP’s CJIS Unit provides training and independent auditing services to local agencies. The KCJIS Committee represents a broad range of stakeholders and provides oversight for KCJIS standards.
- Significant stakeholders – Agencies including the KBI, KHP, Department of Corrections, and the Office of Judicial Administration are among the heavy users of information in KCJIS, and agencies such as the Division of Vehicles within the

Department of Revenue are important providers of data. Local agencies are the primary data providers and consumers.

- Usage – While the number of users has remained relatively constant since 2010, the number of requests for information has increased significantly: the central message switch routes more than 40 million queries a year (more than 1 per second), up 34 percent between 2011 and 2016, and web-based portal searches increased nearly 90 percent between 2011 and 2015, to more than 900,000. Controls on access include authentication, use of KCJIS circuits (in each county), firewalls, and use of a virtual private network protected by additional security.
- Current challenges – These include the increasing difficulty in attracting qualified staff, thus making retention more important. There is an increased need for information sharing. External threats to the system are increasing, and maintaining and modernizing security systems protecting this information requires constant investment. Those using the system require constant training.
- KBI strategic plan as it relates to KCJIS – This includes goals for capabilities, services, and capacity. Projects to modernize the system through 2017 are funded; later ones are not.
- Recognized needs for KCJIS going forward – Local agencies require security training programs. Also, determinations must be ongoing about the types of information to be gathered and shared, compatible with national standards, to ensure a clearer view of crime from prevention through reintegration.

Mr. Mandala said the recognized needs for KCJIS are strategic in nature and broad in scope and require specific efforts to be defined and scoped, and they will require a sustained commitment of resources as well as potentially requiring legislative or regulatory action.

Captain Justin Bramlett, KHP, CJIS System Officer for Kansas, provided the Committee information on the KCJIS and KHP Central Communications in Salina ([Attachment 11](#)). The KHP works with the KBI on maintaining and instructing on the CJIS system. He described the KCJIS as a 24/7/365 secure electronic information service that connects different aspects of the criminal justice community and some agencies outside the criminal justice community. There is only one connection per state with federal criminal justice systems such as the National Crime Information Center (NCIC). That point of connection for Kansas is the KBI, and the KHP is the CJIS System Agency.

Captain Bramlett said the mission of the KCJIS Committee is to establish, maintain, upgrade, and enhance the criminal justice information system as authorized. The committee is composed of ten different representatives from different portions of the criminal justice community. It meets monthly to, among other tasks, review the KCJIS Policy and Procedure Manual.

The KHP's role with the KCJIS includes providing the CJIS Systems Officer (Captain Bramlett) plus these tasks:

- Training and testing all NCIC Kansas terminal agency coordinators;
- Conducting triennial audits of terminal agencies;

- Conducting triennial technical security audits on terminal agencies;
- Offering security awareness training;
- Auditing users that access the National Data Exchange; and
- Conducting record checks on select contractors and vendors.

Captain Bramlett then described KHP communications. He said KHP Central Communications is located in Salina in the Troop C building, has 64 full-time employee positions (5 vacant as of the meeting date), and is staffed at all times. Central Communications maintains remote site locations as back-up locations for the radio and dispatch consoles; and it has generator and uninterruptible power supplies. It has the ability to use a MotoBridge system on the Kansas Department of Transportation's (KDOT's) 76 tower sites; the MotoBridge system is intended for multi-disciplinary and multi-jurisdictional use when other common means of radio communications are not available. Other tasks of KHP Central Communications include answering the Safe School and report underage drinking hotlines and making referrals, answering the hazardous materials toll-free number after normal business hours, providing weather information to motorists, dealing with KDOT tower alarms and notification and cancellation of notices to airmen, and facility alarm monitoring and notifications.

The Committee had questions on the security of the KDOT towers, and whether security is being considered for outsourcing. Ed Geer, Communication System Administrator, Bureau of Maintenance, KDOT, addressed the questions and concerns on a contract to review various aspects of the tower system; he said a report is expected in late 2016.

Colonel Chris Stratmann, Chief Information Office, Kansas Adjutant General's Department, provided a briefing on the status of three public safety communications areas ([Attachment 12](#)): the Statewide Interoperability Executive Committee (SIEC); public safety broadband, or FirstNet; and the 911 Coordinating Council.

Colonel Stratmann said the SIEC was created by executive order to provide governance and guidance as related to the interoperability of public safety communications systems. The group's primary emphasis has traditionally been on radio frequency communications; however, their responsibilities also include the area of data interoperability. The SIEC is the primary formal body assisting Phil Wittmer, Kansas Chief Information Technology Officer, with the state's public safety broadband, or FirstNet, decision-making process.

Colonel Stratmann gave some background on FirstNet. He said in February 2012, the U.S. Congress passed the Middle Class Tax Relief and Job Creation Act, which created the First Responder Network Authority (also known as FirstNet) as an independent authority within the National Telecommunications and Information Administration to provide emergency responders with a nationwide, high-speed, wireless broadband network dedicated to public safety use. FirstNet has issued a request for proposal for the nationwide network and the state hopes to hear within 30 days of the meeting who has been chosen for this project. Approximately three or four months after the award is made, a draft plan for the buildout of a public safety-grade wireless communications system will be issued, with a final plan for Kansas expected in late summer 2017. Once the plan is delivered, the Governor has 90 days to accept the plan as presented or to have the state instead build out its own network, while still adhering to the standards outlined in the FirstNet legislation. Colonel Stratmann said grant-funded broadband outreach coordinators met with more than 1,700 Kansas first responders at more than 200 agencies and have surveyed public safety professionals. Kansas has also developed a state-specific checklist to evaluate the FirstNet plan once it is delivered to the state.

Colonel Stratmann also provided an update on 911 coordination. He explained the Kansas 911 Coordinating Council was created in 2012 via the Kansas 911 Act to monitor the delivery of 911 services, determine delivery strategies for future enhancements to 911 systems, and distribute available grant funds. He stated the implementation of Next Generation, or NG, 911 capabilities is critical to increasing the safety of all Kansans and moves the state's 117 public safety answering points from legacy technology to a modern, Internet-based system. Through the hosted solution with AT&T used by 39 counties at present (and 32 more have signed up), soon most Kansans will be able to utilize text-to-911 when the situation dictates. This capability will be the first easily recognized feature of NG911 to the public, he said

Colonel Stratmann added none of these entities or projects exist in Kansas in a vacuum, that there is significant crosstalk and overlap occurring within the available time of those involved but agreement there is room for improvement in terms of unified governance.

Afternoon Session

The meeting reconvened at 1:30 p.m.

Security Within Educational Settings: Regents Institutions

Council of Regents Law Enforcement Directors

Chris Keary, Director of Public Safety and Chief of Police, Kansas University (KU), Lawrence, provided a briefing on the security of the universities in Kansas and introduced other members of the Council of Regents Law Enforcement Directors in attendance ([Attachment 13](#)):

- Chief Ed Howell, Director of University Police, Parking Services and Security, Fort Hays State University;
- Chief Mike McCracken, Director of University Police and Parking Services, Pittsburg State University;
- Ronnie Grice, Assistant Vice President/Chief, Kansas State University Police;
- Sara Morris, Chief of University Police, Wichita State University;
- Chris Hoover, Director of Emporia State University Police and Safety; and
- Captain Chris Enos, Interim Director of Police, Washburn University Police Department.

Director Keary stated the Council meets regularly to discuss problems and issues common to all universities in Kansas, brainstorm solutions, learn from each other, and promote cooperation. The departments jointly purchased and use a simulator which uses firearms fitted with a laser instead of bullets, to allow officers to train in "shoot/don't shoot" scenarios. The firearms simulator was too expensive for just one department to buy, but together the Council was able to fund the simulator and it now travels from campus to campus training officers. He discussed additional cooperation efforts, stating firearms instructors from each department meet to share innovative training and cost-saving ideas, emergency managers have spoken about efforts to better prepare each campus for emergencies, and investigators share case information to develop leads and solve cases. The Council encourages this information sharing to promote efficiency and cost savings for all departments.

Hiring good people to fill police officers positions is a challenge, and those hired require extensive training, taking nearly a year from hiring to operating independently, Director Keary stated. The Council is concerned about retention of trained officers and providing the university

communities with a highly visible police presence, especially with the upcoming loss of exemption for concealed carry in public buildings. All departments provide education to the communities about personal safety and crime prevention; he said there has been an increase in requests specifically for training in active shooter response.

The Committee asked about turnover rates for officers and the exemption for concealed carry. Director Keary stated that the turnover varies for each department, and a major task related to concealed carry is keeping the students and faculty aware of the timeline and educated on the process. He said there are many concerns about concealed carry but so far no specific incidents. Committee members noted concealed carry is limited to those 21 and older.

Each of the directors was asked to describe concerns and the overall safety situation on each campus, and they answered Committee questions.

Director Hoover spoke about the interaction with other agencies and with students. He addressed questions about retention of officers, stating 4 of the 8 officers in his department left in the past 4 years, taking with them 85 years of experience. Asked about issues in anticipation of concealed carry, he responded suicide prevention is a concern with more guns on campus, as is the potential for the “good guy” to be harmed if an officer responds to a situation when two or more have visible firearms.

Chief Grice spoke about the working relationship with the U.S. Department of Homeland Security because of the National Bio and Agro-Defense Facility; he also noted security for the small nuclear reactor on campus falls under the guidelines of the Nuclear Regulatory Commission. Retention of officers is also an issue at K-State, he said, as is the expansion of the physical campus without any increase in police staff. He stated the university follows National Football League guidelines for security screenings at football games and magnetometers will be in use next season. He further noted a good relationship with the Joint Terrorism Task Force. He stated students have let each other know about the provisions of 2016 SB 133 providing immunity from prosecution for minor in possession of alcohol if there is a medical emergency.

Chief McCracken spoke about participation in the Council for sharing ideas and resources. He noted it can be extremely difficult for the smaller departments to send officers for training and still cover shifts or to handle events that bring a large number of people to the campus. He said students are employed as dispatchers, which places a lot of responsibility on young people.

Chief Morris spoke about staffing being the major issue for Wichita State University, as the size of the physical campus is doubling and will include a hotel, an apartment complex, and retail businesses. She said her department is in competition with the City of Wichita and Sedgwick County, which pay better, for recruits and retaining officers. She also stated the number of cases related to illegal drugs on campus has greatly increased and that all campuses work to have officers trained in crisis intervention.

Director Keary stated he started at KU as a student dispatcher and there were 35 officers; now there are 28. Increases in on-campus housing brings concerns related to alcohol and drug use and to mental health crisis situations, including suicide and attempted suicide. Because university sporting events are major events in Kansas, the university reaches out to forces including the KHP to provide assets the university department does not have, such as bomb-sniffing dogs.

Director Enos spoke about issues at Washburn University. Its campus is within a city and the department works in partnership with local law enforcement. He stated the partnership with the KBI to have its laboratory on campus has been good.

Chief Howell stated his officers are deputized in Ellis County and have concurrent jurisdiction within Hays. Financial aid and identification crimes are issues that are on the rise, he said. He addressed questions about the difficulty in recruiting qualified officers, particularly multi-lingual officers.

The directors answered additional questions from the Committee about officer pay, mental health issues, lack of funding, concealed carry, diversity among officers on staff, quality candidates for positions on their departments, and retention of officers.

Security Within Educational Settings: K-12

Terri Moses, Executive Director of Safety Services, Wichita Public Schools (USD 259), provided a briefing on security within K-12 educational settings ([Attachment 14](#)). She stated success is dependent on the collaboration of many working together for the safety of all students and staff; contributors to safety include the school resource officers, junior safety patrol, the Safe Kids Coalition for safe routes to schools and bike safety, youth court, Gang Free Kansas, and the Wichita Police Department and the Sedgwick County Sheriff's Office particularly with regard to security personnel training. Prevention education, such as on bullying, drug use, and gang activity, is the underlying key to ensuring safe and secure schools, she said. She described threat assessments and incident reporting as important tools.

Director Moses described some of the district's preparedness activities. The district requires school crisis planning and preparedness and participation in emergency management exercises, which include weather-related drills, evacuations, and earthquake drills. For earthquake preparedness, a video was created to demonstrate earthquake protocol and how district-wide drills are conducted. Wichita Public Schools scans attendees at sporting events, dances, graduation, and festivals. The visitor management system requires all visitors to check in each time they visit and a custom ID badge is provided. Training is provided for staff and students to consider options, decide, and then take action for violent intruder response. She also briefly discussed the district's "see something, say something" initiative for anonymous reporting.

Director Moses made comments on these legislative initiatives:

- 2016 SB 367 – Juvenile justice reform designed to reduce out-of-home placement. She said she supports this effort and supports alternatives to arrest.
- 2015 Freedom from Unsafe Restraint and Seclusion Act as amended by 2016 House Sub. for SB 193 – Emergency Safety Interventions – Under this law, certified enforcement officers may use mechanical restraints, but the district's officers are not certified and may not use mechanical restraints (e.g., handcuffs). She suggested trained school administrators and district security staff also be allowed to use mechanical restraints when necessary to prevent violence. In case of an assault, the bill had taken away tools that were available at a school level and put the burden on law enforcement, she said.

- 2016 Jason Flatt Act (in 2016 Sub. for SB 323) – While suicide prevention training is important, it was also an unfunded mandate to require all school personnel to take one hour of training. She stated not all school personnel have interaction with students and requested revisions to the law.

The Committee had questions and concerns about bullying, student reactions to the recent contentious political campaigns, training for active shooter situations for both students and faculty, and how school resource officers are paid. Director Moses stated the school resource officers are paid half by the school and half by the city.

Ron Brown, Director of School Safety, Topeka Public Schools (USD 501), provided a briefing on school safety and security within K-12 educational settings ([Attachment 15](#)). Director Brown stated schools are doing much better in safety training and school emergency preparation but continuing education in this area is essential; the fact that violence and mitigated disasters have been averted is testament to the outstanding work being done by security, emergency management, and police personnel in Kansas. He noted he had been a member of the Kansas Center for Safe and Prepared Schools Advisory Board when that Center was active.

Director Brown stated that he was concerned that schools will look at moneys spent on prevention and ask whether to continue to fund programs or divert that money elsewhere; he said he would argue that prevention money is essential to sustain the work that has already been done. He stated many safety and training activities are low or no cost, and that training and opportunities to discuss safety are essential. He noted plans must be practiced so they can be carried out in the chaotic, emotional circumstances of a real emergency. Director Brown said his district participates in U.S. Department of Homeland Security audits of its preparedness plans.

The role of an officer in a school should include mentoring and coaching students to make good decisions, he said.

He offered these recommendations:

- Provide or allocate funding to Kansas Division of Emergency Management to restore statewide Safe and Prepared Schools training;
- Restore the Safe and Prepared Schools Advisory Board;
- Mandate emergency operations plans for all schools;
- Consider mandatory earthquake drills and training; and
- Host an annual school safety conference in Topeka during the legislative session so that legislators can attend.

He said he anticipates minor changes to the juvenile justice reform measures of 2016 SB 367 in the 2017 Legislative Session.

Committee Comments and Recommendations

The Chairperson opened discussion on the Committee's recommendations to the 2017 Legislature.

- It was recommended measures be taken to reduce the likelihood of assaults on the Capitol, on other high-priority buildings, and at events that draw large numbers of people and further recommended the Legislative Coordinating Council review the matter and ensure coordination of state agency efforts. It was noted those events include events at the Kansas Speedway, there is a need to improve screening of large items. It was suggested the measures vary by threat level. It also was suggested legislators receive training on Statehouse security, at the start of each biennium.
- A Committee member suggested recommendations on school safety, including the changes to law recommended by Director Moses.
- It was noted pay is a priority issue for retention of trained law enforcement officials and a Committee member requested a recommendation to have the Legislature address the lack of resources for that purpose.
- It was suggested the Committee recommend tuition assistance in an amount per student rather than a flat appropriation. The Chairperson suggested a recommendation to have the appropriate committees look at removing the caps on federal funds for the KCVAO.

After further discussion, the Committee agreed on the recommendations listed below.

The Committee recommends the Legislative Coordinating Council (LCC), in collaboration with the KBI, the Capitol Police of the KHP, and other appropriate parties, review preparedness for possible terrorism events involving the Capitol. The Committee recommends measures including screening of large items delivered to the Capitol's loading dock and reduced access to the grounds, especially by vehicles, be considered and that protocols including additional security measures be developed and put into place at times of increased threat level.

The Committee recommends the LCC require and Capitol Police implement training on Statehouse emergency policies and procedures for all legislators, in odd-numbered years.

The Committee recommends the House and Senate Committees on Education consider these changes to laws affecting K-12 school districts:

- Amending the Jason Flatt Act (KSA 2016 Supp. 72-8260, added by 2016 Sub. for SB 323) to require the board of education of each school district provide suicide awareness and prevention programming to all school staff in direct contact with students, rather than to all staff.
- Amending a limitation on the use of mechanical restraints in KSA 2016 Supp. 72-89d03(f)(3) (an amendment in 2016 House Sub. for SB 193) to allow trained school administrators and district security staff as well as certified law

enforcement officers to use mechanical restraints when necessary to constrain violent behavior.

The Committee notes all law enforcement agency representatives who testified regarding recruitment and retention of security personnel in their organizations said that low pay is a major factor, and it notes turnover and replacement with inexperienced personnel is detrimental to effective security. The Committee recommends the Legislature address this issue.

The Committee recommends the House Committee on Veterans, Military and Homeland Security review recruitment and retention incentives applicable to the Kansas Army National Guard and the Kansas Air National Guard, including tuition assistance. The Committee notes the National Guard Educational Assistance Account of the Kansas Board of Regents is appropriated an overall amount, which is then divided by the number of recipients, and the amount to each recipient may change with each semester.

The Committee recommends the House Committee on Appropriations and the Senate Committee on Ways and Means remove expenditure limits from federal funds received by the Kansas Commission on Veterans Affairs Office.

The Committee recommends the 2017 Joint Committee on Kansas Security review the topic of preparedness for natural disasters, incidents of terrorism, and other potential causes of mass casualties at major venues in the state, such as the Kansas Speedway.

The Committee had questions and concerns about the REAL ID and when the federal requirements become effective, which staff addressed.

The Chairman thanked the Committee members and staff for their work on the Committee.

The meeting was adjourned at 4:40 p.m.

Prepared by Connie Burns
Edited by Jill Shelley and Aaron Klaassen

Approved by Committee on:

December 23, 2016
(date)