



Kansas Bureau of Investigation

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Testimony in Opposition of Senate Bill 428
Before the Senate Judiciary Committee
Kirk D. Thompson, Director
Kansas Bureau of Investigation
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Chairman King and Members of the Committee:

My name is Kirk Thompson and I serve as the Director of the Kansas Bureau of Investigation. Thank you for the opportunity to submit written testimony in opposition of SB 428, which would codify investigative procedures related to the use of photo lineups and show-ups.

Before generally discussing the reasons for our opposition, I would like to note that the Kansas Bureau of Investigation supports the intent of this bill. We believe it is best practice, when conducting photo lineups, to ensure they are conducted in a “blind” manner.

Our opposition to SB 428 lies specifically in the manner and method of application. Criminal investigations are of a fluid and dynamic nature. For this reason, we believe that the most appropriate manner of guiding investigatory practice is not through legislative action but by means of thoughtfully crafted model policy that takes into consideration the fluidity of the criminal investigative process, the availability of local resources, and the constitutional rights afforded to all Kansas citizens.

In the fall of 2015, a working group was formed to evaluate a number of contemporary issues facing criminal investigators and prosecutors in Kansas and, when appropriate, offer model policy guidance to the affected stakeholders. This group, sponsored by the Kansas County and District Attorney’s Association (KCDAA), includes participation from a number criminal justice affiliated state agencies and professional associations in Kansas.

The Kansas Bureau of Investigation actively participates in this working group which is committed to improving investigative and prosecutorial practices statewide while advancing the professionalism of criminal investigators and prosecutors within the state. One issue currently being evaluated by this working group is the practice of conducting live lineups, photo lineups and show-ups. It is worth noting that the group’s model policy for this subject matter was recently approved by the working group and is expected to be available on the KCDAA website in the very near future.

Along with our partners on the working group, we believe the best course of action is to instill best practice through model policy recommendations and avoid codifying matters of investigative or prosecutorial practice.

Thank you for your time and consideration.