

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:30 p.m. on March 15, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Candy Ruff- excused
Representative John Edmonds- excused

Committee staff present:

Russell Mills, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Dennis Hodgins, Legislative Research Department
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

PROPONENTS:

Representative Ruby Gilbert
Senator Donald Betts Jr., District #29, Wichita
Dr. Walt Chappell, Citizens for Equal Law Enforcement, Wichita
Danielle Dempsy Swopes, Executive Director, KS Commission on African Affairs
Elias Garcia, KS Advisory Commission on Hispanic Affairs
Joe Hendrixson, Kansas Ecumenical Ministries
Richard Kurtenbach, Civil Liberties of KS and Western Missouri
Sheila Officer, Citizens for Equal Law Enforcement, Wichita
Colonel William Seck, Kansas Highway Patrol
Reverend Hill, private citizen
Lieutenant Colonel (Army-retired) William E. Richards, National Association for the
Advancement of Colored People

***Written Testimony Only**

*William V. Minner, Executive Director, Kansas Human Rights Commission
*Brandon Meyers, Chief Legal Counsel, KHRC
*Robert M. Hollar, Assistant Director, KHRC
*Skukura Sentwali, private citizen
*John R. Todd, private citizen
*Kristy Guinn, private citizen
*Michael and Nicki Childers, private citizens
*Audrey Johnson, private citizen
*Deborah Pope, private citizen
*Ernest Williams, private citizen

OPPONENTS:

Sandy Jacquot, The League of Kansas Municipalities
Terri Moses, Deputy Chief, Wichita Police Department

Others attending:

See Attached List

HB 2876 - Racial profiling; creating a misdemeanor violation, civil cause of action, requirements of law enforcement agencies

Ms. Torrence, Revisor of Statutes Office, stated that the bill would make it unlawful for a law enforcement officer or agency to engage in racial profiling. She reviewed definitions, requirements, training for officers, data collections, provisions and penalties for violations.

PROPONENTS:

Representative Ruby Gilbert, a prime sponsor of the bill, welcomed the conferees to the hearing. She addressed the committee by saying, "*At this point, they shouldn't have to pass this kind of legislation..... unfortunately they do!*" (No written testimony)

CONTINUATION SHEET

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE at 1:30 p.m. on March 15, 2004 in Room 313-S of the Capitol.

Senator Donald Betts Jr., testified in support of **HB 2876** (Attachment 1). The bill is the first step in setting up a uniform method for a citizen to file a complaint that a law enforcement officer had engaged in racial profiling, and called for rules and procedures to punish it when it occurred. A society dedicated to the ideal of equal justice under the law, that continued to force one group of citizens to put up with unequal treatment because of the color of their skin was in direct violation of civil rights and was discrimination, pure and simple. He urged passage of the bill, with a recommendation to adopt.

Senator Betts, Jr. responded to questions regarding the prevalence of racial profiling in Wichita; definition of the term; mediation processes to promote understanding between parties; similar programs in other states; and a suggested amendment on page 3 of the bill, which would add *attorney general* to the list of persons that would receive a copy of the annual Kansas Human Rights Commission report on profiling.

Dr. Walt Chappell, Citizens for Equal Law Enforcement - Wichita, testified in support of **HB 2876** (Attachment 2). He referred to statistics from the *Gallup News Service Poll*, Wichita, Kansas Police Department Study, and the *State of Kansas STOP Study* which addressed racial profiling in Kansas. Included in his testimony were charts reflecting data from a 1999 survey of minorities in the Wichita Municipal Court as well as increased court revenue.

Danielle Dempsy Swopes, Executive Director, KS Commission on African Affairs, stated that racial and ethnic minorities in Kansas have felt the stigma and humiliation of racial profiling for some time (Attachment 3). The bill provides additional training of law enforcement officers; the collection of data on routine investigatory activities; and the adoption of strategies to end such profiling.

Elias Garcia, KS Advisory Commission on Hispanic Affairs rose in support of **HB 2876** (Attachment 4). Racial profiling and the use of race based assumption in law enforcement and public service violated the equal protection clause of the Constitution; perpetuated negative racial stereotypes; were harmful to our rich and diverse democratic society; and served to impair their efforts to maintain fairness and justice in society.

Joe Hendrixson, Kansas Ecumenical Ministries, stated that the history of the America had been deeply marked by the sin of racism, which betrayed the Christian faith as well as democratic ideals (Attachment 5). The practice of racial profiling by law enforcement officials had become so prevalent that President Bush called for an end to racial profiling in his 2002 *State of the Union* address. He urged support and passage of **HB 2876**.

Richard Kurtenbach, Civil Liberties of KS and Western Missouri, testified that his office had conducted a statistical study of traffic stops in Leawood, Prairie Village and Mission Hills and that study verified the existence of the problem (Attachment 6). He cited several instances of racial profiling in the Kansas City area and urged the Committee to take action.

Sheila Officer, Citizens for Equal Law Enforcement - Wichita stated that racial profiling does exist and it was tearing at the very heart and soul of their communities and families. Her testimony included petitions that were circulated and signed by over 250 constituents asking Legislators to support the bill (Attachment 7).

Colonel William Seck, Kansas Highway Patrol, stated that racial profiling, or biased-based policing, was an important issue and they largely support **HB 2876** (Attachment 8). In 2000, the Patrol voluntarily helped administer a statewide racial profiling study, that indicated there were some problems within their own agency. As a result, the Patrol had been holding community meetings to discuss problems and solutions. The Patrol's largest concern is that the current fiscal note of \$93,489 does not include the cost of collecting data at the law enforcement agency level.

Reverend Hill, rose in support of the bill (No written testimony). He stated that the Legislature needs to be aware of the people needs and take action to protect minorities.

CONTINUATION SHEET

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE at 1:30 p.m. on March 15, 2004 in Room 313-S of the Capitol.

Lieutenant Colonel (Army-retired) William E. Richards, President, Topeka branch of the National Association for the Advancement of Colored People testified that racial profiling was a violation of the Constitutional protection and equal treatment under the law (No written testimony).

The following persons did not appear before the Committee, however submitted written testimony (Attachments 9-17) to be included in the minutes: William V. Minner, Exec. Director, KHRC; Brandon Meyers, Chief Legal Counsel, KHRC; Robert M. Hollar, Assistant Director, KHRC; Private citizens: Skukura Sentwali; John R. Todd; Kristy Guinn; Michael and Nicki Childers; Audrey Johnson; Deborah Pope; Ernest Williams; and Rosalie and Pascual Villa

OPPONENTS:

Sandy Jacquot, The League of Kansas Municipalities, testified that the League does not support racial profiling; however the bill carries an enormous unfunded mandate that must be addressed (Attachment 18). They questioned whether the provisions of **HB 2876** are legally compatible with the federal Patriot Act and the "war on terrorism". She called attention to an error in her testimony, regarding a study done on racial profiling and confirmed that the League was involved in a 2000 study. The criminal and civil liability component of the bill was counterproductive to Kansas law enforcement and should be removed.. They support reasonable things that local governments can do to put a stop to profiling, short of putting a large unfunded mandate on the cities.

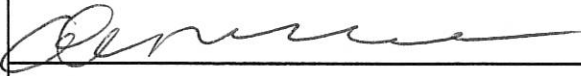

Terri Moses, Deputy Chief, Wichita Police Department opposed **HB 2876** (Attachment 19). She testified that both the City of Wichita and the Wichita Police Department are against racial profiling tactics, however the primary reasons for their opposition are it diminished Home rule and local control; the funding consequences of the bill and concern over language in the bill. The Wichita Police Department had developed several initiatives with a three-fold focus: data collection, public education and diversity awareness training to all employees. She concluded by stating that racial profiling was a concern in Wichita but one that should be dealt with at a local level.

Discussion followed regarding; definition of racial profiling; process of determining if profiling is being done; formulas for data collection, use of quota for law enforcement agencies; unfunded mandate verses just punishment; age range of citizens being targeted; and use of video cameras/ microphones in patrol cars.

The hearing was closed on HB 2876. The meeting adjourned at 3:10 p.m. The next meeting is March 16, 2004.

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE March 15, 2004

NAME	REPRESENTING
William E. Richards	TOPEKA NAACP
Brandou Myers	KHRC
Robert Hollar	KHRC
William V. Minner	KS Human Rights Commission
Nanelle Sampson-Swisher	KS African American Affairs Commission
Aliyah Harrison	Black Law Students Association
John Davis	TOPEKA
Sheila Office	CELE - Wichita
Deborah Pope	Wichita - CELE
DICK KURTENBACH	ACLU
ANTHONY TREVIÑO	SELF
Ramona Brice	self
REV. KEN. Hill	SELF & Ministry of Young Adults
Kimbra Caywood	Kearney of Assoc.
ELIAS L GARCIA	ICS Adv. Comm on Hispanic Affairs
	
Joaquin Surraya	KS Advisory Committee on Hispanic Affairs Washburn HALO
TERRY MAPLE	KHP
Terri Moses	Wichita Police Department
Erik Santorius	City of Overland Park
TIFFANY MULLER	KUPA

Jim Menze

USA

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE March 15, 2009

<u>NAME</u>	<u>REPRESENTING</u>
Jeff Bottenberg	Kansas State Assn
Dr. Z. Alan Berr	Family & Community



DONALD BETTS JR.

SENATOR 29TH DISTRICT
SEDGWICK COUNTYSTATE CAPITOL BUILDING
ROOM 404-N

TOPEKA, KANSAS 66612-1504

(785) 296-7387

1522 N. VASSAR

WICHITA, KANSAS 67208

(316) 393-9203

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: ELECTIONS & LOCAL
GOVERNMENTMEMBER: JUDICIAL
FEDERAL & STATE AFFAIRS
JOINT COMMITTEE ON RULES AND
REGULATIONS
JOINT COMMITTEE ON ECONOMIC
DEVELOPMENT

March 15, 2004

Testimony of Sen. Donald Betts Jr. On H.B. 2876

Representative Mason and distinguished members of the House Federal and State Committee:

Thank you for the opportunity to speak in support of H.B. 2876.

Racial profiling has always been a little like pornography. We can't define it, but we know it when we see it.

Well, we in the African American community have been seeing it for FAR too long, and S.B. 2876 is an attempt to define it.

The first step is setting up a uniform method for a citizen to file a complaint that a law enforcement officer has engaged in racial profiling. The bill calls for rules and procedures to be drawn up by each level of law enforcement to prevent racial profiling and punish it when it occurs.

In addition, each level of law enforcement is encouraged to develop statistical records as evidence showing which policemen stop more than their fair share of racial and ethnic minorities TO NO PURPOSE over a given period.

Depending on what the superiors of such an officer believe to be the appropriate punishment, they can send him (or her) to a class on racial sensitivity, sanction him, terminate him, or even charge him with a felony. The exact rules about that will be set up by each law enforcement entity, but those rules can be reviewed not only by the chain of command, but also by the courts, should the complaining party wish to take it that far.

This is not a perfect bill. As we all know, there's no such thing. But I feel strongly that its methods, honed over time, will make it possible for society to attack this problem among our law enforcement officers.

H.B. 2876 will enforce laws to protect citizens from the humiliation and injustice they suffer when random stops result in illegal search and seizure. Racial profiling not only

revokes the civil rights of entire communities, it is also an ineffective crime prevention tool that ultimately victimizes the very people our Constitution and method of government are supposed to protect – the non-criminal.

In a society dedicated to the ideal of equal justice under the law, forcing one group of citizens to put up with unequal treatment because of the color of their skin is a direct violation of civil rights.

It is discrimination, pure and simple.

In the 21st century in the United States of America, it's time we put a stop to it!

I strongly request your immediate consideration of H.B. 2876 and that it be passed out of committee with a recommendation to adopt.

Sincerely,

Donald Betts Jr.
Senator, 29th District

HB 2876 WILL "PREMEPT" RACIAL PROFILING IN KANSAS

My name is Dr. Walt Chappell. I strongly support passage of HB 2876. The surrounding States of Oklahoma, Nebraska and Missouri already have similar laws on their books. It is now time for Kansas to pass this bill so that racial profiling will no longer be tolerated in our State.

I am a White man who lives in Wichita, Kansas. I grew up in small Kansas towns and a racially mixed neighborhood in Wichita. I have taught in racially mixed schools. Plus, I have adopted a black infant who is now a 35 year old man.

It is appalling to see time and again the racial profiling which still goes on in our State of Kansas. Small town police officers repeatedly pull over Black drivers—sometimes several times in the same day. People of color are stopped for driving through "White neighborhoods" on their way to another part of town or just going to their jobs. The problem is even worse in medium to large cities in Kansas where traffic stops are used as "probably cause" to pull over minorities.

Here is what was found in a national Gallup poll:

1) GALLUP NEWS SERVICE POLL FOUND:

"The majority of white, as well as black, Americans say that racial profiling is widespread in the United States today. In a new Gallup Poll Social Audit on Black/White Relations in the U.S., 59% of a sample of national adults aged 18 and older say that racial profiling is widespread. 81% percent of the American public say they disapprove of the practice. The biggest differences regarding racial profiling observed in the survey are by race. 77% of blacks say that racial profiling is widespread, compared to 56% of whites."

More than Four out of 10 Blacks Have Been Stopped Because of Their Race

"Just how widespread is racial profiling? Americans were asked if they had ever been stopped just because of their race or ethnic background. More than four out of ten blacks responded "yes." For blacks, such incidents are not isolated events. **About 6 out of 10 of those who say they have been stopped because of their race say it has occurred 3 or more times, including 15% who say it has happened 11 or more times.**"

2) WICHITA, KS POLICE DEPARTMENT STUDY OF 37,000 STOPS IN 2001 FOUND:

- Black citizens were the only ethnic group disproportionately stopped by police. Black drivers were involved in 20.7 percent of stops although blacks make up only 11.4 percent of Wichita's population. **So, if you are Black, you are nearly 2 times as likely to be stopped in Wichita.**
- **Blacks and Hispanics were 3 times more likely to be searched and arrested.**
- Black drivers were more likely to be stopped at night than white drivers.
- Stops involving black, Native-American and Hispanic motorists were 3 times more likely to result in incidents of physical resistance than those involving whites and Asians.
- Black motorists accounted for almost half of all felony arrests resulting from traffic stops.

3) THE STATE OF KANSAS STOP STUDY ALSO SHOWS RACIAL PROFILING:

The recent study done by the Police Foundation for the State of Kansas showed that Blacks are twice as likely to be stopped as Whites. Hispanics are also more likely to be stopped in various parts of the State.

These stops are wrong and an injustice. The **financial impact is millions of dollars** of unjustified fines, plus increases in auto insurance, imprisonment when fines are not paid on time and in some cases loss of jobs when workers can not drive to work. Thousands of minority families suffer greatly when licenses are suspended over an unpaid traffic ticket by their driver.

It is time to pass HB 2876. This bill provides a positive approach for Law Enforcement Agencies to develop better training and policies. It also gives Citizens legal recourse and review.

1999 SURVEY OF MINORITIES IN WICHITA MUNICIPAL COURT

2-2

Date	Crt. Rm.	Male	Female	<25	26-45	>46	Black	Hispanic	Asian	White	% Minority
02/24/1999	Traffic	33	6	23	13	3	13	3	3	20	
03/01/1999	Traffic	25	14	24	15	0	14	9	0	16	
03/03/1999	Traffic	12	6	8	7	3	6	4	0	8	
Subtotal	Traffic	70	26	55	35	6	33	16	3	44	
%		73%	27%	57%	36%	5%	34%	17%	3%	46%	
% Minority	Traffic										54%
03/01/1999	Rm. A	28	12	19	20	1	13	5	2	20	
03/01/1999	Rm. C	11	14	8	13	4	12	1	0	12	
03/03/1999	Rm. A	13	10	4	19	0	10	2	0	11	
Subtotal	Mun.Crt.	52	36	31	52	5	35	8	2	43	
%		59%	41%	35%	59%	6%	40%	9%	1%	49%	
% Minority	Mun.Crt.										51%
03/01/1999	Clerk's Off.	27	16	18	20	5	25	7	0	11	
03/03/1999	Clerk's Off.	16	4	11	6	3	12	0	0	8	
Subtotal	Clerk's Off.	43	20	29	26	8	37	7	0	19	
%		68%	32%	46%	41%	13%	59%	11%	0%	30%	
% Minority	Clerk's										70%
TOTALS	247 People	165	82	115	113	19	105	31	5	106	
%		67%	33%	47%	45%	8%	43%	12%	2%	43%	
% Minority	Total										58%

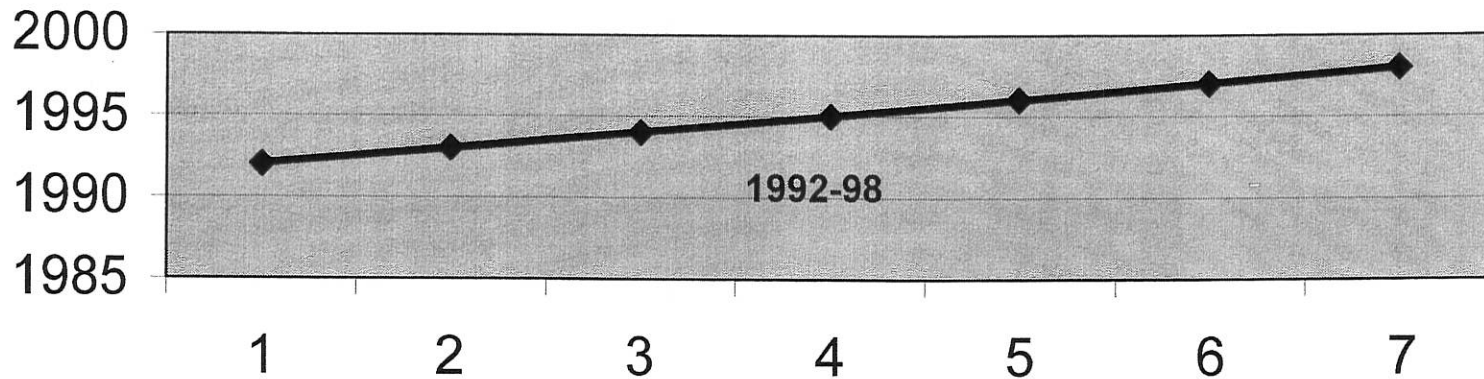
For further information, contact *Wichita Citizens for Equal Law Enforcement* (316)838-7900

**TOTAL WICHITA MUNICIPAL COURT REVENUE
REPORTED BY WICHITA BUDGET OFFICE**

2-3

1992	1993	1994	1995	1996	1997	1998
\$ 3,109,995	\$ 4,091,866	\$ 4,089,170	\$ 4,678,628	\$ 5,714,735	\$ 6,537,205	\$ 9,070,183

**300% INCREASE IN WICHITA MUNICIPAL COURT
REVENUE IN 7 YEARS**



For further information, contact *Wichita Citizens for Equal Law Enforcement* (316)838-7900

State of Kansas
House Committee on Federal and state Affairs
Testimony in support of HB2876
Danielle Dempsey-Swopes, Executive Director
Kansas African American Affairs Commission
March 12, 2004

Chairman Mason, members of the committee,

Thank you for the opportunity to speak to you today. I am the Executive Director of the Kansas African American Affairs Commission. As you may know, our commissioners represent African American communities from all corners of the state. We have the responsibility to address many issues in the African American community. However, one of the most and pressing concerns of our community is the practice of racial profiling by Kansas law enforcement agencies. The Kansas African American Affairs Commission urges you to support HB 2876, as it will provide the legal foundation for ending the practice of racial profiling in Kansas.

Racial profiling is real. Racial and ethnic minorities in Kansas have felt the stigma and humiliation of racial profiling in the state for some time. In our community, the practice is also commonly referred to as, "driving while black." Law abiding citizens from all over the state will tell you that they believe that they have been unfairly targeted by Kansas law enforcement officers because of their race.

As a community, we understand the difficult work that law enforcement officials must do to keep Kansas communities safe. However, we unequivocally believe that the practice of racial profiling does nothing to assist law enforcement in targeting the outlaws they seek. The practice has done nothing but create a community that is often angry, and lacks trust in those assigned to protect and serve. No law enforcement agency can be successful without the trust of its community. HB2876 is the first step towards rebuilding trust in law enforcement and allowing law enforcement officials to work in partnership with our communities.

As you probably recall, in 2002 the State of Kansas contracted with an Washington D.C. organization called the Police Foundation Institute, a private, independent, nonprofit organization, to conduct a study on racial profiling in Kansas. This study gave significant insight to the reality of the problem of racial profiling in Kansas communities. The Executive Summary of the researcher's findings confirmed what many of us have known for some time.

“The results of this study, demonstrate by and large that the State of Kansas is experiencing profiling of Hispanic and Black motorists. While evidence of this was not apparent in all jurisdictions, seven assessed agencies had evidence of at least one of these two groups being targeted by police in traffic stops. In three of the seven jurisdictions, evidence of profiling of both Hispanics and Blacks was present. All ten agencies assessed in this report were asked for alternative explanations that were considered in interpreting findings of profiling. Researchers are aware of no existing evidence that supports the assertion that the members of minority groups are more likely to violate traffic laws.”

**John C. Lamberth, PhD
Chief Executive Officer, Project Director
Police Foundation Institute, A Multi Jurisdictional Assessment of
Traffic Enforcement and Data Collection in Kansas, Executive
Summary, February 2003.**

Given what minority communities knew, and what this research confirms, is that implementation HB2876 is very much needed. HB2876 provides for additional training of law enforcement officers, the collection of data on routine investigatory activities, and the adoption of strategies to end such profiling. These activities will allow law enforcement agencies to develop effective partnerships with Kansas minority communities. We fully believe that such partnerships will result in a reduction of crime in many communities and an increase in the number of real criminals caught.

Racial profiling is simply a form of discrimination on the basis of race and ethnicity. We urge you support of HB2876 to restore the full civil rights guaranteed to all Kansans under our state and federal constitutions.

House Federal and State Affairs Committee

HB 2876 Racial Profiling

Elias L. Garcia, Executive Director, Kansas Advisory Committee on Hispanic Affairs (KACHA)

Honorable Chairman and members of the committee, my name is Elias L. Garcia, Executive Director of the Kansas Advisory Committee on Hispanic Affairs and I thank you for the opportunity to speak on behalf of HB 2876.

Members of the committee, on February 27, 2001 President Bush told a session of congress that "racial profiling is wrong and we will end it in America". Since that time legislation has been introduced on the national level in the form of the End Racial Profiling Act of 2004 (H.R.3847 and S2132) and I am proud to be here today in support of our own Kansas House Bill 2876, and in support of our Presidents efforts to do same.

I am sure we can all agree that racial profiling is one of the most disturbing and controversial issues confronting our society today. While statistical evidence from across the country demonstrate that racial profiling is a real and measurable phenomena, it is our position that racial profiling must not be condoned or otherwise tolerated within the ranks of public service and certainly not within those of law enforcement officers who are charged with protecting and serving the public.

The practice of racial profiling is not new, it happens everyday and yes, it has happened to me, more times than I care to remember. Being followed by security at a clothing store where I was checking out some clothes, being asked for multiple forms of I.D. when cashing a check, noticing people cross the street rather than walk past me, having cashiers place money on the counter rather than in my hand and yes, having law enforcement officers stop me with hands on their weapons for a seemingly routine traffic stop. Can I prove that all these incidents were as a result of racial profiling? Is there a smoking a gun that I can point to as proof? Was it all coincidence? No ladies and gentlemen, there is no doubt whatsoever that it was racial profiling, and because it is so very difficult to prove, we need to support legislation like HB 2876.

Bottom line honorable members of this committee, racial profiling is wrong and it is ineffective. Department of Justice statistics show that a large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, religion, national origin are found to be law abiding citizens. Racial profiling does irreparable harm to all Americans, especially our American ethnic populations and disrespects entire communities who otherwise want to trust and support our hardworking public servants.

Simply put, racial profiling undermines the public trust. Further, racial profiling and the use of race based assumptions in law enforcement and public service also:

- Violates the equal protection clause of our American Constitution
- perpetuates negative racial stereotypes
- are harmful to our rich and diverse democratic society, and
- serves to impair our efforts to maintain fairness and justice for all in our American society.

Honorable members of the committee, Latinos and Hispanics who reside in Kansas understand the issue of Racial Profiling and indeed we are common victims of this practice. Having said that, I stand here today to express to you that Kansas Hispanics and Latinos do not support the practice of Racial Profiling by any public servant, be it in a Kansas Department of Motor Vehicle Drivers License office, or by a law enforcement officer. In closing, I ask you to support President Bush and indeed all Americans by casting your vote in support of HB 2876. Thank You

Kansas Ecumenical Ministries

Testimony

Before the House Committee on Federal & State Affairs

Date: March 15, 2004

Introduction

Mr. Chairman, thank you for the opportunity to speak to the Committee today. I am Rev. Dr. Joe Hendrixson, Executive Director of Kansas Ecumenical Ministries. Known colloquially as the state council of churches, Kansas Ecumenical Ministries' membership includes twelve church bodies from nine denominations with congregations in our state. Together, these churches include over 1,700 local congregations and 400,000 church members in Kansas. I appreciate the opportunity to share with you and the members of the Committee the perspective of the churches on this important issue.

Our American society, which is predominantly Christian, continues to be influenced by racial and ethnic intolerance, and even hostility. The history of our country has been deeply marked by the sin of racism, which is a betrayal of our Christian faith as well as our democratic ideals. Unscrutinized values and attitudes about race are all too often found at the core of major American institutional policies that impact negatively, with devastating effects on persons of color.

One of the founders of the Church, a man named Paul, wrote that "If one member of the body suffers, all suffer together; if one member is honored, all rejoice together" (1 Corinthians 12:26). People of color from all walks of life suffer the humiliation of being stopped while driving, walking on the streets, traveling through airports, or entering their homes, simply because of their skin color. When some members of society experience discrimination, we are all diminished. The practice of racial profiling by law enforcement officials—the targeting of individuals for traffic stops, searches, and arrest based solely on the color of their skin—has become so prevalent that President Bush called for an end to racial profiling in his 2002 State of the Union address.

Prior to September 11, there was growing public awareness of racial profiling and support for ending this practice. However, in the interest of national security in the wake of September 11, this support has reversed, and many people express approval of racial profiling measures as a way to prevent future acts of terrorism. Arab Americans have borne the brunt of this change in public attitude, suffering everything from increased security checks at airports and searches to detention and physical violence.

Experts in criminal justice and law enforcement contend that racial profiling practices are not effective in deterring crime and, in fact, can hinder effectiveness. University of Toledo Law Professor David Harris released his book in 2002 on racial profiling, *Profiles in Injustice: Why Racial Profiling Cannot Work* (New York: Norton, 2002, www.profilesininjustice.com). In the book, Harris utilizes data collected by law

enforcement agencies on racial profiling that, in fact, make the case against this practice.

Harris is supported by law enforcement officials, who argue that racial profiling takes the focus away from the observation of suspicious activity, which is a far more effective tactic in deterring crime. Racial profiling builds walls between the community and law enforcement, ultimately making policing less effective.

It is tempting to deny the existence of racism in areas where there are few people of color and the Christian faith is predominant, but racism is no less real. The racial hatred and prejudice found in urban centers is also experienced in our rural communities. Tragic and heart-rending accounts of the effects of personal and institutional racism on Kansas citizens continue to be told.

The member church bodies of Kansas Ecumenical Ministries first began working on racism in response to immigration. We soon realized that Kansas is a state of immigrants. Kansas as we know it today would not exist without immigrants. Indeed, with the exception of small groups of Native Americans, without immigrants there would be no Kansans. Our scriptures include a strong mandate for Christians to embrace the stranger among us, and to make him or her feel welcome. In the Bible we learn that Abraham, David, Joseph and Ruth were all sojourners at some times in their lives, just as our great-grandparents may have been sojourners to Kansas a hundred years ago. Many of our own children will leave home communities, travel to new places and perhaps settle outside of Kansas. Hospitality extended to sojourners in the past, present and future informs our faith experience as Christians. The powerful message that pervades the two testaments of our scriptures is that when we humbly offer hospitality to a stranger we meet on the road – even someone who might be among the least worthy to receive our attention and help – we encounter God. Each new sojourner to Kansas is deserving of our hospitality and generosity, offering an opportunity to challenge our own faith and accept the stranger who travels our roads.

Sadly, institutional prejudice and racism are also evident in our churches. We stand convicted as a part of the wider society in which we participate. And yet the gospel message of our founders compels and empowers us to become a new society. We are called to be communities based on relationships born out of a common struggle which proclaim boldly a message of justice, hope and peace for all people.

We urge you to support HB 2876.

Dr. Joe M. Hendrixson, Executive Director
Kansas Ecumenical Ministries
5833 SW 29th Street
Topeka, KS 66614-2499
(785) 272-9531

About Kansas Ecumenical Ministries

Kansas Ecumenical Ministries is commonly known as the state council of churches. It traces its roots through several Kansas ecumenical organizations dating back to 1865. It includes the Kansas congregations of the American Baptist Churches, the Christian Church (Disciples of Christ), the Church of the Brethren, the Episcopal Church, the Evangelical Lutheran Church in America, the Mennonite Church USA, the Presbyterian Church U.S.A., the United Church of Christ, and the United Methodist Church.

Representatives of these communions, including the Executive Minister or Bishop, serve on the Governing Board of Kansas Ecumenical Ministries and guide its work. The church communions covenant to work together on Christian unity and spirituality, justice, and advocacy.

Kansas Interfaith Impact is the advocacy organization of Kansas Ecumenical Ministries and its member Church communions. Public policy positions taken by Kansas Ecumenical Ministries/Kansas Interfaith Impact are approved by the Governing Board and grounded in study of the Scriptures, theology, and the historic writings of the Church. It bases its involvement in specific issues on social statements of the member communions and the mutual concern of Kansas church leaders.

American Civil Liberties Union of Kansas and Western Missouri
3601 Main Street, Kansas City, Missouri 64111

Testimony in Support of HB 2876
Federal and State Affairs Committee, March 15 2004

Thank you Mr. Chairman and members of the committee for this opportunity to appear before you this afternoon. My name is Dick Kurtenbach. I am the Executive Director of the ACLU of Kansas and Western Missouri. The ACLU is an advocacy organization devoted to the defense and promotion of the Bill of Rights with 3,000 members in the state of Kansas. On behalf of those members, I urge the committee to forward HB 2876 to the full house for their consideration.

First, let me say that racial profiling exists. Any objective observer of the information in the public record would come to the same conclusion. The state of Missouri's racial profiling reporting law has verified the widespread existence of the problem in that state. Successful lawsuits have been brought in various parts of the country. Anecdotal evidence abounds.

My office conducted a statistical study of traffic stops in Leawood, Prairie Village and Mission Hills and this study verified the existence of the problem. It showed, for example, that in Mission Hills, Kansas black motorists were issued 17% of the traffic citations in the year we studied. In the 2000 census there were only 6 black people living in Mission Hills – not six percent – six black people. We found a similar disparity in the issuance of traffic tickets in Prairie Village. The problem is real. It exists.

Let me share with you one anecdotal piece of evidence that I think is particularly compelling. Several years ago our office was contacted by the manager of a private country club on the Kansas side of the state line. The manager was complaining that it was difficult to keep black employees employed because of the level of harassment they got from the police driving to and from work. The club was planning to have windshield stickers printed for use by their employees. These stickers would convey the message to the police that this person "belongs" in the area. We objected to their idea and instead requested a meeting with employees. We did and heard one example after another of racial profiling. There is no question whatsoever that the problem is real.

As a white male I never really fear that image of a police car in my rearview mirror. I don't get that sinking feeling of fear. Unless I am speeding or breaking some traffic law, my experience teaches me that I have nothing to fear.

Mr. Chairman and members of the committee unfortunately that is not true for the tens of thousands of people of color in Kansas. Much of their experience teaches them that they do indeed have something to fear when they pass a parked police car or see that image in their rearview mirror. Depending on the officer, the time of day, the neighborhood, the officer's mood, that black or Hispanic motorist might find him or herself delayed, standing alongside the road with police officers rummaging through their trunk and personal belongings -- not because they were violating a traffic law, but solely and simply because of the color of their skin.

That is wrong, and HB 2876 would go some distance to fix the problem.

Thank you.

Testimony submitted by:

Dick Kurtenbach
Executive Director
ACLU of Kansas and Western Missouri
3601 Main Street
Kansas City, MO 64111
816/756-3113
dkclu@aclukswmo.org

- end -

Sheila D Officer
Park City, Kansas 67219
Home Phone 316-744-3467

LETTER OF SUPPORT HB 2876

March 14, 2004

House Of Representatives
State Capitol Building
700 SW Jackson
Topeka, Kansas 66612

STATE REPRESENTATIVES:

Racial Profiling: The Practice of a law enforcement officer or agency relying as the sole factor, on race, ethnicity or national origin in selecting which individuals to subject to routine investigatory activities, including but not limited to interdiction, detention or other disparate treatment.

My name is Sheila Officer and I reside in Wichita, Kansas, county of Sedgwick. I am pleased, to be able to stand before you today to implore you to support the HB 2876. Racial Profiling does exist and it is tearing at the very heart and soul of our communities **and families.**

I am asking that as our ears in legislature you listen to the outcry of your communities. To act for the advancement of justice and the defense of human and civil rights secured by our laws. .

I am asking that as our voices in legislature, that you speak up, stand up and act on this opportunity to stop the violence, stop the violations and stop the victimization of our sons, nephews, husbands, cousins.

Racial profiling is a **nationwide** problem. Are we to believe that Kansas is exempt from this problem. Just because you don't see it in your neighborhood does not mean it does not exist. We cannot touch the wind, but you are able to see its stirring results.

We are fighting the "War on Terror", in our own back yard! We want our rights protected. We are guaranteed by our constitution the right to equal protection under the law, regardless of race, religion or national origin. We want policies and regulations at our local level LE Agencies that prohibit, discourage and dismantle all practices and tactics of racial profiling. We want procedures established for receiving, investigating and responding to complaints of racial profiling. And, we want any and all LEO, and or agencies that continue to engage in racial profiling held accountable for violation of **THE LAW!**

I have presented to you testimonies from supporters of the bill, as well as victims of racial profiling. In addition, I present to you Petitions that were circulated and signed by your constituents asking you to support the racial profile bill. Thank you.

Sheila Officer

HS Federal & State Affairs
March 15, 2004
Attachment 7

PETITION FOR RACIAL PROFILING ACT

Governor Kathleen Sebilus
Senator Sam Brownback
Senator Pat Roberts

Dear Representatives:

WE THE PEOPLE, of the State of Kansas, your constituents, submit our names and signatures with great urgency and protest against the act of Racial Profiling.

WE THE PEOPLE, of the State of Kansas, your constituents, implore you to support and co-sponsor the "End Racial Profiling Act of 2003", soon to be introduced into Congress by Representative John Conyers and Senator Jon Corzine.

WE THE PEOPLE, of the State of Kansas, your constituents aggressively claim and assert our constitutional rights as guaranteed by our Constitution, against the illegal acts of unlawful search and seizure, unlawful detainment, unequal protection of law, and the right to due process.

WE THE PEOPLE, of the State of Kansas, your constituents believe that it is time for the Kansas Legislature to adequately and aggressively address and protect its citizens against such egregious conduct perpetuated by local, state and federal law enforcement officials.

RACIAL PROFILING IS A CRIME AND VIOLATES THE TRUE SPIRIT OF OUR CONSTITUTION AND BILL OF RIGHTS.

We again, **IMPLORE** you to **ACT IMMEDIATELY**.

CITIZENS OF THE STATE OF KANSAS:

Petition For Racial Profiling Act - Signature Page 1

NAME	ADDRESS	SIGNATURE
Sheryl Hyde	1051 N. Ridgewood	Sheryl Hyde
Christina Little	1051 N. Ridgewood	Christina Little
Jenny Nolen	1347 N. Mathewson	Jenny Nolen
Jeddie Noy	1397 N. Mathewson	Jeddie Noy
Kindy Tallman	2644 N. Poplar	Kindy Tallman
Janet Brown	1750 N. 25th	Janet Brown
Lois Morgan	4000 E 17th	Lois Morgan
Jessica Hill	5400 E 21st Apt B08	Jessica Hill
Will Beach	4123 E 17th	Will Beach
Bob Burton	1444 N. Harding	Bob Burton
Bernie Phelps	1444 N. Harding	Bernie Phelps
Lance Washington	1716 N. Lorraine	Lance Washington
Ron R	7450 E 32nd St	Ron R
Kenneth Boyd	7450 E 32nd St	Kenneth Boyd
Yona Muhammad	10115 E. 21st Ave	Yona Muhammad
Stanley Faust	922 N. Harding	Stanley Faust
Ashley R. Lopez	9697 E. 21st St	Ashley R. Lopez
Rick Pata	" " "	Rick Pata
Jeanne Brown	1331 N. Hennepin	Jeanne Brown
Beverly Brown	2614 N. Fairmount	Beverly Brown
Jermaine Brown	2614 N. Fairmount	Jermaine Brown
Cynthia Jones	2734 Beacon Hill Ct.	Cynthia Jones
RONALD JONES	2739 BEACON HILL CT.	Ronald Jones
Linda Sims	518 N. Madison	Linda Sims
WALTER WOODS	1215 COOLIDGE	Walter Woods
Vicki Childers	6000 E. Mangate 409	Vicki Childers
Katie Robinson	1740 E 23rd St	Katie Robinson

Petition For Racial Profiling Act - Signature Page 2

NAME	ADDRESS	SIGNATURE
Lesia Dawson	932 N OLD MARKET	LESIA DAWSON
Joyce Thompson	613 N. Wace	Joyce Thompson
Beth Williams	3928 JESITA	Beth Williams
Julie McAlpine	1808 N. Minnesota	Julie L. McAlpine
Connie Tolliver	1616 Gentry	Connie E. Tolliver
MARY "ELAINE" MURRAY	1555 No. PIATT	Mary "Elaine" Murray
WILLIE L. MURRAY	1555 No. Piatt	Willie L. Murray
CRYSTO T GRIMMETT	2607 N. ASH	Crystal Grimmett
Albert Collins	1933 N. Chautauqua	Albert Collins
Mahabir Tolliver	1616 Gentry	Mahabir Tolliver
Caleb Tolliver	1616 Gentry	Caleb Tolliver
Emile McBris	7539 Rockwood	Emile McBris
Stacy Everett	2626 N. Volusia	Stacy Everett
Robert Gans	2613 N. Fairmount	Robert Gans
Anthony Tolbert	1336 N. Crossman	Anthony W. Tolbert
Bridget Green	1442 Vassar	Bridget Green
Jimmy Wilkins	1015 S VINE	Jimmy Wilkins
Jason A. Hutto	254 N. Benwick	Jason A. Hutto
Tonet Howard	1933 N. Chautauqua	Tonet Howard
IESHA DUKES	6602 F Harry ^{APT # 708}	Iesha Dukes
Eddie Washington	2125 - E Market Dock	Eddie Washington
Ahta Turner	6153 E Boston	Ahta Turner
Michael McLesey	5400 E 21st #12A	Michael McLesey
Moneek Burnett	1445 N. Belmont	Moneek Burnett
Joe Jones	921 S Sheridan	Joe Jones
Angela Ross	5901 pembroke ct.	Angela Ross
MARIA ANDERSON	1021 N. CLEVELAND	Maria J. Anderson

Petition For Racial Profiling Act - Signature Page 3

NAME	ADDRESS	SIGNATURE
Anita Clark	2637 N. GREEN	Anita W. Clark
Jackie Dennis	2307 E 20th	JL Dennis
Chaz Baldon	2647 N. Pershing	Charles E. Baldon
Michelle Foster	1628 N. Chautauque	Michelle Foster
Arthur R. Frazier	1939 N Chautauque	Arthur R. Frazier
Detorah Junior	1939 N Chautauque	Detorah L. Junior
Mary Shepard	843 N. Crestway	Mary Shepard
Sharré Conrakes	1720 N Millair	Sharré Conrakes
Bruce Conrakes	1720 N Millair	Bruce Conrakes
Angela Skelley	949 S. Longfellow	Angela Skelley
Joshua Amadi	2753 N. Amidon #3	Joshua Amadi
Sala Smith	7124 Chadwicks	Sala Smith
Sharon Sanchez	5236 Kensington St.	Sharon Sanchez
Robin Brewer Marshall	412 E 4th Ave	Robin Brewer Marshall
Jebria Marshall Sr	2879 N Corquest	Jebria Marshall Sr
Nashid Atkins	" "	Nashid Atkins
Darenia Atkins	7450 E. 32nd St. N	Darenia Atkins
Mejjadeh Ballard	" "	Mejjadeh Ballard
Hammish D. Burk	1062 S. Water	Hammish D. Burk
Jamila Collins	1349 S. Tawa	Jamila Collins
Velma Patterson	7450 E. 32nd St. N #302	Velma Patterson
Robert Atkins	7450 E. 32nd St N	Robert Atkins
Malika Dickinson	1717 E. Old Manor	Malika Dickinson
Latonia Owens	7610 E. 32nd St. North #705	Latonia Owens
Alysha Owens	7610 E. 32nd St #708	Alysha Owens
Chiquitta Roberts	1762 N. RIVER	Chiquitta Roberts
	2353 N Estelle	

Petition For Racial Profiling Act - Signature Page 4

NAME	ADDRESS	SIGNATURE
Kenneth J Gray		Kenneth J Gray
Meda Williams	2833 Ellen	Meda Williams
Am Jett Hyde	2622 Audrey	Am Jett Hyde
Mathew Hyde	1426 N. Vassar	Mathew Hyde
Jenisha Gray	1426 N. Vassar	Jenisha Gray
Roston Mack	6702 E. 30 th St. Ct. N	Roston Mack
Isaiah Shields	1572 N Sedwick	Isaiah Shields
Manisha Redd	151452 W. Fountain	Manisha Redd
Travis Hyde	1452 N Fountain	Travis Hyde
Delores Hyde	1209 N Lorraine	Delores Hyde
Nathaniel Ray	1209 N Lorraine	Nathaniel Ray
DELORES HYDE	7450 E. 32 nd St. W. Apt # 208	Delores Hyde
Davontrez Milton	1426 N. Vassar	Davontrez Milton
Stephanie Hyde	1426 N. Vassar	Stephanie Hyde
Cristen Hyde	1426 N. Vassar	Cristen Hyde
Clarence E. Ferguson	1502 N. Fountain	Clarence E. Ferguson
Robin Jackson	1502 N. Fountain	Robin Jackson
Kenisha Jackson	1507 N. Fountain	Kenisha Jackson
Marcus L. Wright	1502 N Belmont	Marcus L. Wright
Calvin Wright	1502 N Belmont	Calvin Wright
Amanda Vasquez	1406 S. Elizabeth	Amanda Vasquez
Raulya Thomas	1945 N. Rock Road	Raulya Thomas
Jan Holloway	1416 N Fountain	Jan Holloway
Roni K. Dissen	1741 S. Market	Roni K. Dissen
Jackie Allen	5501 E 13 th	Jackie Allen
March Smith	2953 Wellesley	March Smith
Robert Crenshaw	1557 N. BATTIN	ROBERT CRENSHAW

PETITION FOR RACIAL PROFILING ACT

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Senator Sam Brownback
Senator Pat Roberts

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WE THE PEOPLE, of the State of Kansas, your constituents, implore you to support and co-sponsor the "End Racial Profiling Act of 2003", soon to be introduced into Congress by Representative John Conyers and Senator Jon Corzine.

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We again, IMPLORE you to ACT IMMEDIATELY.

CITIZENS OF THE STATE OF KANSAS:

Petition For Racial Profiling Act - Signature Page 1

NAME	ADDRESS	SIGNATURE
Keith Williams	P.O. Box 8393	Keith Williams
James Crawford	4717 E 13 th	James Crawford
Bennie Bullock	1509 N. Fountain	BENNIE BULLOCK
Ira Office	1820 Siefkir	Ira Mae Office
Danny Office	1820 Siefkir	Danny Office
Sheila Office	6400 Scottsville	Sheila Office
Cecil WASHINGTON	2828 N Vassar	Cecil Washington
Billie Washington	2828 N. Vassar	Billie Washington
CHESTER THOMAS	248 S. HOLYOKE	Chester Thomas
WALT CHAPPELL	Box 776 WICHITA	Walt Chappell
Jerry Walker	1711 N. Erie	Jerry Walker
Anthony Apick	1950 N. Spruce St	Anthony Apick
Danell Smith	2736 N. VASSAR	Danell Smith
Roy T. Alford	5011 E. Orme	Roy Alford
Jessica Bullock	4500 Westlake	Jessica Bullock
Salvina Watie	2526 N. Erie	Salvina Watie
Tamara Henderson	1025 N. Pinecrest	Tamara Henderson
Demetria Sanders	888 S. Hydraulic	Demetria Sanders
Tommy L. Criner	2049 N Volosita	TOMMY L. CRINER
DETHYE HOLLOWAY	1527 N. BROADVIEW	Detthye S. Holloway
Jerry Kates-Asher	2431 N. Estelle	Jerry Kates-Asher
Summie McPhaul	2255 N. Memorial	Summie McPhaul
Jim L. Etam	1176 Banner Rd	Jim L. Etam
James Penn	2019 Kandeloma	James Penn
Marilyn Shaw	2238 N. GLENDALE	Marilyn Shaw
Bony Hughes	2924 N. Vassar	Bony Hughes
Charles L. King	1613 N. GLENDALE	Charles L. King

Petition For Racial Profiling Act - Signature Page 2

NAME

ADDRESS

SIGNATURE

~~Wayne Swann Jr~~
Ness Wde

1623 N LORRAINE
P. O. Box 21475

Wayne Swann Jr

Deliber Bryant

1112 N. Williamsburg
682-1754

Deliber Bryant

Rosie Black

858 W. Pershing

Rosie Black

~~John H Moore Jr~~

3368 S VINE

~~John H Moore Jr~~

John H Moore

16 44 N. Terraine

John H Moore Jr

Gary Jones

1207 DeLancey

Gary Jones

Print NAME	ADDRESS	SIGNATURE
Valda G. Nelson	1507 N. Spruce	Valda G. Nelson
Essie S. Henry	1512 N. Spruce	Essie S. Henry
Lucie Work	2743 N. Grove	Lucie Work
Bonita Gooch	2918 E. Douglas	Bonita Gooch
John Bell	4708 Greenbriar	John Bell
Tasleem Muftasid	844 N. Grove	Tasleem Muftasid
Deborah K. Lynch	4662 Kenmar WK 67208	Deborah K. Lynch
William Lynch	1662 KENMAR 67208	William Lynch
Jane Abtree	4904 E. N. 17th	Jane Abtree
Queen Hines	2801 N. Rock Rd #201	Queen Hines
Shelly R. Hines	1447 W. Mustang	Shelly R. Hines
Donald Betts Sr.	1522 N. Vassar	Donald Betts Sr.
Lisa Meriwether	1302 Mathewson	Lisa Meriwether
Fannie McCoy	1903 N Spruce	Fannie McCoy
Antonette Smith	2058 N. Minnesota	Antonette Smith
Kerry D. Brooks	3401 N. Great Plains Dr.	Kerry D. Brooks
Stephanie A. Williams	1601 W. Poplar	Stephanie A. Williams
Leah Newwood	260 N. Bliss	Leah Newwood
DeAndre Morris	3151 Rushwood	DeAndre Morris
Barbara Finney	5730 Cypressway Cir	Barbara Finney
Miss Tolson	917 W. Fairview	Miss Tolson
Wanda Brown	2759 N. VASSAR	Wanda Brown
Stephanie Kete	1208 Luther	Stephanie A. Kete
Orine Henderson	1442 N. Spruce	Orine Henderson
Tarrana Floyd	4215 No. Rushwood #67226	Tarrana Floyd
Jacqueline Floyd	4215 No. Rushwood Ct. 67226	Jacqueline Floyd

Print

NAME

ADDRESS

SIGNATURE

NAME	ADDRESS	SIGNATURE
Mary A. Johnson	8505 E. Marisgto	Mary A. Johnson
Monica Hise	1730 NE PKWY	monica
Charlene Capmen	294 W Terrace ⁶⁷²⁰⁰	Charlene Capmen
Dwight Relf	7226 AYESBURY	Dwight Relf
Don Poff	10360 Market	Don Poff
Donald L. Anderson	4820 N. HARDING	Donald L. Anderson
Fairy D. Anderson	4820 N. Harding	Fairy D. Anderson
Vanessa Gellbrooth	1544 Floberta 67268	Vanessa Gellbrooth
Beverly Smith	7815 E. CLAY	Beverly Smith
Shelia Alford	5011 E. Orme	Shelia Alford
Michael Ingraham	514 E. Central	Michael Ingraham
Steven Metcalf	2101 Shadybrook	Steven Metcalf
Amos Alfred Williams	9327 N. Park	Amos Alfred Williams
GOLANDA R. WILLIAMS	1231 N. DENMARK, WICHITA 67212	Golanda R. Williams
Terry & Thallis Miller	2729 - Wellesley	Terry D. Miller
Stephanie W Hall	1514 North KANSAS	Stephanie W Hall
Marge Zakoura-Vanphan	1033 Eastern 67207	Marge Zakoura - Vanphan
Thallis Miller	2729 Wellesley	Thallis Miller
Julia Perry	1421 N. Spruce 306	Julia Perry
Derek W. Floyd	3651 N. Rushwood	Derek W. Floyd
Janelle Floyd	3651 N. Rushwood ⁶⁷²¹⁶	Janelle Floyd
Amos J. Jones	323. N MADISON	Amos J. Jones
Trenda R. Brown	210 N. Madison	Trenda Brown
Cimber Santos	2000 21 st N Apt 1912	Cimber Santos
Delia Page	1511 N. Spruce	Delia Page

Petition For Racial Profiling Act - Signature Page 4

NAME

ADDRESS

SIGNATURE

Karen Reid

2521 N Century

Karen Reid

G. Reid

" "

G. Reid

EARL Burkhalter

2521 W. GROVE

Earl L. Burkhalter



KANSAS

WILLIAM R. SECK, SUPERINTENDENT

KANSAS HIGHWAY PATROL

KATHLEEN SEBELIUS, GOVERNOR

**Testimony on HB 2876
to
House Federal and State Affairs Committee**

**Presented by
Colonel William Seck
Kansas Highway Patrol**

March 15, 2004

Good afternoon, Mr. Chairman and members of the committee. My name is Colonel William Seck and I am here today on behalf of the Kansas Highway Patrol to comment on HB 2876.

HB 2876 defines "racial profiling" as "the practice of a law enforcement officer or agency relying, to any degree, on race, ethnicity or national origin in selecting which individuals to subject to routine investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity," such as traffic stops, body searches, and searches of the persons or possessions. It does not include "reliance on such criteria in combination with other identifying factors when the law enforcement officer or agency is seeking to apprehend a specific suspect whose race, ethnicity or national origin is part of the description of the suspect."

The bill proposes to do the following:

- Bar any law enforcement officer or any law enforcement agency from engaging in racial profiling.
- Clarify that an individual's or neighborhood's race or ethnicity shall not be the sole factor in determining probable cause or reasonable suspicion.
- Require all law enforcement agencies to adopt detailed, written policies, strategies, and procedures to end racial profiling. These would be available to all officers and the public, and they would include the following:
 - A prohibition of racial profiling;
 - Basic and continuing education;
 - Collection of data to determine if officers or agencies are engaging in racial profiling;
 - The establishment and appointment of independent citizen review boards to receive, investigate, and respond to complaints;
 - Disciplinary procedures;
 - And "any such other policies or procedures that the attorney general deems necessary to eliminate racial profiling."

122 SW 7th Street, Topeka, Kansas 66603

Voice 785-296-6800

Fax 785-296-5956

www.KansasHighwayPatrol.org

HS Federal & State Affairs
March 15, 2004
Attachment 8

- Require the attorney general to compile the law enforcement agencies' data.
- Require the Kansas Human Rights Commission to receive complaints, compile complaints, and promulgate rules and regulations for complaints.
- Clarify that any person subjected to racial profiling shall have civil cause of action and be entitled to damages.

Racial profiling, or biased-based policing, is an important issue that interests the Kansas Highway Patrol, and we largely support HB 2876. Law enforcement and diverse recruiting are more successful with the public's trust, but more importantly, troopers pledge to provide service, courtesy and protection, and they must provide them on an equal basis.

In 2000, the Patrol voluntarily helped administer a statewide racial profiling study. Unfortunately, the study indicated that some problems exist within our agency, as well as in the ten other agencies studied. However, since that time, the Patrol has been holding community meetings to discuss problems and solutions. We are working on a detailed internal policy, enhancing command staff and officer training, and installing video cameras in patrol cars to monitor routine investigatory activity. Communications to personnel have made it clear that there is no place for racial discrimination on the job. Most successful, cutting-edge law enforcement agencies in the country are taking similar steps.

That being said, the Patrol's largest concern about HB 2876 is fiscal. The Fiscal Note attached to HB 2876, totaling \$93,489 and calling for 2.5 FTE positions, does not include the cost of collecting data at the law enforcement agency level. This task would involve at least one FTE position at the Patrol alone.

The Kansas Highway Patrol supports ending racial profiling in Kansas, and we appreciate the opportunity to address you today. As you discuss HB 2876, please consider local, county, and state law enforcement agencies' fiscal concerns. I will be happy to stand for any questions you might have.

###

written only

TESTIMONY REGARDING HB 2678
ON BEHALF OF THE KANSAS HUMAN RIGHTS COMMISSION
WILLIAM V. MINNER, EXECUTIVE DIRECTOR
BRANDON L. MYERS, CHIEF LEGAL COUNSEL
ROBERT M. HOLLAR, ASSISTANT DIRECTOR
MARCH 15, 2004

This bill proposes to enact various provisions prohibiting racial profiling by law enforcement officers, and provides various rights and remedies to persons who believe they have been victimized by such racial profiling.

The bill proposes to give victims the option of filing a complaint with the Kansas Human Rights Commission. KHRC would be required to adopt rules and regulations to govern the filing and processing of such complaints. KHRC would be required to forward the complaint to the employer of the individual(s) alleged to have engaged in racial profiling and such employer would be required to investigate the complaint allegations and take appropriate disciplinary action. KHRC would not be required to investigate the complaint or seek remedies for the complaining party, but would be required to annually provide a report to the Legislature regarding complaints filed.

It is unknown how many racial profiling complaints might be filed with KHRC. KHRC has provided input to a Fiscal Note on this bill. From the studies done in recent years it would appear that there could be many such complaints filed. Our Fiscal Note addresses a worst-case scenario of many people filing complaints. The costs to the agency will be primarily in clerical, printing forms, mail and copy costs, revising/reprinting educational handouts and posters, and costs of that nature. Some staff training will be necessary, but those types of issues can be absorbed within present costs and staffing. KHRC's role in the matter would be primarily informational and clerical in nature.

KHRC does not object to having these proposed duties assigned to it.

The bill also proposes a role for the Attorney General's office, criminal sanctions, and rights to file a civil action for damages and attorneys fees on behalf of person who believe they are victims of racial profiling. Any investigative or remedial role for KHRC would require significant amendments to the Kansas Act Against Discrimination due to Kansas Supreme Court interpretations that the current form of the statute does not provide jurisdiction to KHRC with regard to law enforcement agency arrest procedures and similar issues. (See: City of Independence v. Kansas Commission on Civil Rights, 218 Kan. 243 (1975) and Kansas Commission on Civil Rights v. Howard, 218 Kan. 248 (1975)).

KHRC does not predict that rules and regulations to implement this program will be extensive. It is expected that it will mainly be necessary to specify the contents, form and manner of filing and service of the complaint document.

It is respectfully suggested that a specific provision be added within the bills that sets a limitation period upon filing of a complaint of this nature with KHRC. As to other complaints that can be filed with KHRC, employment and public accommodations complaints must be filed within 6 months of the last date of incident, while housing discrimination complaints must be filed within one year of the alleged discriminatory incident. Presumably, incidents occurring before July 1, 2004 (effective date of the bills, if adopted) could not form the basis for a complaint.

*Shukura Jamila-Sentwali * 2111 N. Piatt Wichita, KS. 67214 * 316 263-4157*

March 15, 2004

State Rep. Bill Mason, Chairman
Federal and State Affairs Committee
Topeka, KS. 66612

Good Day, Chairman:

First, it is unfortunate that in 2004 Black people are still fighting for human and civil rights that we were suppose in have after Emancipation in 1865. Now, with the Bill of Rights and the Civil Rights Act -- we are still fighting to be treated as citizens and fighting for the protection under the US Constitution. *I support the racial profiling bill (HB 2976) and the majority of the African community supports it as well* However, I think it should be a felony rather than a misdemeanor for an officer to use racial profiling, a violation of the Constitution. Studies, time and again have demonstrated that racial profiling is a common practice here in Kansas and throughout the US. One example, the US Justice Department reported in 1997 - that in Philadelphia that of 516 traffic stops 262 identified racial or ethnic information about motorists; **of the 262 stops, 85.9 percent were either African, Asian, or Latino: 4% Asian (11), 79% African (207), 2.7% Latino (7), 14.1% white (37)**

In Wichita, not only are African motorist stopped more often but we are held longer than white motorists. *The 2003 study ordered by the Kansas Legislature found that African people are nearly 3 times as likely as white people to be stopped by police; and more importantly, a study by the Wichita Police Department found that Black people are more likely than European-Americans to be stopped.*

The primary argument against the bill is the cost. If one endorses the bill in principle and it is morally right then the issue isn't the cost but rather how do we find the resources to stop the injustice -- the blatant violation of Constitutional rights of the people. It costs the state money (our tax dollars) but it costs citizens their dignity but more importantly, the integrity of this country is at stake. Either this is a democracy or it is not -- either the rights of it's citizens are protected or they are not. According to the statistics, it is hypocritical to say the least!

In closing, I urge the committee to pass HB 2876 bill and let's fight to get it passed in the Senate. It is ridiculous that the only times that the ruling class (white people) truly embrace Africans as citizens are at tax time and war time. When the war-mongering White House administrations decide to attack some nation for its oil or other resources or its strategic military position then they want Black men to go fight in the name of "democracy" somewhere else when we don't experience it here.

Sincerely,

Shukura Jamila-Sentwali

cc: Committee members

Open letter to the Editor, Wichita Eagle

written only

1559 Payne
Wichita, Kansas 67203
(316) 262-3681 office
(316) 312-7335 cell

March 15, 2004

To: Members of the House Federal and State Affairs Committee

Subject: Support for the passage of HB#2876, the prohibition of racial profiling with emphasis on preempting racial profiling by law enforcement officials.


My name is John Todd. I am a self-employed real estate broker from Wichita. I address you as a private citizen in favor of the passage of House Bill No. 2876 that would prohibit racial profiling in law enforcement in Kansas with emphasis on preempting racial profiling by law enforcement officials.

In the late 1990's the Wichita Eagle newspaper reported on activities of the Wichita Municipal Court in which over 7,300 people were jailed because they were too poor to pay their municipal court fines. I have enclosed a copy of a newspaper article in which the reporter indicated that 86% of those 7,300 people jailed were black. From all of the census data I have read, the black population of Wichita is somewhere between 10% and 15% of the total population. I find it hard to believe that 86% of the 7,300 people who were incarcerated were black when the black population accounts for less than 15% of the total population. These statistics would tend to indicate or at least make one think that racial profiling is or has been alive and well in the city of Wichita, and that the Wichita Municipal Court system has played a role in allowing this travesty to happen.

I am of the opinion that effective law enforcement in this country involves as much of a public relations opportunity as it does enforcement of the law. There is no way for governmental entities to hire, train, and pay the salaries for enough law enforcement personnel to man every stop sign, enforce every speed limit, and protect our property and person if the public does not choose to obey the law voluntarily. A police presence in our communities and on our highways serves as an effective means of crime prevention and a subtle reminder for us to comply with traffic laws. Learning the balance between public relations and enforcement of the law is a tough job for an effective law enforcement officer. The public expects and deserves that our law enforcement officials works to the highest ethical standard in their dealings with people.

When a law enforcement officer engages in racial profiling, he essentially violates the public trust, and undermines the effectiveness of law enforcement. Public fear of the police presence replaces respect. The act is cowardly and reprehensible, and must not be tolerated. I am of the opinion that a good law enforcement official would welcome the passage of HB#2876, particularly with it's emphasis on preempting racial profiling before it gets started. I urge you to support the passage of this bill into law.

Sincerely,


John R. Todd

Enclosure: 1

The Wichita Eagle

www.kansas.com

TUESDAY

MAY 7, 2002 ■ 50 CENTS

Council to vote on inmates' settlement

BY HURST LAVIANA
The Wichita Eagle

The Wichita City Council will be asked today to approve an out-of-court settlement in a class-action lawsuit filed on behalf of nearly 7,400 people who were jailed for not paying Wichita Municipal Court fines.

Wichita lawyer Jack Focht, who represents the city in the case, said terms of the agreement will not be released until it has been approved by the council. He said the city admits no wrongdoing in the settlement.

Gary White of Topeka, one of the lawyers representing the plaintiffs, also declined to provide details.

"There isn't anything I can talk to you about today," he said Monday. "We're basically in agreement that we're not going to discuss this with the press at this point."

In the lawsuit, lawyers for the former inmates said that 7,351 people were locked up for a total

ARK RIVER STUDY ALSO ON AGENDA

The Wichita City Council will decide today whether to pay for a study to determine how much it would cost to make Arkansas River water drinkable. 1B

Please see **COUNCIL**, Page 3A

COUNCIL

From Page 1A

of 148,537 days over a three-year period on Wichita's "time to pay" docket.

The suit contended that Municipal Court judges routinely jailed indigent defendants without holding hearings to determine their ability to pay.

The case involved people jailed between July 31, 1997, and March 9, 2000. Lawyers said many of those were low-income, and 86 percent were black.

The lawsuit was filed in July 1999 on behalf of David Reinschmidt, who argued that the city denied him his right to due process by jailing him for not paying \$500 in fines.

In June 1998, a Sedgwick County judge ordered the release of more than 70 jail inmates who owed city fines because he thought the practice was unconstitutional.

The Kansas Supreme Court later ruled that the judge did not have the authority to release the inmates but did not address the issues of whether the practice was constitutional.

The group's lawyers argued that their clients were entitled to as much as \$17.7 million in damages for the time they spent in jail.

Lawyers for the city countered that the calculations were flawed and did not offer a realistic figure for the wages lost by the defendants while sitting in jail.

Reach Hurst Laviana at 268-6499 or hlaviana@wichitaeagle.com.

03/14/04

I am writing this statement to support the Racial Profile Bill. I am a white female and I am married to a black male and have had a bad experience with the Wichita Police Department. Me and my husband own a show car and we have both driven the car in town several times, On several occasions, I have driven the ca and never been pulled over, but is seems like most of the occasions my husband has driven the car, he had been pulled over and asked for identification to run his name for warrants. Not once was he ever given a citation for any reason.

On one occasion we were in the drive-thru at McDonalds and an officer turned his lights on behind us and told us to put our hands up. We both complied with the officer. The officer approached our car with his gun drawn, which the officer ha no reason to bother us. The officer ha no reason to draw his gun because we had done nothing and we had a three year old child in the car. The officer asked for my husbands ID and ran his name and not once asked for my information. The officer didn't issue any citation or give us any reason for pulling us over.

I never realized the racism within in the police department until I married a black man. I completely support this bill.

Thank you.

Kristy Guinn

Letter of Support for HB 2876

Racial profiling has been in existence and an issue and problem since I can remember. My husband, an African-American, and I, Hispanic, both experienced episodes when we were teens and it still exists with our children. Our sons and daughters range in from 18 to 34 years of age. We have been stopped and subjected to routine investigation, detained and searched. After all these years, nothing has been solved and it is time for all minorities to be treated with respect.

We, Michael and Nicki Childers, are in support of a racial profiling bill. It should be unlawful for any law enforcement officer to engage in racial profiling.

We believe that this legislation will help build more respect and trust of local law enforcement officers.

Thank you for your time. Let's make a difference here in Kansas as has been taking place in other states.



Michael L Childers
1214 Kevin
Wichita KS 67208
316-682-0603



Nicki Childers
1214 Kevin
Wichita KS 67208
316-682-0603

I, Audrey Johnson, on March 15, 2003, after dropping a friend off in the Northeast area of Wichita, left and turned off of 14th and Broadview, headed West onto 13th Street, about 12:05 a.m.

I noticed in my review mirror a car directly behind me. I realized it was a police car after the driver turned on the squad cars headlights and flashing lights. I had driven 5 to 6 blocks and was approaching Yale Street. After being stopped, two more police cars came from the West of 13th Street (opposite of the direction in which I had been followed). An Officer Espinoza approached my car and asked for my driver's license. I asked the officer why I was being stopped and he did not tell me, I asked a second time why I had been stopped, I again received no response. He walked back to his patrol car with my driver's license. My 8 year old who was seated in the back seat was afraid that the officer was going to take me to jail after stopping me, I assured her everything was OK. After about 7 minutes later the officer returned back to my car with a ticket and said that I had turned into the wrong turning lane. I wanted to know what regular routine was on such an incident before signing the ticket, so I began to ask the officer questions about the stop. I asked why did it take him 6 blocks to stop my vehicle for this penalty? I also wanted to be sure that I had used my turning signal while making the right hand turn onto 13th street. He said that yes I had used my turning signal. I could tell that he was frustrated by my questions. I said to him that I really try hard to obey traffic laws while driving and that I work for the school district. I began to ask him was it necessary for backup also to be called on a single female driver? He informed me in a hostile way that I could take the ticket to court if I wished to do so, and that he was just doing his job. I told him that I appreciated him doing his job, and that I did not know what regular police stop procedures should be on a stop like this. My child started crying as I asked Officer Espinoza questions, she said she was afraid he would take me to jail. I told her it was OK to ask someone questions when you don't understand what their reason is for stopping you. He told me that some cars had been stolen in that area and it was routine for officers to call in for backup on stops such as mine. I signed the ticket and he thanked me for wearing my seatbelt.

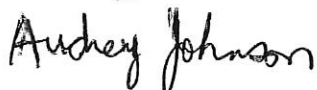
I have thought about the incident, and often wonder that if I had been in any other part of the city driving at the same time of day, under the same situation, would I had been followed without lights on for 6 blocks before being stopped for a driving violation? I fear for what my child and myself would have had to endure that morning if I had a warrant. I feel that was the first thing the officer was anticipating on my stop.

I was being treated as a suspect for turning into the wrong lane, which had no oncoming traffic in either direction that morning and had I not been wearing my seatbelt, the officer would have written me another violation. If a similar situation were to happen to us again at night, I'm not sure that my child will feel safe about the presence of an officer because she has experienced being a witness of hostility between an officer and her parent on a traffic stop. My car does not have tinted windows and the word God is on my vehicle's tag.

I thank you for taking the time to read my letter.

Sincerely a concerned citizen,

Audrey Johnson

A handwritten signature in cursive script that reads "Audrey Johnson".

March 13, 2003

To Whom It May Concern:

On June 1, 2003, WPD were in my neighborhood conducting a search. When they had finished and were leaving, they entered my yard and began to argue and harass my son by demanding his name. The officers harassed, used brute force and were very rude and insolent. As a result of them coming on my property (no call and no crime) with gross antagonistic behavior, my son was charged with domestic violence against me and resisting arrest. I was charged with battery of law enforcement officer and interfering with an arrest. None of the above allegations were true, but were fabricated to justify their own actions.

Even though this incident was not the result of or directly related to a traffic stop, it is the result of some of the items that are being introduced in this bill. I made a formal complaint to the WPD Internal Affairs and after nine months, I was notified that my allegation was unfounded. I believe if other people besides police officers were conducting citizen allegations, the Fraternal Order of Police would be more accountable for their behavior in my community.

Deborah Pope

I, Ernest Williams, an African American male, age 55 supports HB 2876. I have resided in Wichita, Kansas for the pass 31 years, two sons, ages 33 & 22. Along with a 17 year old grandson. And I firmly believe that racial profiling does exist in Wichita and all across the country.


3-14-04

Ernest L. Williams

House Federal and State Affairs Committee

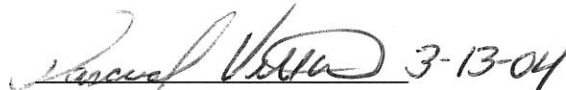
This is a testimony on behalf of the Racial Profiling bill = HB 2876. I, Rosalie Villa, have not been subjected to racial profiling, but my husband, son and nephew have been stopped, harassed and searched for no reason. They have told me how they felt. My nephew, Marcuss Rodriguez, was stopped, searched and questioned. Officers were not able to ticket him for anything, but when they were finished embarrassing him, instead of handing back his license, they threw it on the ground for him to pick up.

It is unlawful and an injustice. We are urging the passing of this bill and we would like to show our support with this letter. Thank you.



Rosalie Villa

1526 S Waco - Wichita KS 67213 - 316-304-9528

 3-13-04

Pascual Villa



300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
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League of Kansas Municipalities

To: House Federal and State Affairs
From: Sandy Jacquot, General Counsel
Date: March 15, 2004
Re: Opposition to HB 2876

Thank you for allowing me to address this committee on behalf of the League of Kansas Municipalities in opposition to HB 2876. LKM does not condone racial profiling, but this bill presumes that racial profiling is running rampant in the State of Kansas. LKM does not believe that to be the case. This bill is not only a huge unfunded mandate on cities, it creates criminal and civil liability that will deter law enforcement agencies and their officers from performing their jobs to keep Kansas communities safe. In addition, this bill is inconsistent with K.S.A. 22-4604, which was enacted in 2000. It should be noted that LKM was not contacted to provide information for the fiscal note on this bill. The costs estimated by the Budget Office for the state portion of this bill are a very small fraction of what this bill would really cost when the local government component is given consideration.

First, LKM seriously doubts whether the provisions of HB 2876 are legally compatible with the federal Patriot Act and the "war on terrorism." Citizens and law enforcement agencies are encouraged to report and investigate suspicious activity and there is even a color-coded system to alert the public and law enforcement as to how vigilant it needs to be at any given time. This bill creates the crime of a class A misdemeanor for law enforcement officers who engage in racial profiling, whether or not the factor of race is legitimate in solving a crime and in fact does result in a conviction. In addition, it creates a civil cause of action against any law enforcement officer, agency and supervisor, using data gathered by the law enforcement agency itself as prima facie evidence of a violation. The chilling effect this bill will have on law enforcement during a time of need for more vigilance in law enforcement is incredible and it is difficult to understand why such a measure is being contemplated.

During the 2000 Legislative a bill passed and was codified as K.S.A. 22-4604. That bill was a compromise and proposed a sampling type of study for which the State would do a request for proposals and award a contract for the study. The Legislature realized at that time the onerous mandate such a study would put on local government and agreed the State would conduct the study. The results would then be presented to the Governor and the Attorney General and provide recommendations to improve law enforcement training and operations to lessen any identified racial profiling problem. To our knowledge, there has not been a study done or any problem identified in the area of racial profiling. HB 2876 presupposes a problem and shifts the burden back to local governments to perform almost all of the tasks in the bill and bear all of the liability, despite the language of K.S.A. 22-4604. This is simply untenable without a showing that there is an extreme problem.

To put this in perspective, the following mandates will fall primarily to local governments: Adopt detailed written policies, strategies and procedures to include continuing educational training, collection of data on routine investigatory activities (traffic stops, pedestrian stops, frisks and any searches), establish citizen

review boards to respond to complaints, establish procedures to discipline officers and anything else the Attorney General says a law enforcement agency must do. In addition, of course, is the civil and criminal liability faced by the officers and agencies, which include the recovery of monetary damages. In municipal courts alone, approximately 500,000 traffic offenses are adjudicated each year. Assuming that the data collection only took a law enforcement officer 3 minutes per stop, that equates to 25,000 staff hours per year. Assume further that it took a city official the same time per stop to compile the information required for the Attorney General, which doubles the staff hours to 50,000. This totals 24 employees working 40 hour weeks for one year. Your analysis should also factor in the 105 counties, the Kansas Highway Patrol and all of the college and university law enforcement agencies this bill would affect. It seems to us that in the limited fiscal note that was done, the state has underestimated the cost of this bill. In 2000 when the data collection bill was heard, the cost estimates from state agencies were much higher. I will leave it to your own calculation to estimate how much time per shift a law enforcement officer could spend doing data collection, rather than law enforcement.

LKM would like to remind the committee that not all cities in Kansas have multiple law enforcement officers and the capabilities of each city vary. If the state proposes to establish such onerous criteria for law enforcement agencies to comply with, the state needs to provide a commensurate level of funding to achieve the result this bill is aimed at achieving. In addition, the criminal and civil liability component of this bill is going to be counterproductive to law enforcement in this state and should be removed. LKM strongly urges this committee not to report HB 2876 favorably for passage.



Police Department

March 15, 2004

Rep. William Mason, Chair
House Federal & State Affairs Committee
State Capitol, Rm. 313-S
Topeka, Kansas

Subject: Testimony in Opposition to H.B. 2876

The City of Wichita appears in opposition to H.B. 2876. This bill would greatly impact the Wichita Police Department and Law Enforcement Agencies throughout the State of Kansas. The primary reasons for opposition of this bill; are home rule and funding considerations. Additionally, there are several ambiguous and unrealistic provisions to this bill.

HOME RULE AND LOCAL CONTROL

- The City of Wichita is opposed to legislation that diminishes the Home Rule authority of cities, and removes the right of citizens, through their locally elected representatives, to decide the standards that are appropriate for their community.
- Law Enforcement agencies would lose their ability to determine appropriate initiatives for their communities. The Wichita Police Department spearheads an on going initiative entitled, "Building Trust". The focus of our initiative is increasing trust between the citizens of Wichita and the Wichita Police Department. There are three goals of the initiative; data collection on traffic and pedestrian stops; public education and improved access to the citizen complaint process; and providing customer service/ diversity awareness training to all employees.
- The Wichita Police Department operates under a community policing philosophy. An important aspect of community policing is the ability to "tailor" police services to meet the needs of the community. Working cooperatively with members of the Wichita Community to solve neighborhood issues has been one of the most beneficial parts of this philosophy.

FUNDING CONSEQUENCES

- The collection of data regarding vehicle and pedestrian takes both money and resources. The Wichita Police Department created a form for data collection and purchased scanning equipment necessary to reduce data entry. Officer and data entry personnel time is still needed.
- The bill requires the creation of citizen review boards. A competent citizen review board requires training and staff. This is an unfunded mandate, which would be a substantial strain on small agencies.

LANGUAGE CONCERNS

- Language throughout the bill assumes that the practice of racial profiling is inherent in all law enforcement practices.
- Conflicting terms: Section 1. (d) includes the phrase “to any degree” while Section 3. (a) states “shall not be the sole factor”. These phrases refer to the decision making process and they clearly conflict.
- Unclear requirements: Section 1. (f) states that data collection should be collected pursuant to K.S.A. 22-4604. Section 4. (b) (3) states “The collection of data on routine investigatory activities sufficient to determine...”
- Vague requirements: Section 4. (b) (2) requires “assistance in identifying racial profiling practices, and providing officer with self-evaluation strategies”.
- Redundant requirements: Section 4. (a) requires detailed written policies, strategies and procedures. Additionally, there is no clarification on what policies, strategies and procedures would meet this definition.
- Unrealistic requirements: Section 4. (b) (4) limits the investigative process to six weeks. The bill also requires that all complaints of racial profiling be investigated, regardless of whether they are prima facie frivolous or not.
- Unwarranted requirement: Class A misdemeanor.
- Section 5 and section 6 expands civil liability for Law Enforcement Agencies and Officers beyond Federal Civil Rights protections.

SUMMARY

The Wichita Police Department and other Law Enforcement agencies throughout Kansas have taken steps to deal with the issue of racial profiling. One of the most valuable aspects of these initiatives is working with our communities to determine what works for that community.

Sincerely,



Terri S. Moses
Deputy Chief of Police
Wichita Police Department