



Kansas Sheriffs' Association

PO Box 1122, Pittsburg, KS 66762

Phone: (620) 230-0864

Fax: (620) 230-0866

Sheriff Sandy Horton, Ret., Executive Director

January 26, 2015

House Standing Committee on Federal and State Affairs

Representative Steve Brunk, Chair

Representative Travis Couture-Lovelady, Vice Chair

Mr. Chair, Vice Chair and members of the Committee,

I want to thank you for the opportunity to present testimony today in opposition to House Bill 2007, on behalf of the Kansas Sheriffs' Association. With my testimony I will attempt to provide you with some background and perspective.

House Bill 2007 states that it is, "An Act concerning law enforcement; creating a law enforcement mutual aid region for critical incidents". Proponents of this bill will point to Missouri Senate Bill 852 (Section 44.095) as the counterpart to it, which creates a "law enforcement mutual-aid region" of Kansas counties Johnson, Leavenworth, Miami and Wyandotte; along with Missouri counties Platte, Clay, Jackson, Cass and Ray. As Johnson County Sheriff, I can assure you that mutual-aid has always been in place in the Johnson County law enforcement community. I also know that at any time, I can call on any agency of any Missouri border county for mutual-aid assistance.

Proponents of this bill will also tell you that law enforcement capabilities are impaired by the "State Line Barrier" which they say limits the ability of their agencies to respond quickly during emergencies. K.S.A. 19-828 specifically states, "Any county in the State of Kansas which borders another state, with the agreement of the Sheriff, may enter into an agreement with the political subdivisions in such other state's contiguous county to form a multi-jurisdictional law enforcement group for the enforcement of drug and controlled substances laws, or for the prevention, detection or investigation of any terroristic activity". If you consider broad language implications, HB 2007 uses the words "critical incidents," while K.S.A. 19-828 uses the words "terroristic activity" which, in essence could describe the same activity or incident.

(continued)

Those same proponents say that K.S.A. 19-828 narrowly focuses on a Sheriff's authority to assemble a "predetermined task force." Just last year, during a critical incident in southeast Johnson County, during which shots were fired at a Johnson County Deputy Sheriff, immediate assistance was requested and received from the Overland Park Police Department, the Miami County Sheriff's Office, the Cass County Sheriff's Office and the Kansas City, Missouri, Police Department. All of this was accomplished without a "predetermined task force." Legally operating within the scope of law enforcement authority is covered by Workers' Compensation and qualified immunity. That authority is based upon a call for help and these officers were all acting within the scope of their sworn law enforcement employment.

The Kansas Sheriffs' Association's question to the proponents is, "What has occurred in the last decade that brought this concern to the forefront?" It is a well-known fact that when a major "critical incident" occurs in our area, whether a terrorist event or a natural disaster, EMAC will immediately be put into place from the Governor's Office, or from FEMA if federal assistance is necessary. We also know that county Sheriff's Offices are the first point of contact for the deployment of law enforcement resources.

The Kansas Sheriffs' Association's opposition to House Bill 2007 is based on how the bill is written, and that it was not vetted appropriately. We recommend this bill be sent to the Judicial Counsel for review. We are concerned that this bill removes jurisdictional checks and balances, allowing nearly unbridled authority to cross borders based on a vague interpretation of what constitutes a "critical incident."

The unintended consequences of the misapplication of the proposed bill could be disastrous.

Thank you. I will stand for questions.

Sheriff Frank P. Denning
Kansas Sheriffs' Association Legislative Chair
913-715-5505
frank.denning@jocogov.org