



Kansas Bureau of Investigation

Kirk D. Thompson
Director

Derek Schmidt
Attorney General

Testimony on SB389
Before the Senate Ways and Means Committee
Kirk D. Thompson, Director
Kansas Bureau of Investigation
February 3, 2016

Chairman Masterson and Committee Members:

Thank you for the opportunity to speak with you today about the recruitment and retention issues facing the Kansas Bureau of Investigation (KBI). We are experiencing critical staffing levels amongst our Special Agents, Crime Analysts, and Forensic Scientists and have identified what we believe to be our most significant obstacles in each area. While I recognize the position of the State in the current fiscal environment, as the Director of the KBI it is incumbent upon me to make our needs known and appeal for necessary funding enhancements when appropriate.

While the enhancement package that would help us begin rebuilding our investigative capacities and the supplemental request for repair of the Headquarters parking garage are important, I have chosen to focus our request on our most critical need – recruitment and retention of quality professionals. This is essential to our agency operation and I respectfully ask for your serious consideration of our proposed solutions.

Attached to my testimony is a Critical Issue Paper that elaborates on the obstacles we have identified and our proposed solutions for each of the previously referenced job classifications. The critical staffing levels we are experiencing in each area are multifaceted. At a very basic level, they leave us with great concern over our ability, or lack thereof, to adequately address critical issues threatening the safety and security of Kansas citizens. These issues include Human Trafficking, Domestic Terrorism, Cyber Crimes, Financial Crimes, and Police Use of Force Incidents. Given the current environment within our country – where transparency in investigations involving police use of force and potential investigative conflicts of interest are more important than ever before – the KBI is called upon more frequently to conduct investigations that were traditionally handled by the affected agency.

With the time I have today, I will not be able to go into great detail and will focus only on our requests related to the Recruitment and Retention Initiative.

Recruitment of Special Agents

- To address the recruitment issues we face amongst our Special Agents, we propose a move of our investigative personnel to the Kansas Highway Patrol Compensation Plan

approved by the 2015 Legislature. This ensures pay plan parity between two agencies facing similar concerns.

- The initial cost of implementing this compensation adjustment is \$328,689. As a direct result of our recruitment issues, we expect to have some FY 2016 general fund salary money available. We request that a proviso be added to our FY 2017 budget, allowing us to use available funds to begin incremental implementation of the KBI Recruitment and Retention Initiative. This implementation would occur at the point we determine our resource levels are sufficient to make payroll for the remainder of FY 2017.
- Beginning in FY 2018, additional funding will be necessary and the amount of the proposed FY 2017 enhancement will be requested in our base budget.

Recruitment and Retention of Crime Analysts

- To address the recruitment and retention issues we face amongst our Crime Analysts, we propose a percentage based compensation adjustment for all Crime Analyst positions.
- The initial cost of implementing this targeted compensation adjustment is \$69,148.
- With your concurrence, and a voluntary election by affected employees, we plan to move classified regular FTE positions to unclassified positions to allow for an appropriate compensation adjustment.
- Beginning in FY 2018, additional funding will be necessary and the amount of the proposed FY 2017 enhancement will be requested in our base budget.

Recruitment and Retention of Forensic Scientists

- To address the recruitment and retention issues we face amongst our Forensic Scientists, we propose a percentage based compensation adjustment for all Forensic Scientist IIIs. These scientists serve as experts in their forensic discipline, perform advanced case work, and are our most senior, and most marketable, case work employees within the forensic laboratory.
- The initial cost of implementing this targeted compensation adjustment is \$307,554.
- With your concurrence, and a voluntary election by affected employees, we plan to move classified regular FTE positions to unclassified positions to allow for an appropriate compensation adjustment.
- Beginning in FY 2018, additional funding will be necessary and the amount of the proposed FY 2017 enhancement will be requested in our base budget.

The KBI plays a vital role in protecting Kansas citizens by assisting local law enforcement agencies with the investigation of major crimes. Our inability to recruit and retain qualified professionals in these areas translates into critical staffing needs which directly impact our ability to fulfill our agency mission of providing professional investigative, laboratory, and criminal justice information services to Kansas criminal justice agencies for the purpose of promoting public safety and preventing crime in Kansas.

Please rest assured my requests have been brought to you only after careful consideration. I have very much appreciated the opportunity to speak to you today and I would be happy to stand for questions.

###



Critical Issue – Recruitment and Retention

Introduction

This paper provides essential background material and supporting information to provide greater understanding of the critical recruitment and retention issues facing the KBI.

Overview

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 in Kansas. While this is the mission of the agency, it is our invaluable and dedicated employees that work together to execute our mission. As a public safety organization, we rely greatly on our ability to recruit and retain highly educated, well-trained, and appropriately experienced professionals of impeccable moral and ethical character.

We are experiencing critical staffing levels amongst our Special Agents, Crime Analysts, and Forensic Scientists and have identified what we believe to be our most significant obstacles in recruiting well qualified individuals and retaining our valuable employees in these job classifications. We have carefully considered different options and have proposed what we believe to be well-thought-out solutions to the obstacles facing each.

Recruiting Special Agents

The KBI was created with a unique and specific mission: to assist local law enforcement in major crime investigations. With this mission and Special Agents given the authority of a Kansas Sheriff, the KBI became the state's principal investigative agency. It is the KBI Investigations Program that provides expert investigative assistance to the vast majority of Kansas law enforcement agencies and fills a large void that would exist in the absence of our services.

KBI Special Agents are tasked with thoroughly investigating and solving complex crimes by documenting and collecting evidence; conducting interviews of suspects, victims, and witnesses; conducting surveillance activities; producing detailed reports and affidavits; arresting suspects; and working with county and state prosecutors to prepare cases and testify in court. In order to provide expert criminal investigative assistance, it is critically important that the KBI be able to recruit law enforcement officers that are experienced, well-educated, and highly ethical. Therefore, the KBI must attract these candidates from other law enforcement agencies.

In order to conduct the advanced and complex criminal investigations KBI Special Agents are called upon to conduct, we seek candidates that have a college degree, six years of law enforcement experience, and two years of felony-level criminal investigative experience. The requirement for experienced investigators has been recognized since the KBI's creation in 1939. Louis P. Richter, the first Director, proclaimed that only persons with at

least five years' experience in criminal investigation would be considered for the position of Special Agent. Today, as was true then, there is simply no way for the KBI to provide the level of expertise needed and expected if we are unable to attract the most qualified law enforcement candidates.

Since SFY 2013, the KBI has conducted an annual hiring process to fill funded Special Agent vacancies. Over the course of the last three years, the number of applicants has significantly declined and only a very small percentage of those met the preferred qualifications for employment. As a result, the KBI **has been able to fill only 56% of the funded Special Agent vacancies** in the Investigations Program since SFY 2013. **Our inability to recruit translates into a critical staffing need that directly impacts our ability to fulfill our agency mission.**

The inability to attract qualified candidates leaves the KBI in a tenuous position and makes it increasingly challenging to meet the investigative demands that exist in the Kansas law enforcement community. In SFY 2012 we more clearly defined our investigative priorities in an attempt to best manage our finite personnel resources while still addressing the most critical needs of our law enforcement customers. Since that time, we've declined requests for assistance that did not fall within one of the following categories:

- Homicide / Major Violent Crime
- Crimes Against Children
- Governmental Integrity / Public Corruption
- Violent / Drug Trafficking Organizations

With **24% of our authorized Special Agent positions currently vacant**, we have, on occasion, unfortunately had to turn down qualifying requests for assistance. These declinations have occurred because our Special Agents are already over-tasked with multiple major investigations and we simply don't have an adequate number of investigative personnel to meet the current demands. This also leaves us with great concern over our ability, or lack thereof, to adequately address critical issues threatening the safety of Kansas citizens. These include:

- Human Trafficking
- Domestic Terrorism
- Cyber Crimes
- Financial Crimes
- Officer Involved Shootings / Uses of Force

It is imperative that we be able to competitively recruit qualified law enforcement officers from across the state and country. While the national median annual wages for detectives and criminal investigators is \$79,780¹, the starting annual salary for a new KBI Special Agent is \$53,414 – **\$26,366 less than the national average.**

¹ Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook, 2016-17 Edition*, Police and Detectives, on the Internet at <http://www.bls.gov/ooh/protective-service/police-and-detectives.htm> (visited December 28, 2015).

While the lack of a competitive salary can be a deterrent to otherwise interested potential candidates, of more significant concern is the absence of salary progression. A Special Agent with the KBI can expect to receive only *one* pay increase during their tenure in a non-supervisory investigative capacity. This one-time raise occurs after five years, when an agent is promoted to Senior Special Agent. While successful candidates often take a pay cut to become a Special Agent, we believe we can attract a greater number of quality applicants if we can demonstrate a clear salary progression for their future and their ability to return to, if not exceed, the detective salary they were earning at their prior agency.

To help overcome these obstacles, each of which is a significant contributing factor to our inability to recruit qualified Special Agents, the KBI is proposing a compensation adjustment with defined pay bands by rank and increases in a three year / two year alternating pattern. This structure mirrors the Kansas Highway Patrol (KHP) Compensation Plan approved by the 2015 Legislature. The KBI positions are commensurate with rank and responsibility and compare to the KHP ranks as follows:

KBI Special Agent.....	KHP Master Trooper
KBI Assistant Special Agent in Charge.....	KHP Lieutenant
KBI Special Agent in Charge.....	KHP Captain
KBI Assistant Director.....	KHP Major

The Investigations Program compensation adjustment would immediately affect approximately 66% of the existing staff. This is a more cost effective solution than an across the board increase and helps to eliminate the compression issues that have developed over time. The cost of the proposed compensation adjustment to upgrade existing personnel in accordance with the approved KHP Compensation Plan is \$328,689.

The KBI would seek authorization to modify the current Senior Special Agent classification to reflect that of a first line supervisor, equivalent to the KHP Lieutenant. The redefined position would be called an Assistant Special Agent in Charge and be responsible for a smaller team or squad of agents, or alternately be the manager of a special program. This would offer more upward mobility within the Investigations Program and assist the agency in developing future leaders.

The KBI is also seeking a funding enhancement of \$949,492 to establish a line item within the Investigations Program budget. This funding would eliminate the historical need to maintain vacant funded Special Agent positions to ensure overtime funding is available for agent personnel. The importance of providing a specific mechanism to fund overtime during this resource challenged time cannot be overstated. The KBI needs to be able to fill every funded vacant Special Agent position we have. Additionally, in the current environment, KBI Special Agents are often required to work extra hours during a pay period in order to manage their caseload and the investigative demands placed upon them. In the absence of available overtime funding, agents accrue large balances of compensatory time. This places an undue burden on both the agents and agency operations.

In addition to allowing us to fill every funded vacant Special Agent position, creation of this line item would provide a mechanism to pay overtime to existing agents as the KBI works to rebuild investigative capacity and allow the KBI to fund the incremental raises in accordance with the Compensation Plan.

Recruiting and Retaining Crime Analysts

As the state's principal investigative agency, the KBI is committed to improving and increasing its information sharing capabilities with criminal justice agencies in Kansas. The Special Operations Division within the Investigations Program is tasked with establishing and managing the criminal intelligence and information sharing function for the KBI. This is accomplished through a structure of systems, processes, and products intended to provide the KBI and the Kansas criminal justice community with a clearer understanding of the criminal environment in Kansas. Given the current environment within our country – where the threats of domestic terrorism and fear of mass shootings are ever present – it is imperative that we be able to meet the new demands these threats pose to the safety of our citizens. In order to do so, it is absolutely critical that our Criminal Intelligence Unit (CIU) be fully staffed with highly trained analysts.

The KBI created the CIU in response to a recognized need for comprehensive, reliable, and timely information and intelligence sharing within the agency and amongst the broader Kansas criminal justice community. The unit's mission is to facilitate information exchange, provide tactical case support, and produce intelligence products that provide timely, accurate, and relevant information to support and guide decision making in the law enforcement community.

The CIU is staffed with civilian analysts that assess criminal information of a confidential nature and develop comprehensive analytical reports based on available data. They are required to understand and utilize specialized analytic and informative state and federal databases to develop threat assessments; conduct time-series and geo-spatial analyses regarding crime patterns; identify criminal groups, their principal actors and methods of operation, and determine the extent of their influence in various criminal elements. The analysts are also responsible for compiling various statistical data reports and creating timely trend and safety bulletins. They are required to accomplish this work while having a clear understanding of the legal, ethical, and privacy concerns relating to intelligence and must strike a fine balance between assisting law enforcement in safeguarding communities and protecting the privacy and civil rights of our citizens.

To ensure a professional and accountable workforce of competent analysts, the KBI places an emphasis on continuing education, professional development, and advanced training. In today's climate, law enforcement and security agencies across the country are recognizing the tremendous value analysts provide when used to augment their public safety missions. Because of the demand for their services, recruitment of individuals educated and trained in these unique skillsets has proven difficult for the KBI.

Recruitment and retention of these valuable individuals is paramount to the KBI's ability to fulfill their mission. The starting salary for a KBI crime analyst is \$29,744 – **33% below the average starting salary of peers** in this region. The preferred qualifications include prior experience with an intelligence, military, or law enforcement agency and a four-year college degree with emphasis in Political Science, Criminal Justice, Intelligence Studies, International Relations, Government, or a related discipline.

The combination of below average starting salary and the greater than average qualifications are significant contributing factors to our inability to recruit and retain analysts. The CIU has experienced a **75% turnover in analysts** over the course of the last three years and the unit currently has **23% of their authorized positions vacant**. The KBI is losing analysts to better paying jobs in both public and private intelligence sectors. Although not currently reflected in this data², the KBI will soon be losing the Chief of the CIU. This is further evidence of the critical need to provide compensation commensurate with responsibility.

To help overcome these obstacles, the KBI is proposing to move current and future analysts to unclassified status and provide 15% pay increases in each of the next two fiscal years. The current request of \$69,148 will fund the first phase of the compensation adjustment for CIU analysts and start us down the path of being able to competitively recruit well educated and experienced individuals into the unit.

Recruiting and Retaining Forensic Scientists

KBI Forensic Scientists are tasked with objectively analyzing evidence collected and submitted by law enforcement officers from across the state, accurately reporting their results, and testifying in criminal court. Their services are utilized by virtually every law enforcement agency and county or district attorney within the state of Kansas. They, as customers of the KBI Forensic Science Laboratory, depend on our timely services in order to identify and apprehend criminals, file charges against them, and protect the safety of Kansas citizens.

From past surveys of our customers, we are painfully aware that the laboratory does not provide the timely service our customers need. The inability of the KBI Forensic Science Laboratory to consistently provide timely service has resulted in criminal cases being dismissed and even deterred law enforcement agencies from submitting valuable forensic evidence for examination. While we believe the new KBI Forensic Science Center on the campus of Washburn University will create some much needed efficiency and improve turn-around-times, it is well-educated, highly-trained, and experienced people that we desperately need.

As a result of our collaboration with Washburn University, the KBI is positioned to recruit potential candidates from a well-established science program. Once hired, each Forensic Scientist I participates in intensive two-year training regimen before they transition into

² All data referenced in this document is current as of the end of the 2nd Quarter of Fiscal Year 2016.

full-performance work as a Forensic Scientist II. After performing two years of full-performance work, one is eligible for the Forensic Scientist III classification where they serve as experts in their forensic discipline and perform advanced work.

Largely due to the significant compression between the Forensic Scientist II and Forensic Scientist III positions, the KBI continues to lose scientists at the time they transition to the more senior position. With little financial incentive for them to stay, the KBI has **lost 11 Forensic Scientists** since the beginning of SFY 2015. It costs the KBI, on average, \$191,000 to train each newly hired Forensic Scientist. To express the quantity in dollar loss, we have **lost \$2,101,000 in training-related investments** in the last 18 months.

The only way for the KBI to provide accurate and timely forensic laboratory services to its customers in the criminal justice community is to retain the Forensic Scientists in whom we invest so much time and effort to train. The KBI is requesting a 15% salary increase for all Forensic Scientist III positions, at a total cost of \$307,554. We believe this will eliminate the existing compression issues and create the financial incentive required for the KBI to retain these highly-trained and experienced professionals whose services help make Kansas a safer place.

Funding Priority

In order to provide critical compensation adjustments to Special Agents, Crime Analysts, and Forensic Scientists, the KBI has requested a SFY 2017 Recruitment and Retention Enhancement Package that includes:

Compensation Adjustment for Special Agents.....	\$328,689**
Compensation Adjustment for Crime Analysts.....	\$69,148**
Compensation Adjustment for Forensic Scientist III	\$307,554*
Creation of overtime funding line item for Special Agents.....	\$949,492

**As a result of our inability to recruit qualified applicants and fill all of our authorized positions in the Special Agent and Crime Analyst positions, the KBI Investigations Division has sufficient SFY 2016 general fund salary money to fund the proposed compensation adjustments for Special Agents and Crime Analysts in SFY 2017. In essence, we will use savings that result from a people problem to take the first major step in fixing a critical people problem.

*As a result of our inability to recruit and retain Forensic Scientists, the KBI Forensic Laboratory has sufficient SFY 2016 general fund salary money to fund the proposed compensation adjustments for the existing Forensic Scientist IIIs in SFY 2017.

If given the authority to fund the initial compensation adjustments for Special Agents, Crime Analysts, and Forensic Scientists using general fund salary savings from SFY 2016, the SFY 2017 Recruitment and Retention Enhancement Package will be reduced by

\$705,391. In order to sustain the compensation adjustments in out years, this funding would be requested in our base budget beginning in SFY 2018.

The KBI recognizes the tenuous position of the State in the current fiscal environment and is seeking these enhancements because we truly believe this is a crucial step toward alleviating the challenges we face in recruiting and retaining qualified professionals dedicated to enhancing public safety in Kansas. Our ability to fulfill our important public safety mission is directly related to our ability to maintain base staffing levels and overcome the personnel challenges we are encountering.