



Kansas Bureau of Investigation

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**Neutral Testimony on SB 128
Before the Senate Standing Committee on Judiciary
Leslie Moore, Information Service Division Director
Kansas Bureau of Investigation
March 8, 2017**

Chairman Wilborn and Members of the Committee,

My name is Leslie Moore and I serve as the Director of the Information Services Division of the Kansas Bureau of Investigation (KBI). The KBI Information Services Division is statutorily responsible for maintaining the central repository of offenses in the Kansas Incident Based Reporting System (KIBRS), as per K.S.A. 21-2501a. KIBRS is the mechanism by which the KBI gathers and reports a statistical profile of state crime data.

The KBI is supportive of efforts to address hate crimes and has no opinion on provisions in Sections 1 or 2 of SB 128. The intent of our neutral testimony is to address New Section 3 and sharing information which we believe to be important in your deliberations.

New Section 3 of SB 128 requires the attorney general to collect and disseminate data on incidents of criminal acts that evidence prejudice based on race, color, religion, ethnicity, national origin, sexual orientation, or disability. To accomplish the collection and dissemination of this information, SB 128 requires law enforcement agencies to report hate bias monthly. This requirement is in direct conflict with language in K.S.A. 21-2501a(b) which requires reporting within 72 hours after such offense is reported or known to have been committed.

It is also important to note that information regarding incidents of criminal acts with evidence of prejudice, also referred to as a hate bias crime, is currently collected from most Kansas law enforcement agencies on the Kansas Standard Offense Report (KSOR), entered into KIBRS, and forwarded to the Federal Bureau of Investigation (FBI). Of the 413 arresting agencies in Kansas, 355 of them submit incident based data to KBI on the KSOR. Six agencies submit summary information to KBI; in providing summary information, they count their own crimes and submit the totals to KBI on a monthly basis. Hate bias is not included from the summary agencies. The remaining 52 agencies did not report offense data to the KBI in calendar year 2016.

With regard to the availability or dissemination of the information collected and entered into KIBRS, the KBI will provide statistical information regarding hate bias crimes to any person or agency upon request. While the statistical information regarding hate bias crimes does not currently appear in any publication, the KBI could create and publish this report within existing resources.

The following is an excerpt from the KIBRS Handbook, published by the KBI. This excerpt explains to law enforcement officers how to report hate bias on the KSOR.

HATE BIAS MOTIVATION CODES

The object of the collection of this data is to indicate whether the offender was motivated to commit the offense because of his / her bias against a group of people based on their race, religious beliefs, disability, ethnic / national origin, or sexual orientation. Because of the difficulty of ascertaining the offender's subjective motivation, **bias is to be reported only if investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. STATE REQUIRED.**

The specific types of bias to be reported are:

Racial Bias

- "11" (Anti – White)
- "12" (Anti – Black)
- "13" (Anti – American Indian / Alaskan Native)
- "14" (Anti – Asian / Pacific Islander)
- "15" (Anti – Multi - Racial Group)

Religious Bias

- "21" (Anti – Jewish)
- "22" (Anti – Catholic)
- "23" (Anti – Protestant)
- "24" (Anti – Islamic) Muslim
- "25" (Anti – Other Religion)
- "26" (Anti – Multi-Religious Group)
- "27" (Anti – Atheism / Agnosticism)

None / Unknown

- "88" (None) no bias
- "99" (Unknown) Officer believes a hate bias was involved but the type is unknown. **This would be VERY rare.**

Sexual Orientation Bias

- "41" (Anti – Male Homosexual) Gay
- "42" (Anti – Female Homosexual) Lesbian
- "43" (Anti – Homosexual) Gays and Lesbians
- "44" (Anti – Heterosexual)
- "45" (Anti – Bisexual)

Ethnicity / National Origin Bias

- "32" (Anti – Hispanic)
- "33" (Anti – Other Ethnicity / National Origin)

Disability Bias

- "51" (Anti – Physical Disability)
- "52" (Anti – Mental Disability)

I would also like to advise the Committee that the KBI has initiated a replacement of KIBRS¹, which is well beyond the end of its effective life-cycle. We have a vision of providing a fully functional system that will be easy and efficient for law enforcement officers to use and provide the flexibility necessary to adapt to emerging threats. When used to its full potential, incident data can identify with precision when and where crime takes place, the form it takes, and the characteristics of its victims and perpetrators. This is true with hate bias crimes. The new KIBRS is required to be fully developed and functional by 2021 to meet the FBI deadline to exclusively receive and submit incident based data.

Thank you for your consideration.

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¹ For more information about the need to replace the Kansas Incident Based Reporting System (KIBRS) and the status of that project, please refer to the KBI's paper entitled *Critical Issue – KIBRS Replacement*. (December 31, 2016)