



**Kansas Peace Officers Association**  
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## **Testimony to the House Corrections and Juvenile Justice Committee**

### **In Opposition to HB2133**

January 24, 2022

Chairman Owens and Committee Members:

The Kansas Peace Officers' Association represents over 3,000 law enforcement officers within the State of Kansas at all levels, municipal, county, state and federal. We respectfully stand in strong opposition to the proposed bill. We suspect the bill was meant to increase safety for the citizens of Kansas, but we know the bill will have the opposite effect.

Officers execute search warrants on a regular basis. These warrants can range in severity and intensity based off the situation. Many people associate the term "Search Warrant" with that of officers searching for narcotics. However, many search warrants are for stolen property, contraband, and even persons of interest. The actual service, or the way the search warrant is executed, also varies greatly. For example, a plain clothes detective may meet with an owner, hand him or her a copy of the warrant and go inside the residence to collect the property. However, a tactical officer may use a key to covertly enter a residence to locate a hostage and get him or her to safety. Both situations could occur while executing search warrants.

When most people think of "No-Knock" search warrants they often envision battering rams and officers moving dynamically through a structure. It is recognized in modern law enforcement that those dynamic tactics are inherently dangerous and only to be used in hostage rescue or similar life-saving attempts. This tactic is not justified for most search warrants. The truth is the number of "Knock and Announce" search warrants far exceed use of "No-Knock" search warrants. However, "No-Knock" search warrants include covert entry and deployment of sophisticated equipment such as listening devices or cameras that help officers identify where suspects are, innocents are, or identify other threats that may exist. By removing "No-Knock" search warrants, this bill severely limits the options available to detectives, supervisors and commanders to safely execute a search warrant for all involved.

Another concern with this bill is that officers currently possess the real-time authority to modify tactics with the given circumstances. *Graham v Connor* properly identifies law enforcement interventions as "tense, uncertain, and rapidly evolving" therefore the standard to which we should operate is "objectively reasonable." In our opinion, this bill deviates from this Supreme Court precedent and is actively attempting to script department policy and limit law enforcement tactics from the Statehouse.

The KPOA also opposes the section requiring all officers to be "properly uniformed". The terms are ambiguous at best. In many cases, a properly identified plain clothes detective is executing his own warrant with the assistance of another plain clothes officer. In other cases, multiple agencies collaborate to help each other fight crime. Smaller agencies may need to use the officers dedicated to surveillance to assist them in the execution of the warrant. It is not practical or often feasible to expect them to change clothes before assisting with the warrant service.

In summary, the KPOA does not believe K.S.A 22-2510 needs altered. Peace Officers need to be entrusted to stay current in safe practices for, not only our own safety, but the safety of the citizens we serve. Any of the proposed modifications would only serve to restrict options for us to do our job safer.