

# Report of the Joint Committee on Kansas Security to the 2017 Kansas Legislature

**CHAIRPERSON:** Senator Greg Smith

**VICE-CHAIRPERSON:** Representative Mario Goico

**OTHER MEMBERS:** Senators Anthony Hensley, Forrest Knox, Mike Petersen, and Pat Pettey; and Representatives Kevin Jones, Adam Lusker, Peggy Mast, and Louis Ruiz

## **CHARGE**

KSA 2016 Supp. 46-3301 directs the Joint Committee to study, monitor, review, and make recommendations on matters related to the security of state officers or employees, state and other public buildings and other property, and infrastructure in the state, and to consider measures for the improvement of security for the state. Specifically, in 2016, the Committee is authorized to tour the Kansas Intelligence Fusion Center and to address these additional topics:

- Investigations of threats to security of and within public offices;
- Legal issues facing the state with regard to security, including a review of the aftermath of use of deadly force;
- Security in the Capitol, to include the effects of changes in concealed carry law and the state of screening equipment, and at Cedar Crest;
- Communications within the state's law enforcement community, including the status of the Kansas Criminal Justice Information System;
- Security within educational settings;
- Agreements between the Wolf Creek Generating Station and state and local agencies;
- Moneys received from state and federal sources for security and an overview of how those moneys are spent;
- The readiness of the Kansas Army National Guard and the Air National Guard, to include procurement of needed equipment, uniforms, and other material needed to perform their missions;
- Efforts to attain optimal staffing at the Kansas Bureau of Investigation and the Kansas Highway Patrol and the effects of suboptimal staffing levels on fulfilling their missions; and
- An update on veterans issues, including protection of veterans programs from fraud.

# Joint Committee on Kansas Security

## REPORT

### Conclusions and Recommendations

The Committee recommends review of preparedness for possible terrorism events involving the Capitol. It recommends screening of items delivered to the loading dock and reduced access to the Capitol grounds be among those measures.

The Committee recommends the Legislative Coordinating Council and Capitol Police implement training on Statehouse emergency policies and procedures for all legislators.

The Committee recommends the House and Senate Committees on Education consider these changes to laws affecting K-12 school districts:

- Amending the Jason Flatt Act (KSA 2016 Supp. 72-8260, added by 2016 Sub. for SB 323) to require the board of education of each school district provide suicide awareness and prevention programming to all school staff in direct contact with students, rather than to all staff; and
- Amending a limitation on the use of mechanical restraints in KSA 2016 Supp. 72-89d03(f)(3) (an amendment in 2016 House Sub. for SB 193) to allow trained school administrators and district security staff as well as certified law enforcement officers to use mechanical restraints when necessary to constrain violent behavior.

The Committee notes all law enforcement agency representatives who testified regarding recruitment and retention of security personnel in their organizations said that low pay is a major factor, and it notes turnover and replacement with inexperienced personnel is detrimental to effective security. The Committee recommends the Legislature address this issue.

The Committee recommends the House Committee on Veterans, Military and Homeland Security review recruitment and retention incentives applicable to the Kansas Army National Guard and the Kansas Air National Guard, including tuition assistance.

The Committee recommends the House Committee on Appropriations and the Senate Committee on Ways and Means remove expenditure limits from federal funds received by the Kansas Commission on Veterans Affairs Office.

The Committee recommends the 2017 Joint Committee on Kansas Security review the topic of preparedness for natural disasters, incidents of terrorism, and other potential causes of mass casualties at major venues in the state, such as the Kansas Speedway.

**Proposed Legislation:** None. However, the Committee recommends the legislative actions listed above.

## BACKGROUND

The 2004 Legislature created the Joint Committee on Kansas Security (KSA 2016 Supp. 46-3301) to study, monitor, review, and make recommendations for the following:

- Matters relating to the security of state officers and employees;
- Security of buildings and property under the ownership or control of the State;
- Matters relating to the security of a public body or agency, public building, or facility;
- Matters relating to the security of the infrastructure of Kansas, including any information system; and
- Measures for the improvement of security for the state.

The Legislative Coordinating Council (LCC) also directed the Committee to study communications within the state's law enforcement community, security within educational settings, moneys received and spent for security, the readiness of the Kansas Army National Guard and the Air National Guard, efforts to attain optimal staffing at the Kansas Highway Patrol (KHP) and the Kansas Bureau of Investigation (KBI) and the effects of suboptimal staffing, and veterans issues.

## COMMITTEE ACTIVITIES

The Committee received permission from the LCC to meet on two days and to tour the Kansas Intelligence Fusion Center (Fusion Center). The Committee met November 9 and 10, 2016. The tour of the Fusion Center took place on November 9 and was conducted in an executive session closed under the provisions of KSA 2016 Supp. 75-4319(b)(13). The Committee heard information at the Statehouse on the topics below.

## Capitol Complex Security and Threats to Public Officials

The captain of Troop K of the KHP addressed the Committee on the role of the Capitol Police, also referred to as Troop K: providing safety and security and police services to state employees and visitors to state-owned or -leased properties. He reviewed the Troop's command structure; steps taken to improve investigative services; training provided to state employees and agencies on emergency preparedness, including active shooter training; ways in which the Capitol Police get messages to building users; key card access to the Statehouse and how recent efforts have improved the overall security of that system; central monitoring of Capitol Complex buildings and grounds using cameras; and use of bicycle patrols in the Complex and for special events. He noted use of bicycles allows officers quicker response times when streets are blocked due to special events in the downtown Topeka area. He noted the agency uses social media and email to alert state officials and employees and members of the public to incidents and to provide additional information.

The Troop K captain also provided an overview of the equipment used for Statehouse security screening and noted the equipment is aging, it was exposed to much dust during construction and moved several times, and warranties have expired for those systems. He stated information on costs for replacement equipment had been obtained and suggested that, if it were determined that security screening processes are acceptable and funding available, certain factors, such as warranties and on-site training, should be considered when looking at options for replacing that equipment. The options studied included adding an x-ray inspection system for the loading dock to supplement visual inspections. He also noted computer capacity is being reached for storage of images from the cameras.

In written materials, the captain provided an overview of Statehouse security procedures, such as checks for suspicious behavior or unlawful or restricted weapons. The testimony listed types of crimes and incidents reported during the previous year, including vehicle thefts, domestic incidents, suspicious activity, traffic crashes, and medical issues.

The director of the KBI stated the agency's Investigations Division limits acceptance of requests for investigative assistance to those who fall into the categories of homicide or major violent crime, crimes against children, governmental integrity and public corruption, and violent or drug-trafficking organizations. He said credible threats against public officials fall under those priorities and that the KBI and Capitol Police have recognized a need to better document and share information regarding threats to public officials. The Capitol Police materials provided general information about threats made to public officials and reported to the Capitol Police. Both the Capitol Police captain and the KBI director urged public officials to report threats to both their local law enforcement officials and to state officials.

The captain, the KBI director, and KBI officials met with Committee members during an executive session. Any information provided during a closed session is not summarized in this report; staff were not present during closed sessions.

### **State Agency Data Security**

A representative of the Legislative Division of Post Audit (LPA) reviewed LPA's process for reviewing information technology (IT) security at state agencies and how that process has changed in the more than 12 years the agency has been performing such audits. He stated early audits focused on a few areas within IT security, such as server and workstation patching processes, plans for continuing operations in the event of emergencies, and change control. The current process involves choosing agencies for in-depth security audits based on risk. LPA staff evaluate agencies in 20 IT security areas to determine whether the agencies adhere to requirements of the Kansas Information Technology Executive Council and follow other best practices. Audits involve agency self-assessment, interviews with agency officials, and fieldwork. Reviews also include a social engineering component, at agency discretion. He noted LPA auditors hold certifications such as Certified Information Systems Auditor and Certified Information Systems Security Professional.

The LPA representative stated he would present results of two IT security audits in

executive session. The Committee meeting was closed for that presentation.

### **Public Safety Communications**

#### ***Criminal Justice Information System (CJIS)***

The Chief Information Officer of the KBI (KBI CIO) and the Kansas CJIS System Officer, a captain of the KHP, presented information on this topic.

The Kansas Criminal Justice Information System (KCJIS) was described as a well-utilized public safety collaboration that provides for the secure, efficient, and timely sharing of critical and sensitive law enforcement data with local, state, and national public safety agencies. It is established in KSA 2016 Supp. 22-4701 *et seq.* The KBI CIO said state agencies both provide information and use the information. The KBI, KHP, Department of Corrections, and the Office of Judicial Administration are heavy users, and the Departments of Health and Environment, Education, and Aging and Disability Services also are among the users. Kansas Car Stop queries, for example, are frequently used. Some agencies, such as the Department of Revenue Division of Vehicles, are primarily data providers. The KBI is the State's only connection to federal systems such as the FBI Interstate Identification Index and the National Crime Information Center (NCIC), and to INTERPOL.

The number of agencies using the information has remained relatively flat, but the number of requests for information has increased 34 percent over the past five years to more than 40 million a year, which is more than one per second, the KBI CIO said. Usage of the KCJIS Portal, a master search that pulls information from more sources than the Car Stop program, has increased 90 percent since 2011 to nearly 1 million searches a year. He noted the Kansas DUI Commission in its final report (to the 2011 Legislature) found the KCJIS should be the driving under the influence (DUI) central repository and said it should be funded appropriately. The 2011 Legislature added a statutory requirement that the KBI develop rules and regulations to require district courts to electronically report to the central information repository the filing of any case alleging a charge for DUI or commercial DUI. He cited an example of how improvements to the service improve fact-

based decision making: investigators of a crash in which a mother and daughter were killed found the driver had 11 previous convictions for DUI, not the 2 in Division of Vehicles records, which changed the punishment and may have prevented other tragedies.

The KBI CIO said the KCJIS infrastructure and technology is supported by KBI IT staff and the Office of Information Technology Services administers routers and circuits, operating much as a secure Internet provider for agencies belonging to KCJIS. He briefly described controls that ensure information and requests for it are secure. He stated a core firewall replacement will be needed in fiscal year (FY) 2019. Because personnel remain as the greatest vulnerability, continual training of system users is necessary. He further noted updates to the security architecture are still needed as part of an ongoing process.

The Kansas CJIS System Officer described the KCJIS Committee, which includes representatives of the KBI; KHP; Kansas Departments of Administration and Corrections; the Office of Judicial Administration; and associations of chiefs of police, sheriffs, public safety communications officials, county and district attorneys, and district court clerks and administrators. The Committee meets monthly and annually updates the KCJIS Policy and Procedure Manual. The System Officer stated KHP's role includes training and testing all NCIC Kansas terminal agency coordinators, conducting technical security audits, providing security awareness training, auditing users of the National Data Exchange, and conducting records checks on contractors and vendors.

The Kansas CJIS System Officer also described KHP Central Communications. He stated KHP Central Communications has 64 positions, 5 of which were vacant as of the date of the meeting. KHP Central Communications is located in Salina in the Troop C building; it is continually staffed. Additional systems to maintain continuity in the event of an emergency include remote sites as back-up locations, laptops, and wireless routers that act as mobile wireless Internet hotspots. KHP Central Communications can use a MotoBridge system on the Kansas Department of Transportation's (KDOT's) 76 tower sites to connect predetermined channels of different radio systems and frequencies; that system is intended for multi-disciplinary and

multi-jurisdictional use when other common means of radio communications are not available. KHP Central Communications duties also include answering the Safe School Hotline, answering a toll-free number regarding hazardous materials after normal business hours, monitoring KDOT tower alarms and Notices to Airmen from the Federal Aviation Administration, and monitoring facility alarms, he said.

The Communication System Administrator for the Bureau of Maintenance, KDOT, reported a study is under way of the Kansas State Interoperability Communication System (KSICS). The KSICS is a statewide 800 megahertz (MHz) wide-area radio system used by local law enforcement and government users as well as KDOT, KHP, and emergency medical services to achieve interoperable radio communications across the state. The scope of services for the contract for the study states the contractor will, among other tasks, inventory and value KSICS components and appraise the value for licensing, leasing, or partnering with a private entity. The Administrator stated he did not know whether security of the towers or communications is being considered by the contractor, Mission Critical Partners. He said the contractor's report was expected in late December 2016.

#### **Statewide Interoperability Executive Committee, FirstNet (Public Safety Broadband), and the 911 Coordinating Council**

The Chief Information Officer for the Kansas Adjutant General's Department (AG CIO) briefed the Committee on the status of three public safety communications areas: the Statewide Interoperability Executive Committee (SIEC), the First Responder Network Authority (FirstNet) (public safety broadband), and the 911 Coordinating Council.

**SIEC.** The SIEC, created by Executive Order 07-27, provides governance and guidance related to the interoperability of public safety communication systems, the AG CIO said. He stated the SIEC, working with KDOT, was successful in establishing a model statewide interoperable public safety radio capability. The SIEC also oversees the efforts of the Office of Emergency Communications, which provides public safety radio training to first responders and

deploys and operates two mobile towers designed to augment the statewide radio system in times of disaster or high need. The SIEC is assisting the Kansas Chief Information Technology Officer with the FirstNet decision-making process.

**FirstNet.** The AG CIO described FirstNet as an independent authority within the National Telecommunications and Information Administration to provide emergency responders with a nationwide high-speed, wireless broadband network dedicated to public safety use. It was created as part of the Middle Class Tax Relief and Job Creation Act of 2012. Since 2014, Kansas public safety broadband outreach coordinators have met with more than 1,700 first responders at more than 200 agencies to discuss a public safety broadband network. FirstNet has issued a request for proposal for the nationwide network, and the AG CIO expected to learn within 30 days of the meeting who was chosen for the project. He further expected to see a draft plan for Kansas three or four months after the award is made. Once the final Kansas plan is received, probably in late Summer 2017, the Governor will have 90 days to choose to join the nationwide network or have the state build out its own network. The AG CIO said he and his staff continue to work with first responders and will evaluate the FirstNet plan using a state-specific checklist.

**911 Coordinating Council.** The AG CIO stated the mission of the 911 Coordinating Council is to ensure Kansas' 117 public safety answering points (PSAPs) can leverage all available resources to advance the implementation of Next Generation 911 (NG911), capable of sharing text, photos, and video as well as voice calls. After extensive evaluation of strategies for updating the systems of the PSAPs, which are operated independently of one another, the 911 Coordinating Council contracted in February 2015 with AT&T to host a NG911 system. As of the date of the meeting, 39 counties used the system, 32 were in line to join, and 13 more had indicated significant interest; together, those counties cover 80 percent of the state, the AG CIO reported. (He provided a map of the counties in each category.) He stated the Council also supports the operations of PSAPs that have not chosen to use the AT&T system and has worked on standardization of the data utilized to route calls and dispatch responders.

The AG CIO noted PSAP systems had been aging and using a hosted system reduced equipment costs for those local systems. By using the hosted system, soon Kansans will be able to send text messages to 911, he said. As of the date of the meeting, no Kansas PSAPs could accept a text to 911; an application to the Federal Communications Commission was expected to be under way in January 2017.

The AG CIO also noted the personnel working on each of these communications efforts overlap, which improves coordination, and that these groups continue to work on strategies to improve unified governance. He provided an organizational chart on interoperability and public safety broadband governance in Kansas.

## **Security Within Educational Settings**

### ***Regents Institutions***

Campus law enforcement agency directors (directors) from Emporia State University (ESU), Fort Hays State University (FHSU), Kansas State University (KSU), Pittsburg State University (PSU), the University of Kansas (KU), Washburn University (Washburn), and Wichita State University (WSU) presented information to the Committee.

On behalf of the group, the director from KU highlighted collaborative activities the group of law enforcement agencies undertakes, including sharing a firearms "shoot, don't shoot" training simulator that uses lasers rather than bullets, and meetings of firearms instructors and emergency managers from each campus to share information and ideas. He stated hiring and retention are constant struggles and added that older officers are retiring and the process of fully training a new officer can take nearly a year. The director stated the campus law enforcement agencies are responding to requests from students for campuses to make available safety apps such as Rave Guardian and LiveSafe. He said all law enforcement officers at the Regents universities have attended active shooter training. He noted many on campus have questions about the loss of exemption which had allowed the prohibition of concealed carry of firearms in campus buildings and the effect on the campus environment.

Each campus law enforcement director briefly addressed the Committee and all responded to questions. Among the points they made are those given below.

**Concealed carry.** Some on campuses have concerns that, even though carrying a concealed weapon is legal only for someone 21 or older, more students will have access to guns and, potentially, violence and suicides will increase. Directors stated they are working to ensure all officers receive training in crisis intervention. It was noted no mental health screening is required to legally carry a concealed personal firearm. Another concern expressed is that a responding officer may not be able to distinguish “a good guy from a bad guy” when multiple people have guns at an incident scene.

**Department size and responsibility.** The directors from KSU, KU, and WSU noted their campuses have significantly increased in physical size with no increase in the number of officers; the KU director said his department has seven fewer officers than it did when he was an undergraduate. The ESU director said he has eight officers total, making it extremely difficult to send any for off-site training. All noted they will temporarily assign officers to other campuses when situations demand, such as a presidential visit, and their agencies cooperate with the KHP and city and county law enforcement agencies. The ESU and WSU directors noted the job of campus officer means a lot of “parenting.” It was noted the National Agro and Bio Defense Facility at KSU will have its own federal security; KSU will have a mutual aid agreement with that force. The KSU director noted the university follows National Football League security guidelines for those entering its football stadium on game days and expects to add a magnetometer next season.

**Pay and recruitment.** Directors stated their agencies no longer use state pay scales because pay under that system is frozen and also that pay compression is a serious concern. All said they compete with local and state agencies with regard to pay and for qualified applicants. The FHSU director stated he had 13 applicants for a recent opening, 3 of which showed up for testing, and 2 of those failed tests related to report writing and mathematics. The PSU director said he had six applicants for a recent opening. The ESU director said he had had to fill four of that agency’s eight

positions in recent years, and the WSU director said that department had lost eight officers to other law enforcement agencies. Starting pay was given as about \$28,000/year at FHSU, \$24,000/year at KU, and \$15.03/hour, or about \$31,000/year, including a retention bonus, at PSU. While officers fluent in multiple languages, especially Spanish, were recruited, several directors noted officers with those language skills are very difficult to retain. They reported some positions, such as dispatchers, are often filled by students.

**Alcohol and drug use.** The WSU director said her agency has had to respond to a significant increase in the number of incidents in this category, with 2016 numbers by August surpassing 2015 full-year totals. The KSU director stated students have actively made other students aware of the provisions of 2016 SB 133 that provide immunity from prosecution for a minor in possession of alcohol when medical assistance is needed, under certain circumstances.

## ***K-12***

The Executive Director of Safety Services for the Wichita Public Schools (USD 259) and the Director of School Safety for the Topeka Public Schools (USD 501) addressed the Committee. Each provided information on the makeup of the district’s safety staff, discussed district initiatives, and offered suggestions for improving safety in K-12 facilities.

The Executive Director of Safety Services (USD 259) stated the officers in her department are not commissioned law enforcement officers and discussed her department’s cooperation and collaboration with the Wichita Police Department and the Sedgwick County Sheriff’s Department, such as training for those departments’ officers in school district buildings. She discussed prevention work including training for students, staff, parents, and the community on topics including bullying, drug and alcohol use, and gangs. She noted students in the district are encouraged to anonymously report questionable activity through the district’s “See Something, Say Something” campaign. She stated the district complies with the Kansas School Safety and Security Act (KSA 2016 Supp. 72-89b01 *et seq.*) and also noted the district’s support for provisions of 2016 SB 367, which allows interventions with students other

than arrest; she said the district had created an agreement to appear even before enactment of SB 367.

Other topics addressed by the Executive Director of Safety Services (USD 259) included crisis planning and preparedness, crime prevention through environmental design (*e.g.*, fencing, electronic monitors at doors), and training. She said the district created an earthquake protocol and a video to demonstrate it and has conducted district-wide earthquake drills. She stated the district also practices emergency evacuations twice a semester and created a video for K-12 on a “Run, Hide, Fight” response to a violent intruder. Other districts have asked to use the videos, she said. She cited the work of the former Center for Safe and Prepared Schools in furthering awareness of and development of procedures for emergency preparedness. She also briefly described efforts to deal with student anxiety associated with the year’s political debates on topics including school funding.

The Executive Director of Safety Services (USD 259) requested consideration of changes to recent laws:

- Freedom from Unsafe Restraint and Seclusion Act, as amended by 2016 House Sub. for SB 193—Amend this to allow trained school administrators and district security staff as well as certified law enforcement officers to use mechanical restraints (*e.g.*, handcuffs) when necessary to prevent further harm. She cited an example of a violent juvenile who could not be restrained as law enforcement officers had not yet arrived at the scene; the juvenile struck a school official and faced an additional charge; and
- Jason Flatt Act—Amend this to exempt school district personnel who have no direct contact with students (*e.g.*, food preparation staff) from the training so the district can avoid the cost of that use of staff time.

The Director of School Safety (USD 501) stressed the value of prevention, preparedness, and awareness that a crisis could happen in a school in any town. He noted staff as well as students may

face crises, such as health emergencies, in schools. He discussed training he and his officers have received, such as a multi-hazard course, and stated schools must have plans to react in various types of emergencies and must practice those plans so they can be carried out in the chaotic, emotional circumstances of a real emergency. Security audits are used to check on preparedness at individual schools. He noted the role of an officer in a school includes mentoring and coaching students in making good decisions and solving problems; the role also includes constant situational awareness and suggestions for improvements to environmental design related to safety.

He noted he had been a member of the Center for Safe and Prepared Schools Advisory Board and stated funding for prevention programs is essential for continued school security and should not be diverted. He said he believes a school district must be safe to be great and that harm has been prevented in schools through preparedness and safety activities.

The Director of School Safety (USD 501) requested consideration of funding to the Kansas Division of Emergency Management to restore training like that previously offered by the Kansas Center for Safe and Prepared Schools, restoration of the Safe and Prepared Schools Advisory Board, a requirement for emergency operations plans for all schools, consideration of a requirement for earthquake drills and training, and an annual school safety conference held in Topeka during the legislative session so that legislators could learn more about school safety.

### **Funding for Security Efforts**

Information on the Homeland Security Grant Program was provided by the Chief Financial Officer (CFO) and the Homeland Security Grant Program Manager of the KHP. The KHP is the designated State Administrative Agency for all preparedness grant program operations funded by the Department of Homeland Security and the Federal Emergency Management Agency.

Funding through the grants has ranged from \$670,000 in 1999 to \$21.9 million in 2004 (in response to the 9/11 terrorist attacks); since 2013, the amount has been approximately \$3.7 million per year. The current grant ends in fiscal year (FY) 2018.



According to testimony, federal law requires 80 percent of the awarded funds go to local units of government or regional councils through a sub-grantee process, and Kansas passes the remaining 20 percent to state agencies also through a sub-grantee process. At least 25 percent of the funds must be used for law enforcement terrorism prevention activities. The CFO stated some of the terrorism prevention activities supported through grant funding include information sharing and analysis at the Fusion Center; Fusion Center analyst salaries; equipment, training, and exercises related to target hardening and terrorist interdiction; and agricultural security sustainment.

To ensure grant moneys and any moneys available should these grants end are spent appropriately, state and local officials have evaluated state capabilities in 32 core areas to determine areas of greatest need, a KHP official said. She noted cyber-capability currently is rated as the area of greatest need in the state and across the country. The Homeland Security Grant Program Manager explained each project to be funded with Homeland Security grant moneys must be pre-approved by the regional council, and the agency receiving the money is later reimbursed after spending is reviewed. It was noted grants provide local units of government opportunities to train and equip themselves in order to begin the response in any emergency response before state officials can arrive at the scene, if state officials will be needed. The KHP Superintendent stated funds had been used to ensure interoperable communications and local units of government purchased equipment with Homeland Security grant moneys; he noted sustaining interoperable communications is an issue as equipment must be updated.

### **Staffing and Readiness at State Agencies**

#### ***KHP***

The Superintendent of the KHP stated the number of troopers dropped from 501 in 2006 to 399 in 2015, and he showed graphs indicating correlations with arrests; there were fewer arrests for impaired driving, speeding, and hazardous moving violations. He provided information on numbers of troopers in surrounding states overall, per local law enforcement agency served, per capita, per lane mile, and per registered vehicle,

but also noted direct comparisons with other state patrols are difficult because of variations in the duties assigned to the highway patrol agencies.

The Superintendent provided information on the assistance the KHP provides to local law enforcement agencies. He noted the KHP is the only Kansas law enforcement agency with air assets and the agency provides bomb technicians, canines, and ordinance disposal for 75 percent of Kansas. KHP personnel train other agencies in impaired driving detection and apprehension, provide crime scene mapping and accident reconstruction, train and audit all law enforcement users of the KCJIS, participate in the Joint Terrorism Task Force and the Drug Enforcement Administration Task Force, and provide debriefings at critical incidents. He also noted the agency provides an automated reporting system used by KHP and other law enforcement agencies. Increases in suspected drugged driving will require additional training for law enforcement officers, including troopers.

The Superintendent thanked legislators for actions over the previous two years to increase the number of troopers by approving a compensation plan for troopers, the Deferred Retirement Option Program (in which a trooper who delays retirement is paid deferred retirement benefits when the trooper actually retires), and a \$2 surcharge added to each motor vehicle registration and directed to the Kansas Highway Patrol Staffing and Training Fund. He stated the impact is evident: 439 troopers as of the date of the meeting and 34 on track to graduate from the KHP academy in December 2016. He also stated most recruits come from local law enforcement and the military, pay is decidedly a factor for recruiting and retention, and efforts to attract troopers from racial and ethnic minorities are ongoing.

#### ***KBI***

The Director stated the KBI defined its investigative priorities in FY 2012 in an attempt to manage its finite resources and address the most critical needs of its local law enforcement agency “customers,” 70.0 percent of which have ten or fewer officers each. Since then, the Director said, the agency has declined requests for assistance that did not fall within four categories: homicide/major violent crime; crimes against children; governmental integrity/public corruption; and

violent/drug trafficking organizations. Due to staffing shortages, the agency has declined 20 percent of requests for assistance in FY 2016, and 45 percent of those declined fell into the priority categories. Focusing on these categories of crime has meant certain categories of crime—such as cybercrime, most white-collar crime, and less-than-the-most-extreme child abuse cases—are not investigated by the KBI. Case requests increased this year by 42.0 percent. He noted violent crime increased by 11.2 percent in Kansas in 2015, mostly because of increases in the numbers of murders and robberies.

The Director provided statistics on staffing within various sectors of the KBI, for which he listed main duties:

**Information Services Division**—6 percent vacancies, 19 percent below optimal level. The Division's duties include collection, maintenance, and dissemination of all incident and arrest data and criminal history information and administration of the Kansas Offender Registration Act. It has backlogs of more than 400,000 records in the automation of criminal history records and 1.2 million for scanning of historical fingerprint cards.

**Forensic Laboratory**—17 percent of positions vacant, 43 percent below optimal staffing. Staff examine evidence from criminal cases, issue reports, and render expert opinions in court. With current levels of staffing, it often is impossible to meet the agency's goal of completing evidence examinations within 60 days. For a period of time, the KBI had requested local law enforcement agencies not send sexual assault kits for testing if DNA evidence was not necessary, but since 2014 the KBI has requested the kits be submitted—a backlog of approximately 2,200 kits—to further the apprehension of serial sexual offenders and prevent future victimization. The Director stated new laboratory facilities at Washburn University have assisted with recruitment.

**Criminal Intelligence Unit**—44 percent vacancies, 64 percent below optimal staffing. The Unit facilitates internal and external information exchange and provides tactical case support. Understaffing has negatively impacted dissemination of the most current intelligence

information to law enforcement, including reporting on potential incidents of terrorism.

**Investigations Division**—24 percent vacancies, 42 percent below optimal staffing. The Division provides expert investigative services to Kansas law enforcement agencies. The primary performance measure is the percentage of cases substantially completed within 90 days, a goal met less than half of the time. Adding staff would allow the agency to accept more cases within the current list of priorities and accept requests for investigations of additional types of crime, such as fraud, cybercrime, and human trafficking. The Director noted drug trafficking is linked to much violence and said drug use is linked to drug availability.

The Director stated an internally financed recruitment and retention initiative in FY 2017 was helpful but, without secure funding for FY 2018, will result in the loss of eight additional agent positions. He also stated 45 percent of those offered KBI jobs do not accept them, and certain supervisory positions have been open for periods of time longer than optimal because of salary compression. The agency would prefer a gradual increase to target levels.

### ***National Guard***

The Adjutant General stated that department's complex mission set includes training and making ready resources and the necessary force to respond to disasters, natural and man-made, and to provide trained and ready armed forces for deployments. He stated that, of the 7,200 Army and Air National Guard members across the state, 86 were currently deployed, 226 had recently returned, and 834 were preparing to deploy within a year of the date of the meeting. The Department also has 42 in the Kansas Division of Emergency Management (KDEM) and 222 in other Department roles. Federal sequestration will mean a reduction in the Department's full-time federal workforce of 10 percent over the next 2 years and reductions of 487 in the Army component and 123 in the Air component. He noted the percentage of the U.S. population serving in the military services has steadily decreased (approximately 12 million in service of 132 million population in the 1940s, 2.1 million of 215 million in the 1970s, and 1.3 million of 321 million currently). The Adjutant General stated only approximately 15 percent of

those ages 16 through 24 have a willingness to serve in the military and, of those, 72 percent are ineligible for reasons including medical conditions, obesity, and moral character.

Tuition assistance is the number one benefit helping to attract and retain recruits, he said. However, the tuition assistance program is appropriated a set amount, to be divided among those qualifying, which means the amount any one recruit gets could vary substantially from semester to semester, an unpredictability detracting from the appeal of the benefit. He commended the Board of Regents for making additional moneys available to the tuition assistance program when available.

With regard to physical facilities, the Adjutant General highlighted two initiatives. One is placement of Kansas National Guard Headquarters, the Fusion Center, and KDEM at Forbes Field. He said this uses excess capacity at Forbes Field, making it less susceptible to a future Base Realignment and Closure Commission action by establishing it as a joint activity. KDEM proximity to a runway also could be important in an emergency response, he said. Another is a partnership with Garden City Community College to lease and use that campus as a National Guard facility on weekends, taking advantage of infrastructure such as classrooms available at the college. He noted Garden City is growing in population and has the second most diverse population in Kansas. He said efforts continue to transfer ownership of land at the Crisis City training facility, used frequently by entities, including the U.S. Army and State Fire Marshal, to the State. He further stated the Department takes steps to conserve resources and enhance operational efficiencies at all facilities.

The Adjutant General addressed questions regarding types of warfare by stating he expects to see changes including more unmanned weapons, more computer-networked systems, and on-demand supply of needed parts using 3-D printing. Given the trouble spots around the world, battles with a peer or near-peer country are possible and must be considered for training and resources. The State continues its partnership with the country of Armenia, which has been in place since 2003, and that country also has a Russian base; a goal of the partnership is more stability in the region.

## **Veterans Issues**

The Director of the Kansas Commission on Veterans Affairs Office reviewed progress and challenges facing the agency in its efforts to serve veterans.

The Director reviewed improvements to physical facilities at the Kansas Veterans' Home in Winfield and the Kansas Soldiers' Home at Fort Dodge, including replacement of single-pane windows, replacing roofs at cottages, and renovating access to buildings for Americans with Disabilities Act compliance. Both facilities now use PointClickCare software and tablet computers, a step toward paperless medical records, and installed new servers and wireless systems. The agency will request approval for 8 projects at the Winfield facility and 6 at Fort Dodge for FY 2018; the projects include sewage infrastructure and window and door replacements. While construction at the Fort Dodge facilities has temporarily reduced the number of residents, numbers are expected to increase again; the resident population at the Winfield facility has increased significantly in the previous 6 to 8 months to approximately 130.

The Director stated attracting and retaining qualified medical staff remains a challenge. There is much competition for qualified medical professionals, especially in rural settings, and the agency cannot compete with salaries or with signing bonuses from private providers.

The Director requested legislators consider removing caps on spending from 6 of 26 federal funds available to the State, saying those caps reduce flexibility and, with other moneys reduced, mean the agency cannot take steps to improve the security and well-being of residents in its facilities.

The Deputy Director stated the agency has vacancies for veterans service representatives and has a turnover rate of nearly 40 percent because of pay and the intense responsibilities of the job. However, several long-term vacancies have recently been filled. Each claim is reviewed before submission, and approximately 89 percent of claims are approved. Most records have been computerized and can be accessed only through a virtual private network from a recognized device; in the past year, the agency hired a contractor for a

cybersecurity test and has upgraded some of its security procedures as a result.

The Deputy Director also said the agency would support a new bill similar to 2016 HB 2692 on the topic of disclosures to veterans and meant to help eliminate pension poaching scams. (2016 HB 2692 was not enacted.) He said AARP and the Veterans Administration also are working on this issue.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee recommends the LCC, in collaboration with the KBI, the Capitol Police of the KHP, and other appropriate parties, review preparedness for possible terrorism events involving the Capitol. The Committee recommends measures including screening of large items delivered to the Capitol's loading dock and reduced access to the grounds, especially by vehicles, be considered and that protocols, including additional security measures, be developed and put into place at times of increased threat level.

The Committee recommends the LCC require and Capitol Police implement training on Statehouse emergency policies and procedures for all legislators in odd-numbered years.

The Committee recommends the House and Senate Committees on Education consider these changes to laws affecting K-12 school districts:

- Amending the Jason Flatt Act (KSA 2016 Supp. 72-8260, added by 2016 Sub. for SB 323) to require the board of education of each school district provide suicide awareness and prevention programming to all school staff in direct contact with students, rather than to all staff; and

- Amending a limitation on the use of mechanical restraints in KSA 2016 Supp. Supp. 72-89d03(f)(3) (an amendment in 2016 House Sub. for SB 193) to allow trained school administrators and district security staff as well as certified law enforcement officers to use mechanical restraints when necessary to constrain violent behavior.

The Committee notes all law enforcement agency representatives who testified regarding recruitment and retention of security personnel in their organizations said that low pay is a major factor, and it notes turnover and replacement with inexperienced personnel is detrimental to effective security. The Committee recommends the Legislature address this issue.

The Committee recommends the House Committee on Veterans, Military and Homeland Security review recruitment and retention incentives applicable to the Kansas Army National Guard and the Kansas Air National Guard, including tuition assistance. The Committee notes the National Guard Educational Assistance Account of the Kansas Board of Regents is appropriated an overall amount, which is then divided by the number of recipients, and the amount to each recipient may change with each semester.

The Committee recommends the House Committee on Appropriations and the Senate Committee on Ways and Means remove expenditure limits from federal funds received by the Kansas Commission on Veterans Affairs Office.

The Committee recommends the 2017 Joint Committee on Kansas Security review the topic of preparedness for natural disasters, incidents of terrorism, and other potential causes of mass casualties at major venues in the state, such as the Kansas Speedway.