



Kansas Bureau of Investigation

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**Testimony of Kirk Thompson
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Regarding Senate Bill 66
Before the Senate Judiciary Committee
February 19, 2013**

Chairman King and Members of the Committee:

I appear today as a neutral conferee to offer a perspective on Senate Bill 66 on behalf of the Kansas Bureau of Investigation (KBI). The KBI does not oppose the basic premise of the bill, but I do wish to offer an option for consideration. The KBI is charged with the operation of two different records repositories for the state of Kansas that contain information relevant to this discussion. I would submit to the committee that the strengthening of those repositories would accomplish not only the goals set forth in the proposed legislation, but even more importantly posture the state to make more effective use of criminal justice information for both statistical and operational purposes.

The first and the most relevant of those repositories to the goal of Senate Bill 66, is the Kansas Criminal History Records (CHRI) system. The KBI collects information relating to the arrest, prosecution, court disposition and confinement status of individuals that enter the Kansas Criminal Justice System. That information is collected from law enforcement agencies, booking stations, county jails, prosecutor's offices, courts and the Department of Corrections (DOC). Systems are in place to collect information from all of those various entities and consolidate the same into a criminal history record or "rap" sheet.

Unfortunately, the CHRI repository computer software was designed to collect, consolidate, share and track the release of criminal records data to authorized users, not to conduct any significant analysis of the information. Right now the KBI collects much of the data requested in the bill, but has little capacity to organize it in such a way that an analysis report can be easily and consistently generated and published to a public website. Likewise we have no capacity to make information readily available to prosecutors so that they could produce such reports on their own.

The lack of an analytical capacity within the CHRI repository is a concern for the KBI and other criminal justice system partners, not just because of SB 66, but of countless other situations

where such data would be extremely useful in public policy discussions and operational matters. As most of you know, the Council of State Governments (CSG) – Justice Center, has just completed an analysis of policy options to reduce spending on corrections and reinvest those funds into strategies to increase public safety. The CSG came to the KBI for information to help with this important project. We could provide basic information, but the type of analysis they contemplated was not possible with our system.

Another partner in the criminal justice system, The Kansas Sentencing Commission (KSC) has need for more extensive analysis of data from within our system to accomplish their mandates. Again the type of analysis needed by the KSC was not contemplated when the CHRI repository was designed. The KBI would also like to have a greater analytical capacity to be able to respond to questions from policy makers and researchers as well as provide relevant reports to the public. The data that we maintain is important and is useful not only in the manner by which it is used today, but in the aggregate to better understand the crime problem and our response.

With an enhancement to the repository, I believe that the data required by SB 66 could be collected during the regular course of KBI operations, and with some work on updating business processes and technology, we could achieve the goals envisioned without any significant additional reporting burden on prosecutors or law enforcement agencies.

I have had the privilege of speaking with Senator Smith and discussing how the KBI could be a part of a solution to the concerns addressed by the legislation. We support in concept the transparency and accountability proposed in this bill, but ask you to consider not just putting a band aid on a portion of the system, but to address the entire system's inherent shortcomings to the benefit of the state criminal justice community. We will be working with Senator Smith to develop a plan to not only solve this particular issue, but solve the greater issue of analytical capacity and access to the vast amount of important information that is currently being collected. I would suggest to you that consistency and accuracy would be gained by drawing from data that is currently required to be provided, versus the creation of an additional county level data collection and analysis requirement.

With the indulgence of the committee I would like to address one other issue that is related to this proposal. It is my understanding that in addition to the basic requirements identified in the bill, there is interest in also attempting to identify the number of cases that are submitted to prosecutor's offices by law enforcement for the contemplation of filing charges. The goal being to create the capability of tracking the number of criminal offenses reported to law enforcement, the number of those cases sent to prosecutor's offices for a charging decision, the number of those cases charged and the eventual court dispositions. The CHRI system cannot provide that data and could not, in my opinion, be modified to do so.

The KBI does have responsibility for the Kansas Incident Based Reporting System (KIBRS). KIBRS is an information collection system and repository that receives incident based criminal offense reports from all law enforcement agencies in the state. Each law enforcement agency in the state is required to submit reports to the KBI in either electronic or paper form for virtually every criminal offense occurring within their jurisdiction. The KBI compiles that information and forwards the same to the FBI. The information is used by the KBI to create the statistical document known as "Crime in Kansas" and by the FBI to create a similar statistical profile of crime rates in the United States.

KIBRS, however, is in dire need of updating. The software that powers the system is antiquated and is no longer supported by the developer. The system is difficult to use and is the subject of frequent complaints from the law enforcement community. Some agencies don't participate in the program, in large part due to the difficulty of use and the lack of relevant information returned to them. KIBRS needs to be fixed and we would very much like to tackle that project.

So what does KIBRS have to do with CHRI and the provisions of this bill? KIBRS and CHRI were originally envisioned as complementary and interactive systems. Criminal offense reports were to be tracked to the point of the law enforcement disposition (arrest, forwarded to the prosecutor for contemplation of charges or closed based upon a lack of evidence to support further formal action). Any case resulting in arrest was to be passed to the CHRI system for further tracking. This passing of information between systems is not currently possible, but is still a Kansas criminal justice system goal and could help address the intent of the legislation. We could theoretically know how many offenses were reported, how many were successfully investigated by law enforcement and how many of those were successfully prosecuted.

Beyond a statistical system to track individuals and criminal offenses through the criminal justice process, KIBRS could be so much more. We envision an incident reporting system that has 100% participation because it is easy to use, effective at gathering crime statistics and is a useful operational/investigative tool for law enforcement. We also envision full scale participation by Kansas in the national law enforcement information sharing platform known as N-DEX. I believe strongly that the next greatest step forward in law enforcement effectiveness is to harness technology to share operational information across jurisdictional lines. A KIBRS rebuild could get us moving in that direction.

For the past two years I have identified improvements in the criminal records and in the incident based reporting systems as a priority of the KBI. I propose that we bring to the Legislature, through the budget process, a plan to fix inherent problems with KIBRS and CHRI and to create a mechanism to provide the transparency and accountability sought in SB 66. Fixing these two large and complex systems will not be easy and will not be inexpensive or quick. The fixes will require the participation and support of many entities, but I submit that such an approach is in the best interest of our great state.

I would be happy to stand for any questions.