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**Testimony to the House Corrections and Juvenile Justice Committee
Opposing HB2090 – Removing Special Rule for 3rd Time Drug Offenders
February 1, 2017**

Chairman Jennings and Committee Members,

I am writing you reference House Bill proposal #2090 by the Committee on Corrections and Juvenile Justice. My name is Victor Riggan, the 2nd Vice President with the Kansas Narcotics Officers Association and I represent Law Enforcement Officers from all over the State of Kansas. We come to you as opposition to the changes proposed in this bill.

It is our belief that the striking of all the language in the proposal as it applies to sentencing guidelines for a third or any subsequent offense hampers law enforcement from all over the State and directly puts the communities that we serve in harms way.

To first understand our position we must understand that the term “non-violent drug offender” is a political term that does not fully describe the depth of the drug problem not only in Kansas but also in the United States. According to the Bureau of Statistics (2004) 14.8% of federal prisoners and 9.8% of state prisoners who were incarcerated admit that they committed their violent crime in order to get money for their drug use and 3.9% of the homicides (2007) were directly related to the trafficking or manufacturing of illegal drugs. Those are the most recent statistics that the Bureau of Statistics has provided and the numbers are up from their 1997 records.

Next is the effect on the community. According to the Bureau of Statistics (2004) 30.3% of the state prisoners and 10.6% of the federal prisoners indicate that they committed their offense to obtain money for their drug use. Then when you take out the factor that the crime is “directly related” to their offense it shows that 68% of the inmates use illegal drugs on a regular basis. What we can clearly see is that not only property crimes but also violent crimes are directly associated people who are consuming illegal drugs.

For those who may not be aware, judges from all over the State of Kansas currently have the discretion to divert from the presumptive prison term and impose a lesser sentence such as probation and that is exercised on a regular basis. In addition, one cannot be eligible for the special rule unless they have already completed a treatment program. Last note on the judicial topic is that you currently are proposing taking away an intensive substance abuse program which is a part of their presumptive prison sentence.

From a law enforcement way of mind here is our thoughts. You gave us the tools to work with and we enforce the laws that you pass. We are sworn to do so and we stand proudly before you saying that we do so with the best of our abilities. But if you take away the consequences of "repeated violations" of the laws we are sworn to enforce how do you expect us to continue to use that tool (tough sentencing guidelines) as a deterrent for future violators? If we are just going to continue to hand out probation to drug offenders then how can we keep the communities we live in safer from that person breaking into my house, the person robbing the store or the person who commits a homicide all fueled by their drug habit. If there is no consequence then the offender rate will rise because the offender knows there is no consequence for their action.

If you ask what my level of training and experience is, I will tell you I have 17 years as a law enforcement officer with a decade of experience in drug related crimes. I have lead and been a big part of some of the largest investigations in NE Kansas. I have seen the repeated offenders and I have seen how treatment has helped others. I can also tell you I was "on the other side of the fence". I was the undercover agent in a crime ring that uncovered a large theft ring. I infiltrated a theft ring and assisted the group in burglaries. The entire motive behind the group was to obtain money to buy illegal drugs. The case not only uncovered the different offenders in the drug ring but also identified a local business that was assisting in the drug trade. Everyone involved (except myself of course) was a drug user.

My generation is the generation who watched Ronald and Nancy Reagan declare a war on drugs. We invite you to watch the Presidential Address to the Nation on September 14th 1986. Some of those words still ring so true today by President Reagan. President Reagan said, "Drugs are a menace to our society and they are threatening our values and undercutting our institutions. They are killing our children."

We ask you for the safety of our communities and our children's safety please do not pass HB 2090 regarding the presumptive prison sentence.

Victor Riggin