

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 10, 2011, in Room 144-S of the Capitol.

All members were present except:  
Senator Steve Morris - excused

Committee staff present:  
Doug Taylor, Office of the Revisor of Statutes  
Dennis Hodgins, Kansas Legislative Research Department  
Julian Efird, Kansas Legislative Research Department  
Connie Burns, Committee Assistant

Conferees appearing before the Committee:  
Representative Melody McCray-Miller  
Ben Scott, Topeka Branch NAACP  
Phil Bradley, Craft Brewers Guild of Kansas  
Gary Walker, Hayden High School

Others attending:  
See attached list.

**Introduction of Bills**

Gary Walker, Hayden High School, Topeka, requested a bill introduction concerning bingo games relating to the operation and prizes awarded.

Senator Owens moved that this request should be introduced as a committee bill. Senator Abrams seconded the motion. The motion carried.

**SB 82-Amendments to laws regarding racial profiling and SB 93-Law enforcement; racial profiling and biased policing**

Chairman Brungardt opened the hearings on **SB 93 and SB 82**.

Representative Melody McCray-Miller appeared as neutral with comments and changes on **SB 82**. (Attachment 1) Representative McCray-Miller stated as a member of the Governor's Task Force on Racial Profiling and a member of the Task force Sub-committee on data collection; the changes submitted for consideration:

1. Biased Policing to "Racial and Biased Based Policing" beginning with Section 1 and throughout the document
2. All complaints should be filed with The Office of the Attorney General vs. Kansas Commission on Police Officer Standard and Training (CPOST) or the Kansas Human Rights Commission
3. Add that all officers that stop and or detain motorists and pedestrians (exempting those that write a citation) shall provide a calling card, similar to a "business card"
4. Extend the Governor's Task Force on Racial Profiling with the duties and goals that encompass reviewing all comprehensive plans of law enforcement agencies and review the annual report of such law enforcement agencies to determine compliance with this act. The task force shall notify any law enforcement agency that the task force finds to be in noncompliance with this act and shall make recommendations for actions the law enforcement agency needs to come into compliance with this act

Senator Oletha Faust-Goudeau appeared as neutral with comments on the bills. (Attachment 2) Senator Faust-Goudeau stated that she did not agree with all of the recommendations as it relates to changing racial profiling to biased policing; and offered an amendment to include the word, "racial and other biased policing" in all areas of both bills.

Ben Scott, President, NAACP Topeka Branch, spoke in opposition to the bills. (Attachment 3) Since the passage of **SB 77** in 2005; the implementation of data collection has not been realized and only a small

## CONTINUATION SHEET

The minutes of the Federal and State Committee at 10:30 a.m. on February 10, 2011, in Room 144-S of the Capitol.

percentage of Racial Profiling complaints are investigated.

The Topeka NAACP strongly believes that proper training for law enforcement officers is important and should be ongoing; and support amendments to KSA 22-4606 – 4611 as recommended by the Citizens for Equal Law Enforcement.

### **Written testimony in Opposition:**

Written testimony was received in opposition to the bills from Juanita Blackmon, Justice Keepers of Wichita, ([Attachment 4](#)) Sheila D. Officer ([Attachment 5](#)) and Walt Chappell, ([Attachment 6](#)) Citizens for Equal Law Enforcement, Wichita, Kansas, recommended amending the statutes by adding original language to strengthen the bill and make the statutes enforceable as it was intended and introduced in 2005.

Written testimony in opposition to the bills was provided by Frank Rodrigues. ([Attachment 7](#)) The bill needs the term “Racial Profiling” without any changes; it needs data collections, and the use of business cards by the officers and complaints filed through the Kansas Attorney General’s Office or the NAACP.

Chairman Brungardt closed the hearings on **SB 93 and SB 82**.

### **SB 80 – alcoholic beverages; amendments relating to beer and microbreweries**

Chairman Brungardt opened the hearing on **SB 80**

Staff provided an overview of the bill.

Philip Bradley, Craft Brewers Guild of Kansas, appeared in favor of the bill. ([Attachment 8](#)) The bill addresses two issues. The first is to allow for 10% alcohol by weight (ABW) micro brewed beer. Some of these craft brews approach the current legal levels and to be competitive and to assure complete compliance are asking the Legislature to adjust these levels.

The second is the equalization of micro brewers and craft brewers sampling rules with farm wineries (farm winery statutes 41-403a); and would make the recent Kansas Days and the upcoming Washington Days simpler and more efficient.

Chairman Brungardt closed the hearing on **SB 80**.

The next meeting is scheduled for February 15, 2011. The meeting was adjourned at 11:18 a.m.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 2-10-11

NAME	REPRESENTING
Phil Bradley	KLBA.
Jim L. White	Windside Legion
STEVEN A. BERGER	THE WINE CELLAR
Ruth Glover	Ks. Human Rights Com.
William V. Meiner	Ks. Human Rights Comm.
Rick Feschel	Ks. Human Rights Com.
Kyle Smith	AG
Ed Klumpp	KACP/KPOA/KSA
Megan Pinegar	AG
TED HENRY	OS
Nathan Lindsey	Kearney and Associates
RON BROWN	FOP
HERMAN JONES	KHP
DON KRONE	LENEXA P.D.
Kyle Shipp	Prairie Village P.D.
Bob Keller	JCSO
Eric Williams	KSCPOST
Ladini Jayaratne	Intern for Rep. McCray-Miller
Taylor Zimmerman	Intern for Rep. Wolfe Moore
Patsy Converse	
Gary Walker	Hayden PACE Brgs
Ben Scott	Topoka Branch NAACP
Ken Beowl	WC
Jay Ives CPBB	Blind Tiger Brewery

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

CAPITOL ADDRESS  
300 S.W. 10TH AVENUE  
TOPEKA, KANSAS 66612  
(785) 296-7667  
melody.mccray-miller@house.ks.gov



DISTRICT ADDRESS  
P.O. BOX 4454  
WICHITA, KANSAS 67204  
(316) 744-7516

MELODY C. MILLER  
89TH DISTRICT

TO: Senate Federal & State Affairs Committee – Senator Pete Brungardt, Chair

DATE: February 15, 2011

RE: SB 82

Greetings Chairman Brungardt and Senate Federal and State Affairs Committee members.

I would like to thank you for the opportunity to testify regarding SB 82. As a member of the Governor's Task Force on Racial Profiling and a member of the Task Force Sub-committee on data collection, I have some amendments to the bill that I would like to submit for your consideration. They are described below:

**Change #1--Biased policing to *Racial and biased based policing*** beginning with Section 1 and throughout the document.

**Change #2—All complaints should be filed with *The Office of the Attorney General* vs. Kansas Commission on Police Officer Standard and Training (CPOST) or the Kansas Human Rights Commission.**

**Change #3—Add that all officers that stop and or detain motorist and pedestrians (exempting those that write a citation) shall provide a calling card, similar to a “business card.”**

**Change #4—Extend the Governor's Task Force on Racial Profiling with the duties and goals that encompass reviewing all comprehensive plans of law enforcement agencies and review the annual report of such law enforcement agencies to determine compliance with this act. The task force shall notify any law enforcement agency that the task force finds to be in noncompliance with this act and shall make recommendations for actions the law enforcement agency needs to come into compliance with this act.**

Respectfully submitted,

*Melody McCray-Miller*

Melody McCray-Miller  
Kansas State Representative, 89<sup>th</sup> District

Sn Fed & State  
Attachment I

2-10-11

STATE OF KANSAS

OLETHA FAUST-GOUDEAU

SENATOR, 29TH DISTRICT

PO BOX 20335

WICHITA, KANSAS 67208

316-652-9067

Office: STATE CAPITOL BUILDING—124-E

TOPEKA, KANSAS 66612

(785) 296-7387

(SESSION ONLY) 1-800-432-3924

email: Oletha.Faust-Goudeau@senate.ks.gov

Oletha29th@aol.com



TOPEKA

SENATE CHAMBER

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ECONOMIC DEVELOPMENT

Testimony for SB-82 and SB-93  
Hearing in the Senate Fed & State Committee

Honorable Chair- Senator Pete Brungardt  
Vice Chair- Senator Roger Reitz  
Ranking Democrat- Senator Oletha Faust-Goudeau  
Honorable Committee Members

Good Morning Mr. Chairman,

Thank you for the opportunity to share comments regarding SB-82 and SB-93.

Just for the record, I feel that the Racial Profiling Taskforce Chairperson, Mr. Watson and the Vice-Chair, Mr. Curtis Whitten and the other members of the Taskforce did a great job to solve some serious concerns regarding this issue and I do agree with some of the recommendations offered by the Taskforce. However, I don't agree with all of the recommendations as it relates to changing racial profiling to biased policing.

Mr. Chairman, I feel that we lose the original intent by doing so, therefore, I am offering an amendment to include the word, 'racial and other biased policing' in all areas of both bills.

Thanks You, Mr. Chairman

Senator Oletha Faust-Goudeau

**From:** MR SCOTT (mrscott3958@sbcglobal.net)  
**To:** Goudeau@senate.ks.gov;  
**Date:** Thu, February 10, 2011 9:48:35 AM  
**Cc:**  
**Subject:** Testimony in opposition to SB 82 and SB 93

TESTIMONY IN OPPOSITION TO SB 82 AND SB 93

Submitted by  
Ben Scott, President of the Topeka Branch NAACP

Honorable Senators of the Federal and State Affairs Committee,

The Topeka Branch NAACP opposes SB 82 and SB 93 in their current form. In 2005 SB 77 was passed. However, since its passage little or no implementation of data collection have been realized. Only a small percentage of Racial Profiling complaints are investigated.

The Topeka NAACP strongly believe that proper training for law enforcement officers is important and that said training should be ongoing. We also believe that with well trained enforcement officers, good policies, and community participation we can realize an end to Racial Profiling in our City and State.

The Topeka Branch further believe that time is of the essence that these statutes be amended, and that the injustice of Racial Profiling end.

We support the amendments to K.S.A. 22-4606-4611 as recommended by the Citizen for Equal Law Enforcement.

Re. Ben J. Scott, Sr, President  
Topeka Branch NAACP

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Justice Keepers of Wichita  
Juanita Blackmon-  
P.O. Box 20260  
Wichita, Kansas  
316-871-2507

**Re: Written Testimony Presented in Opposition to SB 82 & SB 93**

Respect and Greetings to Committee Affairs both State and Federal, and all proponents and opponents present; This Correspondence signals my opposition to both SB 82 and SB 93

**Should Racial Profiling be accepted As a Law Enforcement Practice?**

The Components to SB93 are aligned per mandate per statutory requirements K.S.A. 22-4606 K.S.A. 22-4611-A mandate signed into law in 2005-As Stated per these Statutes Kansas Law-Fairness and Equality votes to accept and implement SB 179 per revisions submitted to the Federal and State Affairs Commission on February 05, 2011 by Dr. Walt Chappell-(well rounded research analyst)

Racial Profiling Exist Despite Laws, Representative Danny Davis 'Racial Profiling he contends that the pursuit of equality for African Americans, other people of color and women has also been and endless source of frustration. Representative Davis believes that racial profiling impacts minorities but that every American can be affected and that it damages the trust between the community and law enforcement agencies that is already precarious from years of racism and oppression.

When weighing the Pros and Cons of the Issue of Racial Profiling, One must consider the Individuals Civil Rights and The Basic Principal of the Fourth Amendment-The SB 93 Comprehensive Plan leaves open many doors that SB 179-has entailed a firm grip on specific subjects of training dealing with racial profiling. In-depth training that will assist officers in discovering and realizing the historical impact and prospectives aligned to enforce Federal Civil Rights mandates of Title VII and Fourth Amendment Constitution Rights.

Racial Profiling may seem more prevalent in today's society, but in reality has been a tremendous aspect of American Culture since the days of slavery-According to Tracey Maclin a Professor at the Boston University School of Law, Racial Profiling is a old concept. The historical roots" can be traced To a time in early American Society when court officials permitted constables and ordinary citizens the right to take up all black persons seen 'gadding abroad' (gathering) without their master permission. - Although Slavery is long since gone, the frequency in which racial profiling takes place remains the same.

**SB 93-Comprehensive Plan sends us backward, and not forwards which would transcend further**

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1 Racial Profiling Exist Despite Laws-Representative Danny Davis

Sn Fed & State  
Attachment 4

2-10-11



Continually a weaken effort to arrest the racism and restore fragile relationships with Communities of Color—

SB 93 would continue to open doors to a relaxed policy on curtailing this National Whirlwind adding enormous cost financially on every level of our governments, and contributing high measures of cost to the physical and mental health expenditures impacting overwhelmed communities of color- when limited acknowledgement of it's continuous impact on future generations of minority and African American students and families.

SB 93 Comprehensive Plan lacks transparency and resolution for citizens filing complaints, As this is has been the longstanding practice which gives advantage to Law Enforcement-According to the Principal of Rawlsian Ethics, 'A Just Society is one in which no one has an unfair advantage over others'.

SB 93 Comprehensive Plan would fail it's citizens of color further, as the process of filing complaints with the Law Enforcement Agency or Kansas Human Rights Commission signals collusionary cover-up strategies designed to further promote the recycling of privileges of law enforcement, while recycling the retaliatory practices on citizens for reporting unlawful excessive force violations, and color of law violations, deemed as driving while black, walking while black, on the job while black, asking questions while black, speaking out while black, standing up for Justice while black---To monitor or observe African Americans or Minorities, while ignoring whites is an unfair advantage, and contributes to civil rights violations and Fourth Amendment Violations—

**Can We All Agree to Everyone Consistently Acting Simultaneously According to the Same Rule?**

Not According to SB 93 and SB 92—The Bottom Line is that when a traffic Stop is made simply because the driver is a person of color and there is no other justifiable reason, not even to make up a justifiable reason which is one persons word against the minority person, which is discredited and disbelieved, of which the officer delights in high probability his privilege and professional training will outweigh any citizen in the court of law.

In closing my opposition to SB 93 and SB 92 is outline through out the paragraphs, It repeatedly lacks The substance that is readily available in SB 179-It Fails to Enrich and Strengthen the Effectiveness of managing a historical problem dated back to slavery, It leaves many openings to further slither the bridges to racial harmony and equality. The Comprehensive bill failed to be inclusive of prior efforts of many community organizations that spent many years to include the input from individuals most impacted by Racial Profiling and Biased Base Policing, of which Justice Keepers supports including both "Racial Profiling and other Biased Based Policing—SB 93 and SB 92 was put together by law enforcement hurriedly without the input of the many Community Organizations that represent their constituents today, Therefore placing many of us in a position to oppose a plan that had no intention to include our forethought in it's origination or any effort of arresting or alleviating the problem of Racial Profiling-but more of the same that continually aggravate and frustrate a spiraling moral crisis upon the same citizens it's proposed to advocate for.



Please feel free to share or express any questions or concerns to the information at the top.

Respectfully Submitted

Juanita Blackmon-(Victim of Racial Profiling/Racial Discrimination (09-CV-02546)  
Justice Keepers of Wichita  
America's Thousand Points of Light #542

## Testimony in opposition to SB 82 & SB 93

Written Testimony presented by Sheila D Officer, Park City, KS- 02/08/2011

With all respect to the State and Federal Affairs Committee, to all proponents and opponents present;

Please note that I submit my Testimony in **Opposition to both SB 82 and SB 93**. What I propose is the acceptance and implementation of SB 179 per the revisions submitted to the Federal and State Affairs Commission on February 5<sup>th</sup> by our committee representative, Dr. Walt Chappell.

To begin my opposition I would like to discuss some specifics of both bills in comparison to our revised bill, **SB 179**.

**SB93** talks about a **Comprehensive Plan** addressing training, policies and advisory boards. All of these components should already be in place in various law enforcement agencies throughout the state. This is a mandate per statutory requirements contained in 22-4606-22-4611; a mandate that was put into place in 2005. It is Kansas LAW! Per the training requirement duly noted in **SB 93**, specific guidelines have been implemented in 22-4610 and in Senate Bill 179 that entails specific subjects of training dealing with racial profiling. Training that will assist officers in discovering and realizing the historical prospective on how law enforcement officers were mandated to enforce discriminatory laws such as Jim Crow and possibly give them some understanding as why racial profiling is just a new name to an old phenomenon. Education is empowering! **SB 93** leaves the door open as to the training that should be offered. I have no objections to long distance training as recommended by **SB93**, but it must meet statutory requirements for subject matter. The language proposed in **SB93** regarding training requirements are vague at best.

Now, let's address the issue of what we should call this illegal act. Shall we call it "Racial Profiling" or "Biased Based Policing?" Shall we term it as stated in **SB 93 or SB 179? KSA 22-4606** calls it racial profiling. Is there a difference in terms? What remains the same is the act and the results thereof. Racial profiling extends to all aspect of living in the minority community; i.e. walking while black or brown, standing while black or brown, cycling while black or brown, etc. It transcends past traffic and or pedestrian stops. Biased based policing extends into various other aspects of law enforcement decisions clouded by prejudices such as age, gender, lifestyle, etc. With that being said, I recommend that both terms be added to the bill which should state "**Racial Profiling and other Biased Based Policing.**"

In further discussion, **SB93** states that all complainants must file their complaints with the law enforcement agency or the Kansas Human Rights Commission. Per recommendations contained in SB 179, I submit that the language should designate **all complaints** to be filed with the **Kansas Attorney General**, the "Chief Law Enforcement Agency". While the option of filing a complaint can be exercised at any law enforcement agency, the integrity and transparency of the process would seemingly be more trusted at the AG's office; and trust is the "make or break" component in this issue of racial profiling and community policing. (It should also be mentioned that Governor Brownback has proposed to abolish the Kansas Human Rights Commission.)

## Testimony in opposition to SB 82 & SB 93

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**SB93** mentions Data Collection but it is not specific or detailed as to the information the data should contain. SB 179 is detailed as to the specific information that is needed to obtain sufficient data to measure and manage the problem. Data collection can be a great useful, effective tool that could improve the effectiveness of policing and start a positive dialogue between police and the community.

Also contained in 22-4607 is a relationship builder; **22-4607 (i)** which includes the mandate for all law enforcement officers to provide a business card, with pertinent, specific information on it, to all pedestrians or motorist who have been detained, but not cited or arrested.

One would have to agree that this is not only good PR, but a big step in citizens getting to know officers who serve in their community.

**As per SB 82, I can only compliment on its suggested fields for proposed data collected material; page 3, lines 11 to 43. This section identifies the various information noted and suggested in SB 179. The remainder of the bill lacks clarity, specificity accountability and enforceability. It warrants no further discussion!**

Let's remember that racial profiling hurts everyone! The community loses its trust and confidence in law enforcement and officers lose a viable partnership with the community.

Legislators, **please remember** that officers are bestowed a great amount of authority and discretion to enforce the law. But be mindful; **THEY ARE NOT ABOVE THE LAW!** They cannot restrict our rights, instead of protect our rights. **We must hold them accountable!**

In summation, I oppose SB93 and SB82 and respectfully request that the State and Federal Affairs Committee review, and accept the revisions to **SB 179** as submitted by the combined efforts of the Racial Profiling Citizens Advisory Board for the City of Wichita.

Should you have any questions, please feel free to contact me at 316-744-3467.

Respectfully submitted,

Sheila Officer

CAB

(6)

**TESTIMONY IN OPPOSITION TO SB 82 AND SB 93**  
**And OFFERING AMENDMENTS TO K.S.A. 22-4606-4611**

**Submitted by**  
**Dr. Walt Chappell, Coordinator of Citizens for Equal Law Enforcement**  
**Wichita, KS**

**Honorable Senators of the Federal and State Affairs Committee,**

Members of the Wichita PD-Citizens Advisory Board, NAACP, Justice Keepers and Citizens for Equal Law Enforcement respectfully submit the attached amendments to the Racial Profiling statutes K.S.A. 22-4606-4611. Since the passage of SB77 in 2005, there has still been no implementation of data collection, few investigations of racial profiling complaints and limited training which actually changes law enforcement officer's attitudes and policies to end racial profiling. The resistance to the implementation of these laws is unacceptable.

To date, not one Kansas law enforcement officer has been disciplined as a result of a racial profiling complaint. In the meantime, the disproportionate enforcement of traffic laws is costing Black and Hispanic drivers \$7 million dollars more per year in fines.

Now, we are surprised to find that SB 82 and SB 93 have been drafted and introduced by law enforcement officials without the input of citizens or the communities impacted by racial profiling. These bills were not even available for review until a few days ago. But now that they have been analyzed, it is clear that neither bill holds officers accountable for racial profiling or data collection to show patterns of discrimination. Furthermore, the definition of racial profiling and investigation of complaints is vague and full of loop-holes.

It is definitely time to amend the statutes so there is a sense of urgency, justice and data to identify where profiling is taking place in Kansas. That is why our citizens groups have incorporated wording previously agreed to by law enforcement and the community plus added back the original language to strengthen the bill and make the statutes enforceable as it was intended and introduced in 2005 by Senator Betts.

**As the attached Amendments to K.S.A. 22-4606-4611 state, we recommend:**

- 1) **Collecting data** directly from each citation issued by a Kansas law enforcement officer to any driver or pedestrian. These data are already compiled by law enforcement agencies. No separate stop data form it is required. The process is simple, inexpensive, complete and able to be analyzed on a quarterly basis. Patterns of biased based policing by specific officers and/or agencies will be identified. Then timely and appropriate action can be taken by the Kansas Attorney General's office and the law enforcement agency identified. (See the attached public database of over 360,000 citations from 2005-2009 which is already on the Wichita Eagle website for anyone to search.)


- 2) It is important to have a **business card** handed to each pedestrian or driver stopped with the contact information of the officer who stopped them. This will encourage more cooperation with the law enforcement officers in their efforts to protect and serve the community plus provide specific information in case a compliment or complaint is filed with the officer's agency.
- 3) **Investigations** will be done by the Kansas attorney general's office. Governor Brownback has proposed moving the Kansas Human Rights Commission into the AG's office. Since the AG is the Chief law enforcement officer of any state, and states surrounding Kansas with racial profiling laws dating back to 2000 assign the investigation of racial profiling complaints to their AG's staff, this is the logical place to which people should file their complaint. The AG's office also has the statutory authority to initiate disciplinary and/or criminal charges if an officer or agency is found guilty of racial profiling or other biased based policing.
- 4) Like other states with racial profiling laws, K.S.A. 22-4608 needs to state the criminal offense if an officer is found guilty of racial profiling. So, we have reinserted that the **crime of racial profiling or biased based policing in Kansas is a Class A Misdemeanor**. This is how SB77 was originally introduced back in 2004 and 2005. Some of the surrounding states show that racial profiling is a felony in their statutes.

We have included most of the recommendations in the report from the Governor's Task Force on Racial Profiling which was presented to the Senate Federal and State Affairs committee on January 18<sup>th</sup>, 2011. The GTFORP recommendations were essentially the same agreements which the Community advocates reached with law enforcement officers two years ago. So, it is definitely time to pass the attached amendments and let us all put an end to racial profiling in Kansas without any more delays or denials that it even exists.

As members of various groups doing our best to prevent and end racial profiling in Kansas, we respectfully ask that you substitute the thoroughly thought out language in the attached amendments. We are proposing constructive changes to each Section of the current statutes K.S.A. 22-4606-4611. Once passed this legislative session and implemented, the incidents of racial profiling and other biased policing in Kansas will go down substantially.

Thanks for your leadership on this very important issue. Please call or send an email if you have any questions or suggestions.

Respectfully yours,

Walt Chappell, Ph.D., Coordinator   
Citizens for Equal Law Enforcement  
(316)838-7900(P) / [equalenforcement@cox.net](mailto:equalenforcement@cox.net)

Session of 201  
**SENATE BILL No. 179**  
By Committee on Federal and State Affairs

AN ACT concerning racial and other profiling; adoption of policies against and investigation of complaints; amending K.S.A. 22-4606, 22-4607, 22-460, 22-4609, 22-4610 and 22-4611 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

**Section 1. K.S.A. 22-4606** is hereby amended to read as follows: 22-4606. As used in this act:

- (a) **“Collection of data”** means that information collected by Kansas law enforcement officers when a person is issued a citation as the result of a pedestrian or traffic stop.
- (b) **“Governmental unit”** means the state, or any county, city or other political subdivision thereof, or any department, division, board or other agency of any of the foregoing.
- (c) **“Law enforcement agency”** means the governmental unit employing the law enforcement officer.
- (d) **“Law enforcement officer”** has the meaning ascribed thereto in K.S.A. 74-5602, and amendments thereto.
- (e) **“Profiling on the basis of ethnicity”** means the practice of unlawfully utilizing information regarding members of a cultural group with a shared identity, ancestry or linguistic characteristics common to the members or their affiliates. Ethnic groups may also have a common religious association or history.
- (f) (1) **“Racial profiling or other biased policing”** means the practice of a law enforcement officer or agency selecting or subjecting an individual to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity, **in whole or in part**, based upon the individual’s race, ethnicity, national origin, socio-economic status, religion, age or gender.
- (2) **“Racial profiling or other biased policing”** **does not include** a contact by a law enforcement officer of a person when the contact is only for the purpose of asking the person if they have information regarding the investigation of a complaint, crime or suspicious activity, checking a person’s welfare or as part of community outreach or community policing.
- (g) **“Routine investigatory activities”** includes, but is not limited to, the following activities conducted by law enforcement officers and agencies in conjunction with traffic or pedestrian stops: (1) Frisks and other types of body searches, and (2) consensual or nonconsensual searches of persons or possessions, including vehicles and domiciles.

**Sec. 2. K.S.A. 22-4607** is hereby amended to read as follows: 22-4607.

- (1) *a uly 1, 2011, data collected on each citation issued by a Kansas law enforcement officer shall be sent to the Kansas Division of Motor Vehicles.*

*bon each citation*

At the start of each month, the compiled statewide citation data the Kansas Division of Motor Vehicles shall racial profiling or other biased policing statistical September 30<sup>th</sup>g or other biased policingshallbiased based policingial or other groupsh or other biased policinga gDecemberst

- (i) *Any law enforcement officer shall provide without being asked, his or her business card to any person whom the law enforcement officer has detained in a traffic or pedestrian stop, but has not been cited or arrested. The business card shall include identifying information about the law enforcement officer including, but not limited to, the law enforcement officer's name, division, precinct, and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, positive or negative, regarding the stop.*
- (2) *Nothing in this section shall be construed to require the collection and maintenance of information in connection with roadblocks, vehicle checks or checkpoints, except when such traffic stops result in a warning, search, seizure or arrest.*

racial profiling or other biased policing **Sec. 3. K.S.A. 22-4609** is hereby amended to read as follows: 22-4609.

The race, ethnicity, national origin, gender, socio-economic status, age or religious dress

- (a) *Racial profiling or other biased policing* of an individual or group shall not be **a factor** used in determining the existence of probable cause to take into custody or to arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle **or pedestrian**.
- (b) *No law enforcement officer shall use violations of the traffic laws as a pretext for racial profiling or other biased policing.*

**Sec. 4. K.S.A. 22-4610** is hereby amended to read as follows: 22-4610.

- (1) (a) *The Kansas Legislature finds, determines, and declares that racial profiling or other biased policing is a practice that presents a great danger to the fundamental principles of our constitutional republic and is abhorrent and cannot be tolerated.*
- (b) *The Kansas Legislature further finds and declares that motorists and pedestrians who have been stopped by law enforcement officers for no reason other than the color of their skin or their apparent race, ethnicity, age, socio-economic status, religion, national origin or gender are the victims of discriminatory practices.*
- (c) *The Kansas Legislature further finds and declares that Kansas law enforcement officers risk their lives every day. The people of Kansas greatly appreciate the hard work and dedication of law enforcement officers in protecting public safety. The good name of these law enforcement officers should not be tarnished by the actions of those officers who commit discriminatory practices.*
- (d) *It is therefore the intent of the Kansas Legislature in adopting this section to provide a means of identification of law enforcement officers who are engaging in profiling, to*



***underscore the accountability of those law enforcement officers for their actions, and to provide training to those officers on how to stop profiling.***

- (2) (a) All law enforcement agencies in this state shall adopt a detailed, written policy to preempt racial profiling or other biased policing. Each agency's policy shall include the definition of racial profiling or other biased policing found in K.S.A. 22-4606, and amendments thereto.
- (b) Policies adopted pursuant to this section shall be implemented by all Kansas law enforcement agencies within one year after the effective date of this act. The policies and data collection procedures shall be available for public inspection during normal business hours.
- (c) The policies adopted pursuant to this section shall include, but not be limited to, the following:
- (1) A prohibition of racial profiling or other biased policing.
  - (2) Annual educational training which shall include, but not be limited to, an understanding of the historical and cultural systems that perpetuate racial profiling or other biased policing, assistance in identifying racial profiling or other biased policing practices, and providing officers with self-evaluation strategies to preempt racial profiling or other biased policing prior to stopping a *person*.
  - (3) ***The racial profiling or other biased policing training curriculum for each law enforcement agency shall be reviewed by the agency's community advisory board and certified by the Kansas commission on peace officer standards and training on or before September 1<sup>st</sup> of each year, starting in 2011.***
  - (4) For law enforcement agencies of cities and counties with more than 10 full-time certified law enforcement officers, establishment or use of current independent *community* advisory boards which include participants who reflect the racial and ethnic community, to advise and assist in policy development, the agency's complaint process, the racial profiling or other biased policing prevention training curriculum and procedures, plus community education and outreach related to racial profiling or other biased policing by law enforcement officers and agencies.
  - (5) Policies for discipline of law enforcement officers and agencies who engage in racial profiling or other biased policing.
  - (6) A provision that, if the investigation of a complaint of racial profiling or other biased policing reveals the officer was in direct violation of the law enforcement agency's written policies regarding racial profiling or other biased policing, the employing law enforcement agency shall take appropriate *disciplinary* action consistent with applicable laws, rules and regulations, resolutions, *and*, ordinances or policies, including demerits, suspension or removal of the officer from the agency.
  - (7) Provisions for community outreach and communications efforts to inform the public of the individual's right to file with the law enforcement agency or the Kansas attorney general complaints regarding racial profiling or other biased policing, which outreach and communications to the community shall include ongoing efforts to notify the public of the law enforcement agency's complaint process.

- (8) Procedures for individuals to file complaints of racial profiling or other biased policing with the agency.
- (d) *Each law enforcement agency shall compile and submit an annual report on or before August 1 of each year to the attorney general regardless of whether the agency received any racial profiling or other biased policing complaints between July 1 of the previous year and June 30 of the current year. The annual report shall include:*
- (1) The date the complaint is filed;
  - (2) action taken in response to the complaint;
  - (3) the decision upon disposition of the complaint; and
  - (4) the date the complaint is closed;
  - (5) *whether all officers employed by the agency received the statutorily required annual racial profiling or other biased policing training for the prior training year running from July 1 of the previous year to June 30 of the current year;*
  - (6) *whether the agency has a written policy that prohibits racial profiling or other biased policing;*
  - (7) *whether the agency mandates specific discipline of law enforcement officers who engage in racial profiling or other biased policing;*
  - (8) *whether the policy details the discipline to be administered for racial profiling or other biased policing;*
  - (9) *whether the policy includes provisions outlining the individual's right to file complaints with the agency or with the Kansas attorney general, or both, and the specific procedures for individuals to file complaints with the agency; and*
  - (10) *whether the agency has a community advisory board. Annual reports filed pursuant to this subsection shall be open public records and shall be posted on the official website of the attorney general.*

**Sec. 5. K.S.A. 22-4611** is hereby amended to read as follows: 22-4611.

- (a) Any person who believes such person has been subjected to racial profiling or other biased policing by a law enforcement officer or agency may file a complaint with the law enforcement agency. The complainant may also file a complaint with the *Kansas attorney general*.
- (b) ***The attorney general shall be responsible for timely notification of the law enforcement officer or officers and their respective law enforcement agency that an investigation has been initiated. The identity of the complainant shall remain confidential.***
- (c) ***The Kansas attorney general shall investigate each complaint. If the evidence shows that racial profiling or other biased policing was why the complainant was stopped or was subjected to discriminatory law enforcement activities, the attorney general shall make recommendations of disciplinary action to the officer(s) law enforcement agency and/or initiate criminal prosecution of the accused officer(s).***
- (d) ***The Kansas attorney general shall inform the complainant, officer or officers, as the case may be, and the law enforcement agency of the outcome or disposition of the complaint in writing to the head of the law enforcement agency. Such writing shall include a summary of the rationale for the finding and shall be made in***

**accordance with K.S.A. 45-221, 4 and amendments thereto.** Nothing in such outcome or disposition shall be deemed an exception to the Kansas open records act.

- (e) This complaint process shall not prevent a motorist or pedestrian who feels that their rights have been violated **from filing** a civil law suit against the law enforcement officer or officers and/or the law enforcement agency responsible for their employment and supervision. The complainant shall be entitled to recover damages if it is determined by the district court that such persons or agency engaged in racial profiling or other biased policing.
- (f) Upon disposition of a complaint as provided for in subsection (a) the complainant shall also have a civil cause of action in the district court against the law enforcement officer or law enforcement agency, or both, and shall be entitled to recover damages if it is determined by the court that such persons or agency engaged in racial profiling or other biased policing.
- (g) The court may allow the prevailing party reasonable attorney fees and court costs.

## SEARCHABLE DATABASE: Traffic tickets from Jan. 1, 2005, to Jan. 2010

### Kansas.com searchable databases

This database contains more than 360,000 tickets issued by the Wichita Police Department from Jan. 1, 2005, to Jan. 2010.

You can search by the first or last name of the ticketed person, the type of ticket that was issued or the location of the offense. **The database does not contain tickets for counts that were later dismissed.**

Also, see Wichita averages 20,000 parking tickets a year by The Eagle's Ron Sylvester.

#### Search by Name

Last:

First:

#### Search by Address

Intersection of...

and...

*When doing an intersection search, put the streets in alphabetical order, i.e. to search for violations at "Douglas and Broadway" put Broadway in the first box and Douglas in the second. Place numbered streets in the first search box and use numerals, i.e. "13th."*

Street address

*Instead of searching by intersection, just search for a street name or specific address.*

#### Search by Type

Case Type

*Tickets have been placed into two categories: parking and traffic.*

*Note: The database is still being tweaked slightly to present the information in the best possible way.*

Search

Written Testimony in Opposition on SB82 and SB 93

Federal and State Affairs

Feb 10, 2011

Chairman, Pete Brungardt

Good Morning Committee Members,

SEN. Faust-Goudeau: MY NAME IS FRANK RODRIGUEZ AND I BEEN WORKING WITH THE WICHITA POLICE DEPARTMENT RACIAL PROFILING BOARD DURING THE PAST 4 OR 5 YEARS. DUE TO FAILING HEALTH I HAVE NOT BEEN AS ACTIVE AS I SHOULD. HOWEVER, THE BILL PRESENTED IN THE SENATE NEEDS SERIOUS REVISIONS. THE ORIGINAL BILL WAS "WATER DOWN", JUST BEFORE IT PASSED. ONCE AGAIN, THE PRESENT PROPOSAL IS EVEN WORST. WE NEED THE TERM "RACIAL PROFILING" WITHOUT ANY CHANGES. WE NEED DATA COLLECTION, THE USE OF BUSINESS CARDS BY THE OFFICERS AND COMPLAINTS FILED THROUGH THE KANSAS ATTORNEY GENERAL OR THE NAACP. THANK YOU FOR YOUR SUPPORT!!!!

FRANK RODRIGUEZ, MSW,MAG, BSW

February 10, 2011

Senate Federal & State Affairs Committee Testimony on SB-80

Mr. Chairman, and Senators of the Committee,

I am Philip Bradley representing the Craft Brewers Guild of Kansas. Thank you for the opportunity to present testimony today.

There are currently 17 Microbrewery and Package Warehouse Facility Licenses in Kansas. There is a list attached.

We ask you to pass favorably SB 80. It addresses two simple but significant issues. The first is to allow for 10% alcohol by weight (ABW) micro brewed beer. Kansas Statutes measures the strength of alcohol in two ways. Those are by weight as in CMB's (3.2 ABW) and by volume (ABV) as in the Liquor Control Act. These computations using different terms and scales are confusing. It is much like trying to judge how cold it is by both Fahrenheit and Celsius. Now that the industry is changing and moving to meet consumer demand, KS brewers are making more craft type brews. They are matching and I believe surpassing the quality of other out of state brews that are already allowed these levels. Some of these craft brews approach the current legal levels and to be competitive and to assure complete compliance they ask you to adjust these levels.

The second is the equalization of our sampling rules with farm wineries. This would make events like the recent Kansas Days and the upcoming Washington Days simpler and more efficient. The KCBG has and is providing a sampling at both these events. This would bring us into line with this language in the Farm winery statutes; *From 41-403a – Farm Wineries, rights of licensee: (4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;*

We believe these adjustments will only enhance the consumers experience and are will of no harm to the state or its citizens.

Thank you for your time.

Philip Bradley

**KCBG- Kansas Craft Brewers Guild** is the microbrewers and craft brewers of Kansas. We are a diverse group that embraces the commercial operations and the home hobby artist brewer



**KANSAS  
CRAFT  
BREWERS  
GUILD**

**PRESIDENT/CHAIR**  
**STEVE BRADT**  
FREE STATE BREWING

**VICE-PRESIDENT**  
**R.D. JOHNSON**  
HIGH NOON SALOON  
AND BREWERY

**SECRETARY/TREASURER**  
**JEFF GILL**  
TALLGRASS BREWING

**REPRESENTED BY**

**PHILIP BRADLEY**

[PBB@SUNFLOWER.COM](mailto:PBB@SUNFLOWER.COM)

785.766.7102

Sn Fed & State  
Attachment 8

2-10-11

County	Owner	Business Name	Street	City	Zip	License Type	Proc
Barton	MOEDER,LEONARD L	MOS PLACE	1908 ELM ST	BEAVER	67525	Microbrewery (20)	
Douglas	23RD STREET BREWERY	23RD STREET BREWERY	3512 CLINTON PKWY	LAWRENCE	66047	Microbrewery (20)	LLEWELLYN
Douglas	FREE STATE BREWING CO INC	FREE STATE BREWING CO	1923 MOODIE RD	LAWRENCE	66046	Microbrewery (20)	MAGERL,CH
Douglas	FREE STATE BREWING CO INC	FREE STATE BREWING CO	636 MASSACHUSETTS	LAWRENCE	66044	Microbrewery (20)	MAGERL,CH
Douglas	S&W INVESTMENT CO INC	POOL ROOM	925 IOWA ST	LAWRENCE	66044	Microbrewery (20)	AGNEW,AN
Ellis	GELLAS DINER & LIQUID BREAD	GELLAS DINER & LIQUID	117 E 11TH ST	HAYS	67601	Microbrewery (20)	WYMAN,GE
Johnson	GRANITE CITY OF KANSAS LTD	GRANITE CITY FOOD &	15085 W 119TH ST	OLATHE	66062	Microbrewery (20)	HUTTON,W
Leavenworth	CENTENNIAL ENT. GROUP	HIGH NOON SALOON &	206 CHOCTAW	LEAVENWORTH	66048	Microbrewery (20)	THOMPSON
McPherson	SLS LLC	SWEDISH CROWN RESTAURANT	121 N MAIN	LINDSBORG	67456	Microbrewery (20)	SPOHN,SHA
Pottawatomie	TALLGRASS BREWING COMPANY	TALLGRASS BREWING CO.	8845 QUAIL LANE	MANHATTAN	66502	Microbrewery (20)	GILL,JEFFRE
Riley	LITTLE APPLE BREWING CO INC	LITTLE APPLE BREWING CO	1110 WESTLOOP	MANHATTAN	66502	Microbrewery (20)	LOUB,RUSSE
Sedgwick	GRANITE CITY OF KANSAS LTD	GRANITE CITY FOOD &	2661 N MAIZE RD	WICHITA	67205	Microbrewery (20)	HUTTON,WI
Sedgwick	GRANITE CITY OF KANSAS LTD	GRANITE CITY FOOD &	2244 N WEBB RD	WICHITA	67226	Microbrewery (20)	HUTTON,WI
Sedgwick	SANFORD,HENRY K	HANK IS WISER	213 N MAIN ST	CHENEY	67025	Microbrewery (20)	
Sedgwick	WICHITA HOPPS LLC	RIVER CITY BREWERY	150 N MOSLEY	WICHITA	67202	Microbrewery (20)	ARNOLD,CH
Shawnee	TIGER ENTERPRISES INC	BLIND TIGER BREWERY	417 SW 37TH ST	TOPEKA	66611	Microbrewery (20)	IVES,JAMES
Wyandotte	GRANITE CITY OF KANSAS LTD	GRANITE CITY FOOD &	1701 VILLAGE WEST PKWY	KANSAS CITY	66111	Microbrewery (20)	HUTTON,WI

Total number of records returned: 17