

Governor's Commission on Racial Equity and Justice

Presentation to the Legislative Budget Committee

History and Background

About the Commission

- The Governor signed Executive Order 20-48 on June 24, 2020, forming the Governor's Commission on Racial Equity and Justice.
- She asked the Commission to study issues of racial equity and justice across systems in Kansas, focusing first on policing and law enforcement.
- The Commission includes perspectives from the criminal justice system, education, healthcare, and advocacy organizations.
- This is **not** a commission on criminal justice reform – it is focused on broad issues of racial equity in Kansas, which includes some elements of the criminal justice system but is not tasked with a comprehensive study of that system.

Racial Equity and Policing

- The Commission was created in the midst of a national conversation about race and policing, following the deaths of George Floyd, Ahmaud Arbery, Breonna Taylor, and others.
- In addition to individual cases, studies have found that race has an impact on policing. Nationally, Black drivers are more likely to be stopped by police than white drivers,¹ and are 2.5 times more likely to be killed by law enforcement.²

¹ Pierson, E., Simoiu, C., Overgoor, J. et al. A large-scale analysis of racial disparities in police stops across the United States. *Nat Hum Behav* 4, 736–745 (2020). <https://doi.org/10.1038/s41562-020-0858-1>.

² Edwards, F., Lee, H., and Esposito, M., “Risk of being killed by police use-of-force in the U.S. by age, race/ethnicity, and sex”. *Proceedings of the National Academy of Sciences*. <https://www.pnas.org/cgi/doi/10.1073/pnas.1821204116>.

Process and Timeline

The Commission's Work

- There have been 11 meetings of the full Commission, held every other week since July. In the full Commission meetings, we have heard from a number of experts on areas related to policing and law enforcement:
 - National Governor's Association – Report on previous federal and state law enforcement reform reports and recommendations
 - Kansas Law Enforcement Training Center – law enforcement training in KS
 - Tribal Issues and Law Enforcement – tribal interactions with criminal justice system and tribal jurisdiction
 - Kansas Commission on Peace Officer Standards and Training
 - Judge Arnold-Burger on the Pre-Trial Justice Task Force Report – pre-trial and bail reform
 - State Board of Indigent Defense Services and Federal Public Defender's Office – public defense
 - Governor's Grants Office and the Attorney General – funding law enforcement programs

Learning Sessions

- In addition, the Commission has held 26 learning sessions with community members and stakeholders, including those from law enforcement, healthcare, education, municipal government, and academic experts, including:
 - Community Sessions in Wichita, Dodge City, Hutchinson, Topeka, KCK,
 - State Board of Indigent Defense Services
 - Kansas Association of Chiefs of Police, Kansas Sheriff's Association, and Kansas Peace Officers Association
 - National Organization of Black Law Enforcement (NOBLE) – Kansas Chapter
 - National Association of Women Law Enforcement Executives (NAWLEE) – Kansas Chapter
 - Kansas Mental Health Co-Responder Program Leaders
 - American Civil Liberties Union of Kansas
 - League of Kansas Municipalities

The Governor's
Commission on
Racial Equity and
Justice wants to
hear from

YOU!

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Process and Timeline

- As the Commission heard from experts and stakeholders, we began to build recommendations for the report to the Governor.
- Once the recommendations were drafted, the Commission got feedback from stakeholders about the content and language.
- The Commission presented the final report to the Governor on December 1.

Full Commission presentations

Learning sessions with stakeholders

Commission draft recommendations

Feedback from stakeholders

Final report to the Governor

Recommendations

The Commission's first report includes over 60 recommendations for state agencies, the legislature, and local governments. The recommendations focus on:

- Law enforcement training
- Officer certification and standards
- Recruitment, retention, and promotion
- Accountability
- Data collections
- Public defense
- Justice system
- School resource officers
- Tribal jurisdiction
- Immigration and law enforcement
- Behavioral health
- Law enforcement funding

Examples of legislative recommendations

Prohibit fired officers from being hired at different law enforcement agencies.

Require that an officer fired in one law enforcement agency for egregious offenses (as provided in K.S.A. 74-5616) cannot be hired in a different law enforcement agency. A law enforcement agency may choose to hire an officer fired from another law enforcement agency for offenses not included in the statute, as deemed appropriate and at the discretion of the hiring entity.

Mandate review of records during the hiring process.

Recommend law enforcement agencies be required to check an officer's record with CPOST before making a hiring decision. Additionally, if and when a national database is created, law enforcement agencies should also be required to check that national database.

Increase diversity on the Commission on Peace Officer Standards and Training

Current requirements in statute define CPOST membership narrowly. They should be updated to allow for more diversity (race, gender, and geographical) in appointments to the Commission. This may include adding qualified professionals in related fields outside of law enforcement and expanding law enforcement members to include Deputy Chiefs and Undersheriffs.

Amend statute that requires citizenship for law enforcement officers. Align requirements with U.S. military standards for service.

Kansas law (KSA 74-5605(b)(1)) prohibits law enforcement agencies from hiring non-citizens with legal status as law enforcement officers. This policy prevents agencies from taking advantage of legal permanent residents (green card holders), DACA recipients, and other potential community members who may make high-quality and committed law enforcement officers. Kansas should align with the requirements to serve in the military.

Examples of legislative recommendations

Review racial and bias-based policing policies and the complaints process for law enforcement on a state level.

The Legislature should review the racial and bias-based policing policies there were updated in statute in 2011 and determine if they are serving the intended purpose. Specifically, the Legislature should address:

- The process for filing a complaint of racial or bias-based policing, or other complaints related to law enforcement such as use of force complaints, to ensure that the process is clear and accessible to Kansans;
- What entity is most appropriate to manage the process of filing those complaints, conducting an independent and thorough investigation, and ensuring accountability measures as appropriate; and
- The availability of data related to such complaints and responsive action taken.

Examples of legislative recommendations

Expand public defender's offices.

Kansas should require a public defender's office in any county with a population greater than 100,000. Public defenders cost less than court-appointed attorneys, are available for first appearances, provide continuity in case coverage, and have more accountability within the criminal justice system. Having organized offices rather than contract attorneys also allows for training, mentorship, and professional development within the organization, similar to prosecutor's offices in the same jurisdiction.

Other Recommendations

Examples of state/agency recommendations

Create a law enforcement supervisor training program.

KLETC should create a supervisor training program or academy. All law enforcement officers promoted to a supervisory position should be required to attend the college within 6 months of promotion. The supervisors' academy should require 40 hours of continued education yearly, which may take the place of the standard ongoing training requirements and should be specific to leadership level. The supervisor training should focus on front line supervisors and mid-level supervisors and include topics of public administration, law and society, management, leadership, and ethics.

Examples of local recommendations

Encourage promotion and retention of underrepresented groups so that command structures represent the community being served.

Encourage law enforcement agencies to not only hire but promote and retain traditionally underrepresented groups within the agency. Efforts to retain and promote these groups is integral in ensuring the department, at all levels of the command structure, is reflective of the community it serves and creates practices to reduce bias in policing.



GOVERNOR'S COMMISSION
ON
RACIAL EQUITY & JUSTICE

INITIAL REPORT

DECEMBER 2020

POLICING AND LAW ENFORCEMENT IN
KANSAS

The full Commission report is
available online at

<https://governor.kansas.gov/governors-commission-on-racial-equity-and-justice/>

Along with recordings of
meetings and learning
sessions held by the
Commission, and documents
used in development of the
recommendations.

Questions?

To contact the Commission:

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