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CINDY HOLSCHER
16TH DISTRICT

Feb. 13, 2017

Chairman Jennings and Members of the Corrections and Juvenile Justice Committee:

Thank you for your time today as we discuss HB 2621. I am providing testimony today in support of this bill.

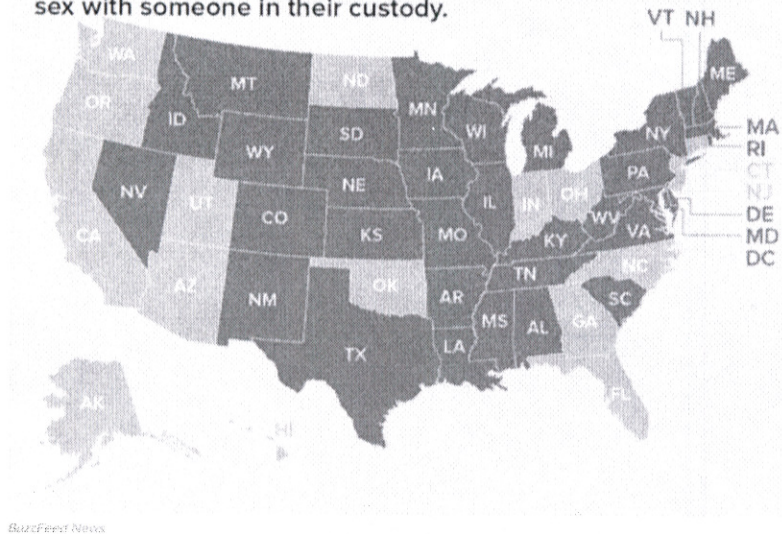
Last year LaMonte McIntyre, a KCK resident, was exonerated after serving over 20 years in prison for a murder he did not commit. As part of the investigation regarding the role of law enforcement and his case, allegations were brought forward regarding improper relationships on the part of police officers and detainees. LaMonte's own mother indicated having been coerced into sexual relations with local police who threatened her with arresting members of her family if she did not comply with their wishes. (See CBSNews.com; "Prosecutor Wants helps Investigating Former Detective in Kansas," Nov 10, 2017).

While the current laws in Kansas prohibit sexual relations between law enforcement and individuals in jails, etc., the law does not protect persons who are detained, or say, stopped in their neighborhoods. HB 2621 addresses that gap in our law. In recent years, other states have closed the loophole including Oregon in 2005, Alaska in 2013 and Arizona in 2015; their laws now have the same rules applying to law enforcement that are already in place nationwide for probation officers and prison and jail guards. Kansas is one of 35 states that does not yet have legislation addressing this issue.

Last week an investigative piece was published regarding a teenager in New York who is pressing rape charges against two members of the NYPD. According to the girl, the two on-duty officers raped her in the back of a police van. The rape kit DNA matched the two officers she accused. This would have seemed to be a simple case, however, because of the gap in the law in NY, an officer can claim consent and face only a misdemeanor charge, which has a maximum of a one year sentence.

A Nationwide Problem

Laws in 35 states allow cops to have sex with someone in their custody.



At root of the issue is coercion. As cited in a recent report: “A person in police custody can’t give genuine consent, free from coercion. Not to armed police officers who have the power to arrest them if they say no.” (Buzzfeed.com “Police Aren’t Supposed to be Doing This” Feb.7, 2018).

Of course, most of our police officers work everyday to serve and protect our communities. But we do have to protect our citizens from the “bad apples” in the batch.

In conclusion, I am hopeful you will support this bill as we work to close a loophole in our current laws.