



Kansas Association of Chiefs of Police

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Testimony to the House Federal and State Affairs Committee

In Opposition to HB2025

February 4, 2021

Chairman Barker and Committee Members:

The Kansas Association of Chiefs of Police strenuously opposes passage of HB2025.

The use of real-time and captured-in time surveillance is crucial to effective and efficient law enforcement. The KACP believes there are myriad of unintended consequences associated with the restrictions in HB2025.

In its current form, the impact of HB2025 raises grave concerns about the detection of criminal activity in the State of Kansas. Surveillance cameras, whether pole mounted or on a trail, have been instrumental in the apprehension of a wide range of criminals from domestic terrorists to street level drug dealers and poachers. Those criminals are the people that our citizens who live in urban and rural areas want us to apprehend.

This bill would negatively impact the Kansas Department of Wildlife, Parks, and Tourism's enforcement ability to detect violators of our State's fish and wildlife laws. This bill would severely interfere with the apprehension of poachers of our states game animals, fish, and birds. Wildlife in our state is a precious resource and the dismantling of the tools the Kansas Department of Wildlife, Parks, and Tourism will ensure that people who violate our state fish and wildlife laws and especially poachers will have an easier time engaging in their illegal activities. It would do so by putting impediments in the path of KDWPT officers to legally, efficiently, and effectively, detect and apprehend violators and criminals.

The KACP believes one of the unintended consequences of this Section 1 is that it could prohibit a KDWPT officers from conducting surveillance of observed suspicious activity on the private property even beyond that of wildlife enforcement. Under Section 1, for example, if a KDWPT officer is driving out of a private drive after visiting with a landowner and sees people on nearby private property acting suspiciously and the officer continues physical surveillance of the suspicious activity he would be in violation of this proposed law. Only by moving on can the officer be in compliance and that could result in the loss of livestock, farm or ranch equipment, or other valuables.

Another example of where the KACP believes this could apply is if the KDWPT officer takes up a position to surveil, with permission and consent of a landowner/operator, of an adjacent private property to observe reasonably objective suspicious activity. The KDWPT officer, by conducting physical surveillance without a warrant, even with the consent of the landowner whose property the officer is surveilling from, would be in violation of Section 1 of HB2025. So, no matter the seriousness of the observed activity. A warrant may not be possible, because the basis for getting a search warrant is probable cause, not reasonable suspicion.

If passed, HB2025, Section 1(a) would single out KDWPT employees authorized to enforce the law of the state of Kansas as the only law enforcement officers, probably in the nation, to have this restriction placed on their ability to detect criminal acts and take enforcement action.

The KACP has additional concerns with HB2025 and other unintended impacts.

If we were to assume the provided definition of tracking devices in KSA 22-2502 includes certain electronic camera devices, which we believe is the intent of this bill, the wording in HB2025 could negatively impact security surveillance in entertainment areas and venues, state highways and government buildings and in our State's crime-ridden areas. Surveillance cameras are mounted on any number of utility poles to provide overwatch to private and public properties during regular day-to-day activities to special events. Traffic cameras, some mounted on existing utility poles, are used on our state's highways and in urban environments to monitor traffic and to assess the need for emergency response when emergencies occur. License plate reading cameras assist law enforcement with identifying and tracking stolen vehicles and vehicles used by criminals wanted for heinous crimes in Kansas and other states. In urban areas the cameras are sometimes mounted to existing utility poles. Trail cams are used by local, county, and state law enforcement officers to detect and apprehend criminals in myriad of situations. The trail cams can be mounted to utility poles, fence posts, trees, etc. All applications are of great importance to the detection of crime and apprehension of criminals.

Additionally, the KACP believes HB2025 would negatively impact law enforcement agencies in the detection and apprehension of people and businesses engaged in illegal dumping of materials dangerous to the Kansas environment.

Often, the detection of illegally dumped material results in a property owner calling for law enforcement resulting in the need for surveillance of a property. The use of CCTV, pole, or trail cameras is a force multiplier in these situations and often leads to the apprehension of these environmental criminals. If a patrol vehicle is present during physical surveillance, then the perpetrator will find another spot to illegally dump which may never be found.

The KACP believes this bill interferes with the rights of property owners to request law enforcement assistance to stop criminal activity on their property, or any nearby property, the property of a neighbor or a friend. Often this assistance comes in the form of placing CCTV, pole or trail cameras on trees, fence posts or utility poles to identify poachers, illegal dumpers, cattle rustlers, and other thieves. Again, many of the situations law enforcement encounters are based on reasonable suspicion and not on the warrant requirement of probable cause. The evidence collected by the cameras, be they affixed to a utility pole, wall, tree, or a fencepost often leads to the probable cause needed to get a warrant for the arrest of criminals.

HB 2025 places a curiously unnecessary impediment in the path law enforcement, especially KDWPT officers to detect suspected criminal activity and to make arrests.

The Kansas Association of Chiefs of Police believes this expansive bill is bad for law enforcement, especially KDWPT officers, bad for property owners and bad for Kansans.

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