

Prepared Testimony of Missey Smith

Mother of Kelsey Smith

In Support of HB5110

January 29, 2014



In Memory of Kelsey

First I would like to thank you for considering such an important piece of legislation. My name is Missey Smith; I am the mother of Kelsey Smith. She is the reason this legislation began in Kansas five (5) years ago and to date has passed in fourteen states. They are Kansas, New Jersey, Nebraska, Minnesota, New Hampshire, North Dakota, Hawaii, Tennessee, Missouri, Utah, West Virginia, Colorado, Nevada and Rhode Island.

Kelsey is the young lady that was taken from a Target store in Overland Park, Kansas on June 2, 2007, just nine days after graduating from high school. Her story made national and international news. Kelsey's body was recovered four days later in Missouri where she had been murdered. What does a parent go through when a child is missing? You don't eat because you don't know if your child is eating. You don't sleep, because you wonder if they are sleeping. It is pure hell. What took so long to find Kelsey? ONE word, Verizon. Let me be perfectly clear, in no way do we hold them responsible for Kelsey's death.

I was on my way home from Des Moines, Iowa, when our daughter Lindsey called me. She let me know that Kelsey was not answering her phone or text messages, I knew immediately that something was wrong. My husband, Kelsey's siblings and John, her boyfriend, continued to try and reach her as did I for the last hour of my trip home. After I arrived home, John explained that his uncle used to work for Sprint and had explained that our cell phone company could "ping" Kelsey's phone so we could locate her. It seemed simple enough. Little did we know? I called our cell provider and explained that my daughter was missing and I needed help to find her. They told me that they were unable to do that. They explained that I could get on-line and check her cell phone activity. We had already contacted police and I believe had located her car. I know some time that night Greg also contacted them and was told the same thing. Sgt. Tippe of the Overland Park Police Department contacted them to request the information and there was even a subpoena issued by the DA asking for Kelsey's cell phone "pings".

In July 2007 we had a meeting with Verizon officials regarding what had occurred in Kelsey's case. It included the President and three lawyers. During that meeting one of the lawyers basically said to us that we used incorrect terminology when requesting their help. WE had used the word "ping". Apparently that was terminology they did not use. I explained to her in some very strong language that they knew exactly what I was asking for because I told them my child was missing. I told them to go back, check their protocol and figure out where they had failed Kelsey. I told them I would follow up to see what they had found. After several months of not hearing anything, I called Nancy Bates an administrative assistant. I explained why I was calling. She had the unfortunate job of calling me back to say the lawyers found their protocol to be "adequate". If their actions were adequate, I would hate to see what inadequate is. I can tell you this; if Verizon had acted in a more responsive manner we probably would not have seen a need for this legislation. A few years later we yet again met with Verizon officials who basically told us it was human error that caused the four day delay in releasing

Kelsey's cell phone locate information. You see, Verizon at that time was NOT able to "ping" a phone as we had asked. They could however look at the history of where a cell phone made contact with a tower. I fully understand that employees are human and that mistakes will be made. I believe that this legislation WILL reduce those errors. Let our law enforcement be the deciding factor as to what is an emergency. That is what we spend a lot of time, money and resources to train them for.

Kelsey's Law saves lives. It works and the good news is that the cost is NOTHING!! There are not many times a legislator can pass a law that will save lives and it will not cost one cent. After this legislation passed in other states we have received emails and heard from 911 managers of how the law works and of situations where lives were saved. There was an elderly gentleman who had a stroke and could only remember wife's phone number but did not know where he was. With Kelsey's law they were able to find him in time and to get him the medical assistance he needed. In Tennessee, just weeks after it had passed, a child had been taken by a man charged with crimes against ten (10) different children. They were able to recover this child. When I first thought that this law needed to change it was just a concept that I thought would work. To hear of these stories, I now know it saves lives.

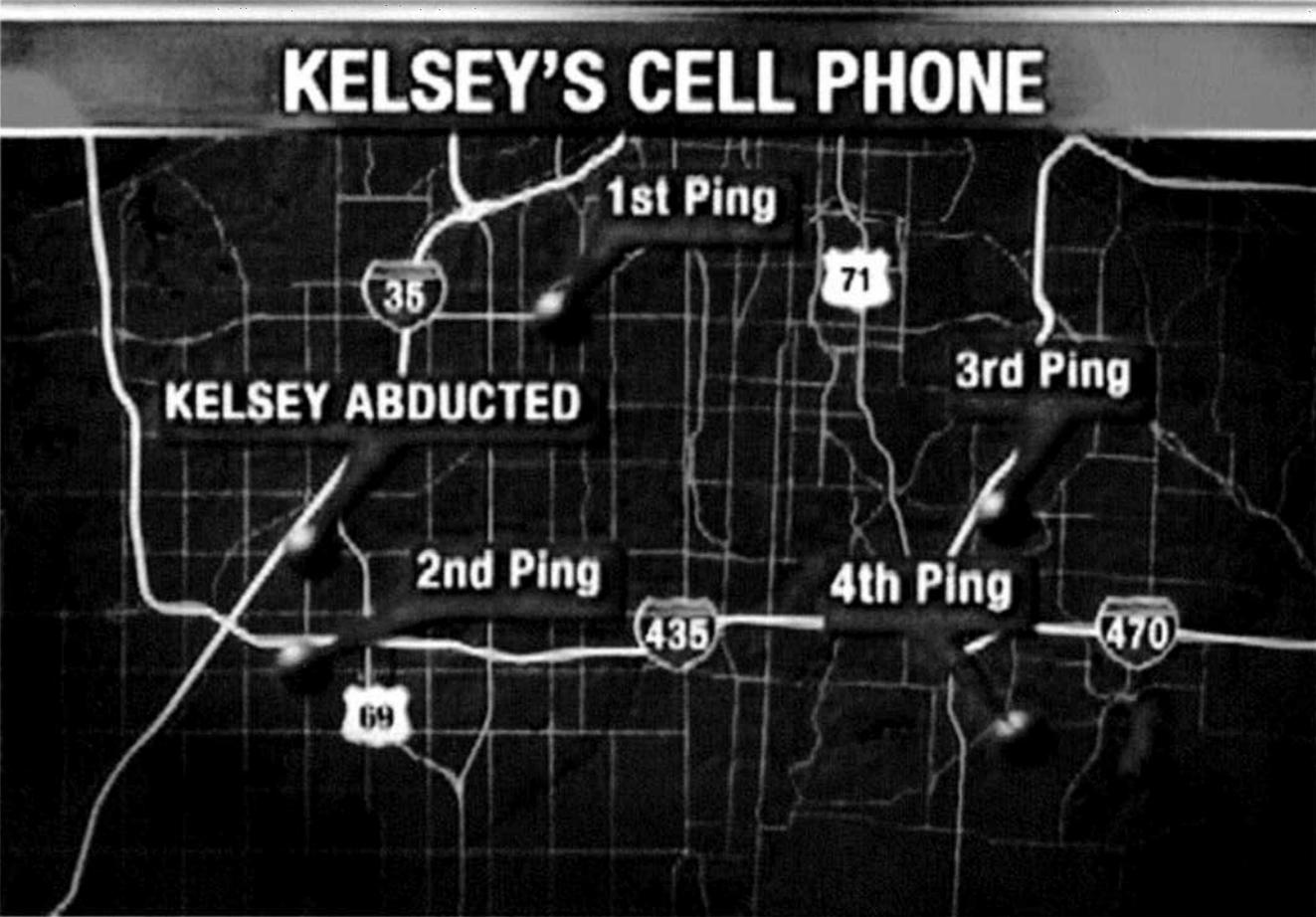
As my husband and I have traveled around the country and have met with different law enforcement agencies we have found that Verizon is not the only company that this type of situation occurs with. The major telecom providers have gotten much better when working with police during an exigent circumstance. They do however run into situations with almost every company, *especially* some of the smaller less known companies. Law enforcement in the states that have passed similar legislation supported The Kelsey Smith Act. We also have the support of AT&T, Sprint and yes even Verizon.

On the day that Kelsey Smith Act passed in Kansas, I told now Senator Rob Olson, the first sponsor of this legislation, that maybe the reason my baby laid in the woods for four days was because my God knew this law needed to change. He also knew this mama had the mouth to do it. According to C.S. Lewis, "Experience: that most brutal of teachers. But you learn, my God do you learn." In 2007, there were 4176 young people ages 17-24, murdered in the United States. How many of those victims had a cell phone? I personally knew one of them. Please learn from our experience.

Thank you,

Missey Smith

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This map was prepared by a local news station.