

Prepared Testimony of Missey Smith

Mother of Kelsey Smith

In Support of HB 4006

February 17, 2015



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 six (6) years ago and to date has passed in sixteen states. They are Kansas, Nebraska, Minnesota, New Hampshire, North Dakota, Hawaii, Tennessee, Missouri, Utah, West Virginia, Colorado, Nevada, Rhode Island and Oregon.

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 do not eat because you do not know if your child is eating. You do not 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 to 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 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.

The Kelsey Smith Act saves lives. I have included with my testimony a letter from Sheriff Frank Denning. He was the sheriff when Kelsey went missing. I have also included a letter from Jennifer Estes of Loudon County Tennessee. Her letter will include situations where the law was used in Tennessee. There is also a letter from the Executive Director of the Tennessee Emergency Communications Board. Lastly, I included an email from Saralynn Hayes a 9-1-1 Manager, Mid-America Regional Council (MARC). They provide training in the Kansas/Missouri area. She did not have time to prepare formal testimony before my trip. In her email, she addressed the issue of inappropriate use of The Kelsey Smith Act. It does not happen.

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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Attachments:

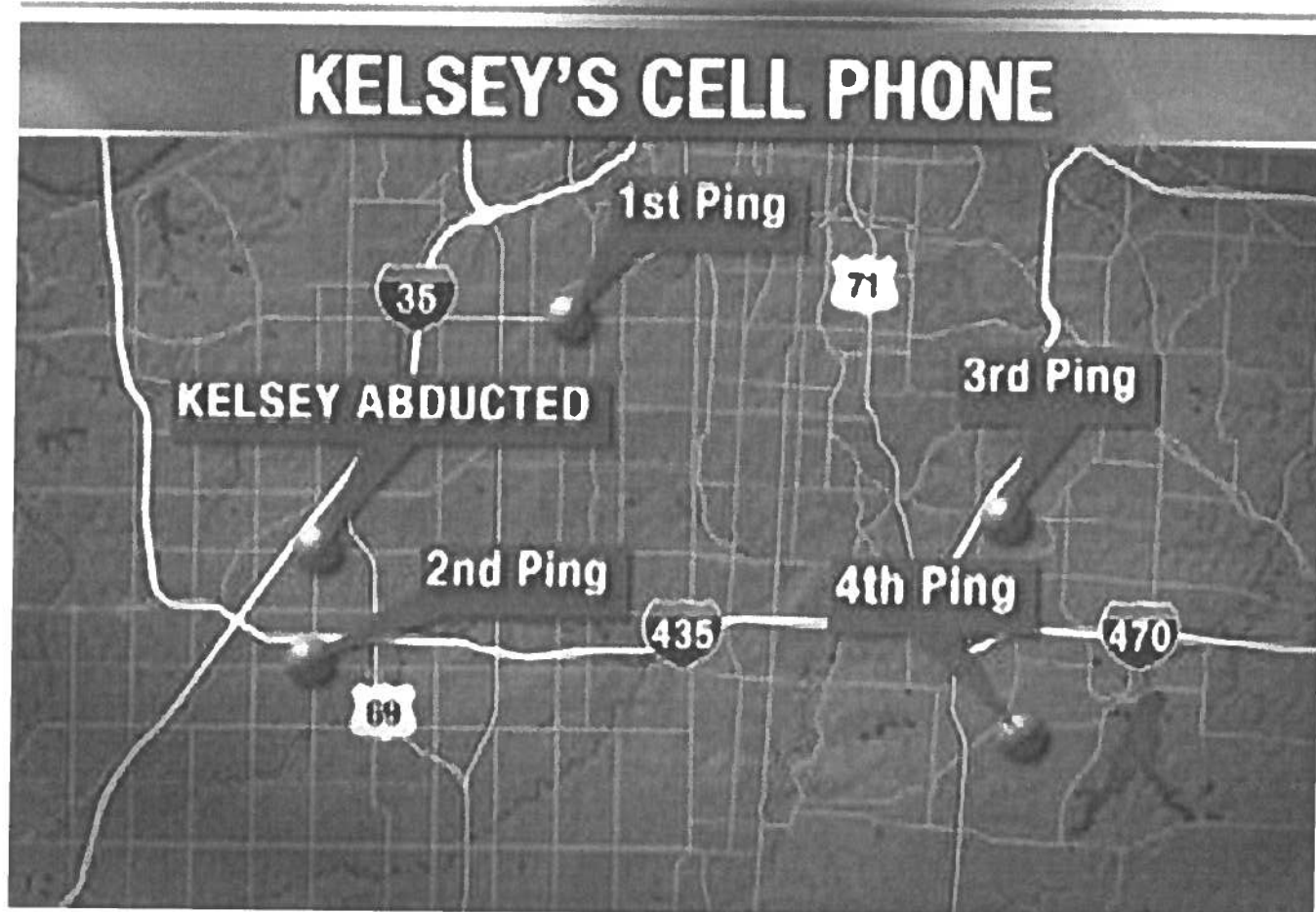
Map of Kelsey's Cell phone locations

Letter: Sheriff Frank Denning

Letter: Jennifer Estes

Letter: Curtis Sutton

Email: Saralynn Hayes



This map was prepared by a local news station.