

Kansas Peace Officers' Association



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Testimony to the House Judiciary Committee Opposing HB2424 February 18, 2020

Chairman Patton and Committee Members,

The Kansas Peace Officers' Association respectfully opposes HB 2424.

The KPOA recognizes law enforcement officers are in place to serve the public. We also acknowledge any death, including a death during contact with a law enforcement officer, should be impartially investigated.

Some issues addressed by HB 2424 are already followed. For example, since the majority of law enforcement agencies in Kansas are smaller agencies that serve rural, rather than metropolitan areas, an outside agency routinely investigates not only deaths involving an officer, but shootings or serious injury involving an officer. The Kansas Bureau of Investigation is normally requested to conduct these investigations. And, once the KBI investigation is complete, it is forwarded to the county attorney or district attorney for review.

However, the KPOA disagrees with some of the points in HB 2424.

One example, at the beginning of the proposed bill, is the phrase "from an action or an omission of a law enforcement officer." What does an omission cover? We recognize the meaning but what will it mean in future cases? An officer not having a clear shot? Not arriving at a call for service quickly enough?

The KPOA is opposed to releasing the complete investigative report to the public, in the event a death is justified. It is not uncommon in any crime, with multiple witnesses, to have small (and sometimes big) variations in witness' statements. That does not mean a person is lying, or is slanting his or her statement. Even cameras placed at different angles can show (apparently) different things. Releasing an entire investigative report allows persons to take select statements and use them to justify their causes. Additionally, if a citizen is aware that, by giving a statement to law enforcement, his or her name will be made public, it may discourage that person from providing vital information to a case. There may be facts surrounding the case that even family members of the deceased person do not want released to the public.

Also, releasing the complete investigative report means the officer's name will be released. The KPOA recognizes it is the policy of some agencies to release this information. However, in the interest of the safety of the officer(s) involved, and their families, the KPOA believes this should be an Agency decision and not addressed by state law.

The members of the KPOA take pride in providing professional and impartial law enforcement services to the citizens and visitors of Kansas. We respectfully believe there is a more practical solution to retain the public's trust, while protecting the rights and privacy of not only law enforcement officers but potential witnesses as well.

Thank you for your attention.

John DeFore
Vice-President