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House of Representatives

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John Resman
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The Honorable Fred Patton, Chair
and Members of the House Judiciary Committee

February 18, 2020

In Support of HB 2667

Thank you for the opportunity to testify before the committee on HB 2667. Having a career in law enforcement I have seen firsthand the devastation caused by the death of a loved one. When an officer-involved death occurs family members will want answers and the way to get those answers are from either law enforcement or the legal community. Often this causes mistrust of law enforcement or the legal system.

When an officer-involve death occurs normally there is a request for an outside agency to investigate the incident. This is can be done through some type of agreement or request for mutual aid.

According to the Commission on Peace Officers' Standards and Training, CPOST, there are 423 law enforcement agencies in Kansas. Only 2% or 12 agencies have more than 100 officers. 50% or 204 agencies have 5 or fewer officers. This makes a universal standard for the investigation of an officer-involved death difficult. Johnson County, for example, has a dedicated investigation group made up of various law enforcement agency investigators, a selection process for placing investigators in this group, established policies, and an oversight board. Given the number of smaller law enforcement agencies in the state this type of investigation oversight throughout the state would be nearly impossible.

HB 2667 would require law enforcement agencies to adopt written policies regarding officer-involved deaths, that they be investigated by an outside agency, ensure the scene is protected, and forward the investigative reports to the county/district attorney. It also provides for a coordinated release of information.

The bill would also establish procedures for the outside agencies conducting the investigation. They would be required to conduct a complete and accurate investigation, forward the reports to the county/district attorney and the agency head of the officer-involved death. It also allows for an update as to the status of the investigation to the decedent's next of kin.

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Many of these procedures are already followed by law enforcement agencies in their daily course of business.

And finally, if the county/district attorney determines there is no basis to prosecute, the county/district attorney shall prepare a written summary report. This summary report would not be made public unless the report has been made available to the decedent's next of kin.

The bill allows law enforcement agencies to conduct and establish a policy and procedure according to their own capabilities. The bill will not limit the investigation to a time frame as to when an investigation must be completed or when the county/district attorney must determine there is no basis to prosecute or release the summary report.