

HOUSE BILL No. 2667

By Representatives Croft and Resman

2-12

1 AN ACT concerning law enforcement agencies; relating to officer-
2 involved deaths; adoption of policies requiring investigations and
3 reports of officer-involved deaths.

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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this section:

7 (1) "Investigation" means the investigation conducted by the outside
8 law enforcement agency. "Investigation" does not include any
9 administrative investigation conducted by the law enforcement agency that
10 employes any law enforcement officer involved in the officer-involved
11 death.

12 (2) "Law enforcement officer" means the same as in K.S.A. 74-5602,
13 and amendments thereto.

14 (3) "Next of kin" means the closest surviving blood or legal relative
15 of the decedent in the following order of succession:

16 (A) The surviving spouse;

17 (B) the decedent's surviving son or daughter, if there is no surviving
18 spouse;

19 (C) the decedent's surviving parent, if there is no surviving spouse,
20 son or daughter; or

21 (D) the decedent's surviving brother or sister, if none of the persons in
22 subparagraphs (A) through (C) survive the decedent.

23 (4) "Officer-involved death" means the death of an individual that
24 results directly from an action of a law enforcement officer while the law
25 enforcement officer is on duty or while the law enforcement officer is off
26 duty but performing activities that are within the scope of such officer's
27 law enforcement duties, but shall not include a death resulting directly
28 from an officer-involved motor vehicle accident.

29 (b) Each law enforcement agency in this state shall adopt written
30 policies regarding officer-involved deaths that involve a law enforcement
31 officer employed by the law enforcement agency. Policies adopted
32 pursuant to this section shall be implemented by each Kansas law
33 enforcement agency on or before July 1, 2021. Such policies shall be
34 available for public inspection during normal business hours.

35 (c) Such written policies shall include, but not be limited to, the
36 following:

1 (1) A requirement that when an officer-involved death occurs, an
2 investigation shall be conducted by an outside law enforcement agency
3 and shall not be conducted by the law enforcement agency that employs
4 any law enforcement officer involved in the death;

5 (2) a statement requiring the outside law enforcement agency
6 conducting the investigation to produce a written, investigative report
7 following the completion of the investigation. Such report shall contain a
8 complete and accurate investigation of the incident;

9 (3) procedures to be used prior to the arrival of the outside law
10 enforcement agency conducting the investigation, including securing
11 evidence, identifying potential witnesses or other parties involved and
12 collection of information from such persons;

13 (4) a requirement to forward the investigative report to the county or
14 district attorney of the appropriate county; and

15 (5) procedures for a coordinated release of information with the
16 county or district attorney of the appropriate county.

17 (d) The outside law enforcement agency conducting the investigation
18 shall:

19 (1) Conduct a complete and accurate investigation and prepare a
20 written investigative report to be forwarded to the county or district
21 attorney of the appropriate county and to the agency head of the employer
22 of the officer involved in the officer-involved death; and

23 (2) prior to the completion of the investigation, inform and update the
24 decedent's next of kin, if known, in a timely manner as to the status of the
25 investigation.

26 (e) If the county or district attorney of the county in which the law
27 enforcement officer involved in the officer-involved death is employed
28 determines there is no basis to prosecute the law enforcement officer
29 involved in the officer-involved death, the county or district attorney shall
30 prepare a written summary report summarizing the investigative report
31 required by this section, and the reasoning for the county or district
32 attorney's determination. Such summary report, with redactions of
33 information otherwise protected from disclosure, shall be released. No part
34 of such investigative report shall be made public unless the report has first
35 been made available for inspection to the decedent's next of kin, if known.

36 Sec. 2. This act shall take effect and be in force from and after its
37 publication in the statute book.