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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 18, 2020
Subject: Bill Brief on HB 2424

HB 2424 requires investigation of law enforcement officer involved deaths.

Subsection (a) of new section 1 defines “law enforcement officer” and “officer-involved death”. Subsection (b) requires each law enforcement agency to have a written policy regarding the investigation of officer-involved deaths. A policy shall require an investigation conducted by at least two investigators, neither of whom is employed by the agency that employs the law enforcement officer involved in the death. If the officer-involved death is traffic related, the policy shall require the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ the officer involved in the death. The policies may allow an internal investigation as long as such investigation does not interfere with the external investigation. Compensation for participation in an investigation shall be determined in a manner consistent with mutual aid agreements.

Subsection (c) requires the investigators to provide a complete report to the county or district attorney of the county in which the officer-involved death occurred. If the county or district attorney determines that there is no basis to prosecute the officer involved, the investigators shall release the report with redactions of information protected from disclosure. No provisions in the Kansas open records act shall be used to prevent disclosure of any report required to be disclosed.

Section 2 amends K.S.A. 45-221 to exclude the reports created by section 1 from the personnel records and criminal investigation records exceptions to the Kansas open records act.