



# Kansas Sheriffs' Association

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## Testimony to the Committee on Judiciary In Opposition to HB2424-Officer Involved Deaths

Committee Members,

The Kansas Sheriff's Association submits testimony in opposition to HB2424.

HB 2424 subsection (b) line (1) requires "at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death." This subsection is very problematic for several reasons. The KSA does not oppose having an outside agency investigate an officer-involved shooting. However, the way this is written not a single officer/deputy/agent from the involved agency can be involved.

Currently, when an officer involved shooting does occur the initial response is from the involved agency, public safety questions are asked of the LEO involved to ascertain critical information. Secondly, LEO's arriving will have contact with witnesses and will start obtaining information that is critical from the onset to obtain all the facts necessary to properly investigate the case. LEO's will also be interacting with the suspect(s) or other people that are involved with suspect depending on the type of case it is. These cases are very dynamic situations and cannot be addressed in a cookie cutter approach.

If at least two investigators from another agency are the only LEO's to be used then how will all of the initial interviews of witnesses be addressed along with follow-up interviews that will need to take place? Lastly, I personally have been involved in these investigations numerous times, and just like any case, no one is the same. Currently, the KBI is used as the outside agency in Sedgwick County to interview the LEO involved and to present the case to the District Attorney for any type of charging. This allows for personnel to accomplish the above tasks that have been defined. This process also allows for outside agency oversight, which I believe this bill is asking for.

HB 2424 Line (2) calls for an outside agency to investigate a traffic-related death for all law enforcement except for a state law enforcement agency. The KSA believes this bill is written because the author does not trust law enforcement or the District Attorney/County Attorneys. Therefore, KHP and KBI should not be exempt from this bill. This is a hypocritical to not trust every other law enforcement agency except for the KBI and KHP who answer directly to the Govenour and Attorney General. This section should be an all or nothing.

In every other case that is investigated all the facts are turned over to the charging authority. At this point the law enforcement agency can no longer discuss the case with media or anyone else. The charging authority makes the decision to charge or not to charge. If charged, the charging authority presents its case to a judge and jury. If the case is not charged the charging authority makes a decision to inform the public on the facts as to why the case was not charged.



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In LEO involved shootings in Sedgwick County, the District Attorney is the ultimate authority on disclosing facts of the case. On every LEO involved shooting the Sedgwick County District Attorney has released a report stating all the facts and the reasons why he/she chose to not charge. KSA believes this is the proper way to disclose the facts of a case. We do not believe an LEO shooting should be handled any differently than any other case that is brought to the charging authority.

The last piece the KSA would like to address is the releasing of reports that contain the name of the LEO involved. I personally know of a LEO that was shot in his own garage after he was involved in an incident. I was also a partner of a LEO that was involved in a LEO involved shooting. He and his family was threatened for over a year because his name was released to the public.

We are very aware of law enforcement committing crimes while involved in shootings, and they have been charged with those crimes across the country. If a Kansas LEO commits a crime while involved in a shooting then they should be charged. We believe this bill is overreaching and will cause issues that currently do not exist. I also would strongly encourage the author of this bill to understand the difference between officer, deputy and agent. An officer works for a police department, a deputy works for a sheriff office and an agent works for the State of Kansas. Thus, the reason why our testimony states LEO involved shooting and not officer involved.

The Kansas Sheriff's Association is opposed to HB2424 in its entirety.

Thank you for allowing this opportunity to provide testimony on this bill.

Sheriff Jeffrey T. Easter  
Legislative Chair for the Kansas Sheriff's Association