AN ACT concerning law enforcement; relating to officer-involved deaths
and use of force; requiring investigations and reports.

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

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

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

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

(A) The surviving spouse;
(B) the decedent's surviving son or daughter, if there is no surviving spouse;
(C) the decedent's surviving parent, if there is no surviving spouse, son or daughter;
(D) the decedent's surviving brother or sister, if none of the persons in subparagraphs (A) through (C) survive the decedent.

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

(4) "Officer-involved use of aggressive force" means the application of physical force, including by a weapon, by a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of such officer's law enforcement duties, that results in the great bodily harm or disfigurement of an individual.

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

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

(1) A requirement that when an officer-involved death or use of aggressive force occurs, an investigation shall be conducted by an outside law enforcement agency and shall not be conducted by the law enforcement agency that employs any law enforcement officer involved in the death or use of aggressive force;

(2) a requirement that law enforcement agencies cooperate and share information with the agency conducting the investigation;

(3) a statement requiring the outside law enforcement agency conducting the investigation to produce a written, investigative report following the completion of the investigation and that such investigative report shall contain, at minimum, a complete and accurate summary of the investigation and an explanation of charges filed, if any; and

(4) procedures to inform and update the individual involved in the use of aggressive force or decedent's next of kin, if known, about the investigation:

(A) A requirement that the outside law enforcement agency conducting the investigation make reasonable efforts to identify and contact an individual involved in a use of excessive force incident or a decedent's next of kin; and

(B) except as provided in subsection (d)(1)(B), a requirement that the investigative report shall be released to the individual involved in the use of aggressive force or the decedent's next of kin within 30 days of the investigation being completed.

(d)(1) If the county attorney or district attorney of the county in which the law enforcement officer involved in the death is employed, determines:

(A) That there is no basis to prosecute the law enforcement officer involved in the officer-involved death or use of aggressive force, then the investigative report required by this section, with redactions of information otherwise protected from disclosure, shall be released.

(B) That there is a basis to prosecute the law enforcement officer involved in the officer-involved death or use of aggressive force, then the investigative report required by this section, with redactions of information otherwise protected from disclosure, need not be released until any prosecution is complete.

(2) Reports under this subsection shall not be considered criminal investigation records pursuant to K.S.A. 45-221(a)(10), and amendments thereto, and are open under the open records act, K.S.A. 45-215 et seq., and amendments thereto.

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