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

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

Section 1. (a) As used in this section:
(1) "Investigation" means the investigation conducted by the outside law enforcement agency. "Investigation" does not include any administrative investigation conducted by the law enforcement agency that employs any law enforcement officer involved in the officer-involved death.
(2) "Law enforcement officer" means the same as in K.S.A. 74-5602, and amendments thereto.
(3) "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; or
   (D) the decedent's surviving brother or sister, if none of the persons in subparagraphs (A) through (C) survive the decedent.
(4) "Officer-involved death" means the 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.
(b) Each law enforcement agency in this state shall adopt written policies regarding officer-involved deaths 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 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;

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

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

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

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

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

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

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

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

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