



Kansas County & District Attorneys Association

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To: House Judiciary Committee  
From: Kim T Parker  
Prosecutor Coordinator  
Kansas County and District Attorney's Association  
Date: February 18, 2020

Re: Opponent Testimony House Bill No. 2667

Chairman Patton and Members of the House Judiciary.

Thank you for the opportunity to present testimony opposing HB2667. As servants of the public with duties, obligations and ethical responsibilities to protect public safety, ensure the rights of all citizens and the fair and justice administration of the justice system, we respectfully request that this offered piece of legislation and its multiple proposals be sent to our currently established Best Practices Committee to deliberate and consider industry standards and best practices and report back to this body. We currently have a working group that works at a state, local and national levels to establish Best Prosecution and Law Enforcement Practices. The use of deadly force by law enforcement is a critical and important issue for all of our citizens and a very personal and grave matter for individuals and families involved of both the deceased and law enforcement.

In the review of this bill our elected County and District Attorneys have identified some concerns with this bill that we are bringing to your attention. We believe create confusion and serve also would serve to damage fair and just investigative and review procedures and practices not being implemented in our state.

Concern #1 To have an outside agency conduct the investigation may on its face sound like a good idea until you think about the reality. In Wichita for instance, if WPD is involved in an Officer Involved Shooting, exactly what "outside agency," would show up, collect shell casings, separate witnesses, have sufficient staff to canvass the neighborhood, look for surveillance cameras from surrounding businesses and houses and then interview officers and civilian witnesses. WPD

has 6 dedicated homicide detectives (plus an Lt.) and another 6 in the gang unit (with a Lt). All told we have roughly 100 detectives across all the units in WPD. The Sedgwick County SO has a total of 14 detectives who are also working every other type of case that occurs in the county. There is no way for another agency to muster the manpower to conduct the investigation. They typically bring in a couple KBI agents or an SO detective to help with the interviews of witnesses, but the SO does not have the manpower to conduct a full investigation of every WPD.

Concern # 2 We are concerned about the summary report required to be produced by law enforcement. Law enforcement provides legal discovery not summary reports to the District Attorney. This discovery is governed by both constitutional and statutory laws.

Concern #3 Significant redaction of any report would be required to protect the privacy of individuals guaranteed by law before being publicly disseminated.

Concern#4 Public dissemination must be carefully managed as it has a strong potential of impacting witnesses willingness to give truthful statements if it becomes public on the web or in social media or other publications before the investigation is thoughtfully and fully complete and reviewed in conjunction with the applicable laws..

Concern#4 The public release is also potentially an ethics problem for prosecutors under Supreme Court Rule 3.6 which dictates what can be said publicly and 3.8 which applies to prosecutors specifically and their exercise of reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case as to what can be publicly disseminated from making any extra-judicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.”

We stand committed to fair and impartial justice. We request you allow us to work with law enforcement in this state to develop Best Practice policies around the intent of this legislation. Thank you for your consideration.

Kim T Parker

Prosecutor Coordinator

On behalf of the Kansas County and District Attorneys Association

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