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DAVID L. BENSON
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House Judiciary Committee, Fred Paton, Chair
Testimony in Support of HB2424
Tuesday, February 18, 2020 Room 346-S

Mr. Chairman and Committee Members:

Thank you for the opportunity to express my views on HB 2424. The bill regards Law Enforcement requirements in the tragic circumstance of an officer involved shooting resulting in death. Thankfully, this circumstance does not occur often in Kansas, but when it does occur it affects the community, the officer, the agency and the family of the deceased.

HB 2424 was modeled after the state of Wisconsin. With my testimony I have included information regarding how Wisconsin manages these tragedies. I encourage you to familiarize yourselves with this information which is easily obtained at:
www.doj.state.wi.us/dci/officer-involved-critical-incident .

HB 2424 has three components:

First. The bill would require each law enforcement agency in Kansas to have a specific policy regarding officer involved shootings which result in death.

Second, the bill would require an independent investigation of the incident by non-agency employed personnel.

Third, the bill would require the related investigative file to be made public in the event of a finding of no basis for prosecution of the law enforcement officer.

These elements are taken from the Wisconsin law.

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Representative David Benson

I have also included the Wisconsin Professional Police Association St. Norbert College Strategic Research Institute Law Enforcement Survey. It is research well done. Perhaps Kansas would find the information valuable.

Finally, I believe the creation of a more Transparent and Accountable system of policy, investigation and reporting will help law enforcement gain the trust of the community and help bring closure to families affected by a tragic death.

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Officer Involved Critical Incident

Wisconsin Statute § 175.47

[§](#) requires that, in the event of the death of an individual as the result of an action or inaction by a law enforcement officer, the ensuing investigation must be conducted by an investigative team from an independent agency.

When the Division of Criminal Investigation (DCI) serves as that independent agency, it provides a complete report to the prosecutor for review. If the prosecutor determines there is no basis for prosecution of the law enforcement officer, access to the report as required by § 175.47 (5)(b) will be posted below.

The related investigative file and associated evidence, which will be made available to the public upon request in a redacted format under the Wisconsin Public Records Law (Wis. Stat. §§ 19.31-19.39 [§](#)), may also be posted here for certain cases.



WPPA 2019 WISCONSIN LAW ENFORCEMENT SURVEY



As the only law enforcement group in the country to commission and share an annual public perception survey, the Wisconsin Professional Police Association (WPPA) leads the nation through its proactive efforts to drive an informed and constructive public discourse on a host of complex issues. The WPPA's 7th annual poll, this year's survey was conducted by the St. Norbert College's Strategic Research Institute from February 27 - April 17, 2019 through a random digit dial sampling strategy that included both cellular phones and landlines. The data was weighted to more accurately reflect the demographic make-up of the area under study, and the survey weights were derived from 2017 population estimates (most recent data available).

The WPPA prides itself in asking the tough questions and using the invaluable insights provided by the people its members serve to advance a responsible public dialogue on the future of policing in Wisconsin.

KEY FINDINGS

**COMMUNITY PRIORITIES:
KEEPING COMMUNITY SAFE FROM CRIME #1
7 YEARS RUNNING!**

	High Priority
SAFE FROM CRIME (ALL RESPONDENTS)	75%
SAFE FROM CRIME (NON-WHITE RESPONDENTS)	87%
MAINTAINING ROADS & HIGHWAYS	61
IMPROVING EDUCATION	59
IMPROVING LOCAL ECONOMY	51
PROTECTING ENVIRONMENT	48
HOLDING LINE ON TAXES/GOVT. SPENDING	39

IMMIGRATION ISSUES

ALLOW UNDOCUMENTED IMMIGRANTS
TO OBTAIN A DRIVER'S LICENSE

40% SUPPORT

60% OPPOSE

SUPPORT OR OPPOSE ALLOWING UNDOCUMENTED
IMMIGRANTS IN WISCONSIN TO OBTAIN A DRIVER'S LICENSE IF
THAT LICENSE CANNOT BE USED TO BOARD A PLANE OR VOTE

22% SUPPORT

77% OPPOSE

DRUG POLICY & PERCEPTIONS

MARIJUANA SHOULD BE LEGAL TO USE IN WISCONSIN FOR:

A. MEDICAL AND RECREATIONAL PURPOSES **46%** YES

B. ONLY FOR MEDICAL PURPOSES **37%** YES

C. NOT BE MADE LEGAL **16%** YES

▶ More Males (50%) than Females (41%) feel marijuana should be made **Medically and Recreationally Legal** while more Females (45%) than Males (31%) feel marijuana should be made **Medically Legal Only** in Wisconsin.

DO YOU THINK POLICE OFFICERS SHOULD
TREAT PEOPLE ADDICTED TO **OPIOIDS** AS
CRIMINAL OFFENDERS OR PERSONS IN
NEED OF *CARE AND TREATMENT*?

75% CARE AND TREATMENT

18% CRIMINAL OFFENDERS

WAGES & BENEFITS

DO YOU FAVOR OR OPPOSE ALLOWING LAW ENFORCEMENT
OFFICERS TO **NEGOTIATE** A CONTRACT WITH THEIR
EMPLOYERS OVER THEIR **WAGES AND BENEFITS**?

76% FAVOR

20% OPPOSE

METHODOLOGY

TELEPHONE SURVEY

- ▶ Telephone interviewing dates were from February 27, 2019 to April 17, 2019.
- ▶ 400 members of the general public completed the telephone survey:
 - ▶ 235 landline interviews.
 - ▶ 165 cell phone interviews
- ▶ Sampling strategy was a Random Digit Dial (RDD) sample for landline with random selection of respondent at the household level; random selection of cell phone numbers.
- ▶ The survey represents a scientific random sample of individuals who live in Wisconsin.

The data was weighted to more accurately reflect the demographic make-up of the area under study. Survey weights are derived from 2017 population estimates (most recent data available).

All questions were cross tabulated with the various demographic groups; only statistically significant differences at the .05 level are reported. A difference between groups at the .05 level means that we can be 95% sure that the correlation between two values did not occur by chance only.