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NEUTRAL TESTIMONY ON HB 2424: Police officer-involved death of a person, mandatory investigation, report open if no criminal charges; Kansas open records act change

To: Honorable Chairman Fred Patton
Members of the House Judiciary Committee

From: Thomas Hongslo, Police Chief
City of Lenexa

Please acknowledge this neutral testimony on HB 2424. I am a supporter of transparency in law enforcement and impartial investigations of officers involved in an incident that results in the death of another.

In 2005, the law enforcement agencies in Johnson County formed the Johnson County Multi-Jurisdictional Officer Involved Shooting Investigation Team. The team has been activated for twenty-six incidents that involved either an officer involved shooting (not all incidents resulted in the death) or other action that caused the death of another. Since 2013, I have been one of two Johnson County Chiefs that have been responsible for the administrative aspects of the team. The team has been highly successful in ensuring that the criminal investigation is thorough, fair and impartial. The criminal investigation is then presented to the Johnson County District Attorney for review.

The protocol for this team is to investigate the officers' actions and the underlying criminal offense or call for service that caused the response of the officer(s). For example, if the officers were dispatched on a call for service for a domestic battery, armed robbery, sexual offense or other criminal offense, the team would conduct the criminal investigation on the crime and the officer(s) action if the result was an officer involved shooting or death by other means.

It is this protocol that gives me great hesitation on supporting investigative reports becoming open public record. These investigations of the underlying offense can be very sensitive and involve innocent victims and witnesses. It appears to me in this bill that the ability to redact sensitive information and victims/witnesses is subjective and not completely covered under The

Kansas Open Public Records Act. I also have concerns that if a report is heavily redacted, the release as an open public record will not be a complete story and would be like reading a book and skipping chapters.

After the investigation is complete, I encourage law enforcement agencies to meet with the decedents family and allow them to review the reports and answer any questions they may have. However, I do not believe a full release as an open public record is appropriate.

I also have great concerns about the release of the involved police officer names and identifying information in an open public record if the District Attorney determines that the actions of the officer were legal by Kansas State Law. When an officer uses lethal force, it is a traumatic incident for the officer and their family. With information so easily accessible on the internet and social media, it is not difficult to locate home addresses, spouse's occupation and other family information that could cause difficulty for the officer and family.

There are two bills that have been introduced involving officer involved shootings. I would fully support this topic be assigned to an interim committee to ensure that all stakeholders are involved and all information is fully vetted before a decision is made that could have unintended consequences.