



PURPOSE

903.1 R The purpose of this policy is to prohibit the practice of racial and other biased-based policing by members of the Department. This policy applies to all employees and volunteers of this agency.

Individuals are free to walk and drive our streets, highways, and other public places without law enforcement interference so long as they obey the law. They also are entitled to enjoy personal safety and an expectation the government will engage in the prevention of crime and the apprehension of those persons who violate the law. This includes an expectation to drive and walk our public ways without subjection to risks posted by law breakers including drivers violating traffic laws.

The government, including law enforcement is charged with protecting these rights for all persons, regardless of race, ethnicity, national origin, gender, or religion.

Members of this agency are required to be observant of unusual occurrences and suspected or actual law violations, and to act upon those observations. It is this proactive enforcement that keeps people free from crime, our streets and highways safe to drive upon, and leads to the detection and apprehension of criminals.

This policy is intended to assist the officers of this agency to safely accomplish their law enforcement mission in compliance with legal and constitutional requirements and in a manner respecting the dignity of all persons and to enhance positive relationships with the public. It is intended to support a strong deterrent message to actual and potential offenders that they are likely to be detected, identified, and prosecuted if they violate the law. This policy is also intended to protect our members from unwarranted accusations when they act within the dictates of the law and policy.

It is the policy of this agency to function in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while only stopping or detaining persons when reasonable suspicion exists to believe they have committed, are committing, or are about to commit a violation of the law and to do so without interjecting personal biases into the law enforcement decision process.

DEFINITIONS

903.02 R *Equal Treatment:* In the present context, equal treatment means that persons, irrespective of race or other distinction, shall be treated in the same basic manner under the same or similar circumstances. This *does not* mean that all persons in the same or similar circumstances can or must be treated *identically* in all cases. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.

Police Service Functions: Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include but are not limited to such tasks as assistance at fire scenes, traffic accidents, and medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance, and similar activities.

Crime: means an act or omission defined by law and classified as felonies, misdemeanors, traffic infractions, or cigarette or tobacco infractions as provided in K.S.A. 21-5102.

Enforcement action: means any law enforcement act during a nonconsensual contact with an individual(s) in 1) determining the existence of probable cause to take into custody or to arrest an individual; 2) constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or 3) determining the existence of probable cause to conduct a search of an individual or a conveyance.

Probable Cause: means reasonable grounds to believe a person has committed or is committing a crime or that a place contains specific items connected with a crime, supported by specific and articulable facts, based on the officer's observations, knowledge, training and experience, including information from a reliable source.

Racial or other biased-based policing: means the unreasonable use of race, ethnicity, national origin, gender or religion by a law enforcement officer in deciding to initiate an enforcement action. It is not racial or other biased-based policing when race, ethnicity, national origin, gender or religion is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.

Reasonable suspicion: means a particularized and objective basis, supported by specific and articulable facts, to suspect a person has committed, is committing or is about to commit a crime. Reasonable suspicion may be based on the

officer's observations, knowledge, and experience as well as reasonably trustworthy information known to the officer at the time an action is taken.

Stop: is a seizure occurring when a law enforcement officer, by force or some show of authority, restrains a person's liberty.

- 903.03 Acts that constitute racial or other biased-based policing include but are not limited to:
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1. Using race, ethnicity, nation origin, gender, or religion as a general indicator or predictor of criminal activity.
 2. Using the race, ethnicity, nation origin, gender, or religion of a person in the course of any law enforcement action unless the officer is seeking to detain, apprehend or otherwise be on the lookout for a suspect sought in connection with a crime who has been identified or described in part by race, ethnicity, national origin, gender, or religion.
 3. Using the race, ethnicity, national origin, gender, or religion of a person in the course of any reasonable action in connection with a status offense, such as, runaways, child in need of care, missing persons and other non-criminal care taker functions unless the person is identified or described in part by race, ethnicity, national origin, gender, or religion.
 4. Using race, ethnicity, national origin, gender, or religion shall not be motivating factors in making law enforcement decisions and/or actions, unless the person is identified or described in part by race, ethnicity, national origin, gender, or religion.
 5. Using race, ethnicity, national origin, gender, or religion as the basis for discretionary law enforcement i.e. who they will cite, arrest, warn, search, release or which person(s) to treat with respect and dignity. [this section satisfies the new statutory language requiring, i.e. "A detailed written policy that prohibits racial or other biased-based policing and that clearly defines acts constituting racial or other biased-based policing using language that has been recommended by the attorney general.

REGULATION

- 903.4 A. Members of this agency are prohibited from engaging in racial or other biased-based policing as provided in this policy or prohibited by law.
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- B. Members of this agency shall report to their supervisor any incidents of racial or other biased-based policing they have direct knowledge of.
- C. Any member violating the provisions of this policy or the state or federal statutes pertaining to racial or other biased-based policing or violating the constitutional rights of any person as provided in this policy is subject to corrective action or discipline. Such discipline includes actions appropriate in response to the nature of the violation based on facts revealed in the investigation of the complaint and consistent with applicable laws, rules and regulations, labor contracts, resolutions, ordinances or policies, including but not limited to, demerits, suspension or termination of employment. Discipline may also include retraining, counseling, or any other action deemed appropriate to deter repeated violations. (Reference Regulation 3.6)

TRAINING

- 903.5 A. All law enforcement officers of this agency shall attend and successfully complete annual racial or other biased based policing training.
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1. Distance learning training technology is allowed for racial or other biased-based policing training.
 2. The required racial and other biased-based policing training may include directly or indirectly related to training intended to address racial and biased-based policing issues.
- B. Training exemptions referenced in K.S.A. 22-4610 subsection (d)(2)(F) shall be in accordance with the authority granted to the Executive Director of the Kansas Commission on Peace Officers Standards and Training per K.S.A. 74-5607a, which in pertinent part provides "The director may extend, waive or modify the annual continuing education requirement, when it is shown that the failure to comply with the requirements was not due to the intentional avoidance of the law."

COMPLAINTS OF RACIAL OR OTHER BIASED-BASED POLICING

- 903.6 A. Any person who believes they have been subjected to racial or other biased-based policing may file a complaint with the agency and/or the attorney general's office.
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- B. The Compliment/Complaint Form [Form 325-203] is the intended means for a citizen to register a complaint of misconduct against a department member. Refer to Policy 901.04 for the complaint procedure.
- C. No person who believes they have been subjected to racial or other biased-based policing shall be discouraged, intimidated, or coerced from filing such a complaint.
- D. No person will be discriminated against or subjected to retribution because they have filed such a complaint.

AGENCY REQUIREMENTS

- 903.7 A. This agency will conduct ongoing community outreach and communications efforts:
- I 1. Such outreach and communications shall include:
- a. A statement of the person's right to file a complaint with the agency and/or the Office of the Attorney General;
 - b. Explanation of how to file a complaint with the agency;
 - c. An explanation of how to file a complaint with the Office of the Attorney General, and
 - d. A description of the agency's complaint process.
- B. This policy is a public document and any person requesting to see it during normal business hours will be provided an opportunity to examine it.
- C. The agency shall file a report no later than July 31 of each year to the Attorney General as required by statute. Such report shall be for the period beginning July 1 of the previous year through June 30 of the current year. Such report shall be available for examination by any person requesting to see it during normal business hours.

COMMUNITY ADVISORY BOARD (CITY MANAGER'S REVIEW BOARD)

- 903.8 A. The purpose of the Community Advisory Board is to advise and assist in policy development, education and community outreach and communications related to racial and other biased-based policing.
- I B. The Advisory Board shall be comprised of participants reflecting the racial and ethnic community the agency serves.
- C. The Advisory Board shall be provided training on fair and impartial policing and comprehensive plans for law enforcement agencies.

TRAINING ADVISORY BODY

- 903.9 I A. The purpose of the Training Advisory Body is to recommend and review appropriate training curricula.
- B. The Advisory Body shall be comprised of five or more persons representing law enforcement, community leaders, and educational leaders.