



# Response to the Community

→ June 25, 2020

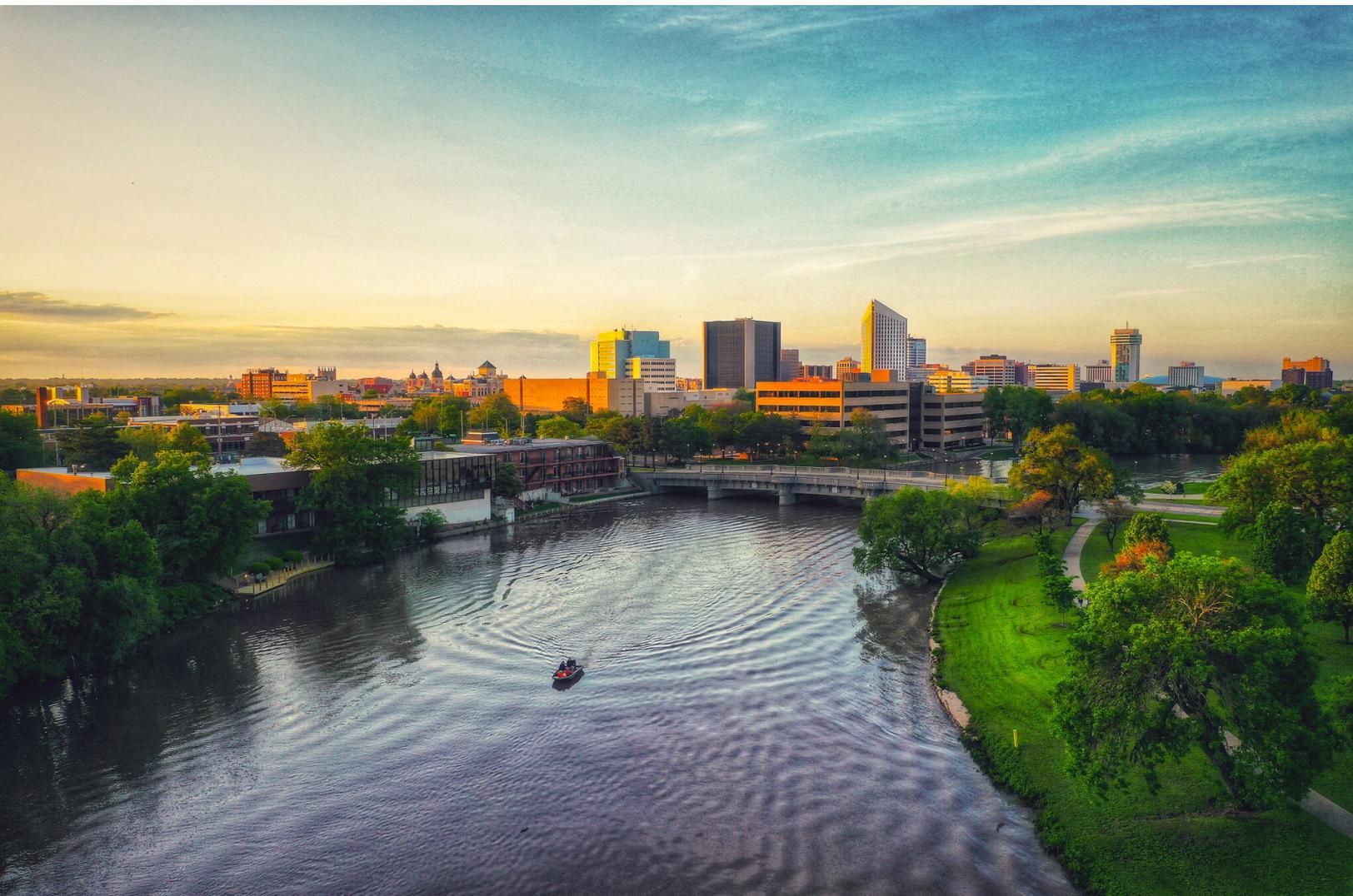


## Introduction

Recent events across the country have brought to the forefront the need to rigorously review local police policies and protocols to assure we are providing equitable community public safety and law enforcement for all Wichitans. These concerns have resulted in lists being submitted to the Wichita Mayor, City Council and Police Department from community organizations with specific demands and grievances about Wichita Police Department (WPD) procedures and policies.

The Mayor, City Council and WPD denounce racism in all its forms and seek to emphasize and implement fair, transparent and unbiased policing that reflects our core principles and values.

The following is a review and response to the list of policy questions we received that pertain to WPD policy, procedures and police operations.



## **Immediately Defund the Police Department**

We agree that a comprehensive model for community public safety is needed.

As some are asking to “defund” the police department, it’s important to establish a definition for that term. For some, it means to cease all funding and disband the police department or create a new service model. For others, it means a reduction in funding and reallocation of those dollars to other departments and services.

We believe we must cooperatively shape the conversation into a comprehensive discussion that acknowledges the variety of issues and funding that can holistically address community safety and human services concerns.

A new public safety model should be considered that emphasizes police response to emergency situations and the improvement of community policing. Adequate staffing is needed to embed police officers in the community to develop trusted relationships and to proactively address the causes of violent crime in our neighborhoods. A community policing philosophy must be prevalent throughout the entire department. We must also adequately fund the wraparound services that treat the underlying social ills impacting our community. These social service programs should address mental health, domestic violence, drug and alcohol addiction, employment and housing issues. Once the model is created, all potential funders must come together to develop a sustainable funding stream.

The WPD, along with other City departments, is taking broad, proactive steps to address these community-wide challenges:

### **→ Homeless Outreach Team**

The Homeless Outreach Team (HOT) is composed of four WPD officers and is nationally recognized for its efforts in addressing homelessness throughout Wichita. HOT responds to 9-1-1 calls regarding homeless individuals. HOT focuses on trying to keep the homeless out of jail if possible, divert them to the appropriate human service provider or shelter and assist with finding sustainable

housing. HOT also helps homeless get back on their medications if they have mental health issues, refer them to substance abuse centers if needed, find assistance in job skill development and job referrals and aim to build trusted relationships with homeless residents.

#### → **Housing**

The City's Department of Housing and Community Services addresses the root causes of poverty and creates opportunities for self-sufficiency. More than \$23 million is allocated every year for public housing, rental assistance, home repairs, homeless services, youth crime prevention, summer youth jobs, domestic violence shelters, employment services and healthcare access.

#### → **Social Workers**

WPD has sought grants and funding every year since 2016 to add embedded social workers into WPD to help with mental health-related calls. This opportunity became a reality this year in collaboration with the Department for Children and Families. Two social workers are now embedded within the police department and they assist WPD in connecting families with public health programs for parent skill building, mental health or substance abuse services, and similar safety network supports.

#### → **Integrated Care Team-Co-Responder for Mental Health Crises**

WPD has been part of the Integrated Care Team (ICT1) since its pilot inception in 2019. With increasing calls related to mental health, it was important to develop a team composed of law enforcement, paramedics and mental health professionals to assist those in crisis and allow patrol officers to be available for emergency calls. WPD was instrumental in seeking continual funding for this program, allowing it to continue after the 90 day pilot period last year. The efforts of this integrated team have positively impacted working with citizens in crisis and providing the best quality services to the community.

## **Create a Safe Environment for Police Officers to Report Misconduct by Fellow Officers**

We agree.

The duty to intervene section of use of force policy 906 states: *“Any officer observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances, when in a position to do so must intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.”*

WPD has comprehensive police accountability processes in place to report misconduct by officers. Allegations of improper police conduct can be reported by civilians or WPD staff by phone, in writing, online or by visiting the Professional Standards Office at City Hall. In 2019, WPD investigated 214 external professional standard complaints and 145 internal professional standards complaints.

Also, WPD has been training officers about the “Duty to Intervene” for several years. WPD has added “Duty to Intervene” language into its revised use of force policy, policy 906.

## **Adopt a Policy of Community Policing**

We agree.

WPD began implementing community policing in 1994, and has been nationally recognized for its beneficial community policing initiatives. The department has community policing officers assigned to beat areas throughout the city. Community policing is an expected responsibility of every member of WPD and is embraced in our mission statement. WPD strongly affirms the need for continued and improved community policing opportunities. Police officers need time to build healthy, trusting relationships and it requires sufficient staffing for community policing efforts to be successful. Community policing isn't a policy, but rather is a practiced philosophy and the responsibility of all WPD members.

## **Revoke Qualified Immunity for Police Officers**

On this issue, we adhere to the Major Cities Police Association (MCCA) position which states:

*“Qualified immunity protections are extended to a wide range of government employees, not just law enforcement. Qualified immunity does not prevent officers who engage in misconduct from being convicted for criminal offenses.”*

## **Increase Transparency Related to Police Officer Discipline and the Use of Force**

We agree.

As we believe transparency is crucial to building trust with the community, the Wichita Citizen’s Review Board (CRB) was created in 2017. The CRB was chartered and designed to review police misconduct cases. The CRB board meets regularly and meetings are open to the public. The CRB was established in collaboration with concerned community members and grew from community meetings initiated in 2016.

To date, the CRB has been provided with information on all complaints and had the opportunity to request further review of 214 external complaints and 145 internal complaints filed against the WPD. These complaints ranged from officer discipline and misconduct to employee work performance. The CRB reviews closed case files, official reports, video recordings and witness testimony before providing, where appropriate, formal policy and procedural recommendations to the WPD.



## Test All Outstanding Rape Kits

We agree.

Efforts to address a backlog of untested sexual assault kits began in 2017 when WPD collaborated with the Kansas Bureau of Investigation (KBI) to begin the Sexual Assault Kit Initiative (SAKI) project. As part of the project, WPD worked with law enforcement partners to clear the backlog of 1,669 untested kits. To date, all WPD sexual assault kits have been submitted for testing, and measures have been put into place to ensure that all sexual assault kits are submitted for testing.

## Ban Choke Holds, Knee Holds and Strangle Holds

We agree.

The use of force authorization and limitations section of use of force policy 906 states: *“Officers are prohibited from impeding normal breathing or blood circulation by applying pressure to the throat or neck unless lethal force is justified.”* and WPD regulation 4.114 states: *“Members utilizing a baton should direct defensive bows towards strategic areas of the body, avoiding the head and neck area. Utilization of a choke-hold using a police baton is prohibited as a containment or take down procedure. Such action shall be taken only as a defensive measure and only as a last resort to prevent death or great bodily harm to the member or another person. Members will utilize methods consistent with departmental training.”*

The policy and regulation specifically prohibits WPD officers from impeding normal breathing or blood circulation by applying pressure to the throat or neck unless lethal force is justified, or utilizing a baton or similar object as a choke hold for a containment or take down procedure.

## Implement a De-escalation Policy

We agree.

The de-escalation section of use of force policy 906 states:

*“De-escalation techniques and tactics include, but are not limited to:*

→ Remaining calm and professional.

→ Decreasing the exposure to the potential threat by using distance or physical barriers between an uncooperative subject and an officer.

→ Engage in tactical communications including active listening.

Communication with the subject should be limited to one officer at a time in order to ensure clear communication.

→ Requesting and utilizing additional officers whenever necessary.

If one officer is unable to build rapport with a subject, another officer may be given an opportunity to communicate with the subject whenever possible.

→ Tactical positioning, repositioning and pause when necessary.

→ Leveraging time by slowing down the situation:

When safe and feasible under the totality of circumstances, officers should attempt to slow down or stabilize the situation so more time, options and resources are available for incident resolution.

When time and circumstances permit, officers should assess whether a person’s lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including but not limited to:

- Medical conditions;
- Mental impairments;
- Developmental disability;
- Physical limitation;
- Language barrier;
- Drug interaction and/or intoxication;
- Behavior crisis; and
- Emotional response/fear.

→ An officer’s awareness of these possibilities shall be balanced against the facts of the incident when deciding which de-escalation and use of force options are the most appropriate to bring the situation to a safe resolution.”

In 2016, WPD began focusing on de-escalation techniques to resolve situations without the use of force by utilizing time, distance and communication. WPD has had significant success in using these techniques and diminishing, wherever possible, having to use force when dealing with those in crisis.

New officers, as well as veteran officers, are trained in de-escalation tactics. The training includes the use of active listening skills, commonly used by crisis negotiators, to de-escalate high-risk situations. WPD has ongoing training for the use of these communication techniques for all officers throughout the year.

Multiple steps have been taken over the past several years to emphasize de-escalation techniques:

- Since 2016, WPD has tripled the number of crisis negotiators with specialized training in communication and are able to assist with crises and highly volatile situations;
- Mental health training for officers is a priority. All WPD officers have received mental health training up to and including the comprehensive Crisis Intervention Team training;
- WPD has implemented de-escalation language into use-of-force policy 906.

## **Require Warning Shots Before Shooting**

WPD believes requiring warning shots could endanger others in the vicinity of an incident, therefore WPD policy does not allow this.

WPD regulation 4.104 D, A states: “When practical, a verbal warning for the individual to submit to the officer shall be given before the use of force (including deadly use of force) in any situation unless doing so would increase the danger to the officer or others.”

This practice is continually trained for and reinforced for both new and veteran officers through mandatory biannual training.

WPD has also completed educational programs each year as the New Year approaches to discourage celebratory gunfire. The program

teaches “what goes up must come down,” or what leaves the firearm barrel will land somewhere. These bullets may cause property damage, injuries and even death.

## **Exhaust All Other Means Before Shooting**

We agree.

The discharging firearm/use of lethal force of regulation 4.104 states:  
*“Discharging of firearm/use of lethal force is allowed Pursuant to K.S. A. 21-5227.*

→ *When practical, a verbal warning for the suspect to submit to the member shall be given prior to the use of lethal force in any situation unless doing so would increase the danger to the member or others.”*

The verbal commands section of policy 908 states:

*“A verbal warning and time to allow the subject to comply must be given, prior to the use of an impact weapon, unless such warning would present a danger to the member or others, and that verbal commands before, during, and after the use of an impact weapon are important in order to de-escalate any situation and gain compliance and control of an actively resisting subject.”*

The verbal commands section of policy 909 states:

*“A verbal warning, and time to allow the subject to comply; must be given prior to the use of OC spray, unless a warning would present a danger to the officer or others, verbal commands before, during, and after the application of the OC spray are important in order to de-escalate any situation and gain compliance and control of an actively resisting or aggressive subject, and after resistance has ceased, the subject must be reassured that nothing further will happen, and decontamination for the spray application is forthcoming.”*

WPD policy and Kansas statute K.S. A. 21-5227 states: “An officer is justified in using deadly force only when such officer reasonably believes that such force is necessary to prevent death or great bodily harm to such officer or another person.”

This principle is emphasized continuously throughout training and is reinforced in each WPD's use-of-force policies.

WPD uses the objectively reasonable standard regarding issues involving the application of force. Additionally, officers are trained extensively on de-escalation tactics and on recognizing the effectiveness of utilizing time, distance, communication, and having the highest regard for the sanctity of human life. WPD is continually trained to avoid lethal measures wherever possible and to exhaust all non-lethal measures and de-escalation techniques before resorting to use of weapons.

## **Establish a Duty to Intervene Policy**

We agree.

The duty to intervene section of use of force policy 906 states: ***“Any officer observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances, when in a position to do so must intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.”***

WPD has revised its use-of-force policy to include a specific direction on duty to intervene. Duty to intervene has also been incorporated into WPD training for both new and veteran officers for several years.

## **Ban Shootings at Vehicles**

We agree.

The section of policy 906 that prohibits shooting at moving vehicles states: ***“Firearms shall not be discharged at a moving vehicle unless deadly force is necessary and the following exigent circumstances exist:***

- ***A person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle.***
- ***The vehicle is intentionally and deliberately being used as a***

deadly weapon, and all other reasonable means of defense have been exhausted, or are not present or practical.

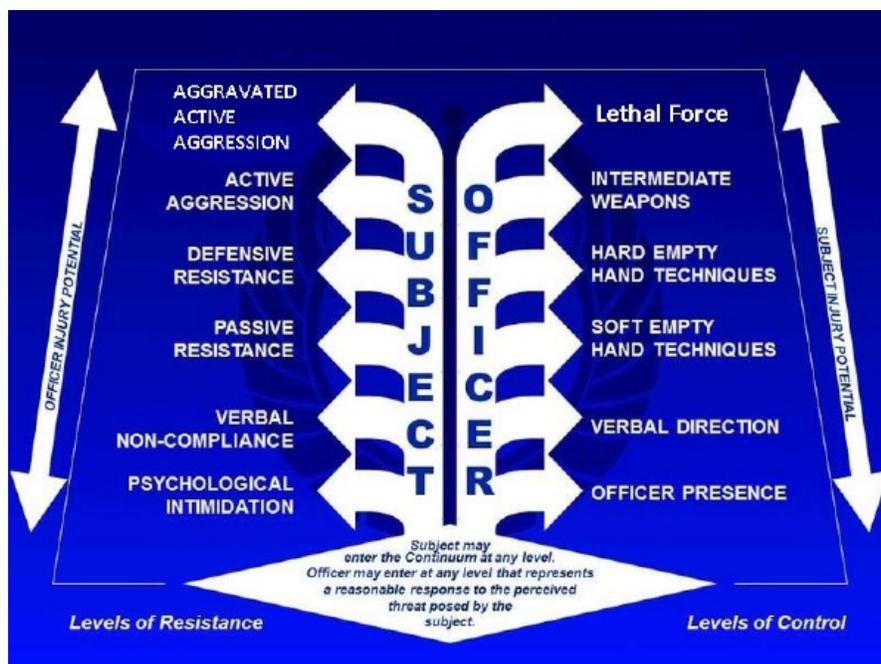
→ To prevent the threat of being struck by a vehicle, officers should make every effort to avoid putting themselves in the path of any moving vehicle and when such positioning is unavoidable, to move out of the vehicle's path as soon as practical."

## Adopt the Use of Force Continuum with at Least Six Points and Clear Rules of Engagement

We agree.

The purpose section of policy 906 states: *"The Wichita Police Department values and respects the sanctity of every life and identifies our role as a lifesaving organization. When officers are engaged in police activities there is an immense responsibility that comes with the authority to use reasonable force, including deadly force, in overcoming resistance and protecting the public. As such, we have policies, procedures, and training which encourage tactics and strategies to gain voluntary compliance. It is the Wichita Police Department's expectation officers will make tactically sound and reasonable use of force decisions which demonstrate our value of every life."*

WPD trains all of its officers on the use of force continuum. The following graphic is from the WPD officers' training manual.



The “8cantwait” initiative defines the force continuum as restricting “the most severe types of force to the most extreme situations” and “creating clear policy restrictions on the use of each police weapon and tactic.”

We agree and WPD’s training is consistent with this. Deadly force is clearly restricted to extreme situations, and the use of specific tools/ techniques is specifically restricted in our use of force policy.

Additionally, WPD has specific language in policy 913 outlining when medical attention has to be sought.

The referral/transport for medical attention section of policy 913 states:

→ “A member should monitor a suspect on which any use of force, with or without a weapon, was used to detect any obvious signs of medical problems or extreme reaction and summon medical assistance if, in the discretion of the member, there are doubts to the health of the person.

→ In addition, if the suspect exhibits any of the conditions and/ or symptoms mentioned below, officers shall either summon medical assistance or transport the subject to a medical facility.

The subject is unconscious even for a short period of time.

Visible Seizure;

Obvious significant injury from a fall or take-down;

Subject states or appears that to have chest pain or trouble breathing;

Subject displays persistent confusion or altered mental state;

Subject requests emergency medical assistance;

Type 2 or higher force is used against a subject who is pregnant; and

Use of a CEW on juvenile (17 years of age or younger).

→ A suspect shall be examined by a physician or qualified health care provider prior to interrogation when suffering from, or complaining of, injury or illness or when the individual:

Is struck on the head with an impact weapon or other hard object;

Is restrained about the neck or throat which resulted in the subject going unconscious; and

*Is subject to a CEW application, in which a significant secondary injury to the head occurred.*

→ Medical care and physician release information shall be documented in the report of the officer having custody at the time of treatment.

Suspect's refusal of medical treatment shall be documented and verified by the officers in their report.”

## **Develop a Comprehensive Reporting Process for Use of Force**

We agree.

The responsibility for reporting section of policy 913 states:

→ “Officers shall, as soon as possible, notify their shift supervisor of any Type 1 Reportable use of force.

→ Officers shall immediately notify their shift supervisor following any Type 2 or 3 Reportable use of force.

→ Officers shall complete an Electronic Use of Force Form. Officers shall also complete the appropriate Incident Report and/or supplemental report to document any use of force including any escalation of resistance by the individual and control options utilized in responding to the resistance. The Use of Force Form will not substitute or duplicate the incident or supplemental report, or vice versa. The Use of Force Form should contain information pertinent to the officer's use of force.”

For definitions of Type 1, 2, and 3 uses of force, please refer to WPD policy 913, <https://www.wichita.gov/WPD/WPDPolicyAndProcedureManual/Policy%20913%20-%20Reporting%20and%20Investigating%20Force.pdf>

Overall, WPD policy 913 requires comprehensive reporting and mandates officers after using any type of force to contact a supervisor, complete an incident report and complete an electronic use of force form.

These incidents include pointing/drawing a firearm at an individual, and in some instances, for those who have been handcuffed and released.

Additionally, the electronic use of force form goes into an internal database. The use-of-force report is reviewed an average of three to six times by supervisors, depending on the level of force used to ensure accuracy in reporting. Certain types of force require an initial on-scene supervisory response.

## **Provide the Citizen's Review Board with Subpoena Power**

WPD believes the Wichita's Citizen Review Board is correctly and appropriately chartered to perform effective oversight without the need to provide subpoena power.

Of the 18,000 law enforcement agencies in the USA, about 200 have civilian oversight boards. Some boards, such as those in New York and San Francisco, can conduct their own investigations and subpoena information. However, subpoena powers for CRBs are rare as hiring professional investigators to carry out the work can be extremely expensive.

Wichita's CRB was created in 2017 as a way to have significant citizen oversight into WPD and police-related complaints and was developed in collaboration with concerned community members and meetings in 2016.

CRB members are allowed to review all aspects of complaints at the conclusion of the final discipline. Board members can see all related videos and facts of the case. They also can ask questions and make recommendations at that time. They are also asked to assist in ways to increase transparency and accountability, as well as how to improve community and police relations. The CRB has been actively reviewing cases since 2018.

## Ban No-Knock Warrants

WPD supports a ban on no-knock warrants for most warrants including narcotics warrants.

WPD has restricted how no-knock warrants are used and implemented strict oversight and approval procedures in collaboration with the Sedgwick County District Attorney's Office and will require approval from a Deputy Chief of Police. For most narcotics cases, the risks associated with no-knock warrants simply aren't worth the potential benefits.

No-knock warrants are needed for infrequent situations like hostage rescue and violent crimes.



In the last five years, we have actively sought to build upon ongoing dialogue around WPD policy and procedures. As a result of that dialogue, we have already implemented many significant policing reforms including:

- Fully implemented body cameras for all patrol officers and sergeants;
- Renewed focus on diversity in recruitment of police officers to the department;
- Implemented duty to intervene training for all commissioned officers;
- Significant changes made to how we interact with youth in gangs to better communicate and prevent gang involvement;
- Regular meetings with public to address concerns residents have with police-related issues;
- Response changes to suicide threats with a weapon and suicide-by-cop incidents;
- External investigation by another police agency for possible police criminal misconduct;
- Refocus school resource officers (SRO) on coaching and mentoring and diverting youth from the criminal justice system;
- Partnering with schools on restorative justice training for SROs;
- Created liaison positions with disenfranchised communities, to include LGBTQ, Hispanic/Latino, Middle Eastern Culture, Autism, Deaf and Hard of Hearing, Mental Health, Homeless;
- Created a Hispanic/Latino advisory board;
- Tripled the number of crisis negotiators since 2016 and trained 90 staff members on crisis negotiation to deescalate and reduce need for use of force;
- Significantly reduced the number of incarcerated youth;
- Focused on using discretion for low-level traffic offenses and introduced warning tickets;
- Added a focused deterrence program focusing on individuals most likely to be involved in violent crime and provided them resources through community partnerships;
- Partnered with “See Something, Say Something” grassroots effort to help reduce community gun violence. A tip line is monitored by area clergy to intervene or collect tips on violent crime;
- Partnered with Big Brothers and Big Sisters to have officers participating in “Bigs in Blue” where officers meet and mentor youth;
- Changed policy to cite and release for possession of marijuana versus jailing;
- Partnered with Wichita schools for police officer reading-to-kids programs;
- Created a “God Squad” consisting of African American leaders of faith to share information and build partnerships in the community;
- Co-founded the Youth Advocacy Coalition to create partnerships with community organizations that help Wichita’s youth in an effort to help children curb violence, break the cycle of generational poverty and improve their quality of life.



The City of Wichita is a leading-edge organization serving a dynamic and inclusive community.

As an exceptionally well-run city, we will keep Wichita safe, grow our economy, build dependable infrastructure and provide conditions for living well.

→ [wichita.gov](http://wichita.gov) | City Hall, 455 N. Main, Wichita, KS 67202