

Lawrence Police Department
Administrative Policy

SUBJECT Fair and Impartial Policing		APPLIES TO All Personnel	
EFFECTIVE DATE July 1, 2015	REVISED DATE July 2015		
APPROVED BY Chief of Police	TOTAL PAGES 6		POLICY NUMBER

PURPOSE

- A. The purpose of this policy is to prohibit the practice of racial and other biased-based policing by members of the Lawrence Police Department. This policy applies to all employees and volunteers of this agency.
- B. 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 posed by law breakers including drivers violating traffic laws.
- C. The government, including law enforcement, is charged with protecting these rights for all persons, regardless of race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status.
- D. 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.
- E. 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.

- F. 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

- G. "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.
- H. "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.
- I. "Probable Cause" means a 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.
- J. "Racial or other biased-based policing" means the unreasonable use of race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion or socio-economic status by a law enforcement officer in deciding to initiate an enforcement action. It is not racial or other biased-based policing when race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or social-economic status is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.
- K. "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.
- L. "Stop" is a seizure occurring when a law enforcement officer, by force or some show of authority, restrains a person's liberty.

- M. Acts that constitute racial or other biased-based policing include but are not limited to:
1. Using race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status as a general indicator or predictor of criminal activity.
 2. Using the race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status 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, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status.
 3. Using the race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status 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, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status.
 4. Using race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status shall not be motivating factors in making law enforcement decisions and/or actions, unless the person is identified or described in part by race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status.
 5. Using race, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, religion, or socio-economic status 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.

REGULATION

- N. Members of this agency are prohibited from engaging in racial or other biased-based policing as provided in this policy or prohibited by law.
- O. Members of this agency shall report to their supervisor any incidents of racial or other biased-based policing they have direct knowledge of.

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, suspension or termination of employment. Discipline may also include retraining, counseling, or any other action deemed appropriate to deter repeated violations.

TRAINING

- P. All law enforcement officers of this agency shall attend and successfully complete annual racial or other biased-based policing training.
 - 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 training intended to address racial and biased-based policing issues.
- Q. Training exemptions referenced in KSA 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 KSA 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

- R. 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.

The Department will utilize its established Office of Professional Accountability complaint procedure to investigate any racial or biased-based policing complaint. The established investigative process is detailed in the Department's Administrative Policy Chapter 8.

- S. 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.

- T. No person will be discriminated against or subjected to retribution because they have filed such a complaint.

AGENCY REQUIREMENTS

- U. This agency will conduct ongoing community outreach and communications efforts:
 - 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) An 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.
- V. The agency shall file a report no later than July 31st of each year to the Attorney General as required by statute. Such report will contain any complaints filed pursuant to the categories listed under the definition of racial and other biased-based policing provided by K.S.A. 22-4606(d) and required to be submitted under K.S.A. 22-4610(d)(2) Such report shall be for the period beginning July 1st of the previous year through June 30th of the current year. Such report shall be available for examination by any person requesting to see it during normal business hours.

CITIZEN'S ADVISORY BOARD

- W. The City of Lawrence, pursuant to Section 1-2501 et. seq. of the Code of the City of Lawrence, has established the Citizen Advisory Board for Fair and Impartial Policing to advise and assist the City and its Police Department with the subject of racial and other biased-based policing. The duties of the Board are to:
 - 1. Review Lawrence Police Department policies regarding racial or other biased-based policing and make recommendations to the Chief of Police for the amendment of those policies or the adoption of additional policies on that subject as it deems necessary.
 - 2. Review the Police Department's annual training on racial or other biased-based policing, and if necessary suggest substitute or additional training to prevent racial or other biased-based policing, and, at its discretion, participate in such training.

3. Assist the Police Department with community outreach opportunities involving racial or other biased-based policing prevention.
4. Advise the Police Department about community concerns related to racial or other biased-based policing.
5. Receive the annual report regarding racial or other biased-based policing from the Police Department no later than July 31st of each year. Such report shall be presented to the Citizen Advisory Board for Fair and Impartial Policing prior to its submission to the Kansas Attorney General. At a minimum, the report shall contain the information listed under K.S.A. 22-4610(d)(2) as required by law to be included.
6. Report to the City Commission from time to time regarding its activities, including an annual report to be presented to the City Commission at the first regularly scheduled Lawrence City Commission meeting following July 31st of each year.
7. Review and render advice on such other matters related to racial or other biased-based policing as are assigned to the advisory board by the Chief of Police, City Manager, or City Commission.

Members of the Police Department will cooperate fully with the Board to assist it in accomplishing its designated functions.