LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT

The mission of the Lawrence Police Department is to enhance trust and improve the quality of life for its residents through preventing and controlling crime in order to make the City of Lawrence a safer place to live, work, learn, and play.

VALUES

WE EXIST TO SERVE THE COMMUNITY

If there is one point the residents of any community must know about their law enforcement officers, it is that the entire department exists to be of service to them… one hundred percent of the time. Officers who deal with difficult, antagonistic, and dangerous situations sometimes forget the real reason for the existence of a police agency.

WE BELIEVE IN THE PERSONAL TOUCH

Each individual with whom the department deals must be made to feel he or she is receiving the utmost in personal attention and service, no matter the circumstances. We create a satisfied citizen because our actions are made with intelligence and professionalism.

WE ARE FAIR BUT FIRM

When we are fair but firm, we earn respect and understanding. We need not apologize for crime fighting activities. However, we must realize that even those we arrest must be treated fairly. When we are clear and concise in our words and actions, we can promote police conduct that is responsive and sensitive to the needs of the community.

HOW WE GET THE JOB DONE IS AS IMPORTANT AS GETTING THE JOB DONE

Getting the job done right is dictated by all of the aforementioned points. By serving the community with a fair but firm personal touch, we are able to complete any and all tasks in a highly professional, reasonable, and effective manner.

WE REPRESENT CIVILITY AND ORDER IN A CHANGING WORLD

Law enforcement officers wear uniforms and badges, carry firearms, collapsible batons, radios, and respond to emergencies with red lights and sirens. But society does not entrust us with this equipment and strong legal powers to be over-reactive, impolite, arrogant, or emotional. We must perform these awesome tasks with traditional standards because few others represent civility in an ever-changing world.

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Table of Contents

Law Enforcement Code of Ethics 1

Mission Statement 2

Chapter 1 - Law Enforcement Role and Authority 7

100 - Law Enforcement Authority 8
101 - Chief Executive Officer 11
102 - Oath of Office 12
103 - Policy Manual 13

Chapter 2 - Organization and Administration 17

200 - Organizational Structure and Responsibility 18
201 - General Orders 21
202 - Training 22
203 - Administrative Communications 26
204 - Supervision Staffing Levels 27
205 - Retiree Concealed Weapons 28

Chapter 3 - General Operations 31

300 - Use of Force 32
301 - Use of Force Review Board 40
302 - Handcuffing and Restraints 43
303 - Control Devices 48
304 - Conducted Energy Device 53
305 - Officer-Involved Shootings and Deaths 59
306 - Firearms 68
307 - Vehicle Pursuits 77
308 - Foot Pursuits 89
309 - Officer Response to Calls 93
310 - Canines 96
311 - Domestic Violence and Stalking 103
312 - Search and Seizure 110
313 - Child Abuse 112
314 - Adult Abuse 118
315 - Discriminatory Harassment 124
316 - Missing Persons 129
317 - Public Alerts 135
318 - Victim and Witness Assistance 138
319 - Hate Crimes 140
320 - Standards of Conduct 142
321 - Information Technology Use 149
322 - Department Use of Social Media 152
323 - Report Preparation 155
324 - Media Relations 159

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325 - Subpoenas and Court Appearances 162
326 - Outside Agency Assistance 164
327 - Major Incident Notification 166
328 - Death Investigation 168
329 - Private Person's Arrest 171
333 - Child and Dependent Adult Safety 172
335 - Off-Duty Law Enforcement Actions 174

Chapter 4 - Patrol Operations 176

400 - Patrol 177
401 - Bias-Based Policing 179
402 - Shift Briefing 184
403 - Crime and Disaster Scene Integrity 186
404 - Crisis Response Team 188
405 - Ride-Alongs 192
406 - Hazardous Material Response 195
407 - Hostage and Barricade Incidents 198
408 - Response to Bomb Calls 203
409 - Crisis Intervention Incidents 208
410 - Involuntary Commitments 212
411 - Citation Releases 215
412 - Foreign Diplomatic and Consular Representatives 217
413 - Rapid Response and Deployment 221
414 - Immigration Enforcement 224
415 - Utility Service Emergencies 230
416 - Aircraft Accidents 232
417 - Air Support 236
418 - Contacts and Temporary Detentions 237
419 - Criminal Organizations 240
420 - Mobile Video Recorder 243
421 - Mobile Data Computer Use 248
422 - Body Worn Cameras 251
423 - Public Recording of Law Enforcement Activity 257
424 - Bicycle Patrol 260
425 - Automated License Plate Readers (ALPRs) 263
426 - Medical Aid and Response 265
427 - First Amendment Assemblies 270
428 - Civil Disputes 276
429 - Homeless Persons 279

Chapter 5 - Traffic Operations 281

500 - Traffic 282
501 - Traffic Crash 285
502 - Vehicle Towing 289
503 - Impaired Driving 294
504 - Traffic and Parking Citations 299
505 - Disabled Vehicles 301

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Chapter 6 - Investigation Operations 302
600 - Investigation and Prosecution 303
601 - Sexual Assault Investigations 308
602 - Informants 313
603 - Eyewitness Identification 318
604 - Brady Information 322
605 - Warrant Service 325
606 - Operations Planning and Deconfliction 329

Chapter 7 - Equipment 333
700 - Department-Owned and Personal Property 334
701 - Personal Communication Devices 336
702 - Vehicle Maintenance 339
703 - Vehicle Use 341
704 - Cash Handling, Security and Management 346
705 - Personal Protective Equipment 348

Chapter 8 - Support Services 352
800 - Crime Analysis 353
801 - Evidence Room 355
802 - Records Division 363
803 - Records Maintenance and Release 365
804 - Protected Information 370
805 - Animal Control 373

Chapter 9 - Personnel 377
900 - Performance Appraisals 378
901 - Special Assignments 381
902 - Anti-Retaliation 383
903 - Reporting of Arrests, Convictions and Court Orders 386
904 - Drug- and Alcohol-Free Workplace 389
905 - Sick Leave 392
906 - Communicable Diseases 394
907 - Smoking and Tobacco Use 398
908 - Personnel Complaints 400
909 - Safety Belts 409
910 - Body Armor 411
911 - Personnel Records 413
912 - Commendations and Awards 417
913 - Fitness for Duty 421
914 - Meal Periods and Breaks 424
915 - Lactation Breaks 425
916 - Payroll Records 427
917 - Overtime Compensation 428
918 - Outside Employment and Outside Overtime 430
919 - Work-Related Illness and Injury Reporting 434
920 - Personal Appearance Standards 436

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921 - Uniforms and Civilian Attire 439
922 - Conflict of Interest 444
923 - Badges, Patches and Identification 446
924 - Temporary Modified-Duty Assignments 448
925 - Speech, Expression and Social Networking 451
926 - Illness and Injury Prevention 455
927 - Line-of-Duty Deaths 457

Attachments . . . . . .

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Lawrence Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Lawrence Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 LAW ENFORCEMENT OFFICER POWERS

Certified members of this department are authorized to exercise law enforcement officer powers pursuant to applicable state law (K.S.A. § 12-4211; K.S.A. § 12-4212),.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE LAWRENCE POLICE DEPARTMENT

An officer may arrest a person under any of the following circumstances (K.S.A. § 22-2401):

- (a) The officer has a warrant commanding that the person be arrested.
- (b) The officer has probable cause to believe that a warrant for the person's arrest has been issued in this state or in another jurisdiction for a felony.
- (c) The officer has probable cause to believe that the person is committing or has committed:
  - (a) A felony.
  - (b) A misdemeanor and the officer has probable cause to believe that:
    - (a) The person will not be apprehended or evidence of the crime will be lost unless the person is immediately arrested.
    - (b) The person may cause injury to him/herself or others or damage to property unless immediately arrested.
    - (c) The person has intentionally inflicted bodily harm to another person.
- (d) The person commits any crime, except a traffic infraction or a cigarette or tobacco infraction, in the officer's view.

Officers shall arrest a person without undue delay when there is probable cause to believe that an offense involving domestic violence or stalking has been committed (see Domestic Violence and Stalking Policy).

An officer may arrest a person under any of the following circumstances (K. S.A.§ 12-4212):

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(a) The officer has a warrant commanding that the person be arrested.

(b) A warrant for the person's arrest has been issued by a municipal court in this state.

(c) The officer has probable cause to believe that the person is committing or has committed a violation of an ordinance and that the person has intentionally inflicted bodily harm to another person.

(d) The officer detained the person pursuant to subsection (c) or (d) of K.S.A. 12-4211, and amendments thereto, and:

  (a) The person refuses to give a written promise to appear in court when served with a notice to appear;

  (b) The person is unable to provide identification of self by presenting a valid driver's license or other identification giving equivalent information to the law enforcement officer;

  (c) The person is not a resident of the state of Kansas; or

  (d) The law enforcement officer has probable cause to believe that the person may cause injury to self or others or may damage property unless immediately arrested.

(e) An officer may not arrest a person who is charged only with committing an ordinance traffic infraction or an ordinance cigarette or tobacco infraction unless the person has received service of a notice to appear and has failed to appear for the infraction

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE LAWRENCE POLICE DEPARTMENT

An officer employed by the City may exercise powers as a law enforcement officer outside the City limits when (K.S.A. § 22-2401a; K.S.A. § 48-934):

(a) On property owned or under the control of the City.

(b) A request for assistance has been made by law enforcement or corrections officers from that place (K.S.A. § 48-3602).

(c) In fresh pursuit of a person.

(d) Engaged in maintaining or restoring the public peace, safety or protection of life or property during a state of disaster emergency proclaimed by the governor.

100.3.3 TRANSFER TO PROPER JURISDICTION

Whenever an officer makes an arrest outside of the department’s jurisdiction, the officer should contact the proper law enforcement authority in the jurisdiction where the arrest occurred as soon as practicable. The arresting officer should ensure that the receiving agency has any necessary affidavits or evidence needed to support the probable cause for arrest or apprehension (K.S.A. § 48-3602).

100.3.4 GRANTING AUTHORITY TO OTHERS

Officers making an arrest may command the assistance of any person who may be in the vicinity. That person shall have the same authority to arrest as the officer (K.S.A. § 22-2407).

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100.4 INTERSTATE LAW ENFORCEMENT OFFICER POWERS

Law enforcement officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters and continues in fresh pursuit of a person:

1. In Colorado, to arrest the person for a crime committed in Kansas (CRS § 16-3-104).
2. In Nebraska and Oklahoma, to arrest the person for a felony committed in Kansas (Neb. Rev. Stat. § 29-416; 22 O.S. § 221).
3. In Missouri, to arrest the person for a felony or the crime of driving while intoxicated in Kansas (§ 544.155.1, RSMo).

When an officer makes an arrest in another state, the officer shall take the offender to the appropriate judicial official in the county where the arrest occurred without unnecessary delay (CRS § 16-3-104; Neb. Rev. Stat. § 29-417; 22 O.S. § 222; § 544.155.2, RSMo).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Kansas Constitutions.

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Kansas are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Lawrence Police Department, who is required to exercise the powers and duties of the office as prescribed by state law (K.S.A. § 74-5605).

101.2 POLICY

It is the policy of the Lawrence Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department, as a condition of continued employment, shall meet the qualification standards and be certified by the Kansas Commission on Peace Officers' Standards and Training (KS·CPOST) unless a provisional certificate is granted or the requirement is waived (K.S.A. § 74-5605; K.S.A. § 74-5607a; K.S.A. § 74-5608a).

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Lawrence Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties (K.S.A. § 75-4310).

102.3 OATH OF OFFICE

All department members, when appropriate, shall subscribe in writing to the following oath or affirmation, in addition to any other form of oath or affirmation required. If a member is opposed to taking an oath, he/she shall be permitted to substitute the words “sincerely and truly declare and affirm” for the word “swear” and the words “I do this under the pains and penalties of perjury” for “so help me God” (K.S.A. § 54-102; K.S.A. § 54-103; K.S.A. § 54-104; K.S.A. § 54-106).

I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties of Police Officer. So help me God.

As a condition to certification, officers shall also swear or affirm the following (K.A.R. 106-3-6):

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution of the United States and of the state of Kansas, my community, and the agency I serve.

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (K.S.A. § 75-4310).

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Lawrence Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing department manuals, department orders and department regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Lawrence Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Lawrence Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

Chain of Command - The hierarchical structure of the Department.

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Policy Manual

City - The City of Lawrence.

Non-sworn - Employees and volunteers who are not law enforcement officers.

DCF - Department of Children and Families (includes Adult Protective Services and Child Protective Services)

Department/LPD - The Lawrence Police Department.

DMV - Department of Revenue, Division of Vehicles

Employee - Any person employed by the Department.

Employment agreement - Includes any collective bargaining agreement, memorandum of understanding, memorandum of agreement or any other employment contract or conditions of employment

KASPER - Kansas Adult Supervised Population Electronic Repository

KBI - Kansas Bureau of Investigation

KCJIS - Kansas Criminal Justice Information System

KDHE - Kansas Department of Health and Environment

KDOC - Kansas Department of Correction

KDOT - Kansas Department of Transportation

KHP - Kansas Highway Patrol

KLETC - Kansas Law Enforcement Training Center

KORA – Kansas Open Records Act

KS·CPOST - The Kansas Commission on Police Officers' Standards and Training

K.A.R. - Kansas Administrative Regulations; for example, K.A.R. 106-3-1, which shows the agency, article and section

K.S.A. - General Laws of the state of Kansas; for example, K.S.A. § 21-5412(b)(2), which shows the chapter, article, section and subsection

Manual - The Lawrence Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Lawrence Police Department, including:

- Full- and part-time employees
- Certified law enforcement officers
- Reserve, auxiliary officers
- Non-sworn employees

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- Volunteers

Officer - Those employees, regardless of rank, who are law enforcement officer employees of the Lawrence Police Department pursuant to K.S.A. § 74-5602(g).

Official Custodian or custodian assigned - Any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control, or any person designated by the Official Custodian to carry out the duties of custodian of this act (K.S.A. § 45-217).

On-duty - A member’s status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member’s off-duty supervisor or an on-call supervisor.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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Policy Manual

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Lawrence Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the Lawrence Police Department. There are four divisions in the department:

- Patrol Division
- Investigations Division
- Information Services Division
- Professional Standards Division

200.3.1 PATROL DIVISION

The Patrol Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of uniformed patrol, School Resource Officers (SRO), Patrol Service Dog teams (PSD), Mental Health Team (MHT) and civilian support staff.

200.3.2 INVESTIGATIONS DIVISION

The Investigations Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for the Investigations Division. The Investigations Division consists of detectives, juvenile investigators, crime scene investigators, crime analysts, the Drug Enforcement Unit (DEU) and civilian support staff.

200.3.3 INFORMATION SERVICES DIVISION

The Information Services Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction, and control for internal and external communications, community outreach, maintenance and control of department technology and infrastructure, and maintenance and dissemination of department records and reports. The Information Services Division consists of the Public Affairs Office, Information Systems (IT), Records Unit and Evidence.

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200.3.4 PROFESSIONAL STANDARDS DIVISION
The Professional Standards Division is commanded by an assigned Captain, whose primary responsibility is to provide general management, direction and control for department training and adherence of department standards. The Professional Standards Division consists of Training Unit and the Office of Professional Accountability.

200.3.5 SPECIAL PROJECTS
Special projects is an assignment appointed by the Chief of Police, in which a Captain or Captains will be assigned to the Office of the Chief. Special projects is not considered a department division, but may have units or other individuals assigned to the Captain's responsibility based on a project or task they are assigned.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all members of the Lawrence Police Department. During planned absences, the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

Except when designated as above, the order of chain of command is as follows:

(a) Chief of Police

(b) Captain

(c) Lieutenant

(d) Sergeant

(e) Detective (when in charge of a crime scene)

(f) Patrol Officer

200.4.2 UNITY OF COMMAND
The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Bicycle Patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.5 AUTHORITY AND RESPONSIBILITIES
Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

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200.6 ACTING CHIEF OF POLICE

An Acting Chief of Police is required anytime the Chief of Police is located at a driving distance exceeding six hours. An Acting Chief of Police may be utilized in other circumstances at the discretion of the Chief of the Police.

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General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders

201.2 POLICY

General Orders will be used to modify policies of the Lawrence Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department.

201.3 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Office of Professional Accountability or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should be numbered consecutively and incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual, and, as appropriate, will recommend necessary modifications to the Chief of Police.

201.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue General Orders.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the General Orders. Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

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Training

202.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

202.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local and the Kansas Commission on Police Officers' Standards and Training (KS·CPOST) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

202.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of department members.

(c) Provide for continued professional development of department members.

(d) Ensure compliance with KS·CPOST rules and regulations concerning law enforcement training.

202.4 TRAINING PLAN

It is the responsibility of the Training Lieutenant or designee to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording and logging of all training for all members.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Lieutenant shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and department-required, minimum-mandated training of officers and other members.

202.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

(a) Federally mandated training:

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1. National Incident Management System (NIMS) training

(b) State-mandated training:

1. Officers of the Department must meet the training requirements to be certified KS·CPOST (K.S.A. § 74-5607a; K.S.A. § 74-5608a).
2. Full-time officers shall complete 40 hours of continuing law enforcement education or training annually unless extended, waived or modified by KS·CPOST. All training shall be approved in advance by the Chief of Police or the authorized designee (K.S.A. § 74-5607a(b)).
3. Members assigned to a school shall complete a skill development training course as required by K.A.R. 16-16-3.

(c) Locally mandated training (including county or city)

The Chief of Police shall ensure that every officer in the department has the opportunity to receive mandatory training as prescribed in K.S.A. § 74-5604a (K.S.A. § 74-5617).

202.5 TRAINING COMMITTEE

The Training Committee, on an as-needed basis, will assist with identifying training needs.

The Training Committee should be comprised of seven (7) members of the department appointed by the Chief of Police and will serve one (1) year terms from January 1 to December 31. The committee will be responsible for the review and evaluation of departmental training and for making recommendations to the Chief of Police. The committee recommendations will be in writing. All certified training would meet the requirement of the KS-CPOST. All recommendations must indicate how the training improves the efficient and effective police service provided to the citizens of Lawrence. The Captain over the Training Committee may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee may review include, but are not limited to:

(a) Any incident involving the death or serious injury of a member.

(b) Incidents involving a high risk of death, serious injury or civil liability.

(c) Incidents identified by the Department to determine possible training needs.

Any member of the department may offer training ideas for consideration to the committee.

202.6 TRAINING ATTENDANCE

(a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to the following:

1. Court appearances
2. Previously approved vacation or time off

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3. Illness or medical leave
4. Physical limitations preventing the member's participation
5. Emergency situations or department necessity

(b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

1. Document his/her absence on an Officer Special to his/her supervisor.
2. Make arrangements through his/her supervisor or the Training Lieutenant to attend the required training on an alternate date.

202.6.1 OTHER TRAINING ATTENDANCE

(a) Employees wishing to take part in training hosted by the department should forward an Officer's Special request to attend the training, through their Chain of Command.

(b) Employees interested in attending a specific school or seminar not hosted by the department shall forward an Officer Special Request for Training through their Chain of Command giving the date, time, specific school title, cost, and a brief narrative justifying the request. If the training is approved, a notice will be sent to the employee and their supervisor indicating the approved training.

(c) Employees may attend training on their own time without compensation or reimbursement by the department. The officer shall not represent the Lawrence Police Department but may attend as individuals unless otherwise approved by their Chain of Command.

(d) Any member who attends approved training outside of what the department offers shall be responsible for completing and submitting a Training Time Request Form to the Training Unit within seven (7) working days of completing the training. A copy of any certificate of completion from the training shall accompany the form.

(e) Members should refer to Procedure 310, Training Attendance for additional information.

202.6.2 SECONDARY EDUCATION COURSES

(a) An employee desiring to attend college shall notify the Chief of Police, by their Chain of Command, of their intention. Notification shall be made on an Officer's Special Report form and will contain the following:

1. Employee's name.
2. School and location.
3. Hours enrolled.
4. Day or night classes.
5. Special shift request-first and second choice, if needed.

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(b) The employee shall be responsible for notifying the shift supervisor of any changes in class schedule or status.

(c) The employee's first responsibility is to the police department. School attendance will not be permitted to interfere with the performance of duty. Enrollment in college courses does not guarantee an employee a special shift exemption, but requests may be submitted when Shift Bids are due.

202.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Lawrence Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Lieutenant.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the department. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet-active computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

202.8 TRAINING RECORDS

The Training Unit is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with KS·CPOST guidelines and the established records retention schedule.

The Training Unit shall ensure that certified reports of annual in-service training requirements are sent to KS·CPOST no later than 30 days after the training concludes (K.S.A. § 74-5607a).

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Administrative Communications

203.1 PURPOSE AND SCOPE

This policy sets forth the manner in which the Department communicates significant changes to its membership, such as promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status. This policy also provides guidelines for the professional handling of electronic and non-electronic administrative communications from the Department.

203.2 POLICY

The Lawrence Police Department will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications should be professional in appearance.

203.3 MEMORANDUM

Memorandums may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring and appointment of new members, separations, individual and group awards and commendations, or other changes in status.

203.4 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. Official correspondence and use of letterhead require the approval of a supervisor, and a copy must be forwarded to the office of the Chief of Police for the official correspondence file. Department letterhead may not be used for personal purposes.

Official internal correspondence shall be on the appropriate department memorandum forms.

203.5 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee (see the General Orders Policy).

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Supervision Staffing Levels

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that proper supervision is available to meet the needs of the Department and members throughout all Divisions.

204.2 POLICY

The Lawrence Police Department will ensure that proper supervision is available to meet the needs of its members and to achieve the goals of the Department. The needs of its members should be balanced with the needs of the Department for flexibility and discretion in assigning members to meet supervisory needs. While balance is desirable, the paramount concern is to meet the needs of the Department.

204.3 MINIMUM SUPERVISION STAFFING LEVELS

Minimum staffing levels should be established by the Division Commanders for each Division and workgroup. The supervision staffing levels should support proper supervision, a span of control, and activity levels to meet the needs of members and the goals of the Department.

204.3.1 TEMPORARY SUPERVISORS

In order to accommodate training and other unforeseen circumstances, a qualified lower-ranking member may be used as a temporary supervisor in place of a regularly assigned supervisor.

204.4 ON-DUTY COMMANDER (OD)

The On-Duty (OD) Commander is a member of command staff that assumes responsibility over all matters relating to the fulfillment of department operations occurring outside normal business hours. The purpose of OD is to assist in spreading on-call responsibilities among command staff personnel, and identify a point of contact for notifications as outlined in department policy, Major Incident Notification. Generally, when investigative resources are needed to further an investigation that does not meet the Major Incident Notification policy the OD will not need to be contacted.

Periods of coverage for the assigned OD will be between 1700 and 0700 hours Monday through Friday, and on weekends and holidays. The acting OD will be listed on the Department's internal webpage.

204.4.1 OD AUTHORITY

The OD acts as the Chief's representative and has the authority of the Chief to make immediate decisions regarding resources and actions taken.

204.4.2 OD RESPONSIBILITIES

The OD will be responsible for notifying the Chief of Police and any other Division Commander(s) as needed. Notifications may occur via text message, phone call or email, which ever is appropriate for the situation.

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Retiree Concealed Weapons

205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Lawrence Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

205.2 POLICY

It is the policy of the Lawrence Police Department to provide identification cards to qualified former or retired officers, when appropriate, as provided in this policy.

205.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

205.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Lawrence Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

205.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Kansas law or by a private person or entity on his/her property if such prohibition is permitted by Kansas law.

205.4 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

205.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the on-duty supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

205.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

205.6 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the

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date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

205.7 PROOF OF GOOD STANDING

The Chief of Police or the authorized designee, after receiving a request from an officer who has retired in good standing and is seeking a Kansas concealed carry permit, shall provide the attorney general with the required proof of retirement (K.S.A. § 75-7c05(g)).

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Lawrence Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE POLICY

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

A law enforcement officer or any person summoned or directed to assist in making a lawful arrest need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. A law enforcement officer is justified in the use of any force he/she reasonably believes to be necessary to both effect the arrest and also to defend him/herself or another from bodily harm while making the arrest (K.S.A. § 21-5227).

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300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

(f) The individual's ability to understand and comply with officer commands.

(g) Proximity of weapons or dangerous improvised devices.

(h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(i) The availability of other reasonable and feasible options and their possible effectiveness.

(j) Seriousness of the suspected offense or reason for contact with the individual.

(k) Training and experience of the officer.

(l) Potential for injury to officers, suspects, and others.

(m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(n) The risk and reasonably foreseeable consequences of escape.

(o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

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(b) Whether the individual can comply with the direction or orders of the officer.

(c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Lawrence Police Department for this specific purpose.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.4 DEADLY FORCE APPLICATIONS

When feasible, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

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300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 CHOKE HOLDS

Permanent damage and/or death could occur from prolonged or extreme pressure to an individual's neck. A member shall not apply direct pressure to the throat, windpipe or airway of a person with the intent to reduce or prevent the intake of air (choke holds) unless deadly force is justified.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a restraint device other than handcuffs, shackles or belly chains.

(f) The individual subjected to the force was rendered unconscious.

(g) An individual was struck or kicked on the head.

(h) Any application of force requiring a Use of Force Report. (See Section 300.7h Supervisor Responsibilities)

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(i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

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(c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented on the Use of Force Report or other report as being completed.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.

1. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the individual may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

(i) Complete and forward a Use of Force Report to the Captain presiding over the Use of Force Review Board when any of the following use-of-force options are applied to a person:

1. Discharge of a firearm
2. Impact Control Devices
3. TASER deployment
4. Baton (ASP) strike
5. OC spray
6. Improvised Impact Device
7. Injury requiring medical treatment by a physician
8. Intentional closed fist punches, kicks, or elbow/knee strikes to the head
9. Intentional PSD deployment resulting in a bite

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force the supervisor is still expected to complete as many of the above items as circumstances permit.

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300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

(b) De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Use of Force Review Board Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police through the Captain assigned to the Professional Standards Division. The report should not contain the names of officers, suspects or case numbers, and should include when appropriate:

(a) Basic information related to reported incidents

(b) Data related to reported incidents

(c) The identification of any trends in the use of force by members.

(d) Training needs recommendations.

(e) Equipment needs recommendations.

(f) Policy revision recommendations.

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Use of Force Review Board

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Lawrence Police Department to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

301.2 POLICY

The Lawrence Police Department will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed on administrative leave or in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion in determining where to place a member.

301.4 REVIEW BOARD

The Chief of Police may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Captain assigned to the Professional Standards Division will ensure the Use of Force Review Board convenes as necessary. It will be the responsibility of the supervisor of the involved member to submit use of force report forms of any incidents requiring board review.

301.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board will be comprised of the following, as appropriate:

- One (1) Lieutenant with expertise in use of force
- Two (2) Sergeants with expertise in use of force
- Two (2) officers/detectives with expertise in use of force
- One (1) additional officer/detective

The Use of Force Review Board will report to the Captain assigned to the Professional Standards Division. Members of the Use of Force Review Board will be assigned by the Chief of Police.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

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The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline. If a board member expresses concern of a possible policy violation prior to the board convening to the Lieutenant or one of the Sergeants, the Lieutenant will contact the Captain assigned to the Professional Standards Division who may request the Office of Professional Accountability's (OPA) presence at the review. OPA will have limited participation in the conversation for clarifying questions with board members. OPA will only be present during the discussion for the requested incident.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided with all relevant available material from these proceedings for its consideration.

Absent an express waiver from the involved member, no more than two designated board members may ask questions of the involved member. Other board members may provide questions to the designated board members. OPA will not be present when members are interviewed by board members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved member at the time shall neither justify nor call into question a member's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with Lawrence Police Department disciplinary procedures, the Personnel Complaints Policy, the current LPOA MOU and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The member's actions were within department policy and procedure.

(b) The member's actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board Lieutenant or designee will submit the written recommendation to the Chief of Police through the Captain assigned to the Professional Standards Division.

The Chief of Police shall review the recommendation, make a final determination as to whether any additional actions, investigations or reviews are appropriate. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated. The member(s) involved will be informed of the review results, and the findings will be documented via the electronic personnel file protocol.

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At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Lawrence Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Lawrence Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, WRAP restraint, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

302.3.3 RESTRAINT OF JUVENILES
When appropriate a juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.3.4 NOTIFICATIONS
Whenever an officer transports a person with the use of restraints other than handcuffs, the officer should inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

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Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Careful considerations should be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. When practical persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT/WRAP DEVICES

Leg restraints or WRAP may be used to restrain a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG/WRAP RESTRAINTS

When applying restraints the following guidelines should be followed:

(a) In all cases, a supervisor shall be notified as soon as practicable after the application of the WRAP device.

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(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured in the restraint, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be a potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of restraints other than handcuffs shall be documented in the incident report. The officer should include, as appropriate:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 TRAINING

Subject to available resources, the Training Lieutenant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

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(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Lawrence Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

303.4 RESPONSIBILITIES

303.4.1 SUPERVISOR RESPONSIBILITIES

The Division Commander or on-duty supervisor may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or by those in specialized assignments who have successfully completed the required training.

303.4.2 USER RESPONSIBILITIES

Personnel using various devices are responsible for inspecting and reporting any necessary maintenance, charging or cleaning.

Any damaged, inoperative, or outdated munitions, along with documentation explaining the cause of the damage, shall be forwarded through the chain of command to the Special Operations Division Commander.

Any damaged, inoperative, or outdated control devices, along with documentation explaining the cause of the damage, shall be forwarded through the chain of command to the members assigned Division Commander.

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303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

303.6 GAS GUIDELINES

OC gas or CS gas may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Incident Commander or Crisis Response Team Commander may authorize the delivery and use of gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of OC gas or CS gas to control any fires and to assist in providing medical aid or gas evacuation, if needed. When applicable, fire and emergency medical services personnel should be informed of any needed decontamination efforts.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. An officer may consider OC spray to gain a physical advantage or control over a verbal and/or physically resistive individual. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

303.7.1 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever OC/CS gas or OC spray has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner’s expense.

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Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially dangerous situation.

303.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

Deployment of any kinetic energy munitions requires supervisory approval. Any expended kinetic energy projectile used against an individual shall be collected and submitted into evidence under the associated incident number.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject’s clothing.

(d) The subject’s proximity to others.

(e) The location of the subject.

(f) Whether the subject’s actions dictate the need for an immediate response and the use of control devices appears appropriate.

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A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or others or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.9.3 SHOTGUN SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

When they are not deployed, shotguns will be unloaded with the safety on, action open and properly and securely stored in police department vehicles separate from any other shotgun. Shotguns will be stored with six (6) rounds of kinetic energy projectiles in the sidesaddle ammunition carrier. When deploying a kinetic energy projectile shotgun, officers shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers shall employ the two-person rule for loading kinetic energy projectiles. The two-person rule is a safety measure in which a second officer watches the loading process to ensure that the weapon is completely emptied of conventional ammunition.

After deploying, the shotgun must be completely unloaded, and unexpended kinetic energy projectiles returned to the sidesaddle ammunition carrier.

303.10 TRAINING FOR CONTROL DEVICES

The Training Lieutenant or designee shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the member's training file.

(c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy

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after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported on the use of force report form pursuant to the Use of Force Policy.

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the TASER (TM).

304.2 POLICY

The TASER device is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and/or may carry the TASER device.

Some TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the TASER device and cartridges that have been authorized by the Department. Officers who are authorized to carry TASER device shall wear the device in an approved holster.

Members carrying the TASER device should perform a spark test prior to every shift, and when applicable document the spark test on the TASER log.

When carried while in uniform, officers shall carry the TASER device in a holster on the side opposite the duty weapon.

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

(c) Officers shall be responsible for ensuring that the TASER device is properly maintained and in good working order.

(d) Officers should not hold a firearm and the TASER device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER device should precede its application unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the TASER device may be deployed.

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The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the TASER device in the incident report.

304.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device to apprehend an individual.

The TASER device shall not be used to psychologically torment, to elicit statements or to punish any individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. Officers will not intentionally target the head, neck, chest and groin, due to the potential to cause physical injury. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle of five (5) seconds and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one TASER device at a time against a single individual.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the TASER device, including:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands, other options or tactics may be more effective.

Taser exposure is a physically and psychologically stressful event. Officers should avoid repeated or continuous exposures beyond (3) standard Taser cycles, absent a reasonably perceived threat and increased justification. Increased justification may include a situation where, the Taser has been effective, the officer is alone and unable to control the suspect's active aggression following the standard Taser cycles.

Avoid using the Taser in drive-stun except to complete the circuit, increase probe spread, or to break-contact or as a distraction tactic to create reactionary distance.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the TASER device. As soon as practicable, officers shall notify a supervisor any time the TASER device has been discharged. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence.

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The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. If practical, photographs of the affected area should be taken after the darts are removed.

304.5.6 DANGEROUS ANIMALS
The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

Officers that are issued TASER devices shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related incident reports and the Use of Force Report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. When applicable, pointing the device at a person, laser activation or arcing the device, other than for testing purposes, will be documented in the incident report only. Unintentional discharges during testing of a TASER will be documented on an Officer Special Report through the chain of command.

304.6.1 USE OF FORCE REPORT FORM
Items that shall be included in the use of force form for TASER device activations are:

(a) The TASER device and cartridge serial number.

(b) Date and time of the incident.

(c) Whether any activation deterred a subject, gained compliance or continued non-compliance.

(d) The number of TASER cartridges deployed, and number of activations.

(e) The type of mode used (dart probe or drive-stun).

(f) Location of any probe impact.

(g) Location of contact in drive-stun mode.

(h) Whether medical care was provided to the subject.

(i) Whether the subject sustained any injuries.

(j) Whether any officers sustained any injuries.

The Use of Force Review Board should periodically analyze the Use of Force Report forms to identify trends, including deterrence and effectiveness. The TASER coordinator should also conduct audits of data downloads with recorded activations. TASER device information and

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statistics will be reported annually to the Chief of Police by the Captain assigned to the Use of Force Review Board.

304.6.2 REPORTS
The officer should include the following in the incident report:

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

304.7 MEDICAL TREATMENT

Unless probe removal is contraindicated per training, the TASER device probes should be removed from the person following the procedures outlined in department training. Only appropriate medical personnel should remove TASER device probes from a person's sensitive area. (e.g., groin, female breast, head, face, neck). Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed at a medical facility prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related incident reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used or where the TASER device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The supervisor will document the activation of the TASER device on the Use of Force Report form. The device's onboard memory should be downloaded through the data port by a supervisor or TASER coordinator and saved. Photographs of probe sites should be taken and witnesses interviewed, when practical.

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304.9 TRAINING

Personnel who are authorized to carry the TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignments for a period of six months or more shall be recertified by a qualified TASER device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Training Lieutenant or designee. All training and proficiency for TASER devices will be documented in the officer's training files.

The Training Lieutenant or designee is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

The TASER Instructor should ensure that training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER device.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Lawrence Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from another agency shall be requested to work on the criminal investigation of officer-involved shootings and deaths involving members of the Lawrence Police Department. Requests made to this department to investigate an officer-involved shooting or death by an outside agency shall be referred to the Chief of Police or the authorized designee for approval.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Lawrence Police Department would control the investigation if the suspect's crime occurred in Lawrence.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.1 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is

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involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.1 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of involved LPD officers will be controlled by the Office of Professional Accountability.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved LPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved LPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

    1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any LPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects.

    1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.

    2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

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(c) Provide all available information to the Incident Commander and any public safety information on the primary Dispatch channel. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional LPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction. Ensure the location the involved officer(s) is taken to is not the same place witnesses or other involved parties will be placed as to reduce the chances of inadvertent contact. Involved officers should not be placed in interview rooms or other areas where suspect interviews routinely occur.

(a) Each involved LPD officer should be given an administrative order not to discuss the incident with other involved officers or LPD members pending further direction from a supervisor or investigator.

(b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or is transported by other officers.

(c) If the involved officer(s) is able to make decisions, ask if they want a Chaplin and/ora peer support member notified. The officer(s) should be encouraged to personally contact their immediate family if possible.

305.5.3 INCIDENT COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the highest-ranking supervisor will act as the Incident Commander and shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander when applicable.

All outside inquiries about the incident shall be directed to the Incident Commander.

305.5.4 IMMEDIATE NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigations Division Commander
- Involved member's Division Commander
- Public Affairs Officer

The following persons will be notified at the direction of the Incident Commander or appropriate Division Commander:

- Outside agency investigators
- Office of Professional Accountability
- Psychological/peer support personnel
- Chaplain

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- Coroner (if necessary)
- LPOA representative (if requested)

305.5.5 INVOLVED OFFICER
The following shall be considered for the involved officer:

(a) Any request for legal or LPOA representation will be accommodated.

1. Involved LPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-LPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with employee groups/agency representatives will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Department to each involved LPD officer. A licensed psychotherapist may also be provided to any other affected LPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved LPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the member's Division Commander or designee to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The Lawrence Police Department will not conduct officer-involved shooting investigations when the shooting involves a member of this department. The Investigation Division Commander or designee will contact an outside agency for assistance and may act as a liaison to the investigating agency during the course of the investigation. The assisting agency will be responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death. If requested by the investigating agency, members of the Lawrence Police Department may be assigned with collecting information otherwise not accessible by the investigating agency.

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Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) LPD supervisors and Office of Professional Accountability personnel should not participate directly in any voluntary interview of LPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, he/she shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED LPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved LPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved LPD officer may write the report, it is generally recommended and highly encouraged that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved LPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should

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take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Division supervisor to assign appropriate investigative personnel to assist with the investigation when requested by the investigating agency. Department investigators may be assigned to work with outside agency investigators and may be assigned to separately handle the investigation of any related crimes not being investigated.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Office of Professional Accountability.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved LPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Accountability and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from

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the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed. The uninvolved representative is only allowed to be present for the interview, and shall not provide an opinion, make statements, or ask questions during the interview.

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Office of Professional Accountability shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings to whether there was compliance with the Use of Force Policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

305.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.8.1 REQUESTS TO REVIEW RECORDINGS

Requests to review recordings of an officer-involved shooting or death made by a body-worn device or in-car camera shall be processed in accordance with the Records Maintenance and Release Policy (K.S.A. § 45-254).

305.9 DEBRIEFING

Following an officer-involved shooting or death, the Lawrence Police Department should conduct both a critical incident stress debriefing and a tactical debriefing.

305.9.1 CRITICAL INCIDENT STRESS DEBRIEFING

A critical incident stress debriefing should occur as soon as practicable. The appropriate Division Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the

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incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Office of Professional Accountability personnel.

305.9.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

305.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and the Public Affairs Officer and the investigating agency's public affairs representative. Releases will be available to the Community Services Division Commander, Investigations Division Commander, and Public Affairs Office in the event of inquiries from the media.

No involved LPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths shall refrain from public comment and will direct those inquiries to the Public Affairs Office.

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Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The Lawrence Police Department will ensure its members are equipped with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized duty handgun is the Sig Sauer P320 9mm. Members assigned to the Drug Enforcement Unit may substitute their duty handgun with an authorized secondary handgun.

306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870 12 gauge.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.3 PATROL RIFLES

The authorized patrol rifle is the AR 15.

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Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle should be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain the information on the department approved qualification card.

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306.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of department approved firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as law enforcement officers, will be required to meet the following guidelines:

(a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

(f) Members shall provide written notice of the make, model, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) When armed, officers shall carry their badges and Lawrence Police Department identification cards under circumstances requiring possession of such identification.

306.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition for the P320 9mm in the specified quantity annually. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster or on-duty supervisor when needed, in accordance with established policy.

Members carrying secondary handguns of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized secondary handguns are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

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Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's authorized secondary handgun shall be done at his/her expense and must be approved by the Rangemaster.

306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, or using clearing barrels.

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(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory room, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. When not issued or placed into service, department-owned firearms shall be stored in the appropriate equipment storage room. When removed from the assigned vehicle, shotguns shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty while under the influence of alcohol or drugs, or both, to such a degree as to render such person incapable of safely operating a firearm (K.S.A. § 21-6332).

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training with their duty firearms. In addition to regularly scheduled training, all members will qualify at least bi-annually with their duty firearms unless extended, modified or waived by the Director of the Kansas Law Enforcement Training Center (KLETC). Members will qualify with off-duty and secondary firearms annually. Training and qualifications must be on an approved range course.

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All members who carry a firearm while on-duty are required to successfully qualify annually on the required Kansas Commission on Police Officers' Standards and Training (KS·CPOST) range course. The Rangemaster or department designated firearms instructor must be present when conducting the required annual KS·CPOST qualification process.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

The Training Lieutenant or designee shall maintain written documentation and submit evidence of each member's successful compliance with or failure to complete the required annual firearms qualification standard to KS·CPOST.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for:

1. Unauthorized range make-up.
2. Failure to meet minimum standards or qualify after remedial training.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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(b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. Members shall notify an on-duty supervisor as soon as circumstances permit. The member must document their actions in a related incident report prior to the end of shift, unless otherwise directed.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER (TM), oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

In addition, an officer may take charge of any livestock or other domestic animal and, if the animal is injured or diseased beyond recovery or appears likely to injure any person or property, may euthanize it in a humane manner (K.S.A. § 47-1803).

The member shall submit an Officer Special Report through their Chain of Command indicating they used their firearm to euthanize an animal.

306.7.3 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are prohibited.

306.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Lieutenant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service.

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The member will be responsible for all repairs to his/her personally owned secondary handgun; it will not be returned to service until it has been inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Lieutenant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Lieutenant.

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Lawrence Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The Lawrence Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Lawrence Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

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(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Lawrence Police Department identification card whenever carrying such firearm.

(b) The officer may not be the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a subject is generally not more important than the safety of the public and involved officers. An unreasonable desire to apprehend a fleeing subject at all cost is not the intent of this policy or the philosophy of the Lawrence Police Department.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits. Deciding whether to pursue a fleeing subject is a critical decision that must be made quickly, under difficult and unpredictable circumstances. Officers' conduct during the course of a vehicle pursuit must be objectively reasonable; that is, what a reasonable officer would do under the same circumstances. It is recognized that an officer's decision to pursue a fleeing subject pursuant to this policy shall be evaluated according to the totality of circumstances reasonably available at the time of the pursuit.

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307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with emergency lighting and sirens as required by law.

There must be a determination that the necessity to pursue and apprehend the offender(s) outweighs the member's and/or supervisor's known or perceived or inherent dangers of the vehicle pursuit itself.

Officers shall drive with due regard for the safety of all persons and property while in pursuit of a suspected violator or responding to an emergency. Officers in pursuit of a suspected violator or responding to an emergency may (K.S.A. § 8-1506):

(a) Park or stand, irrespective of the provisions of the Kansas Uniform Act Regulating Traffic and Rules of the Road.

(b) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(c) Exceed the maximum speed limit, so long as such driver does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

(e) Proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempt to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(d) The pursuing officers’ familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and dispatcher, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(e) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect’s escape.

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(f) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) The availability of other resources, such as air support assistance.

(l) The pursuing vehicle is carrying passengers other than on-duty. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor or the pursuing officer directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate or not initiate a pursuit, including but not limited to:

(a) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit), other than DUI/OUI, are generally discouraged.

(b) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(c) The pursued vehicle's location is no longer definitely known.

(d) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

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(e) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(f) Hazards to uninvolved bystanders or motorists.

(g) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

(h) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(i) Pursuit speeds:

1. Become unreasonably unsafe for the surrounding conditions.
2. Exceed the driving ability of the involved officer(s). or
3. Are beyond the capabilities of the pursuing vehicle(s).

(j) As directed by a supervisor.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved may vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 MOTORCYCLES

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with functioning emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's

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vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify dispatch that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) The location, direction of travel and estimated speed of the suspect's vehicle.

(b) The reason for the pursuit.

(c) The description of the suspect's vehicle including the license plate number, if known.

(d) The number of occupants and identity or description.

(e) The weather, road and traffic conditions.

(f) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.

(g) Any evasive actions being taken by the fleeing vehicle (e.g., reckless driving behavior, driving on the wrong side of the roadway, intentional collisions, etc.)

Unless relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing officer is unable to provide.

(d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.4.5 SUPERVISORS INITIATING A PURSUIT

When a supervisor initiates a pursuit, another on-duty supervisor should acknowledge the pursuit over the radio and assume responsibility as the controlling supervisor. The controlling supervisor has the authority to terminate the pursuit, regardless of rank of the initiating supervisor.

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If another supervisor is unavailable, the initiating supervisor may continue pursuing the subject vehicle until such time as marked patrol units are able to assist, or the pursuit is terminated. As marked patrol units engage in the pursuit, the initiating supervisor will allow those units to take up the first and subsequent positions behind the fleeing vehicle and call the pursuit. The initiating supervisor shall move behind the other pursuing units and assume the role as controlling supervisor.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway or highway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Request assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
3. Request other officers to observe exits and/or intersections available to the suspect.

(d) Notify other law enforcement agencies if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

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307.5.2 AIR SUPPORT ASSISTANCE

When applicable, air support assistance may be requested. Once air support has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not directly involved in the pursuit should remain in their assigned areas, and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle. When practical and safe, uninvolved officers should position themselves in a safe and strategic location to utilize tire deflation devices in an effort to terminate the pursuit. Officers are authorized to use emergency equipment, when necessary, to respond to a strategic location for the purpose of utilizing tire deflation devices. Any officer that becomes aware of a pursuit entering a congested area or a potential hazard to the public or other motorists has the responsibility to inform involved officers and terminate the pursuit when applicable.

Unless otherwise requested for emergency assistance, non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 CONTROL SUPERVISOR RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The nearest available field supervisor will be responsible for:

(a) When possible and as radio traffic allows, notifying involved officers and the dispatcher of supervisory response to the pursuit. If appropriate, the supervisor may add themselves to the pursuit via MDC.

(b) Ascertain reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.

(c) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(d) Exercising management and control of the pursuit even if not engaged in it.

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(e) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(f) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(g) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.

(h) Ensuring that the proper radio channel is being used.

(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(j) Controlling and managing Lawrence Police Department officers when a pursuit enters another jurisdiction.

(k) Perform a post-pursuit review and document the pursuit as required.

307.7 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot, when appropriate.

307.8 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume control of the pursuit or terminate the pursuit if necessary.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

According to the requirements outlined in the Law Enforcement Authority Policy, law enforcement officer powers may be extended to other states, as applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

When an officer enters and continues in fresh pursuit of a person:

(a) In Colorado, to arrest the person for a crime committed in Kansas (CRS § 16-3-104).

(b) In Nebraska and Oklahoma, to arrest the person for a felony committed in Kansas (Neb. Rev. Stat. § 29-416; 22 O.S. § 221).

(c) In Missouri, to arrest the person for a felony or the crime of driving while intoxicated in Kansas (§ 544.155.1, RSMo).

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When an officer makes an arrest in another state, the officer shall take the offender to the appropriate judicial official in the county where the arrest occurred without unnecessary delay (CRS § 16-3-104; Neb. Rev. Stat. § 29-417; 22 O.S. § 222; § 544.155.2, RSMo).

307.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed control, unless the continued assistance of the Lawrence Police Department is requested by the agency taking over the pursuit. Upon relinquishing control of the pursuit, the involved Lawrence Police Officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Because of communication limitations between law enforcement agencies, any request to or from another agency to take over a pursuit initiated by this department should be specific. When another agency is requested to take over the pursuit, it will mean that its personnel will assume responsibility. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

307.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not participate in, join, or assume control of a pursuit initiated by another agency unless specifically requested to do so by the pursuing agency and only with approval from an on-duty supervisor. The exception to this is when a single vehicle from the initiating agency is the only law enforcement vehicle in the pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist, join or take over a pursuit that has entered the City of Lawrence, the supervisor should consider:

(a) The public’s safety within this jurisdiction.

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

As soon as practicable, a supervisor should review the request for assistance from another agency. The supervisor, after considering the above factors, may decline to assist in or assume

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control of the other agency's pursuit. However, authorization to participate in the pursuit may be granted for the sole purpose of ending the pursuit using an appropriate intervention tactic as outlined in this policy, regardless of the reason for the pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.9 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, ramming or roadblock procedures.

307.9.1 WHEN USE IS AUTHORIZED

Other than when using tire deflation devices, an officer shall seek approval from a supervisor, whenever practicable, before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.9.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.9.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved,

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this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
4. The suspect vehicle is stopped or traveling at a low speed.
5. Only law enforcement vehicles should be used in this tactic.

(b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended; or
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

(c) Tire deflation devices should be deployed only after notification of pursuing officers of the intent and location of the intended deployment, and in a manner that:

1. Should reasonably only affect the pursued vehicle.
2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
3. Has considered the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
4. Has considered whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.

(d) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

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307.10 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.11 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

(a) The primary pursuing officer shall complete appropriate incident/arrest reports.

(b) As soon as possible following a pursuit, an Officer’s Special Report form will be written by the initiating officer giving the incident number and whether the vehicle being pursued was lost, terminated, or ended in arrest. The Officer Special will be forwarded through the Chain of Command to the Chief of Police.

(c) After receiving copies of reports, and other pertinent information, the involved member's Division Commander or supervisor shall conduct or assign the completion of a post-pursuit review, as appropriate.

307.12 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

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Foot Pursuits

308.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

308.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

308.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

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(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

308.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

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(m) The suspect's location is no longer known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

308.5 RESPONSIBILITIES IN FOOT PURSUITS

308.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should attempt to broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Reason for the foot pursuit, such as the crime classification

(c) Number of suspects and description, to include name if known

(d) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

308.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

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308.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor should make a reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit or containment area. The supervisor should respond to the area whenever possible; the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor when available should proceed to the termination point.

308.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate incident/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which an unidentified suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

309.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

309.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately and shall continuously operate the emergency vehicle lighting and siren as required by law.

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

(a) When in pursuit or apprehending a violator or suspected violator.

(b) When responding to a reported emergency involving possible personal injury, death or significant property damage.

(c) When immediate assistance is requested by an officer or other law enforcement agency.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information when applicable:

- Identifying call sign
- Location of the emergency situation

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- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the dispatcher and other responding officers.

309.5 SAFETY CONSIDERATIONS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (K.S.A. § 8-1506).

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property:

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Proceed through toll booths on roads or bridges without stopping for payment of tolls after slowing down as necessary for safe operation and the picking up or returning of toll cards.

309.5.1 NUMBER OF OFFICERS ASSIGNED

Only the number of officers that are reasonably necessary should be assigned to respond to an emergency call or request for assistance.

309.5.2 MOTORCYCLES

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

309.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate

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their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify a supervisor or the dispatcher of the equipment failure so that another officer may be assigned to the emergency response.

309.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the dispatcher. Any subsequent change in the appropriate response level should be communicated to the dispatcher.

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Canines

310.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

310.2 POLICY

The Lawrence Police Department's Police Service Dog (PSD) Unit is committed to increasing the efficiency and effectiveness of the Department through the unique skills and abilities provided by the canine teams. It is the policy of the Lawrence Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

310.3 ASSIGNMENT

Canine teams should assist and supplement the Operations Bureau to function primarily in assist or cover assignments. However, they may be assigned to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of an on-duty supervisor.

310.4 CANINE COORDINATOR

The canine coordinator will generally be an experienced certified canine trainer or handler, who will report to to the Speical Operations Division Commander or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Identify training issues and other needs of the program.

(b) Maintaining a liaison with other agency canine coordinators.

(c) Ensure canine handlers maintain accurate records of canine training, including training aid records.

(d) Recommending the procurement of equipment and services for the teams of handlers and canines.

(e) Ensuring the canine teams receive regular training to maximize their capabilities.

(f) Review and recommend updates, as needed, to the Police Service Dog (PSD) Unit Operations Manual.

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310.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. If the canine team is off-duty, the requesting member shall seek supervisor approval prior to contacting the appropriate on-call canine handler.

310.5.1 OUTSIDE AGENCY REQUEST

All requests made to dispatch for canine assistance from outside agencies must be approved by the on-duty supervisor, who will contact the on-duty handler or when appropriate the on-call canine handler and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports.

310.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the Special OperationsDivision Commander or designee prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the Speical Operations Division Commander or designee.

310.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above shall be based on the totality of the circumstances and the use of an objective reasonableness standard applied by the handler. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted under the control of the handler or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

Upon deploying a canine as a use of force, the handler shall only allow the canine use of force to continue as long as reasonably appears necessary and no longer than needed to accomplish the lawful objective.

310.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

310.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine.

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The handler should allow a reasonable time for a suspect to surrender and should listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

310.6.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a Use of Force Report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the on-duty supervisor and canine handler's supervisor. Unintended bites or injuries caused by a canine should be documented in an administrative report, not as a use of force in a Use of Force Report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

310.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine’s suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

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(d) Once the individual has been located, the handler should secure the canine as soon as reasonably practicable.

310.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

310.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics.

310.8 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a serviceable condition.

(c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Lawrence Police Department facility, unless approved by the Special Operations Division Commander or designee.

(d) Handlers shall permit the Speical Operations Division Commander or designee to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Special Operations Division Commander as soon as possible.

(f) When off-duty, the only authorized kennel used for the canine shall be the kennel provided by the department. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(g) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

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(h) Under no circumstances will the canine be lodged at another location unless approved by the Special Operations Division Commander or designee.

(i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the Special Operations Division Commander or designee.

(j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Special Operations Division Commander or designee so that appropriate arrangements can be made.

310.8.1 CANINE IN PUBLIC AREAS

The canine should always be in the direct control of the canine handler when in areas that allow access to the public. Direct control may include verbal commands from the handler if the canine is off-lead. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

310.9 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine team's assigned supervisor or on-duty supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler’s personnel file.

310.10 TRAINING

Before assignment in the field, each canine team shall be trained and certified as a dual-purpose team to meet current Kansas Highway Patrol (KHP) certification standards.

All canine training shall be conducted while on-duty unless otherwise approved by the Speical Operations Division Commander or designee.

310.10.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to KHP approved certification standards on an annual basis.

310.10.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved.

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310.10.3 TRAINING RECORDS

All canine training records shall be documented and maintained by the canine handler.

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Domestic Violence and Stalking

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence and stalking through vigorous enforcement and to address domestic violence and stalking as serious crimes against society. The policy specifically addresses the commitment of the Lawrence Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence and stalking as required by K.S.A. § 22-2307 and K.S.A. § 22-2310.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - An act or threatened act of violence against a person with whom the offender is or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. For the purposes of this definition: (K.S.A. § 21-5111):

Dating relationship - A social relationship of a romantic nature. Factors to be considered include the nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

Family or household member - Persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time. Persons living together in a residence hall, dormitory, fraternity, sorority or shelter shall not be considered to reside together if they do not share the same primary living quarters.Persons temporarily sharing occupancy of a hotel, motel or dwelling shall not be considered to reside together.

Directed at or against - When used as a means or method of coercion, control, revenge or punishment

Domestic violence offense - Any crime committed whereby the underlying factual basis includes an act of domestic violence.

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Domestic Battery - Knowingly or reckless causing bodily harm to a person with whom the offender is or has been involved in a dating relationship or a family or household member, or knowingly causing physical contact with a person with whom the offender is or has been involved in a dating relationship or a family or household member when done in a rude, insulting or angry manner. (K.S.A. § 21-5414)

Aggravated Domestic Battery - Knowingly impeding the normal breathing or circulation of the blood by applying pressure on the throat, neck or chest, or by blocking the nose or mouth of a person with whom the offender is or has been involved in a dating relationship or family or household member, when done in a rude, insulting or angry manner.

Stalking - Engaging in conduct targeted at a specific person knowing that the conduct will cause the targeted individual, or a reasonable person in the circumstances of the targeted individual, to fear for their own safety or the safety of an immediate family member. Stalking also includes engaging in similar conduct when a protective order has been issued prohibiting contact with the targeted person (K.S.A. § 21-5427).

311.2 POLICY

The Lawrence Police Department's response to incidents of domestic violence, stalking and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence and stalking are criminal behaviors. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.3 OFFICER SAFETY

The investigation of domestic violence and stalking cases often place officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence or stalking cases (K.S.A. § 22-2307; K.S.A. § 22-2310):

(a) Calls of reported, threatened, imminent or ongoing domestic violence or stalking and the violation of any court order are of extreme importance and should be considered among high response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for any required follow-up.

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(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest or submit an affidavit if appropriate.

(h) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer may attach a copy of the order to the incident or arrest report.

(i) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred (K.S.A. § 22-2307; K.S.A. § 22-2310). Factors that should not be used as sole justification for declining to take enforcement action include:

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the offense occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural or social identity, professional position or sexual orientation of the victim or suspect.

(j) Officers should not make any statement that would discourage a person from reporting an act of domestic violence or stalking, or threaten, suggest or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement.

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(k) If the incident appears to involve a law enforcement officer from any agency, officers should notify a supervisor.

(l) If a language barrier exists, officers shall seek translation services through Propio Language Interpretation Services or an on-duty officer that is proficient in the individuals language..

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers shall:

(a) Advise the victim that there is no guarantee the suspect will remain in custody, and that a bond condition may be imposed that prohibits contact with the victim for 72 hours. The victim should be instructed to contact law enforcement immediately if the suspect contacts the victim during that time.

(b) Provide the victim information for available resources within the jurisdiction, such as Kansas Victim Information and Notification Everyday Service, to monitor custody changes of the suspect.

(c) Inform the victim to contact the Douglas County Jail, unless the suspect was booked into another jurisdiction, to monitor custody changes and to inquire whether a court order will be in effect upon release.

(d) Submit an Affidavit prior to the end of shift, unless approved by a supervisor, when the individual has been arrested for domestic battery, aggravated domestic battery, or other related domestic violence charges; or

(e) Determine if it is appropriate to issue a Notice to Appear prior to leaving the jail when the individual has been arrested for criminal damage, theft, criminal trespassing, or disorderly conduct.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).

(b) Document the resolution in a report.

(c) Submit an Affidavit prior to the end of shift when the officer has probable cause to arrest for domestic battery, aggravated domestic battery, or other related domestic violence charges, and the suspect has left the area.

311.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

(a) Victims should be provided with the department domestic violence or stalking information handout, even if the incident may not rise to the level of a crime (K.S.A. § 22-2307; K.S.A. § 22-2310).

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(b) Victims shall also be alerted to any available victim advocates, shelters and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.

(e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate officers should provide information on how to obtain or assist the victim in obtaining an emergency court order.

311.6 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence or stalking cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

If an otherwise valid foreign protective order cannot be enforced because the respondent has not been notified or served with the order, officers shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order (K.S.A. § 60-31b04).

311.7 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable (K.S.A. § 22-2307; K.S.A. § 22-2310):

(a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

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(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.8 STANDARDS FOR ARRESTS

Officers investigating a domestic violence or stalking report should consider the following:

(a) When there is probable cause to believe that an offense involving domestic violence or stalking has been committed, the officer shall arrest the person without undue delay (K.S.A. § 22-2307; K.S.A. § 22-2310).

(b) Officers should arrest a person who is in violation of a domestic violence protective court order if the violation involves a crime of domestic violence or stalking.

1. Officers are not required to arrest both parties involved in an alleged act of domestic violence or stalking when both claim to have been victims of domestic violence or stalking (K.S.A. § 22-2307).

(c) Officers receiving complaints of domestic violence or stalking from two or more opposing persons shall evaluate each complaint separately to determine if there is probable cause that each person committed a crime or offense and his/her actions were not an act of defense of a person or property (K.S.A. § 22-2307).

(d) Officers are not required to arrest either party involved in an alleged act of domestic violence when the officers determine there is no probable cause to believe that a crime or offense has been committed (K.S.A. § 22-2307).

(e) Officers are not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence (K.S.A. § 22-2307).

311.9 REPORTS AND RECORDS

Officers shall complete an incident report on all domestic violence and stalking incidents regardless of whether an arrest is made (K.S.A. § 22-2307; K.S.A. 22-2310). If there is no probable cause to support arrest or to believe that a crime of domestic violence or stalking occurred, an Affidavit is not required but the related report should include information supporting such a conclusion. Officers will select “NPC – No Probable Cause” as the “Disposition” for the incident. Verbal arguments without threats of violence will not require a report.

The Records Unit shall forward a copy of the incident report to the Kansas Bureau of Investigation and should also forward a copy of the incident report and any Affidavit to the appropriate prosecutor’s office (K.S.A. § 22-2307; K.S.A. § 22-2310).

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311.10 TRAINING

Training on domestic violence calls shall be provided to officers in accordance with K.S.A. § 22-2307.

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Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Lawrence Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Lawrence Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

(f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Lawrence Police Department members are required to notify the Department for Children and Families (DCF) of suspected child abuse.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement.

313.2 POLICY

The Lawrence Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the DCF is notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Lawrence Police Department shall notify DCF when there is reason to suspect that a child has been harmed as a result of physical, mental, or emotional abuse, or neglect or sexual abuse (K.S.A. § 38-2223(a)).

For the purposes of notification, abuse includes physical neglect, sexual abuse, and the infliction of physical, mental, or emotional harm, or the causation of a child's deterioration. This includes, but is not limited to, maltreatment or exploiting a child to the extent that his/her health becomes endangered (K.S.A. § 38-2202; K.A.R. 30-46-10).

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (K.S.A. § 38-2223(b)):

(a) Notification shall be made to DCF promptly or as soon as practicable, via telephone, fax, or online reporting.

(b) Notification shall contain, if known:

  (a) The names and addresses of the child and the child's parents or other persons responsible for the child's care.

  (b) The location of the child if not at the child's residence.

  (c) The child's gender, race and age.

  (d) The reasons why the child may be in need of care.

  (e) The nature and extent of the harm, including any evidence of previous harm.

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(f) Any other information that might be helpful in establishing the cause of the harm.

(g) The identity of the person responsible for the harm.

(c) When reporting suspected child abuse, protected health information may be disclosed freely with DCF.

(d) If requested by DCF, notification shall be followed up by a written report.

In addition to notifying DCF, members shall notify the Secretary of the Kansas Department of Health and Environment (KDHE) when an investigation involves a facility licensed or regulated by KDHE (K.S.A. § 38-2226(e)).

The Coroner shall be notified immediately in all instances where abuse is suspected in the death of a child (K.S.A. § 38-2223(d); K.S.A. § 22a-242).

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed (K.S.A. § 38-2226).

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams or mandatory joint investigations, as applicable (K.S.A. § 38-2226; K.S.A. § 75-723).

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of child abuse require an investigation and a written report even if the allegations appear unfounded or unsubstantiated (K.S.A. § 38-2226). Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Suspected child abuse reports shall be accepted from anyone, including mandated reporters when DCF is unable to accept reports (K.S.A. § 38-2223(c)(1)).

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name, and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

313.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCF. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the Juvenile Intake Assessment Center (JIAC) (K.S.A. § 38-2232).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children shall only be taken into custody and removed from a parent or guardian by an officer in the following situations (K.S.A. § 38-2231):

(a) There is a valid court order authorizing custody of the child issued in this state or another jurisdiction.

(b) The officer reasonably believes:

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1. The child will be harmed if not immediately removed from the place or residence where the child has been found.
2. The child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.
3. The child is experiencing a mental health crisis and is likely to cause harm to him/herself or others.

313.6.1 NEWBORN INFANT PROTECTION ACT

A member may accept custody of an infant 60 days or younger surrendered by a person purporting to be the infant's parent or a person having lawful custody of the infant when it appears that the infant has not suffered any bodily harm as provided in K.S.A. § 38-2282.

The member shall immediately notify the on-duty supervisor who shall ensure that DCF is notified and that the infant is delivered to a facility or person designated by DCF.

Members involved in the voluntary surrender of an infant shall:

(a) Perform any act necessary to protect the physical health or safety of the infant.

(b) Arrange for the immediate transportation of the infant to the nearest medical care facility.

(c) Not require the parent voluntarily surrendering the infant to reveal personally identifiable information but should offer the parent the opportunity to provide information concerning the infant's familial or medical history.

(d) Not reveal the name or other personally identifiable information of the person who delivered the infant unless there is a reasonable suspicion that the infant has been abused or neglected.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

313.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

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1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

313.7.3 INTERVIEWS ON SCHOOL PREMISES

Officers may interview a child on the premises of an educational institution in a setting designated by school personnel (K.S.A. § 38-2226(g)).

(a) Officers have discretion in determining who may be present during an interview, taking into consideration the best interests of the child.

(b) To the extent that safety and practical considerations allow, officers shall not be in uniform when investigating suspected child abuse on the premises of an educational institution.

(c) The officer may request the presence of school personnel if the presence of such person might provide comfort to the child or facilitate the investigation.

313.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should arrange for the child's transportation to the appropriate medical facility. The officer may seek consent for the examination, but it is not required under the law. The officer shall notify or attempt to notify the appropriate parent or guardian of the examination unless it is suspected that the parent or guardian is the abuser (K.S.A. § 38-2217).

313.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including DCF, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that the officer has responded to a drug lab or other narcotics crime

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scene where a child is present or where evidence indicates that a child lives at the scene.

313.9.2 OFFICER RESPONSIBILITIES
An officer responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the on-duty supervisor.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS
Kansas requires or permits the following:

313.10.1 ACCESS TO RECORDS
Officers seeking access to records from any person or agency that maintains records relating to a child who is the subject of a child abuse investigation shall (K.S.A. § 38-2226):

(a) Submit a written request for information to the person or agency.

(b) Provide written notice that an investigation is being conducted by the Department.

When access to certain records is denied, an officer may request disclosure of documents, reports or information by making a written, verified application to the district court when there is probable cause to believe this information will assist in the investigation of a report of child abuse or neglect (K.S.A. § 38-2229).

313.10.2 RELEASE OF REPORTS
Information and records related to incidents and investigations of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (K.S.A. § 38-2209).

313.10.3 STATE CHILD DEATH REVIEW BOARD
The Department shall allow the State Child Death Review Board access to all investigative information regarding the death of a child (K.S.A. § 22a-244).

313.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases.

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Adult Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Lawrence Police Department members as required by law.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

314.2 POLICY

The Lawrence Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Lawrence Police Department shall notify the Department for Children and Families (DCF) when there is reasonable cause to believe that an adult is being or has been abused, neglected or exploited, or is in need of protective services (K.S.A. § 39-1431).

For purposes of notification, abuse includes an act or inaction that would cause, or is likely to cause, harm including physical or mental injuries, sexual acts without consent, unreasonable use of physical or chemical restraints, isolation or medication that harms, or is likely to cause harm, emotional or mental distress, neglect, or exploitation as provided in K.S.A. § 39-1430.

For purposes of adult abuse, an adult is a person (K.S.A. § 39-1430):

(a) Who is 18 years of age or older, alleged to be unable to protect his/her own interest, who is harmed or threatened with harm, whether financial, mental, or physical in nature, through action or inaction by either another individual or through his/her own action or inaction when the adult:

1. Resides in his/her own home, the home of a family member, or the home of a friend.
2. Resides in an adult family home as defined in K.S.A. § 39-1501.
3. Is receiving services through a provider of community services operated or funded by the DCF, the Kansas Department for Aging and Disability (KDADS), or a licensed residential facility.

314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (K.S.A. § 39-1431):

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(a) Notification to the DCF shall be made immediately or as soon as practicable by telephone, fax, or online reporting.

(b) Information shall include, if known:

1. The name and address of the person making the report.
2. The name and address of the caretaker caring for the involved adult.
3. The name and address of the involved adult.
4. Information regarding the nature and extent of the abuse.
5. The name of the next of kin of the involved adult, if known.
6. Any other information which the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

For adult abuse investigations involving a medical facility, adult residential care facilities, home health agencies, adult day care or a facility for the mentally disabled, KDADS shall be notified upon the conclusion of the investigation or sooner if the report does not compromise the investigation (K.S.A. § 39-1443(d)).

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed (K.S.A. § 39-1409; K.S.A. § 39-1443).

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (K.S.A. § 39-1409; K.S.A. § 75-723).

(g) Assist in investigations when requested by the DCF when it is reported that an adult is in a life-threatening situation (K.S.A. § 39-1435).

314.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

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(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

314.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact the DCF. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the DCF.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

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When adult abuse victims are under state control, have a state-appointed guardian or if there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

314.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) The adult cannot adequately provide for his or her own care or protection and exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. The supervisor should consider other government agencies or services that may obtain a court order for such an examination.

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314.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the DCF, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives at the scene should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Kansas requires or permits the following:

314.10.1 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for:

(a) Providing a copy of the adult abuse report to the DCF as required by law (K.S.A § 39-1443).

(b) Retaining the original adult abuse report with the initial case file.

314.10.2 ACCESS TO RECORDS

Officers shall have access to relevant records from any person or agency which maintains records relating to an adult abuse investigation (K.S.A. § 39-1406; K.S.A. § 39-1436).

314.10.3 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

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314.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases.

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Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Lawrence Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination,

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participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

315.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Kansas Human Rights Commission guidelines.

(b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Manager or the City Manager.

Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment, discrimination or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

315.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Manager or the City Manager for further information, direction or clarification.

315.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include, but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or Human Resources Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

315.4.3 SUPERVISOR’S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline in a manner that is consistent with established procedures.

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315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

315.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Human Resources Manager or the City Manager.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented in a manner designated by the Chief of Police. The outcome of all reports shall be:

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(a) Approved by the Chief of Police, the City Manager or the Human Resources Manager, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

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Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

High risk - Includes persons who (K.S.A. § 75-712c(e)(3)):

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation, such as an abduction or suspicious or known dangerous circumstances.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk (facts or circumstances indicate the person may be at risk of bodily harm or death).
9. Have been missing more than 30 days.
10. Have been designated as a high-risk missing person by another law enforcement agency.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown (K.A.R. 10-20-1).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the Kansas Bureau of Investigation (KBI) Missing/Unidentified Person Clearinghouse and the National Crime Information Center (NCIC).

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316.2 POLICY

The Lawrence Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay (K.S.A. § 75-712c(a)(1)).

This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

316.4 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable (K.S.A. § 75-712c(a)(4)):

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be high risk (K.S.A. § 75-712c(e)(1)).

1. Provide the reporting party with contact information and information concerning the National Center for Missing and Exploited Children (NCMEC) and the National Center for Missing Adults (K.S.A. § 75-712c(b)).

2. Advise the reporting party to immediately notify the Department in the event the missing person returns or is located (K.S.A. § 75-712c(d)).

(c) Notify a supervisor immediately if there is evidence that a missing person is either high risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast an alert if the person is under 18 years of age or there is evidence that the missing person is high risk. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be high risk.

(e) Ensure that entries are made into the appropriate missing person networks (K.S.A. § 75-712b; K.S.A. § 75-712c(a)(3); K.S.A. § 75-712c(e)(4)):

1. Immediately, when the missing person is high risk.

2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

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(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

  (a) A photograph and/or fingerprint card of the missing person, if available.

  (b) A voluntarily provided biological sample of the missing person, if available and as needed (e.g., toothbrush, hairbrush).

  (c) Any documents that may assist in the investigation, such as court orders regarding custody.

  (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.5 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms.

316.5.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

  (a) The reports should be sent to the Records Unit upon approval.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing person networks (K.S.A. § 75-712c(a)(3)).

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

  1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

(g) Reevaluating new information, including whether the missing person is subsequently high-risk (K.S.A. § 75-712c(e)(2)).

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316.6 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is appropriately notified if the missing person is a juvenile (K.S.A. § 72-53,106(d)).

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Shall recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available. Investigators shall also (K.S.A. § 75-712c(c); K.A.R. 10-20-2):

1. Provide follow-up forms to the reporting party from the NCIC or KBI.
2. Attempt to obtain a DNA sample from family members.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update the KBI Missing/Unidentified Person Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308; K.S.A. § 75-712c(c)).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and NCMEC if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the KBI Missing/Unidentified Person Clearinghouse and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) Should assign responsibility to monitor the case and upon obtaining any new information concerning the missing person at any time, evaluate whether such person may be a high-risk missing person (K.S.A. § 75-712c(e)(2)).

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(l) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.7 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned member shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The investigating member should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to any other agency involved in the case.

(b) When a person is high risk, the fact that the person has been found should be reported within 24 hours to any other agency involved in the case.

(c) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.7.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should (K.S.A. § 75-712g):

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the KBI Missing/Unidentified Person Clearinghouse (K.S.A. § 75-712b(b)).

(c) Use available resources, such as those related to missing persons, to identify the person.

316.7.2 VICTIMS OF DOMESTIC VIOLENCE/SEXUAL ASSAULTS

When there is reason to believe that a missing person (including an emancipated minor) is staying at or made contact with a domestic violence or sexual assault program, notification that the missing person was found shall not be provided to relatives and/or the reporting party unless the missing person expressly consents to the release of the information (K.S.A. § 75-712c(d)).

316.8 CASE CLOSURE

The Investigations Division Commander or designee may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Lawrence or this department is the lead agency, the case should be kept under active investigation for as long as the person may still

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be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.9 TRAINING

Subject to available resources, the Training Lieutenant or designee should ensure that members of this department whose duties include missing person investigations and reports receive training in missing persons investigations.

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Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Lawrence Police Department should notify their supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Affairs Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Assume incident command until relieved by the Chief of Police or Division Commander

(b) Review Amber Alert Plan criteria

(c) Authorized additional personnel or resources as needed

(d) Work with the PAO for alert information and media inquiries

317.4 AMBER™ ALERTS

AMBER™ Alerts are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

317.4.1 CRITERIA

The following criteria must be met to issue an AMBER Alert:

(a) The child is 17 years of age or younger, or has a proven mental or physical disability.

(b) The child is believed to be in danger of serious bodily harm or death.

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(c) There is evidence that the child is likely to be in the broadcast area.

(d) There is information to disseminate to the general public which could assist in the recovery of the child or the apprehension of the suspect. Information required includes:

1. The child's or suspect's information or descriptions.
2. The direction of travel.
3. Other substantial facts.

317.4.2 PROCEDURE

The following is the procedure for initiating an AMBER Alert. The member should:

(a) Confirm an abduction has occurred.

(b) Open a case investigation.

(c) As soon as possible, enter the information that has been collected into the National Crime Information Center (NCIC) system.

(d) Have the proper reports of the incident available for review.

(e) Have the Chief of Police or the authorized designee contact the Kansas Bureau of Investigation (KBI) and request an AMBER Alert.

(f) Provide the AMBER Alert personnel with all of the necessary information.

The Chief of Police or the authorized designee shall ensure that the AMBER Alert is deactivated as soon as practicable after the missing child is found.

317.5 BLUE ALERTS

Blue Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state, or federal law enforcement officer.

317.5.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued:

(a) A law enforcement officer must have been killed or seriously injured by an offender.

(b) The department must determine that the offender poses a serious risk or threat to the public and other law enforcement personnel.

(c) A detailed description of the offender's vehicle, vehicle tag or partial tag must be available for broadcast to the public.

In addition, the KBI may issue a Blue Alert if both the Department and the KBI believe that the release of an offender's physical description or personal identifiers will aid in the speedy apprehension of the offender and increase public safety.

317.5.2 PROCEDURE

The following is the procedure for initiating a Blue Alert:

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(a) The Chief of Police or the authorized designee will notify the KBI Communications/ Help Desk and request a Blue Alert.

(b) The Chief of Police or the authorized designee shall ensure that a Blue Alert is deactivated as soon as practicable after the suspect is found.

317.6 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is suffering from dementia or is over the age of 65 (K.S.A. § 75-754).

317.6.1 CRITERIA

The following criteria must be met to issue a Silver Alert:

(a) Law enforcement has reason to believe the person reported missing is:

1. Suffering from dementia or is over the age of 65.
2. The person has a reported medical or mental condition that may threaten or greatly reduce his/her ability to make sound reasonable decisions and/or may diminish his/her ability to survive without assistance.
3. The person has been determined to be at risk of harming his/herself.

(b) The person's whereabouts are unknown and he/she is missing under circumstances that do not conform to his/her normal routine or habits, and he/she may be in need of assistance or intervention.

(c) The investigating officer determines that it is appropriate to request public assistance in locating the individual.

317.6.2 PROCEDURE

The following is the procedure for initiating a Silver Alert:

(a) The Chief of Police or the authorized designee should notify the media and other resources that may assist in locating the missing person.

(b) The Chief of Police or the authorized designee should notify the KBI Communications/ Help Desk if a statewide search is necessary.

The Chief of Police or the authorized designee shall ensure that the Silver Alert is deactivated as soon as practicable after the missing person is found.

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Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Lawrence Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Lawrence Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIMS

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources, such as the Victim/Witness coordinator with the Douglas County District Attorney's Office.

318.4 VICTIM INFORMATION

The Technical Services Division Commander or designee shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information on how to register with the Kansas Department of Corrections to receive information on an offender's custody status.

(f) Notice regarding U visa and T visa application processes.

(g) Resources available for victims of identity theft.

(h) Information shall be provided regarding (K.S.A. § 19-4808):

    (a) Emergency and medical telephone numbers, if needed.

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(b) The officer's name, badge number and any applicable case or incident number, in writing.

(c) The address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights.

(d) The name and address of the crime victims' compensation board and information about possible compensation benefits.

(e) An advisement that the details of the crime may be made public.

(f) An advisement of the Victim's Bill of Rights (K.S.A. § 74-7333; K.S.A. § 74-7335).

(i) Information required for victims of domestic violence (K.S.A. § 22-2307).

318.5 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim.

319.2 POLICY

The Lawrence Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.

(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

319.4 INVESTIGATION

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

(e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

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(f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked “Hate Crime.”

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Temporary Protective Order) through District Court.

319.5 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

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Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Lawrence Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person canceling the original order shall notify the person issuing the original order.

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320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, agreeing to such a violation, or exhibiting indifference to such a violation.

(d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Kansas Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions, contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

320.5.2 ETHICS

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(a) Using or disclosing one's status as a member of the Lawrence Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties.

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

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(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Lawrence Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within a reasonable time of any change in residence address, home contact telephone numbers or marital status.

320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work- related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

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(c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

  (a) While on department premises.

  (b) At any work site, while on- duty or while in uniform, or while using any department equipment or system.

  (c) Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

  1. Unauthorized attendance while on-duty at official legislative or political sessions.

  2. All personnel shall abide by the City Employee Handbook regarding political activity.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the employment agreement, or the Chief of Police.

(i) Any act on- or off-duty that brings embarrassment or discredit to this department.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities on-or-off-duty resulted in contact with any other law enforcement agency where the member is considered or may be considered to be a suspect of a criminal offense or what may receive discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

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(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling, including loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic crash.

(h) Concealing or knowingly failing to report any on-the-job or work-related illness or injury as soon as practicable but within 20 calendar days in most instances, and within 10 calendar days if the employee no longer works for the Department (K.S.A. § 44-520).

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320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Lawrence Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 POLICY

It is the policy of the Lawrence Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of Web-browsing history, when applicable, made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisor.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures.

321.4.1 SOFTWARE

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer without the approval of the IT Network Manager or designee. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged

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off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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Department Use of Social Media

322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

322.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

322.2 POLICY

The Lawrence Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment, and other relevant events. The Department's social media accounts are also meant to engage with the community and to provide a platform to facilitate communication, humanize department members and the department as a whole, and to encourage citizens to interact with the department in a non-traditional way.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

322.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

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322.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

322.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., active critical incidents or public safety information), the Public Affairs Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

322.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is offensive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that would knowingly compromise an ongoing investigation.

(d) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(e) Any content posted for personal use.

(f) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

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322.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

322.7 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Report Preparation

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

323.2 POLICY

It is the policy of the Lawrence Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

323.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

323.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and generally free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held without supervisor approval.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

323.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

323.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a felony crime has occurred or has been alleged, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in an incident/arrest report includes:

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(a) All arrests.

(b) All felony crimes.

(c) Situations covered by a separate policy. These include:

  (a) Use of Force Policy.

  (b) Domestic Violence and Stalking Policy.

  (c) Child Abuse Policy.

  (d) Adult Abuse Policy.

  (e) Hate Crimes Policy.

  (f) Suspicious Activity Reporting Policy.

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a misdemeanor crime has occurred or has been alleged, the member shall document the incident. Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (for example, call notes).

323.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented on a report or relevant form includes:

(a) Any found property or found evidence.

(b) All protective custody and welfare detentions.

(c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).

(d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

(e) Suspicious incidents that may place the public or others at risk.

(f) Any use of force by members of this department against any person (see the Use of Force Policy).

(g) Any firearm discharge (see the Firearms Policy).

(h) Any traffic crashes above the minimum reporting level (see the Traffic Crash Policy).

(i) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

323.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of an intentional drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or serious, and potentially fatal. (e.g. Subject falls down stairs at a business and receives serious injuries that are potentially fatal)

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(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

323.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

(a) Unattended deaths (no physician or qualified hospice care during the period preceding death)

(b) Sudden, accidental or suspicious deaths

(c) Suicides

(d) Homicide or suspected homicide

(e) Found dead bodies or body parts

323.6 ALTERNATIVE REPORTING FOR VICTIMS

Reports that may be submitted to Teleserve::

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials threatening to public safety, when there is no suspect information.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Any other report that a supervisor directs Teleserve to document.

Members at the scene of one of the above incidents should not refer the reporting party to any alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (for example, the Federal Trade Commission website for identity theft; the Federal Bureau of Investigation's Internet Crime Complaint Center website for computer crimes).

323.7 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the original report with the corrections needed to the reporting member for correction as soon as practicable. It shall be the responsibility of the

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submitting member to ensure that any report returned for correction is corrected in a timely manner.

323.7.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

324.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

324.2 POLICY

It is the policy of the Lawrence Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

324.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Sergeants and designated Public Affairs Officers (PAOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

324.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

324.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PAO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PAO.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

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(c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

324.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

(a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.

1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PAO or other designated spokesperson.

(c) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.

(d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

324.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PAO.

324.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

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324.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PAO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

324.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the authority of the Chief of Police or upon a formal request filed and processed in accordance with the Records Maintenance and Release Policy and applicable law (e.g., Kansas Open Records Act) (K.S.A. § 45-215 et seq.).

Any requests for copies of related reports or additional information not contained in the information log, including the identity of officers involved in shootings or other critical incidents, shall be referred to the PAO, the Official Custodian or Records Unit, or if unavailable, the Technical Services Division Captain. Such requests will be processed in accordance with the provisions of public records laws (e.g., the Kansas Open Records Act) (K.S.A. § 45-215 et seq.).

324.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

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Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Lawrence Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

325.2 POLICY

Lawrence Police Department members will respond appropriately to all subpoenas and any other court ordered appearances.

325.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Lawrence Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Lawrence Police Department.

The supervisor will then notify the Chief of Police or designee and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police or designee should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current LPOA MOU.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

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325.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Members are expected to comply with any properly served subpoena or court ordered appearance. If the subpoena or court ordered appearance is served via electronic means, members are expected to respond back to the sender by acknowledging receipt of the notification. Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency. Members shall immediately contact the applicable prosecutor, attorney or court when there is a foreseeable conflict with the subpoena or court ordered appearance. In circumstances where members have an unforeseen conflict (ie. illness, family emergency, vehicle trouble, etc.) that may delay or make it difficult for the member to appear at the time of the scheduled appearance, the member shall immediately contact the applicable prosecutor, attorney or court to inform them of the conflict, as well as contacting an on-duty supervisor. Contacting the applicable prosecutor, attorney or court shall be done as soon as the conflict occurs or is known by the member.

325.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the appropriate individual(s) of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

325.6 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Uniformed officers shall dress in the department uniform, unless otherwise approved by a supervisor, for state or federal court. Uniformed officers may wear a department uniform or suit when testifying in municipal court.

Members assigned to other assignments may wear the department uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

325.6.1 TESTIMONY
Before testifying, the subpoenaed member shall review relevant reports, photographs, videos, and/or other information to become familiar with the content in order to be prepared for court.

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Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency that routinely does not operate within the City of Lawrence.

326.2 POLICY

It is the policy of the Lawrence Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the appropriate Division Commander or designee for approval. In some instances, an established protocol or agreement may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the on-duty supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency, as long as all applicable laws and policies of the Lawrence Police Department have been followed. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

326.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Lawrence Police Department shall notify his/her supervisor and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should first notify a supervisor. The supervisor or authorized designee should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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326.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in the case notes or as directed by the on-duty supervisor.

326.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the assigned Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the equipment and supplies.
2. The members trained in the use of the equipment and supplies.

(c) Any other requirements for use of the equipment and supplies.

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Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Lawrence Police Department in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Lawrence Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

327.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the affected Division Commander and the City. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths or deaths related to law enforcement activity
- Crimes of unusual violence that cause life-threatening injuries (excluding self-inflicted) or circumstances that may include hostages or barricaded persons
- High-risk missing children or high-risk missing adults
- In-custody deaths
- Aircraft, train, boat or other transportation involving fatalities or multiple injuries
- Traffic crashes with fatalities or life-threatening injuries
- Death of a prominent Lawrence official
- Significant injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Lawrence official
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Vehicle pursuit that results in great bodily injury or death
- Any other incident that has attracted or is likely to attract significant media attention

327.4 ON-DUTY SUPERVISOR RESPONSIBILITIES

The on-duty supervisor is responsible for making the appropriate notifications. The on-duty supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable.

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327.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified along with the affected Division Commander(s), unless that Division Commander is involved, or when applicable the On-Duty (OD) Commander as outlined in department policy, Supervision Staffing Levels.

327.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator responds from home, the on-call Investigation Division supervisor shall be notified, who will then contact the appropriate investigator.

327.4.3 MEDIA INQUIRIES

On-duty supervisors will field media inquiries, when possible, for active incidents when the Public Affairs Unit is not available or on-duty. Active incidents are considered to be calls for service that occurred during that current shift or the shift prior. The media should be directed to contact the Public Affairs Unit directly if they inquire about an incident that occurred the previous day or prior.

327.4.4 PUBLIC AFFAIRS OFFICER

After members of the command staff have been notified, the Public Affairs Officer shall be called if it appears the media may have a significant interest in the incident.

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Death Investigation

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

328.2 POLICY

It is the policy of the Lawrence Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented.

328.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify an Investigation Division Supervisor as necessary. The on-scene supervisor will make notification to command staff in accordance with the Major Incident Notification Policy.

328.3.1 REPORTING

All incidents involving a death shall be documented.

328.3.2 CORONER REQUEST

Officers are not authorized to make a determination of death. The Coroner Scene Investigator shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Coroner be notified in any of the following cases (K.S.A. § 22a-231):

(a) The death is suspected to have been the result of violence, caused by unlawful means, by suicide or by casualty.

(b) The death occurred suddenly when the decedent was in apparent health or not regularly attended by a licensed physician.

(c) The death occurred in any suspicious or unusual manner.

(d) The death occurred in law enforcement custody, in a jail or correctional institution.

(e) The death involved a child as specified under K.S.A. § 22a-242.

(f) When the determination of the cause of a death is held to be in the public interest.

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328.3.3 SEARCHING DEAD BODIES

(a) The Coroner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.

(b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Coroner or his/her assistant shall be promptly notified.

(c) The Coroner, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or his/her assistant, the investigating officer should inform the Coroner or his/her assistant upon their arrival or when practicable that the officer searched the dead body based on the exigent circumstances.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Coroner or his/her assistant, a receipt should be obtained. This receipt should be attached to the death report.

328.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigations Division shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

328.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information. This section only relates to a current employment accident or exposure.

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328.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

Upon receipt of a report of an unidentified body, the assigned investigator shall ensure that the report is immediately entered into the National Crime Information Center (NCIC) and the Kansas Bureau of Investigation (KBI) missing and unidentified person system.

If unidentified human remains have not been identified by other means within 30 days, members investigating a case shall make reasonable efforts to obtain prompt DNA analysis of biological samples by submitting the DNA biological samples to the KBI laboratory for analysis (K.S.A. § 75-712g).

328.5 DEATH NOTIFICATION

When reasonably practicable, notification to the next of kin of the deceased person should be made, in person, by the on-scene supervisor or the assigned investigator. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction should be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains.

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Private Person's Arrest

329.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

329.2 POLICY

It is the policy of the Lawrence Police Department to accept a private person's arrest only when legal and appropriate.

329.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

(a) The person making the arrest has:

1. Probable cause to believe that the arrested person is guilty of a felony that has been or is being committed (K.S.A. § 22-2403(1)).
2. Observed a crime, other than a traffic infraction or a cigarette or tobacco infraction, committed in his/her view (K.S.A. § 22-2403(2)).
3. Reasonable information that the arrested person is charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year (K.S.A. § 22-2714).

(b) A person is commanded by a law enforcement officer to assist in making an arrest (K.S.A. § 22-2407).

329.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

(a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.

(b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.

(c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

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Child and Dependent Adult Safety

333.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

333.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Lawrence Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

333.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

333.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

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(b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
2. Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify Child Protective Services or Adult Protective Services, if appropriate.

(d) Notify the on-duty supervisor of the disposition of children or dependent adults, when necessary.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the incident report.

333.3.2 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

333.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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Off-Duty Law Enforcement Actions

335.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Lawrence Police Department with respect to taking law enforcement action while off-duty.

335.2 POLICY

It is the policy of the Lawrence Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

335.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed law enforcement officers to arrive and gather as much accurate information as possible, instead of immediately intervening. However, should an officer decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

(a) The potential to be misidentified by other law enforcement officers.

(b) The potential to be misidentified by members of the public, who may be armed or who may take action.

(c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.

(d) Limited off-duty firearms capabilities and ammunition.

(e) The inability to communicate with responding law enforcement.

(f) The lack of equipment, such as body armor, handcuffs or control devices.

(g) Unfamiliarity with the surroundings, including escape routes.

(h) The potential for increased risk to bystanders by confronting a suspect or taking action.

335.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Lawrence Police Department until acknowledged. Official identification should also be displayed when possible.

335.4 CONSIDERATIONS

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335.4.1 NON-SWORN RESPONSIBILITIES
Non-sworn members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

335.4.2 INCIDENTS OF PERSONAL INTEREST
Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

335.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the on-duty supervisor and their immediate supervisor regarding any law enforcement action taken while off-duty. The officer's Division Commander may request assistance from the Office of Professional Accountability, if deemed necessary.

The Division Commander shall determine whether a criminal or administrative report should be completed by the involved officer.

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Chapter 4 - Patrol Operations

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Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Lawrence Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Lawrence. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of both criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Directing and controlling traffic.

(h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.

(i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(j) The application of resources to specific problems or situations within the community that may be improved or resolved by community-oriented policing and problem-solving strategies.

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400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily shift briefings and to attend shift briefings of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to members and affirms the department's commitment to policing is fair and objective (K.S.A. § 22-4606 through K.S.A. § 22-4611). This policy prohibits 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.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the ’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include (K.S.A. § 22-4609):

Enforcement action - 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.

Racial or bias-based policing - The unreasonable use of race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, 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, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, or religion is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.

Crime - 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.

Probable Cause - 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.

Reasonable suspicion - 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 - A seizure occurring when a law enforcement officer, by force or some show of authority, restrains a person's liberty.

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401.2 POLICY

The Lawrence Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

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 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. The government, including law enforcement, is charged with protecting these rights for all persons, regardless of race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity 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 members to safely accomplish their law enforcement mission in compliance with legal and constitutional requirements, and in a manner that respects 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.

401.3 RACIAL/BIAS-BASED POLICING PROHIBITED

Racial or bias-based policing is strictly prohibited.

This includes but is not limited to, using the race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity or religion of a person (K.S.A. § 22-4610):

(a) As a general indicator or predictor of criminal activity.

(b) In the course of any law enforcement action unless an 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.

(c) 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 caretaker

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functions unless the person is identified or described in part by race, ethnicity, national origin, gender or religion.

(d) As a motivating factor in making law enforcement decisions or actions unless the person is identified or described in part by race, ethnicity, national origin, gender or religion.

(e) As the basis for discretionary law enforcement (e.g., citation, arrest, warning, search, release or treating a person with respect and dignity).

401.4 MEMBER RESPONSIBILITIES

Every member of this agency is prohibited from engaging in racial or other biased-based policing as provided in this policy or prohibited by law. Members shall perform their duties in a fair and objective manner and are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

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 to include 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.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic and Parking Citations Policy.

401.5 STATE REPORTING

The Office of Professional Accountability shall submit an annual report to the Attorney General on or before July 31 for the preceding period of July 1 to June 30. The report shall contain any complaints filed pursuant to the categories listed under the definition of racial and other biased-

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based policing provided by K.S.A. § 22-4610(d). Such report shall be available for examination by any person requesting to see it during normal business hours.

401.5.1 AGENCY REQUIREMENTS

The department will conduct ongoing community outreach and communications efforts, including but not limited to the following:

(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.

401.6 ADMINISTRATION

The Office of Professional Accountability should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the racial or bias-based policing report submitted to the Attorney General and the annual Department report and discuss the results with those they are assigned to supervise.

This policy and the department's data collection procedures shall be available for public inspection during normal business hours (K.S.A. § 22-4610(b)).

401.6.1 COMPLAINTS OF RACIAL OR OTHER BIASED-BASED POLICING

The Department shall conduct ongoing community outreach and communication efforts to inform the public of a person’s right to file a complaint with this department and/or the Office of the Attorney General that includes the procedure for filing the complaint and the complaint process (K.S.A. § 22-4610(c)).

Any person who believes they have been subjected to racial or other biased-based policing may file a complaint with this department and/or the attorney general's office. TheOffice of Professional Accountability will investigate any racial or biased-based policing complaint in accordance with the Personnel Complaints Policy.

Individuals who believe they have been subjected to racial or other biased-based policing shall not be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against or retaliated against for filing such a complaint.

401.6.2 CITIZEN'S ADVISORY BOARD

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

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the City and the department with the subject of racial and other biased-based policing. The duties of the Board are to:

(a) 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.

(b) 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.

(c) Assist the Police Department with community outreach opportunities involving racial or other biased-based policing prevention.

(d) Advise the Police Department about community concerns related to racial or other biased-based policing.

(e) 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.

(f) 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.

(g) 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.

401.7 TRAINING

Annual training on racial or bias-based policing and review of this policy should be conducted as directed by the Training Unit (K.S.A. § 22-4610(c)).

Distance learning training technology is allowed for racial or other biased-based policing training. 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.

Training exemptions referenced in K.S.A. § 22-4610 (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. §74-5607(a), 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."

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Shift Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of shift briefing and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Shift Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 SHIFT BRIEFING

All divisions and specialized units should conduct regular shift briefing to discuss, disseminate and exchange information among department members, workgroups and other organizations. A supervisor generally will conduct shift briefing. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Shift Briefing should include, but is not limited to:

(a) Providing members with information regarding daily activities, with particular attention given to changes in the status of the following:

1. Wanted persons
2. Crime patterns
3. Suspect descriptions
4. Intelligence reports and photographs
5. Community issues affecting law enforcement
6. Major investigations

(b) Notifying members of changes in schedules and assignments.

(c) Reviewing recent incidents for situational awareness and training purposes.

(d) Providing training on a variety of subjects.

(e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about General Orders and any recent policy changes.

402.4 TRAINING

Shift Briefing training should incorporate short segments on a variety of subjects or topics and may include:

(a) Review and discussion of new or updated policies.

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(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Review of recent incidents for training purposes.

Shift Briefing training materials and a curriculum or summary shall be forwarded to the Training Unit for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Lawrence Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

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Crisis Response Team

404.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Crisis Response Team (CRT) in handling critical field operations where special tactical deployment methods or intense negotiations are beyond the capacity of field officers.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Negotiation team - Designated officers, who are specifically trained and equipped to provide skilled verbal communications to de-escalate or effect surrender in situations where suspects have taken hostages or barricaded themselves or who are suicidal.

Tactical team - Designated officers, who are specifically trained and equipped to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigators. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, a tactical team may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues necessitate such use.

404.2 POLICY

It shall be the policy of the Lawrence Police Department to maintain CRT, either internally or through participation in a regional team, comprised of negotiation and tactical teams, and to provide the equipment, manpower and training necessary to maintain such teams. The CRT should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

404.3 CAPABILITIES

This department acknowledges that training needs may vary based on the experience level of team members, team administrators and potential incident commanders. Therefore, with the preservation of innocent human life being paramount, nothing in this policy shall prohibit CRT from responding to a situation that exceeds their training level due to the exigency of the circumstances.

The various levels of tactical team capability and training may fluctuate based upon personnel, training, available equipment, resources and capabilities.

404.4 MANAGEMENT AND SUPERVISION

Under the direction of the Chief of Police, the CRT shall be managed by the appointed Special Operations Division Commander or as selected by the Chief of Police.

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404.4.1 TEAM SUPERVISORS
The negotiation team and tactical team will be under the direction of designated team supervisors, who shall be selected by the Chief of Police upon specific recommendation by command staff and the CRT Commander.

The primary responsibility of the team supervisors is to oversee the operation of their teams, which includes deployment, training, first-line supervisor participation and other duties as directed by the CRT Commander.

404.5 READINESS
An operational readiness assessment should be conducted to determine the type and extent of CRT missions and operations appropriate to this department. The assessment should consider the capabilities, training and limitations of CRT and should be reviewed annually by the CRT Commander or the authorized designee.

404.5.1 EQUIPMENT INSPECTIONS
The CRT Commander should appoint a team supervisor to perform operational readiness inspections of all CRT equipment when necessary. The result of the inspection will be forwarded to the CRT Commander in writing. The inspections will include personal equipment issued to members of CRT, operational equipment and vehicles maintained for CRT purposes.

404.6 PROCEDURES
Situations that necessitate the need for a CRT response vary greatly from incident to incident and often demand on-scene evaluation. The guidelines allow for appropriate on-scene decision-making and development of organizational and operational procedures.

404.6.1 OPERATIONAL PROCEDURES
The Department shall develop a separate written set of operational procedures in accordance with the determination of the CRT's level of capability, using sound risk-reduction practices. Because such procedures are specific to CRT members and outline negotiation, tactical and officer safety issues, they are not included within this policy.

404.7 OPERATIONAL GUIDELINES
The following are guidelines for the operational deployment of the CRT. Generally, the tactical team and the negotiation team will be activated together. It is recognized, however, that the teams can be activated independently as circumstances dictate. The tactical team may be used in a situation not requiring the physical presence of the negotiation team, such as warrant service operations. The negotiation team may be used in a situation not requiring the physical presence of the tactical team, such as handling a suicidal person. Operational deployment of the specialized teams shall be at the discretion of the CRT Commander.

404.7.1 APPROPRIATE USE
Incidents that may result in the activation of the CRT include:

(a) Barricaded suspects who refuse an order to surrender.

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(b) Incidents where hostages are taken.

(c) Individuals who are threatening suicide and have refused to surrender.

(d) Arrests of potentially armed or dangerous persons.

(e) Any situation that could threaten or undermine the ability of the Department to preserve life, maintain social order and ensure the protection of persons or property.

Any requests assistance from crisis response units from another agency must be approved by the Chief of Police, through the CRT commander or designee. Deployment of the Lawrence Police Department CRT in response to requests by other agencies must be authorized by the Chief of Police, through the CRT commander or designee.

404.7.2 ON-SCENE DETERMINATION AND NOTIFICATION

The supervisor-in-charge at the scene of a particular event will be designated as the Incident Commander and will assess whether a CRT response to the scene is appropriate. With input from the Incident Commander, final determination will be made by the appropriate Division Commander, who shall approve the notification to the CRT Commander. If the CRT Commander is unavailable, then the on-call CRT team supervisor shall be notified.

The Incident Commander should brief the CRT Commander or designee about the incident. Such information should include:

(a) The type of crime involved.

(b) The number of suspects, identity and criminal history.

(c) The known weapons and resources available to the suspect.

(d) If the suspect is in control of hostages and/or barricaded.

(e) Whether contact has been made with the suspect and whether there have been demands.

(f) If potential victims are still within the inner perimeter.

(g) If the suspect has threatened or attempted suicide.

(h) The location of the command post and a safe approach to it.

(i) The extent of any inner or outer perimeter and the number of personnel involved.

(j) Any other assets or resources at the scene including other involved agencies.

(k) Any other important facts critical to the immediate situation.

The CRT Commander or team supervisor shall then follow current callout procedures.

The Incident Commander, when not a Patrol Division Commander, will notify the applicable Patrol Division Commander as soon as practicable.

404.7.3 FIELD PERSONNEL RESPONSIBILITIES

While waiting for CRT to respond, field personnel should, if determined to be safe and practicable and sufficient resources exist:

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(a) Establish an arrest/response team in case the suspect takes action. The response team's tasks may include:

1. Taking action to mitigate a deadly threat or behavior either inside or outside the location.
2. Securing any subject or suspect who may surrender or attempt to escape.

(b) Evacuate any injured persons in the zone of danger.

(c) Evacuate or provide safety instructions to other people in the zone of danger.

(d) Establish an inner and outer perimeter.

(e) Establish a command post outside of the inner perimeter.

(f) Attempt to establish preliminary communication with the suspect. Once CRT has arrived, all negotiations should generally be halted to allow the negotiation and tactical teams time to organize, position and assume the appropriate roles and responsibilities.

(g) Plan for, and stage, anticipated resources.

404.7.4 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the CRT at the scene, the Incident Commander shall brief the CRT Commander and team supervisors. Once the CRT Commander authorizes deployment, the CRT Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access and will support the CRT. The Incident Commander and CRT Commander or the authorized designee shall maintain direct communication at all times.

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Ride-Alongs

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Lawrence Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

405.2 POLICY

Ride-along opportunities will be provided to the members of the public, and city employees to observe and experience, first-hand, various functions of the Lawrence Police Department. The term “ride-along” includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department.

405.3 ELIGIBILITY

A ride-along is generally available to Lawrence residents and business owners, individuals interested in applying with the Lawrence Police Department, students currently attending class in Lawrence and those employed within the City of Lawrence. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to, the following:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this department or the City
- Denial by any supervisor

405.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10:00 a.m. to 2:00 a.m. Exceptions to this schedule may be made as approved by the Chief of Police or Community Services Division Commander.

405.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Community Services Division. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver’s license number, birthdate, address, and telephone number.

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The Community Services Division Commander's designee will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

405.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Chaplains
- Lawrence Police Department applicants
- Any others with approval of the appropriate Division Commander

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

405.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the appropriate Division Commander.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

(a) Be considered on-duty.

(b) Represent him/herself as a member of this department or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

405.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Kansas Criminal Justice Information System (KCJIS) check prior to approval of the ride-along.

405.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed. The on-duty supervisor may refuse a ride-along to anyone who is not dressed appropriately.

405.7 MEMBER RESPONSIBILITIES

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct

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the individual about the conditions that necessarily limit his/her participation. Instructions should include:

(a) The participant will follow the directions of the department member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.

(c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.

1. If the participant is on a ride-along, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The dispatcher will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the on-duty supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the on-duty supervisor.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

406.2 POLICY

It is the policy of the Lawrence Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

406.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic crash, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

406.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potentially hazardous material from a safe distance.

(b) Notify Dispatch, appropriate supervisors, the fire department and hazardous response units.

  1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to other first responders.

(c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

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(d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:

1. Placards or use of an emergency response guidebook.
2. Driver's statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
   (a) The type of material.
   (b) How to secure and contain the material.
   (c) Any other information to protect the safety of those present, the community and the environment.

(f) Provide first aid to injured parties if it can be done safely and without contamination.

(g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.

(i) Establish a decontamination area when needed.

(j) Activate automated community notification systems, if applicable.

406.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report,and both the member and their supervisor will complete a Risk Management Workers Compensation from that shall be forwarded via the chain of command to the Chief of Police and Risk Management as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

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406.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

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Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

407.2 POLICY

It is the policy of the Lawrence Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

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407.3.1 EMERGENCY COMMUNICATIONS

Officers may intercept a wire, oral or electronic communication when authorized by an ex parte order issued by a judge in order to provide evidence of the commission of specific offenses (K.S.A. § 22-2515).

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt to obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

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(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Affairs Officer (PAO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

(l) Request a medical standby.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

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(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PAO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(n) Request a medical standby.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting Crisis Response Team (CRT) response if appropriate and apprising the CRT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized assignment members, additional department members, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department PAO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 CRT RESPONSIBILITIES

It will be the CRT Commander's decision, with input from the Incident Commander, whether to deploy the CRT during a hostage or barricade situation. Once the CRT Commander authorizes deployment, the CRT Commander or the authorized designee will be responsible for the tactical

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response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access, and will support the CRT. The Incident Commander and the CRT Commander or the authorized designees shall maintain direct communications at all times.

407.7 REPORTING

Unless otherwise directed by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Lawrence Police Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY

It is the policy of the Lawrence Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the on-duty supervisor is immediately advised and informed of the details. This will enable the on-duty supervisor to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 LAWRENCE POLICE DEPARTMENT FACILITY

If the bomb threat is against the Lawrence Police Department facility, the Division Commander or on-duty supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county facility within the jurisdiction of the Lawrence Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Division Commander or on-duty supervisor deems appropriate.

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408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Lawrence, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.

(e) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the on-duty supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The on-duty supervisor should be notified when police assistance is requested. The on-duty supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the on-duty supervisor determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

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(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios

2. Cell phones

3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the on-duty supervisor including:

1. The time of discovery.

2. The exact location of the device.

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3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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408.8 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The on-duty supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

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Crisis Intervention Incidents

409.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

409.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis – A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

409.2 POLICY

The Lawrence Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation or lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The department's Mental Health Team (MHT) has been designated to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

409.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

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409.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

409.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer may request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication or may have failed to take his/her medication.

(b) Whether there have been prior incidents or suicide threats/attempts, and whether there has been previous police response.

Additional resources and a supervisor should be requested as warranted.

409.8 SUPERVISOR RESPONSIBILITIES

When necessary and available a supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

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(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed.

409.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Involuntary Civil Commitments Policy.

409.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn or clerical members may be required to interact with persons in crisis in an administrative capacity, such as records request and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

409.11 EVALUATION

The Mental Health Team Sergeant or designee will review and track the department response to these incidents, ensuring that effective service and intervention is being met.

409.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

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Involuntary Commitments

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under an emergency detention to determine whether the person qualifies for an involuntary commitment.

410.2 POLICY

It is the policy of the Lawrence Police Department to protect the public and individuals through legal and appropriate use of the involuntary commitment process.

410.3 AUTHORITY

An officer who has a reasonable belief that an adult is mentally ill and likely to cause harm to him/herself or others may take the person into custody without a warrant and transport him/her to a treatment facility or a crisis intervention center, if available, for examination. However, an officer shall not transport a person to a state psychiatric hospital for an examination unless the officer receives a written statement from a qualified mental health professional authorizing the transport (K.S.A. § 59-2953; K.S.A. § 65-536).

An officer may also take a person into custody pursuant to a court order (K.S.A. § 59-2958; K.S.A. § 59-2959).

An officer who has a reasonable belief that a child under the age of 18 is experiencing a mental health crisis and is likely to cause harm to self or others shall take said child into custody (K.S.A. § 38-2231(b)(24)). When appropriate and capable, parents or a legal guardian under the escort of the officer may transport the child to a treatment facility or a crisis intervention center, if available, for examination.

410.3.1 RELEASE AFTER EXAMINATION

If the examining physician or psychologist determines that the person does not qualify for an involuntary commitment, the officer shall return the person to the location where he/she was taken into custody, if practicable, or another reasonable location appropriate under the circumstances (K.S.A. § 59-2953).

410.3.2 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an involuntary commitment, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.

(b) If at any point the person changes his/her mind regarding voluntary evaluation, the officer should proceed with the application for an involuntary commitment, if appropriate.

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(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for detention for the purpose of an involuntary commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.

(b) Conflict resolution and de-escalation techniques.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Involuntary commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

410.5 TRANSPORTATION

When transporting any individual for an involuntary commitment, the transporting officer may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

Officers transporting individuals stemming from a court order should take the following into consideration (K.S.A. § 59-2970):

(a) A female being transported shall be accompanied by a female attendant unless accompanied by an adult relative.

(b) An individual shall not be transported in a marked law enforcement vehicle if other means of transportation are available.

(c) The least amount of restraint necessary shall be used in transporting the individual.

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the appropriate information that is relevant for emergency observation and treatment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

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410.7 DOCUMENTATION

The officer shall provide information to a qualified mental health professional who will complete the application for emergency observation and treatment. The officer will document this information in an incident report. (K.S.A. § 59-2954).

410.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a criminal offense and who is being taken into custody on an involuntary commitment may resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for an involuntary commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.

(c) Facilitate the individual's transfer to the most appropriate facility.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an involuntary commitment.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an involuntary commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

410.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, involuntary commitments and crisis intervention.

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Citation Releases

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Lawrence Police Department with guidance on when to release adults who are suspected offenders on a citation/notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence and Stalking Policy.

411.2 POLICY

The Lawrence Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation/notice to appear in court, when authorized to do so.

411.3 RELEASE

A suspected offender shall be released on issuance of a citation/notice to appear in court for the following:

(a) Cigarette or tobacco infractions (K.S.A. § 79-3393; K.S.A. § 12-4212).

(b) Traffic infractions (K.S.A. § 8-2104(c); K.S.A. § 22-2401).

(c) Misdemeanors not committed in the presence of the officer unless the officer has probable cause to believe that (K.S.A. § 22-2401)

  (a) The person will not be apprehended or evidence of the crime will be irretrievably lost unless the person is immediately arrested.

  (b) The person may cause injury to self or others or damage to property unless immediately arrested.

  (c) The person has intentionally inflicted bodily harm to another person.

411.3.1 DISCRETIONARY RELEASES

A suspected offender may be released on issuance of a citation/notice to appear in court for:

(a) Misdemeanors

(b) City or municipal ordinance violations involving the intentional infliction of bodily harm (K.S.A. § 12-4206; K.S.A. § 12-4212)

(c) Wildlife, parks and tourism violations (K.S.A. § 32-1049)

411.4 PROHIBITIONS

The release of a suspected offender on a citation/notice to appear in court is not permitted for:

(a) Felonies (K.S.A. § 22-2401).

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(b) Violations of uniform traffic regulations if the person (K.S.A. § 8-2104):

1. Demands an immediate appearance before a judge, or;
2. Is arrested for driving under the influence or eluding in a vehicle.

(c) A warrant for the person's arrest or a court order requiring the person to be taken into custody is issued.

See the Domestic Violence and Stalking Policy for release restrictions related to those investigations.

411.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider (K.S.A. § 12-4212):

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual's ties to the area, such as residence, employment or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

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Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Lawrence Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The Lawrence Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571–345–3146 or toll-free at 866–217–2089, or at another current telephone number, and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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412.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
4. Honorary consular officers

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

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412.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

413.2 POLICY

The Lawrence Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

413.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In the case of a barricaded or trapped suspect, with no hostages and no immediate threat to others, officers should consider covering escape routes and evacuating persons as appropriate, while summoning and waiting for additional assistance (e.g., special tactics and/or hostage negotiation team response).

413.5 PLANNING

Critical incident planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

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413.6 TRAINING

The Training Lieutenant or designee should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment venues and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Enforcement

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for officer interactions with the United States Immigration and Customs Enforcement (ICE) with the members of the Lawrence Police Department.

414.2 POLICY

It is the policy of the Lawrence Police Department (LPD) that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons. No member shall stop, question, arrest, or detain any individual based solely upon actual or suspected citizenship or immigration status. No member shall request or document immigration status information from an individual, including victims, witnesses and suspects, unless otherwise required by law, regulations, or federal or state policies.

Immigration enforcement is not a local law enforcement matter. It falls under the jurisdiction of the United States Immigration and Customs Enforcement (ICE). Lawrence Police Department (LPD) officers lack the jurisdiction to enforce federal immigration law. However, there are situations where ICE may request the assistance of the LPD, and such request shall be addressed in department policy.

414.3 DEFINITIONS

Reasonable Suspicion – A particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity. A police officer must have a reasonable suspicion to stop a person in a public place. Black's Law Dictionary (11th ed. 2019)

Probable Cause – Reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime. Under the Fourth Amendment, probable cause — which amounts to more than a bare suspicion but less than evidence that would justify a conviction — must be shown before an arrest, arrest warrant or search warrant may be issued. Black's Law Dictionary (11th ed. 2019)

Emergency- A sudden and serious event or an unforeseen change in circumstances that calls for immediate action to avert, control, or remedy harm; an urgent need for relief or help. Black's Law Dictionary (11th ed. 2019)

Member- Any sworn employee of the Lawrence Police Department. This term may be used interchangeably with “LPD” and “officers” throughout this policy.

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414.4 VICTIMS AND WITNESSES

The need for community trust and cooperation is an essential component of effective policing and public safety. In furtherance of this principle, victims and witnesses of crime should not be the focus of immigration inquiries and should be encouraged to cooperate in the reporting and investigation of crime. To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color, or national origin in any way that would violate the United States or Kansas Constitutions. All persons residing in the United States, documented or undocumented, are protected under the rights outlined in the U.S. Constitution, including the Fourth Amendment right against unnecessary search and seizure.

When identification is requested, Members shall accept presentation of a photo identity document issued by a non-government organization or a verbal statement of the person's full name and date of birth. Members shall not require that a person produce a foreign passport or non-U.S. driver's license as evidence of identity.

Although not required as evidence of identity or citizenship, a driver's license is required for operation of a motor vehicle, regardless of a person's immigration status. Members may request the driver of a motor vehicle to produce a driver's license. The failure of a motor vehicle operator to produce a driver's license upon request after a moving violation or traffic stop may subject the operator to the appropriate charge (i.e. driving without a license).

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

A member will not need to notify ICE when booking arrestees at the jail. However, under certain circumstances, such as some felony investigations contact with ICE may be appropriate.

When determining whether notification of immigration authorities is appropriate, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- **Seriousness of the offense:** The investigation of the following felony crimes, including but not limited to:murder, kidnapping, robbery, rape, aggravated assault, aggravated arson, aggravated burglary, aggravated battery, and abuse of a child. (K.S.A. 21-5402(c) (listing “inherently dangerous felonies”)
- **Flight Risk:** The potential that a person would to flee the jurisdiction prior to the resolution of any pending criminal matters.

414.6 INTERVIEWS

The Lawrence Police Department does not conduct suspect interviews for civil immigration violations only. Any suspect that is in police custody and that is being interrogated regardless of immigration status will be provided with a Miranda warning prior to any questioning taking place by

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LPD. Miranda warnings are rooted in fundamental constitutional protections. Their purpose is to protect and preserve a suspect's Fifth Amendment constitutional rights against self-incrimination.

Members will ensure that suspects are advised of which law enforcement agency that they are speaking with prior to the start of any interview and will advise a person in custody if ICE or DHS requests to talk to them for any reason. Translation services will be made available if needed for language clarification purposes or upon the request of any suspect.

414.7 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. Under no circumstances will an LPD member become involved in the service of civil detainers or administrative immigration matters with ICE, unless a listed policy exception has been met. If a listed policy exception has been met officers should respond as they would when addressing any other law enforcement matter.

Unless otherwise required by law, LPD members shall not engage in, assist, or support immigration enforcement except as follows:

(a) In response to an articulated, direct threat to life or public safety.

(b) To safely execute a criminal warrant or court order issued by a local, state, or federal judge.

(c) Sending to ICE, or receiving from ICE, information regarding the citizenship or immigration status of an individual as provided in Section 414.8.

(d) To assist an officer in an emergency. In these situations, dispatch will immediately send officers to the location and notify an on-duty supervisor, who will immediately respond to the scene. The LPD will respond the same as they would for any other public safety agency during an emergency situation. Once on scene a determination will be made by an on-duty supervisor if the situation is one which LPD should legally be involved.

(e) Traffic control for the benefit of the traveling public only.

If a member receives a request directly from an ICE employee, he/she will immediately contact his/her on-duty supervisor for guidance prior to providing any assistance if practical.

An on-duty supervisor will contact the requesting ICE employee and determine if the situation is one in which the LPD should be involved.If it is determined that the LPD will provide support in any way, an on-duty supervisor will respond to the scene prior to any assistance being rendered if practical.

If there is probable cause to believe that the individual may be armed, has a history of violence, or presents a danger to ICE agents or to other members of the public, the LPD may respond as backup. In those cases, LPD members will assume non-contact positions, such as securing the perimeter or observational positions, unless a public safety situation occurs.

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ICE may issue civil detainers or administrative warrants for people believed to be in violation of United States immigration laws.

In order for members of the LPD to detain, arrest, or transport an individual, they must be wanted on a criminal warrant issued by a court or there must be underlying probable cause for criminal charges.

Validity of warrants will be verified prior to a service attempt if practical.

LPD members will not initiate contact with an individual for the sole purpose of assisting ICE in making a contact.

LPD members may not detain, arrest, or transport a person solely based on a civil immigration detainer or administrative warrant. The individual must have a criminal warrant issued by a court or underlying probable cause for criminal charges in order to be detained or arrested.

Through routine patrol, officers may also encounter individuals with immigration warrants. To verify if a warrant is civil, administrative, or criminal in nature, LPD members will have Dispatch contact the ICE Law Enforcement Support Center at the phone number listed on the NCIC hit or by calling (802) 872-6050. The ICE Law Enforcement Support Center is available 24 hours a day, seven (7) days a week, and 365 days a year. If the immigration warrant is for a criminal violation and has been issued by a federal judge or magistrate, members will honor this warrant and handle it in the same manner as any other criminal warrant.

The Lawrence Police Department does not enter immigration status information into the NCIC data base.

Members will notify a supervisor if they are not already on the scene and assistance has been rendered to ICE.

Incidents of assistance that are not documented in a crime report will be documented in the call notes or as directed by the on-duty supervisor.

414.8 SUPERVISOR RESPONSIBILITIES

The on-duty supervisor should respond to the scene, and is expected to:

(a) Contact the requesting ICE or other federal agent and determine if and what assistance the Lawrence Police Department may provide.

(b) Ensure that members of this department are not providing assistance to ICE solely for the purpose of civil detainers or administrative immigration violations only. In situations where there is probable cause to believe the individual may be armed, has a history of violence, or presents a danger to others, officers may provide assistance, such as securing the perimeter or observational positions, unless a public safety situation occurs that requires additional action.

(c) Ensure that officers do not assist in detaining, arresting, or transporting an individual based solely on a civil detainer or administrative warrant. Officers are authorized to assist in detaining, arresting, or transporting an individual if there is probable cause

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for a state or local violation, or if the individual has a criminal warrant issued for their arrest.

(d) Ensure that notification is made to the Public Affairs Office when LPD has provided assistance to ICE.

(e) Ensure that officers properly document their assistance in call notes, or when applicable an incident report.

414.9 INFORMATION SHARING

This policy is to be construed in accordance with 8 U.S.C. §1373(a) which provides "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual". This does not create a responsibility for any law enforcement officer or any other government entity or official to collect immigration information.

414.10 IMMIGRATION HOLDS

The Douglas County Jail does not fall under the authority of the Lawrence Police Department, and no member shall assist in holding any individual based solely on a federal immigration detainer.

414.11 U VISA AND T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer, victim, or victim's attorney in order for a U visa to be issued. The following should be considered when deciding on providing a signature for a U visa:

- Is a victim of a qualifying criminal activity; and
- Was, is or is likely to be helpful in the investigation or prosecution of that activity

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer, victim, or victim's attorney in order for a T visa to be issued. The following should be considered when deciding on providing a signature for a T visa:

- Is or has been a victim of a severe form of trafficking in person; and
- Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking.

The Chief of Police or designee shall make the final determination on whether to approve certification status of a U visa or T visa for signature based upon the evidentiary facts presented within the documentation presented along with any other supporting documentation.

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The Chief of Police shall complete a memorandum to the City Manager containing the number of U and T visa's received for signature and those approved for certification status each calendar year no later than January 31st of the following calendar year.

414.12 TRAINING

Officers will participate in annual review on this policy in order to demonstrate their knowledge and understanding of it.

414.13 VIOLATIONS OF POLICY 414

Violations of Policy 414 or retaliation against anyone reporting a violation of this policy will be investigated in accordance with department policy and practice based on the alleged violation.

414.14 PUBLIC NOTICE

If ICE or another federal agency contacts the department for assistance while working on civil immigration matters which would result in contact with any individual or individuals within the City, the Public Affairs Office shall provide an alert to the public, as soon as possible without violating state or federal law. The Chief of Police or designee should consult with the involved agency to ensure the alert does not jeopardize a criminal investigation or judicial process. Such alert shall be followed by a publicly available report created in the Office of Public Affairs.

The public report shall detail the following:

(a) The agency requesting assistance from the Lawrence Police Department.

(b) The assistance requested.

(c) The assistance that was provided.

The report shall be available within 48 hours of the resolution of the request or activity or once the request or communication has been completed. The report shall be posted on the department website and available upon request.

414.15 PUBLIC NOTICE OF POLICY REVISION

The Lawrence Police Department shall provide public notice of and make publicly available any revisions to this policy prior to the effective date of such policy change. The Chief of Police or designee may temporarily change or modify this policy by general order, provided however, that notice of such temporary change or modification and any formal updates to the applicable policies are made without unreasonable delay.

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Utility Service Emergencies

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

415.2 POLICY

It is the policy of the Lawrence Police Department to appropriately respond to City emergency utility service requests received by this department.

415.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Dispatch.

415.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, public works personnel should be notified as soon as practicable.

415.3.2 ELECTRICAL LINES

When a power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

415.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

415.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

415.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon the report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Dispatch of the problem with the traffic signal. The dispatcher should make the necessary notification to the appropriate traffic signal maintenance agency as soon as practicable.

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A decision to place a signal on flash should be approved by the on-duty supervisor. Inoperative traffic signals shall be treated as an “uncontrolled” intersection, and the drivers must yield to all vehicles in the intersection and those approaching from the right. It will not be the responsibility of the responding officer to direct or control the flow of traffic.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the Lawrence Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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416.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to the Kansas Highway Patrol (KHP), NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., KHP, hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the Investigations Division Commander or designee should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- Pressure vessels, compressed gas bottles, accumulators and tires.

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- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the City of Lawrence shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of LPD members deployed to assist; other City resources that were utilized; and cross-reference information to other investigating agencies. Suspected criminal activity should also be documented.

416.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

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416.9 MEDIA RELATIONS

The Public Affairs Officer (PAO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PAO should coordinate with other involved entities before the release of information.

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Air Support

417.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies situations where the use of air support may be requested and the responsibilities for making a request.

417.2 POLICY

It is the policy of the Lawrence Police Department to prioritize requests for air support to enhance law enforcement objectives and provide additional safety to officers and the community.

417.3 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

417.3.1 CIRCUMSTANCES FOR REQUESTS

Law enforcement air support may be requested under conditions that include, but are not limited to:

(a) When the safety of officers or the community is in jeopardy and the presence of air support may reduce such hazard.

(b) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to officers or the community.

(c) When air support is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.

(d) Vehicle pursuits.

(e) Pre-planned events or actions that require air support.

(f) Due to a request under existing mutual aid agreements.

(g) When the on-scene supervisor determines a reasonable need exists.

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Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

418.2 POLICY

The Lawrence Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

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418.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Lawrence Police Department to strengthen community involvement, community awareness and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

418.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk (K.S.A. § 22-2402). The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.5 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement via a Mobile Video Recorder should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where a recorded statement may be obtained. Such witnesses, if willing, may be transported by department members.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Lawrence Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY

The Lawrence Police Department recognizes that certain criminal activities, including, but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor or authorized designee will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor or authorized designee's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor or authorized designee should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be

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retained by the Records Unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor or authorized designee should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

419.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor or authorized designee responsible for consideration of criminal intelligence system entries.

419.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Unit or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, FI forms, Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor or authorized designee shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor or authorized designee.

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419.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

419.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 TRAINING

Training should be provided on best practices in the use of any authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multi-agency criminal intelligence system.

(c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Mobile Video Recorder

420.1 PURPOSE AND SCOPE

The Lawrence Police Department has equipped marked law enforcement vehicles with Mobile Video Recorder (MVR) recording systems to provide records of events and to assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-car camera system and MVR system - Synonymous terms that refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor (K.S.A. § 45-254).

MVR technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio/video signals recorded or digitally stored on a storage device or portable media.

420.2 POLICY

It is the policy of the Lawrence Police Department to use mobile video recording technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

420.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment.

At the start of each shift, officers should test the MVR system's operation in accordance with manufacturer specifications and department operating procedures and training.

420.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is designed to turn on with the activation of the MVR system. If the MVR system is activated manually via the mic pac, both the audio and video recording will be activated.

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420.4.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the MVR. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. Driving while under the influence (DUI) investigations, including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify Dispatch

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect including:

1. Domestic violence
2. Disturbance of the peace
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording

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(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

420.4.2 CESSATION OF RECORDING

Once activated, the MVR system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Audio recording may be interrupted briefly for purposes of protecting officer conversations.

420.4.3 SURREPTITIOUS RECORDING

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

420.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation to IT should be made.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved traffic crashes), a supervisor shall ensure that the appropriate person properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

420.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

Recordings may be reviewed in any of the following situations:

(a) By officers for use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MVR systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

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(g) By an officer who is captured on or referenced in the video or audio data, and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with the permission of the Chief of Police or the authorized designee

(i) By the media through proper process

(j) To assess possible training value

(k) For training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection.

(l) As may be directed by the Chief of Police or the authorized designee

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

420.5.1 REQUESTS TO REVIEW MVR RECORDINGS

Requests to review recordings made by MVR systems shall be processed in accordance with the Records Maintenance and Release Policy (K.S.A. § 45-254).

420.6 DOCUMENTING MVR USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report.

420.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area or on a department approved server. All recording media that is not booked as evidence will be retained for a minimum of 90 days and disposed of in accordance with the established records retention schedule.

420.7.1 MVR RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MVR recording is likely to contain evidence relevant to a criminal offense or potential claim against the officer or against the Lawrence Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

420.8 MVR TECHNICIAN RESPONSIBILITIES

The MVR technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MVR technician:

1. Ensures it is stored in a secure location with authorized controlled access.

2. Makes the appropriate entries in the chain of custody log.

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(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with the established records retention schedule, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the established records retention schedule.

420.9 TRAINING

All members who are authorized to use the MVR system shall successfully complete an approved course of instruction prior to its use.

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Mobile Data Computer Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure proper access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

421.2 POLICY

Lawrence Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

421.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages

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that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it will be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

421.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC.

421.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify their supervisor and Dispatch.

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421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Body Worn Cameras

422.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of Body Worn Camera Systems (BWCS) worn by members of this department while in the performance of their duties.

This policy does not apply to mobile audio/video recordings (in-car cameras), interviews or interrogations conducted at any Lawrence Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.2 POLICY

The Lawrence Police Department may provide sworn members with access to BWCS, for use during the performance of their duties. The use of a BWCS is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public. These recordings may serve as evidence in administrative, criminal, or civil cases.

422.3 TECHNICAL SERVICES DIVISION COMMANDER RESPONSIBILITIES

The Technical Services Division Commander or authorized designee will be responsible for ensuring this policy is compliant with and modified as needed with technology changes and legislative or other legal updates.

422.3.1 BWCS COORDINATOR

The BWCS coordinator will be assigned to the IT Division. The coordinator will be responsible for:

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

(b) Establishing procedures for accessing data and recordings.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging or marking events.

422.4 MEMBER PRIVACY EXPECTATION

All BWCS recordings made by members of this department shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

422.5 MEMBER RESPONSIBILITIES

All sworn members may be issued a BWCS and mounting equipment.

Prior to going into service, any member assigned to the Patrol Division or a special detail (i.e. off-duty security, parade detail) or in any other circumstance the member believes that such a device could be useful, will be responsible for making sure that he/she is equipped with a BWCS and mounting equipment. Members will ensure the recorder is in good working order and charged. If the BWCS is not in working order, charged, or if the member becomes aware of a malfunction at

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any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. The BWCS should be worn in a conspicuous manner, unless conducting a lawful recording in an authorized undercover capacity, and positioned as to not intentionally block the recording field of view of the BWCS.

422.6 ACTIVATION OF THE BWCS

This policy is not intended to describe every possible situation in which the BWCS should be used, although members should activate the BWCS any time the member believes it would be appropriate or valuable to record an incident. Members are encouraged to activate their BWCS while enroute to the call location, but shall have the BWCS recording activated prior to arrival.

Members shall activate their BWCS for any of the following situations:

(a) All calls for service received from Dispatch

(b) All enforcement and investigative contacts including but not limited to pedestrian stops, consent contacts, and field interview situations

(c) Traffic stops including but not limited to traffic violations, stranded motorist assistance, and all crime interdiction stops

(d) Self-initiated activity in which an officer would normally notify Dispatch, except for administrative calls or breaks from service. (i.e. meal periods)

(e) Any other contact that becomes adversarial after the initial contact when the situation would not otherwise require recording. Such as being contacted by an individual while performing foot patrol in a neighborhood.

(f) When assisting other law enforcement or governmental agencies that are engaged in official law enforcement activities

(g) While on school property or during school related events, members should only record law enforcement actions.

Members have the right to record encounters with the public if they have the right to be at, or in, the location (i.e. call for service). Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing the recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. (i.e. reports of sexual assaults or sensitive medical information)

Although there may be circumstances when it would be advantageous for a member to announce the BWCS is actively recording, no member shall be required to inform an individual of the public that they are being recorded. Likewise, members are not required to turn off the BWCS when requested by an individual, unless the individual wishes to submit an anonymous tip, in which the decision to record the conversation is at the discretion of the member. Recordings should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a BWCS. In any situation described above that occurs suddenly or where safety concerns prevent the immediate

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activation of the BWCS, members should activate the recording as soon as reasonably practicable and when safe to do so.

422.6.1 CESSATION OF RECORDING

Once activated, the BWCS should continuously record until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. However, there may be circumstances where members may need to stop or pause the recording while on-scene and in direct participation. Members should reactivate the BWCS recording when the need for pausing or stopping the recording no longer outweighs the value of having the recording active.

Members may mute the BWCS to discuss issues or concerns with other members on scene. As soon as the conversation is completed, the members should continue normal recording on the BWCS. Any BWCS that is activated due to the discharge of a firearm, whether or not it causes serious injury or death to another person shall remain activated. This does not include firearms training or qualifications, or the shooting of an injured/dying animal. Once the involved member(s) is removed from the immediate scene, and placed into a non-involved police vehicle or ambulance, the BWCS may be turned off by a supervisor or authorized designee.

422.7 PROHIBITED USE OF BWCS

Members are prohibited from using BWCS recordings for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in an official capacity without approval from the Chief of Police or authorized designee. Members shall not post any BWCS recording to any website, including social media website without the approval from the Chief of Police or authorized designee.

Members shall not duplicate, release, disseminate, edit, or delete any recordings, except for authorized legitimate department business purposes without the approval form the Chief of Police or authorized designee, or based on a court order or properly served subpoena. All recordings shall be retained at the Department.

Members are prohibited from using personally owned BWCS devices while on-duty.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

Members shall not record communications with other department members during administrative interviews without the knowledge of all persons present. See department policy 908 Personnel Complaints.

Members shall not intentionally record any non-duty related activities, including:

(a) Communications with any department member without the department member knowing, or without a court order.

(b) Encounters between undercover members or known informants as defined in the Informant Policy.

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(c) While on break or otherwise engaged in personal activities, personal conversations, in restrooms, dressing rooms and/or locker rooms, unless it is for a legitimate law enforcement purpose

(d) Court room testimony

(e) During administrative activities

422.7.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Kansas law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (K.S.A. § 21-6101).

Members may surreptitiously, or covertly, record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

422.7.2 EXPLOSIVE DEVICE

BWCS emit radio waves that could trigger an explosive device. Therefore, these devices should not be activated where an explosive device may be present.

422.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members shall upload the recording, classify the recording appropriately, and enter the associated incident number or when applicable, the citation number. Members should document the existence of the recording in any related incident report and/or citation or other official record of the contact. Likewise, members equipped with a BWCS should note in the related incident report and/or citation the reason a recording was de-activated, not made or if the recorder malfunctioned.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should properly classify the recording for retention purposes.

422.9 CONTROL AND RETENTION OF RECORDINGS

Unless otherwise approved by a supervisor, members shall ensure the BWCS is placed in a docking station for the recordings to begin the transfer process prior to the end of their shift.

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule. Recordings that are deemed to not have evidentiary value and do not fall into one of the following circumstances will be deleted after ninety (90) days.

(a) Any death investigation, homicide, or crimes involving terrorism and weapons of mass destruction will be maintained indefinitely

(b) Any aggravated sodomy, rape, or other sexually violent crime as defined by K.S.A. § 22-3717 will be maintained indefinitely

(c) Any other felony or misdemeanor will be maintained for a period of five (5) years

(d) A citizen complaint against members will be maintained for a period of three (3) years

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(e) Any use of force incident, as defined in the Use of Force Policy, will be maintained for a period of seven (7) years

(f) Recordings associated with a traffic accident (no criminal charges) will be maintained for a period of two (2) years

(g) Recordings related to an internal administrative investigation will be maintained for the duration of the employee's tenure at this department. The recording will be maintained for a period of five (5) years after the employee's separation

(h) Recordings associated with a traffic citation, will be maintained for a period of one (1) year

422.9.1 RELEASE OF BWCS RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with K.S.A. § 45-254 and the Records Maintenance and Release Policy.

Prior to the release and disclosure of a recording, or any portion thereof, to the public when deemed necessary to further a legitimate law enforcement purpose, the City Attorney or authorized designee shall be consulted in the review of the request to ensure it is in accordance with all applicable state and/or federal laws.

All video recordings should be reviewed by the Records Manager or custodian assigned prior to public release (see the Records Maintenance and Release Policy). Video that unreasonably violates a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

422.10 REVIEW OF BWCS RECORDINGS

As with any evidence, members may review BWCS recordings when preparing written reports, conducting an investigation, preparing for court testimony, or for administrative needs. Members shall only access their BWCS recordings or those that they have a legitimate purpose to review. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review BWCS recordings for specific situations, including but not limited to:

(a) Investigating alleged misconduct or citizen complaints

(b) Circumstances involving the use of force

(c) Circumstances involving a vehicle pursuit, high risk traffic stop, and/or foot pursuit

(d) Whenever such recordings would be beneficial in reviewing a member's performance

(e) Reports of meritorious conduct

(f) To identify potential training opportunities

Recordings may also be reviewed:

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(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By Department media personnel with permission of the Chief of Police or the authorized designee.

The Chief of Police or authorized designee may authorize other members to view recordings, other than their own, for purposes related to dissemination, training, or other department approved purposes. Such individuals and/or groups include, but are not limited to:

(a) Use of Force Review Board

(b) Accident Review Committee

(c) Community Police Review Board as authorized by Chapter 1, Article 25 of the City Code.

422.10.1 REQUESTS TO REVIEW RECORDINGS
Requests to review recordings made by BWCS shall be processed in accordance with K.S.A. § 45-254 and the Records Maintenance and Release Policy.

422.11 TRAINING

Training on the use of BWCS shall be provided to members prior to issuance and wearing of the device. The training, at a minimum, should cover this policy, and address operating procedures including activation, deactivation, proper mounting, and docking of the BWCS.

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Public Recording of Law Enforcement Activity

423.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

423.2 POLICY

The Lawrence Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

423.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officer, him/herself or others.

423.4 OFFICER RESPONSE

Officers should request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

423.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstance indicates a likelihood of interference with a crime scene, investigation or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

423.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Evidence Room Policy.

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Bicycle Patrol

424.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Lawrence Police Department to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

424.2 POLICY

It is the policy of the Lawrence Police Department that patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer mobility and department visibility in the community.

424.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the bicycle patrol coordinator or the on-duty supervisor.

424.4 BICYCLE PATROL COORDINATOR

The coordinator shall be appointed by and directly responsible to the Patrol Division Commander. Generally, the bike patrol coordinator will be a Sergeant with prior bike patrol experience.

The coordinator may appoint a senior bicycle patrol officer or other designee to assist in the coordination of bicycle patrol officers and their activities.

The responsibilities of the coordinator include, but are not limited to:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating the performance of bicycle patrol officers.

(e) Coordinating activities with the Patrol Division.

(f) Other activities as required to maintain the efficient operation of bicycle patrol.

424.5 PATROL BICYCLE

Bicycle patrol officers will be assigned a specially marked and equipped patrol bicycle and attached gear bag.

Patrol bicycles shall be primarily black or white in color with a “Police” decal affixed to each side of the crossbar or the bicycle’s gear bag. Every patrol bicycle shall be equipped with:

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(a) Front and rear reflectors.

(b) A steady or flashing blue and red warning light that is visible from the front, sides or rear of the bicycle.

(c) A rear rack and/or gear bag sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, storage and citations.

Patrol bicycles shall be properly secured when not in the officer's immediate presence.

424.5.1 TRANSPORTING THE PATROL BICYCLE

Due to possible component damage, transportation of the patrol bicycle in a trunk or on a law enforcement vehicle push-bumper is discouraged.

424.5.2 MAINTENANCE

(a) Bicycle patrol officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment.

(b) Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

1. Each patrol bicycle will have scheduled maintenance twice yearly to be performed by a repair shop or technician approved by the Department.

(c) Officers shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the bicycle patrol coordinator, or in the event of an emergency.

(d) If a needed repair is beyond the ability of the bicycle patrol officer, a repair work order will be completed and forwarded to the coordinator for repair by a technician approved by the Department.

(e) Patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty.

(f) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

424.6 UNIFORMS AND EQUIPMENT

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

The uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt, with Lawrence Police Department badge and patches, and department-approved bicycle patrol pants or shorts. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on their duty belts as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, department-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear.

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Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

424.7 TRAINING

Officers must complete an initial department-approved bicycle-training course prior to assignment to bicycle patrol. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures.

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Automated License Plate Readers (ALPRs)

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

425.2 POLICY

The policy of the Lawrence Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

425.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Lawrence Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Division Commander. The Investigations Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

425.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate or maintain ALPR equipment without first completing department-approved training.

(e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.

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(f) If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

425.5 DATA COLLECTION AND RETENTION

The Investigations Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred to the designated storage in accordance with department procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule.

425.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Lawrence Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All ALPR data downloaded shall be accessible only through a login/password-protected system.

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

425.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Investigations Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Medical Aid and Response

426.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

426.2 POLICY

It is the policy of the Lawrence Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

426.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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426.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

426.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported. When a member witnesses the refusal for EMS care, the member may sign the refusal-for-treatment form when requested by EMS personnel.

However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision, and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an involuntary commitment or emergency admission in accordance with the Involuntary Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment when the subject has been transported to a medical facility.

426.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

426.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or delays will affect the EMS response.

A department member at the scene may be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

426.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after the member has been properly trained to utilize the device.

426.8.1 AED USER RESPONSIBILITY

Members should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to their immediate supervisor.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

426.8.2 AED REPORTING

Any member using an AED should detail its use in the call notes, or when applicable in the incident report.

426.8.3 AED TRAINING

The Training Lieutenant or designee should ensure appropriate training is provided to members authorized to use an AED (K.S.A. § 65-6149a).

426.9 ADMINISTRATION OF EMERGENCY OPIOID ANTAGONIST MEDICATION

Members may administer emergency opioid antagonist medication in accordance with protocol specified by the physician medical director who prescribed or the licensed pharmacist who dispensed the medication for use by the member (K.S.A. § 65-16,127; K.A.R. 68-7-23).

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426.9.1 EMERGENCY OPIOID ANTAGONIST MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer emergency opioid antagonist medication, such as naloxone should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shifts to ensure that the equipment is serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the assigned Sergeant.

Any member who administers an emergency opioid antagonist should contact Dispatch as soon as possible and request response by EMS. The member shall provide any information related to the administration of the opioid antagonist to the responding EMS personnel or treating physician (K.A.R. 68-7-23).

426.9.2 NOTIFICATION
Notification to the department physician medical director shall be made within 24 hours of administration of an opioid overdose medication (K.A.R. 68-7-23).

426.9.3 EMERGENCY OPIOID ANTAGONIST MEDICATION REPORTING
Any member administering an emergency opioid antagonist should detail its use in an appropriate report.

426.9.4 EMERGENCY OPIOID ANTAGONIST MEDICATION TRAINING
The Training Unit should ensure training is provided to members authorized to administer emergency opioid antagonist medication. The training shall include, at minimum, the following (K.S.A. § 65-16,127; K.A.R. 68-7-23):

(a) Techniques to recognize signs of an opioid overdose

(b) Standards and procedures to store and administer an emergency opioid antagonist

(c) Emergency follow-up procedures, including the requirement to summon EMS either immediately before or immediately after administering an emergency opioid antagonist

(d) Inventory requirements and reporting the administration of an emergency opioid antagonist to a healthcare provider

(e) Proper disposal of emergency opioid antagonist

The Training Unit shall coordinate the training with the prescribing physician medical director or the licensed pharmacist who dispensed the medication. The physician medical director or pharmacist shall also be utilized to coordinate agency activities with EMS and medical directors for quality assurance (K.S.A. § 65-16,127).

426.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

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If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

426.11 ADMINISTRATION OF EPINEPHRINE

Members may administer epinephrine in accordance with protocol specified by the physician who prescribed the medication for use by the member.

426.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to their immediate supervisor.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

426.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

426.11.3 EPINEPHRINE TRAINING

The Training Unit should ensure that training is provided to members who are authorized to administer epinephrine.

426.12 FIRST AID TRAINING

Subject to available resources, the Training Unit should ensure officers receive periodic first aid training appropriate for their position.

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First Amendment Assemblies

427.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

427.2 POLICY

The Lawrence Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

427.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace and to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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427.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

427.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

427.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

427.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

427.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

Generally, the operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) An established liaison with demonstration leaders and external agencies

(h) An established liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

(t) Parameters for the use of body-worn cameras and other portable recording devices

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427.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

427.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

427.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER (TM)s should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

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Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

427.8 ARRESTS

The Lawrence Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

427.9 MEDIA RELATIONS

The Public Affairs Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

427.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

427.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

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(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

427.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, to include the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

427.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when possible, train with its external and mutual aid partners.

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Civil Disputes

428.1 PURPOSE AND SCOPE

This policy provides members of the Lawrence Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence and Stalking Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Kansas law.

428.2 POLICY

The Lawrence Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

428.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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428.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The Records Unit should forward the report to the appropriate prosecutor and issuing court upon request.

428.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member should not grant permission for entry into the location or the removal of property from the location. If the party requesting standby goes against the member's instructions, the member should not use force to stop the party, and should contact the on-duty supervisor for direction. Members should document the encounter and any property that was discussed or removed in the call notes or in a report if applicable.

428.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented in call notes.

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428.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Homeless Persons

429.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

429.2 POLICY

It is the policy of the Lawrence Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Lawrence Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

429.3 FIELD CONTACTS

When necessary, officers are encouraged to render aid, offer assistance or to check on a homeless person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals, in lieu of an arrest and criminal charges.

429.3.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Documenting locations the person may frequent.

(c) Providing victim/witness resources, when appropriate.

(d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.

(e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.

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(f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.

(g) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

429.4 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation for a voluntary mental health evaluation if it is requested or offered and accepted by the person. Officers should consider detaining the person under involuntary commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Involuntary Commitments Policy).

429.5 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person. However, if the property contains perishable goods and the property is being placed into evidence, the perishable goods shall be discarded prior to submission to evidence.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted.

Officers should not conduct or assist in clean-up operations of belongings or encampments that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor.

429.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Chapter 5 - Traffic Operations

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Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Lawrence Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic crashes based on citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as location assignments of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation, timed to events, seasons, past traffic problems or locations and, whenever practicable, preceded by enforcement activities.

Several factors should be considered in the deployment of department members. State and local data on traffic crashes are a valuable resource. Factors for analysis include, but are not limited to, the following:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Members should take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic crashes frequently occur.

500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number

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of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Several methods are effective in the reduction of traffic crashes.

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered by the member when circumstances warrant.

500.4.2 CITATIONS

Citations should be issued when a member believes it is appropriate. Citations issued for a traffic violation must meet the notice to appear requirements of K.S.A. § 8-2106. At a minimum, motorists shall be provided with a form that includes (K.S.A. § 8-2106):

(a) The identification of the violations or charges.

(b) The court appearance procedure, including the person's right to appear and right to a trial.

(c) A notice of the person's right to pay the appropriate fine and court costs prior to the appearance date.

(d) The address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest, and payment of fine and court costs shall be mailed.

500.4.3 PHYSICAL ARREST

Physical arrest may be made for specific traffic violations subject to the following guidelines (K.S.A. § 8-2104; K.S.A. § 8-2111):

(a) An officer shall arrest a person:

1. When the officer has sufficient evidence to believe such person has committed a felony traffic violation.

2. For any traffic violation, including infractions, when such person demands an immediate appearance before a judge.

3. When the officer has sufficient evidence to believe such person has committed the offense of driving under the influence of alcohol or drugs, or fleeing or attempting to elude (K.S.A. § 8-1567; K.S.A. § 8-1568).

(b) An officer may arrest a person when the officer has sufficient evidence to believe the person has committed a traffic misdemeanor in the officer’s presence.

(c) An officer may arrest a person when the officer has sufficient evidence to believe the person has committed a traffic misdemeanor and the officer has probable cause to believe (K.S.A. § 22-2401):

1. The person will not be apprehended or evidence of the crime will be irretrievably lost unless the person is immediately arrested.

2. The person may cause injury to self or others or damage to property unless immediately arrested.

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3. The person has intentionally inflicted bodily harm to another person.

500.5 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.6 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members, who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic, maneuvering or operating vehicles, machinery and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic crash investigations, lane closures and disaster scenes.

When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

500.6.2 CARE AND STORAGE

High-visibility vests shall be issued to each officer. Each vest should be maintained in a serviceable condition.

A supply of high-visibility vests will be maintained and made available for replacement of damaged or unserviceable vests. The Training Division should be promptly notified whenever the supply of vests needs replenishing.

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Traffic Crash

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic crashes.

501.2 POLICY

It is the policy of the Lawrence Police Department to respond to traffic crashes and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of crashes by attempting to identify the cause of the crash and through enforcing applicable laws. Unless restricted by law, traffic crash reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be notified when the incident:

(a) Is within the jurisdiction of this department and there is:

1. A life-threatening injury.
2. A fatality.
3. Involvement of an on-duty member of this department.

(b) Is within another jurisdiction and there is:

1. A Lawrence Police Department vehicle is involved.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

(a) Traffic direction and control.

(b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.

(c) First aid for any injured parties if it can be done safely.

(d) The potential for involvement of hazardous materials.

(e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).

(f) Clearance and cleanup of the roadway.

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501.4 NOTIFICATION

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify a supervisor. The supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The supervisor will ensure notification is made to the Accident Investigation Unit (AIU) Sergeant or Investigation's Division Commander or their designee.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Coroner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

A crash report shall be taken when:

(a) A fatality, any injury (including complaint of pain), driving under the influence or hit-and-run is involved (K.S.A. § 8-1602; K.S.A. § 8-1611(a)).

(b) The total damage to all property is $1,000 or more (K.S.A. § 8-1611(a)).

(c) A crash involving an unattended vehicle or other property is reported to this department by the driver involved in the crash (K.S.A. § 8-1605).

(d) An officer investigates any vehicle crash for which a report must be made pursuant to K.S.A. § 8-1611(a)(1).

(e) An on-duty member of the City of Lawrence is involved, and the crash results in any damage to any City-owned or leased vehicle.

(f) The crash involves any other public agency driver or vehicle.

(g) There is damage to public property.

(h) There is damage to any vehicle to the extent that towing is required.

(i) Prosecution or follow-up investigation is contemplated.

(j) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic crash occurs on private property unless it involves an injury or fatality, a hit-and-run violation or other traffic law violation. (ie. OUI) Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 CITY VEHICLE INVOLVED

A traffic crash report shall be taken when a City vehicle is involved in a traffic crash that results in property damage or injury.

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Non-injury traffic crashes involving police department vehicles should be investigated by an AIU member if available and on-duty.

Whenever there is damage to a police department vehicle, the city motor vehicle crash form shall be completed and forwarded to the appropriate Division Commander, Chief of Police, and Risk Management. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage. When practicable, an "after the fact recording" should be created of the traffic crash.

501.6 INVESTIGATION

When a traffic crash meets minimum reporting requirements the investigation should include, at a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

(d) Identification and protection of items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The on-duty supervisor should request that the Kansas Highway Patrol or other outside law enforcement agency investigate and complete a traffic crash investigation when a life-threatening injury or fatal traffic crash occurs within the jurisdiction of the Lawrence Police Department and involves:

(a) An on- or off-duty member of the Department.

1. When applicable the city motor vehicle crash form shall be completed by the member and supervisor.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic crash. The crash investigation and report shall be completed by the agency having jurisdiction.

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the crash, authorized members may arrest the offending driver, except in the case of a traffic infraction, or issue a citation as appropriate (K.S.A. § 8-2109).

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

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501.8 REPORTS

Department members shall utilize forms approved by the Kansas Department of Transportation (KDOT) as required for the reporting of traffic crashes. All such reports shall be forwarded to the Records Division for filing.

501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, any correction requires the member to select the "amend box," make the corrections, and resubmit the report. A written supplemental report may be made by any authorized member.

501.8.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division include, but are not limited to:

(a) Forwarding written reports of traffic crashes to the KDOT within 10 days after the investigation of the crash (K.S.A. § 8-1611).

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Vehicle Towing

502.1 PURPOSE AND SCOPE

This policy provides guidance and expectations related to vehicle towing, vehicle inventory, and the required documentation for each. Nothing in this policy shall require a member of this department to tow a vehicle.

502.2 POLICY

The Lawrence Police Department will tow vehicles when appropriate and in accordance with the law. Members assisting a vehicle owner or operator in obtaining tow services shall not show preference among towing service that have been authorized for use by the Department. A rotation or other system established by the Department for tow services shall be followed when the owner or operator indicates no preference on tow services.

502.3 DEFINITIONS

City Contract – Tow company under contract with the City of Lawrence that acts as the exclusive tow service for department use when called for by department members.

Owner/Operator Preference – Specific tow service requested by the owner/operator of a vehicle subject to impoundment.

Non-Preference – Owner/operator provides no preference on a specific tow service.

502.4 IMPOUNDMENT AND TOWING OF VEHICLES

Department members are authorized and empowered to cause a vehicle to be removed and towed to and stored in a public garage or depository provided by the City for such purposes when:

(a) A vehicle is parked in violation of local traffic regulations as outlined in the City of Lawrence Codes (e.g. disabled or 48 hours abandoned vehicles), or which is or will likely become an obstruction or hazard on a public way;

(b) The vehicle operator has been arrested and taken into custody, and no other reasonable alternatives exist or is readily available for the safe removal of the vehicle and the vehicle is not lawfully parked at the time of the request;

(c) A vehicle is seized for any criminal investigation or pursuant to a forfeiture, or is a recovered stolen or abandoned vehicle, provided the member has made reasonable efforts to contact the owner for immediate removal of the vehicle;

(d) A vehicle is disabled by an automobile accident;

(e) A vehicle is creating a serious safety hazard; or

(f) Other reasonable grounds exist for impoundment of a vehicle following an arrest.

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502.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should request a City Contract tow for vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence or forfeiture. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than having it towed, so long as the vehicle is not needed for evidence. In circumstances where the owner of the recovered stolen vehicle cannot be located and/or collect the vehicle, officers shall tow the vehicle for safe keeping using a city contract tow.

502.6 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it creates a traffic hazard on a public way, the owner or operator should arrange for the towing. Officers may assist by communicating the owner or operator's requests through Dispatch to expedite the process. These types of tows should be an owner or operator preference or non-preference.

Officers may request a city contract tow for vehicles parked in violation of local traffic regulations as outlined in the City of Lawrence Codes (ie. disabled or 48 hours abandoned vehicles), or which are now or are likely to become an obstruction or traffic hazard on a public way, and the owner or operator is unable to arrange for towing (K.S.A. § 8-1102; K.S.A. § 8-15,107; K.S.A. § 8-1570).

Vehicles that are not the property of the City should not be driven by officers unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

502.7 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist, and the removal of the vehicle can be done in a reasonable amount of time. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

The following are examples of situations where a vehicle should not be towed:

- The vehicle can be legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.

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- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

502.8 VEHICLE INVENTORY

An inventory is an administrative function, and although items discovered in an inventory search may be admissible in court, towing a vehicle in order to perform an inventory should not be used as a pretext for an evidence search or be construed as a search incident to arrest. These inventory procedures are for the purpose of protecting the vehicle owner's property, providing for the safety of department members and protecting the Department against fraudulent claims of lost, stolen or damaged property.

The contents of all vehicles towed at the request of department members shall be inventoried when the vehicle was towed for any of the following:

(a) An unattended vehicle parked in violation of local traffic regulations as outlined in the City of Lawrence Codes (e.g. disabled or 48 hours abandoned vehicles), or which is or will likely become an obstruction or hazard on a public way.

(b) The vehicle operator has been arrested and is unable or unwilling to provide any other reasonable alternatives for the removal of the vehicle, and the vehicle is illegally parked at the time of the request.

(c) Any vehicle seized pursuant to a forfeiture, or is a recovered stolen or abandoned vehicle and the owner cannot be contacted.

(d) A vehicle that is disabled as a result of an automobile accident and the owner/operator is unable to express a disposition for that vehicle.

(e) A vehicle so mechanically defective as to be a menace to others using the public way.

The inventory should be conducted in the location at which the vehicle is seized or towed from, unless limited by reasons of safety or practicality, in which it may be inventoried at a later time following impoundment.

If the owner or operator is available, department members should ask whether the vehicle contains any valuables or hazardous materials. If it is acknowledged that a vehicle contains valuables or hazardous materials, reasonable accommodations should be made, unless it would cause an unreasonable delay in towing the vehicle or create an issue of officer safety, to permit the owner, operator or occupants to retrieve the items prior to the inventory occurring. Identified hazardous materials should be handled with care and appropriately depending on the type of hazard. Members should not make attempts to collect or identify unknown hazardous materials, and should contact a supervisor for direction on how to handle the unknown hazardous material.

When reasonably practicable, a video recording (e.g. Body Worn Camera System) should be used to capture and document the inventory. In circumstances when a BWCS is not available, department members may photograph the interior of the vehicle and its contents for documentation.

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Generally, department members should consider collecting items of apparent value for safekeeping if the property is valued at more than $500.00. Any items collected for safekeeping (Personal Property) shall be submitted into Evidence prior to the officer's shift ending, in accordance with Evidence Room Policy. Officers should also note in call comments or the appropriate report what items were collected for safekeeping. If the owner, operator or occupant is on-scene, the officer should inform them of the property being taken for safekeeping and how to retrieve the property at a later date.

Any cash, jewelry or other valuables located during the inventory process that is not collected for safekeeping should be noted on the Vehicle Impoundment and Inventory Form and properly secured in the vehicle. The pink copy of the Vehicle Impoundment and Inventory Form will be given to the tow truck operator.

An inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found within the passenger compartment or engine compartment, including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.

In addition to the passenger compartments as described above, an inventory of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car-top containers.

Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle. Closed and locked containers located either within the vehicle or any of the vehicle’s compartments shall not be forced opened for inventory purposes.

502.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

If the search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the department officer conducting the search shall take such steps as are reasonably necessary to secure or protect the vehicle or property from such hazards.

502.10 RECORDS

Members shall ensure that pertinent data regarding a towed vehicle is logged with Dispatch, and should enter comments into call notes for the incident number.

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle.

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502.10.1 VEHICLE IMPOUNDMENT AND INVENTORY FORM

Department members towing a vehicle shall complete the department vehicle impoundment and inventory form. The form should be submitted to the Records Division as soon as practicable after the vehicle is towed. Any cash, jewelry or other valuables located during the inventory process that is not collected for safekeeping should be noted on the Vehicle Impoundment and Inventory Form.

502.10.2 NOTICE OF TOW

Within 30 days of a vehicle being towed, the Records Unit shall request verification of registration from the Kansas Division of Vehicles of the last registered owner and any lienholders. Within 10 days of receipt of verification, the Records Unit shall send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include:

(a) The name, address and telephone number of the Lawrence Police Department.

(b) The location where the vehicle is stored.

(c) A description of the vehicle, including the following:

1. Color
2. Manufacturer year
3. Make and model
4. License plate number and/or Vehicle Identification Number (VIN)

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of individuals operating a vehicle under the influence (OUI).

503.2 POLICY

The Lawrence Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Kansas impaired driving laws (K.S.A. § 8-1567; K.S.A. § 8-1567a; K.S.A. § 8-2,144).

503.3 INVESTIGATIONS

Officers should not enforce OUI laws to the exclusion of their other duties unless specifically assigned to OUI enforcement. All officers are expected to enforce these laws with due diligence.

An OUI investigation resulting in an arrest will be documented using the department impaired driver report and/or a report narrative. Information documented in the report narrative should include, at a minimum:

(a) The standard field sobriety tests (SFSTs) administered and the results, unless the impaired driver report is used.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Kansas or another jurisdiction.

503.4 CHEMICAL TESTS

A person may be requested under Kansas law to submit to a chemical test or tests, and to providing the associated chemical sample under any of the following conditions:

(a) When the person is under arrest or involved in a vehicle accident resulting in property damage, personal injury or death and the officer has probable cause to believe the person was (K.S.A. § 8-1001):

1. Operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both.

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2. Driving a commercial vehicle while having alcohol or other drugs in his/her system.
3. Under the age of 21 and operating or attempting to operate a vehicle while having alcohol or other drugs in his/her system.

If a person refuses to give consent, or is unable to give consent (e.g., the person is unconscious), the officer should consider proceed as though the person has refused to provide a chemical sample.

503.4.1 STATUTORY NOTIFICATIONS

Before a chemical test or tests are administered, officers shall provide oral and written notice to testing procedures as outlined on the form D.C. 70. (K.S.A. § 8-1001)

503.4.2 BREATH SAMPLES

The Intoxilyzer Custodian should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained as required by the Department of Health and Environment (K.A.R. 28-32-9 et seq.).

Officers administering a breath test shall follow the current Kansas Intoxilyzer 9000 protocol and regulations set out by Kansas Department of Health and Environment. (K.S.A. § 65-1107)

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Intoxilyzer Custodian.

503.4.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (K.S.A. § 8-1001(h)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.4.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer of the same sex as the individual giving the sample or by appropriate medical personnel. The arrestee shall be allowed sufficient

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privacy to maintain his/her dignity, to the extent possible, and out of view of others while still ensuring the accuracy of the sample (K.S.A. § 8-1001(k)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If the person is medically unable to provide a urine sample due to injuries or treatment of injuries, the same authorization and procedure as used for the collection of blood shall apply to the collection of a urine sample (K.S.A. § 8-1001(k)).

503.5 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

(a) Audio- and/or video-record the admonishment and the response when it is practicable.

(b) Document the refusal in the appropriate report.

503.5.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon a person's refusal to submit to a chemical test, officers shall serve the notice of suspension of driving privileges upon the person. The notice shall include (K.S.A. § 8-1002):

(a) The person’s name, driver’s license number and current address.

(b) The reason and statutory grounds for the suspension.

(c) The date the notice was served and a statement that the effective date of the suspension shall be the 30th day after the date of service.

(d) The right of the person to request an administrative hearing and the procedure the person must follow to request such hearing.

(e) A statement that all correspondence will be mailed to the address contained in the notice unless the person notifies the Division of Vehicles (DMV) in writing of a different address.

503.5.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist (K.S.A. § 8-1001(g)):

(a) A search warrant has been obtained.

(b) The officer can articulate and document in the investigative report that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

503.5.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

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The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.

1. When possible, this dialogue should be recorded on audio and/or video.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) When possible, ensure that the forced blood draw is recorded on audio and/or video.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

503.6 ARREST AND INVESTIGATION

503.6.1 ADDITIONAL TESTING AND RESULTS

After completion of chemical testing, the person may secure additional testing, which should be done as soon as possible, if available from a medical facility willing to conduct the testing (K.S.A. § 8-1004).

An officer shall make the results of any test available to the person submitting to a chemical test upon request (K.S.A. § 8-1001(t)).

503.6.2 CHEMICAL TEST FAILURES

Whenever a person fails a test or refuses to complete a test, the officer shall complete and sign the certification required by K.S.A. § 8-1002.

When the officer determines that a person has failed a test and the person is still in custody, the officer shall serve upon the person notice of suspension of driving privileges pursuant to K.S.A. § 8-1014 (K.S.A. § 8-1002(c)).

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In cases where a test failure is established by a subsequent analysis of a breath, blood or urine sample, the officer shall serve notice of such suspension in person or another officer shall serve the notice in person or by mailing it to the person at the address provided at the time of the test (K.S.A. § 8-1002(c)).

503.6.3 TEMPORARY LICENSE

If a person refuses a test or if a person is still in custody when it is determined that the person has failed a test, the officer shall take any license in the possession of the person and, if the license is not expired, suspended, revoked or canceled, issue a temporary license. If the test failure is established by a subsequent analysis of a breath or blood sample, the temporary license shall be served together with the copy of the officer's certification and notice of suspension (K.S.A. § 8-1002(e)).

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Traffic and Parking Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, voiding and dismissing traffic and parking citations.

504.2 POLICY

It is the policy of the Lawrence Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic citation, parking citation, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

504.3 RESPONSIBILITIES

Citations will be kept in a secure location.

Members of the Lawrence Police Department shall only use department-approved traffic and parking citation forms that meet statutory requirements (K.S.A. § 8-2106).

Members will take all reasonable steps to sign into the citation software on the Mobile Data Computer using their name and Computer Aided Dispatch (CAD) employee number when assigned to a vehicle.

504.3.1 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. Written warnings are retained by this department in accordance with the established records retention schedule.

504.4 TRAFFIC CITATIONS

504.4.1 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation and the Citation Void Form shall be presented to a supervisor for approval. The Citation Void Form shall include the reason for the void. The citation and Citation Void Form shall then be forwarded to the Records Unit. A copy of the citation and Citation Void Form shall be forwarded to the City Prosecutor's Office and the Office of Professional Accountability.

504.4.2 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. Officers may request the citation(s) be dismissed for just cause at any point prior to a court hearing. The requesting officer must complete the Citation Dismissal Form and submit it to their immediate supervisor for approval. Any approved dismissals will be forward to the Records Unit. A copy of the citation and Citation Dismissal Form shall be forwarded to the City Prosecutor's Office and the Office of Professional Accountability.

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Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Office of Professional Accountability.

504.4.3 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Unit.

504.4.4 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing a juvenile a citation.

504.4.5 DATA COLLECTION

Any traffic stop data collected by the Department shall be in compliance with Kansas law. Racial or other bias-based policing data shall be reported as required by the Bias-Based Policing Policy (K.S.A. § 22-4610; K.S.A. § 22-4611a).

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for department members who provide assistance to motorists in disabled vehicles within the primary jurisdiction of the Lawrence Police Department.

505.2 POLICY

It is the policy of the Lawrence Police Department to assist motorists with disabled vehicles until those vehicles are safely removed from the roadway. Members should take appropriate action to mitigate potential problems when a vehicle constitutes a traffic hazard or the safety of the motorist is a concern.

505.3 RESPONSIBILITIES

When an on-duty member of this department sees a disabled vehicle on the roadway, the member should make a reasonable effort to provide assistance. If this is not reasonably possible, Dispatch should be advised of the location of the disabled vehicle and the need for assistance.

505.4 ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department members will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

505.4.1 MECHANICAL REPAIRS

Department members shall not make mechanical repairs to a disabled vehicle.

505.4.2 RELOCATION OF DISABLE VEHICLES

The relocation of disabled vehicles by members of this department by physically pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of the Lawrence Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation. If the juvenile is under the age of 14, no interrogation should occur until there has been a consultation with the juvenile's attorney or parent, provided the parent is not an alleged victim or codefendant (K.S.A. § 38-2333).

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed a homicide or felony sex offense shall be recorded (audio or video with audio as available) in its entirety when conducted at any place of detention, including the Lawrence Police Department, jail, or any other law enforcement facility unless (K.S.A. § 22-4620):

(a) There is an equipment malfunction and replacement equipment is not immediately available.

(b) There are multiple interrogations exceeding the available recording equipment.

(c) The suspect refuses to make a statement while being recorded.

(d) Exigent circumstances exist.

If an individual chooses to make or sign a written statement during a custodial interrogation concerning a homicide or a felony sex offense, the making and signing of the statement shall be electronically recorded (K.S.A. § 22-4620).

Any custodial interrogation of any other violent felony offense should also be recorded in its entirety. Regardless of where the interrogation occurs, reasonable efforts should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

Recordings should be maintained as provided in the established records retention schedule (K.S.A. § 22-4620).

600.4.2 EXCEPTIONS

Officers are not expected to record statements made (K.S.A. § 22-4620):

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(a) Spontaneously and not in response to an interrogation question.

(b) Any time when the officer is unaware of the type of offense involved or person's involvement in a homicide or felony sex offense.

(c) In response to standard booking questions.

Nothing in this policy is intended to require the making or maintenance of any recording when (K.S.A. § 22-4620):

- An officer, in good faith, fails to record the interrogation because the officer inadvertently fails to operate the recording equipment properly.
- The recording equipment malfunctions or stops recording without the officer's knowledge.
- The recording is damaged or destroyed, without bad faith on the part of any person or entity in control of the recording.
- The suspect affirmatively asserts the desire to speak with officers without being recorded.
- Multiple interrogations are taking place, exceeding the available electronic recording capacity.
- Exigent circumstances make recording impractical.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.

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(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence and Stalking, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

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Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 IDENTITY THEFT

A report shall be taken any time a person living within the jurisdiction of the Lawrence Police Department reports that he/she has been a victim of identity theft. This includes (K.S.A. § 50-723(j)):

(a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined.

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Department members should encourage the individual to review the material and should assist with any questions.

(c) Providing the victim with a copy of the report.

(d) Referring the victim to a law enforcement agency in a different jurisdiction, as appropriate.

A report should also be taken if a person living outside department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Lawrence to facilitate the crime).

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in K.S.A. Chapter 21, Article 55 (Sex Offenses).

601.2 POLICY

It is the policy of the Lawrence Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training, and be familiar with interview techniques, and additional familiarity with the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with other multidisciplinary investigative teams as applicable.

601.4 INQUIRY INTO SERIAL SEXUAL ASSAULT (ISSA)

An Inquiry into Serial Sexual Assault (ISSA) is an investigative step intended to identify and document serial sexual perpetration. Members investigating sexual assaults will conduct an ISSA as part of a reporting option. However, reasonable efforts shall be made to only initiate those steps that maintain the victim’s requested level of confidentiality. An ISSA may include any or all of the following:

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(a) Determining how a suspect's behaviors made the victim vulnerable and identifying anyone who can corroborate that behavior.

(b) Fully identifying witnesses to the victim's and suspect's behavior prior to and immediately after the assault.

(c) Identifying corroborative intelligence that can reveal motive, premeditation and/or information that may uncover additional victims.

(d) NCIC Offline and open source database searches.

(e) Social media searches.

601.5 REPORT OPTIONS

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

A victim of sexual assault will be offered three options for reporting. If a victim is uncertain about which option to choose, the investigative steps for a complete investigation should be undertaken until directed otherwise by the victim. However, when there is probable cause to believe that the sexual assault was an act of domestic violence as defined by state statute, the officer shall arrest the person without undue delay (K.S.A. § 22-2307; K.S.A. § 22-2310). In the event that the victim is a minor, special consideration should be given to the victim's age and requested action.

(a) Information Only Report: An information Only Report includes any report of sexual assault where at the reporting party's request, no investigative process beyond a victim interview and/or partial Inquiry in Serial Sexual Assault (ISSA) is completed. An Information Only Report shall be documented on a Kansas Standard Offense Report, but the suspect (if named by the victim) shall be listed on the report as an "Other". A sexual assault victim may request to change an Information Only report to a Partial or Complete Investigation at any time. An Inquiry into Serial Sexual Assault is an investigative step intended to identify and document serial sexual perpetration. An ISSA will be conducted as part of an reporting option, but reasonable efforts shall be makes to only initiate those steps that will maintain the victim's requested level of confidentiality. An ISSA may include any or all of the following:

1. Determining how a suspect's behaviors made the victim vulnerable and identifying anyone who can corroborate that behavior.
2. Fully identifying witnesses to the victim's and suspect's behavior prior to and immediately after the assault.
3. Identifying corroborative intelligence that can reveal motive, premeditation and/or information that may uncover additional victims.
4. NCIC Offline and open source database searches.
5. Social media searches.

(b) Partial Investigation: A Partial Investigation includes an report of sexual assault where some investigative process beyond the victim interview and a complete or partial

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Inquiry into Serial Sexual Assault (ISSA) have been initiated by law enforcement in accordance with the victim's wishes. This may include, but is not limited to, interview of witnesses and collection of evidence such as a sexual assault kit (SAK). The investigative processes of a Partial Investigation shall be documented on a Kansas Standard Offense Report (KSOR), but as in the case of an Information Only Report, the suspect (if named by the victim) shall be listed on the report as an "Other".

(c) Complete Investigation: A Complete Investigation includes any report of sexual assault where all investigative procedures necessary to determine if probably cause exists have been initiated and completed. In the case of a complete investigation, the suspect (if named or identified) shall be listed as such on the Kansas Standard Offense Report (KSOR). A victim may request to change a Complete Investigation to a Partial Investigation at any time prior to the conclusion of all investigative processes.

601.6 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which generally begin with the initial call the victim makes to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

When possible, an in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether a case is unfounded should be included in a report.

Victims shall not be asked or required to take a polygraph examination or similar truth verification device as a condition for proceeding with an investigation (34 USC § 10451; K.S.A. § 22-4614).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a sexual assault nurse examiner (SANEs) should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

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Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.7.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (K.S.A. § 65-448):

(a) Obtain written consent from the victim for the evidence collection. If the victim is unconscious or otherwise unable to provide written consent, a search warrant should be applied for unless exigency exists that warrants immediate evidence collection.

(b) Use an evidence collection kit provided or approved by the Kansas Bureau of Investigation.

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

601.7.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

Special consideration should be given by the assigned investigator regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). The assigned investigator should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

The assigned Investigator investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of an Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Division supervisor should weigh the

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risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. Medical and legal aspects of sexual assault investigations.
3. Serial crimes investigations.
4. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
5. Techniques for communicating with victims to minimize trauma.

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Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction or request of, or by agreement with, the Lawrence Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Lawrence Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Lawrence Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 18 is prohibited.

602.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement form. The officer using the informant shall discuss each of the provisions of the agreement with the informant. The agreement form is stored and maintained at the Drug Enforcement Unit office.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Drug Enforcement Unit supervisor or their authorized designees.

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1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Lawrence Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of their immediate supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Generally, officers should not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of their immediate supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, the payment will be documented with the Drug Enforcement Unit.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

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(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

602.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Drug Enforcement Unit. The Drug Enforcement Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Drug Enforcement Unit supervisor or their authorized designees.

602.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked as such and notations included detailing the issues that caused this classification.

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(i) Name of the officer initiating use of the informant

(j) Signed informant agreement

(k) Update on active or inactive status of informant

602.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Drug Enforcement Unit supervisor will discuss the above factors with the Special Operations Division Commander and recommend the type and level of payment.

602.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $50 and under may be paid in cash from a Drug Enforcement Unit buy/expense fund.

(b) To complete the payment process for any amount, the officer delivering the payment shall log the payment with the Drug Enforcement Unit.

602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

602.6.3 AUDIT OF PAYMENTS

The Drug Enforcement Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

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Informants

At least once every six months, the Special Operations Division Commander or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (K.S.A. § 22-4619).

603.1.1 DEFINITIONS

Definitions related to this policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Lawrence Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

603.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably

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stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

603.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

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(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow-up, if necessary.

603.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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Brady Information

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Lawrence Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Lawrence Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Lawrence Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

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604.4 BRADY PROCESS

The Office of Professional Accountability will coordinate requests for Brady information. This person shall be directly responsible to the Community Services Division Commander.

The responsibilities of the coordinator include, but are not limited to:

(a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

1. Updating this list whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file.

604.5 DISCLOSURE OF REQUESTED INFORMATION

If *Brady* information is located, the following procedure shall apply*:*

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member whose file is related to the motion shall be notified of the potential presence of *Brady* information.

(b) The prosecuting attorney or City Attorney should be requested to file a motion in order to initiate an in-camera review by the court.

1. If no motion is filed, the Official Custodian or custodian assigned should work with the appropriate counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Official Custodian or custodian assigned shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, a protective order should be requested from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

604.6 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility or dishonesty or has been engaged in criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

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604.7 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Warrant Service

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

605.2 POLICY

It is the policy of the Lawrence Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

605.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all threat assessment forms to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

605.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the threat assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and/or the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

605.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the threat assessment form and submit it to their supervisor and/or the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk or Mandatory CRT Activation, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh

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the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

605.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

605.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The investigation member responsible for directing the search or service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the

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designated members to the presence of potential evidence and not touch or disturb the items.

(c) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(d) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(e) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(f) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(g) A copy of the search warrant is left at the location.

(h) The condition of the property is documented with video recording or photographs after the search.

605.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

605.9 ACTIONS AFTER WARRANT SERVICE

The assigned officer or investigator shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the Clerk of the District Court as soon as reasonably possible, but in any event no later than any date specified on the warrant.

605.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

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- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Lawrence Police Department are utilized appropriately. Any concerns regarding the requested use of Lawrence Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, their authorized designee will assume this role.

If officers or investigators intend to serve a warrant outside Lawrence Police Department jurisdiction, the assigned officer or investigator's supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Lawrence Police Department when assisting outside agencies or serving a warrant outside Lawrence Police Department jurisdiction.

605.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

605.12 TRAINING

The Training Unit should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

606.1 PURPOSE AND SCOPE

This policy provides guidelines for planning and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

606.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

606.2 POLICY

It is the policy of the Lawrence Police Department to properly plan and carry out high-risk operations in order to enhance the safety of members and the public.

606.3 OPERATIONS DIRECTOR

The Crisis Response Team (CRT) Commander or designee will be the operations director.

The operations director will maintain a threat assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review threat assessment forms with involved supervisors, or when applicable the assigned investigator or officer, to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

606.4 RISK ASSESSMENT

606.4.1 THREAT ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a threat assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

606.4.2 RISK ASSESSMENT REVIEW

Officers will present the threat assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor.

The supervisor, officer assigned as operational lead, and operations director shall confer when the completed threat assessment form warrants. In other circumstances, the operations commander may be contacted when there is a concern of safety or as needed.

606.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. CRT
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Additional surveillance
7. Canines

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(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

606.5 DECONFLICTION

The officer who is the investigations lead shall ensure the subject of investigation has been deconflicted with the Drug Enforcement Unit (DEU) and Investigations Division to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The investigating officer should also pass along relevant updated information when it is received.

606.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the threat assessment form.

(d) Participant officers and their roles.

(e) Identification of all communications channels and call-signs.

(f) Use of force issues.

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(g) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(h) Plans for detaining people who are not under arrest.

(i) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(j) Communications plan

(k) Responsibilities for writing, collecting, reviewing and approving reports.

606.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

606.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

606.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.2 POLICY

Members of the Lawrence Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy and Memorandum of Understanding. (MOU)

700.3 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented on an equipment log. Upon separation from the Department, all issued property and equipment shall be returned.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Members shall promptly report using an Officer Special Report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.

(b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

700.4 PERSONAL PROPERTY

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700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made on the proper City form. This form is submitted to the member's immediate supervisor, which will be submitted to the City's Risk Management Office. The supervisor may require a separate written report.

700.5 DAMAGE TO PROPERTY OF ANOTHER

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through his/her chain of command.

The supervisor receiving such a report shall inquire as to whether reasonable care was taken to prevent the loss, damage or unserviceable condition. When applicable, the damage will be documented on an appropriate form and forwarded to the City’s Risk Management Office.

700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Lawrence or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

(a) A verbal report shall be made to the member’s immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The supervisor receiving such a report shall inquire as to whether any misconduct or negligence caused the loss, damage or unserviceable condition.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Lawrence Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty or off-duty in a manner reasonably related to an investigation, may be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD for the member's use. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

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(b) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(c) The device shall not be utilized to record or disclose any department investigative or business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(d) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) Members are prohibited from copying or using pictures, audio or video recordings that are related to investigations for personal gain or use. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(b) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.8 USE WHILE DRIVING

Members shall not operate a motor vehicle on a public road or highway while using a wireless communications device to write, send or read a written communication except when (K.S.A. § 8-15,111):

(a) The member is an officer acting within the course and scope of duty.

(b) The motor vehicle is stopped off of the regularly traveled portion of the roadway.

(c) The member is reading, selecting or entering a telephone number or name in a wireless communications device for the purpose of making or receiving a phone call.

(d) The member is receiving an emergency, traffic or weather alert message.

(e) The member is receiving a message related to the operation or navigation of the motor vehicle.

(f) The member is reporting current or ongoing illegal activity to law enforcement.

(g) The member is preventing imminent injury to a person or property.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

702.2 POLICY

The Lawrence Police Department, with the assistance of the City Garage, will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

702.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. The vehicle should be taken to the City Garage for maintenance when applicable, and documented as being placed out of service. The documentation should indicate where the vehicle was taken and what repair was needed.

702.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.4.2 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department arms room prior to the vehicle being released for maintenance, service or repair.

702.5 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles.

702.5.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll crime scene barricade tape
- 1 fire extinguisher
- Rapid Response Bail Out bag containing first aid kit, tourniquet, scissors, and extra ammunition
- 1 hazardous material emergency response handbook
- 1 evidence collection kit
- Set of stop sticks

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- Spare tire, jack and lug wrench

702.5.2 UNMARKED VEHICLES
Members driving unmarked department vehicles shall ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll crime scene barricade tape
- 1 hazardous materials emergency response handbook
- Spare tire, jack and lug wrench

702.6 WASHING OF VEHICLES
Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Members using a vehicle shall remove any trash or debris at the end of their shifts. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Lawrence to provide assigned take-home vehicles.

703.2 POLICY

The Lawrence Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The on-duty supervisor shall ensure a copy of the shift assignment roster, indicating member assignments and any assigned vehicle numbers, is completed for each shift. If a member exchanges an assigned vehicle during his/her shift, the member shall inform the on-duty supervisor of the new vehicle number.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall get approval from the on-duty supervisor before using a vehicle.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

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703.3.4 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall inform Dispatch. Use of the MDC is governed by the Mobile Data Computer Use Policy.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should report the malfunction to their supervisor.

System data may be accessed by supervisors at any time.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued keys as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys without supervisor approval. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

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Department vehicles should be parked in assigned stalls or designated parking when parked at police facilities. Members shall not park privately owned vehicles in stalls or designated parking assigned to department vehicles.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Lawrence City limits.

(d) Off-street parking will be available at the member's residence.

(e) The vehicle will be locked when not attended.

(f) All firearms, weapons and control devices will be secured in a vault inside the vehicle or removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the nature of the member's duties, job description and essential functions; and the member's employment or appointment status.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

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(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
2. When the member has received permission from the Chief of Police or Division Commanders.
3. When the vehicle is being used by the Chief of Police, Division Commanders or members who are approved and are in on-call positions.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) Unattended vehicles are to be locked and secured at all times.

1. All weapons shall be secured while the vehicle is unattended.
2. All department identification, portable radios and equipment should be secured.

(f) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home) or secured in a vault inside the vehicle.

(g) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(h) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Lawrence Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

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Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary.

(d) All weapons shall be removed from any vehicle left for maintenance.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crashes Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered and documented in the vehicle damage log book. The supervisor receiving the information should inquire if there has been any vehicle abuse or misuse.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Evidence Room and Informants policies.

704.2 POLICY

It is the policy of the Lawrence Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police shall select a member of the Department as the fund manager. This person is responsible for maintaining and managing petty cash funds. In the absence of the fund manager, the Chief of Police may delegate this responsibility to an authorized designee.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., evidence custodians, the Drug Enforcement Unit supervisor, those who accept payment for department services) will discharge those duties in accordance with the procedures established for those tasks (see the Evidence Room and Informants policies).

704.7 OTHER CASH HANDLING

Members who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, if more than $5,000, and process the cash for safekeeping or as evidence or found property, in accordance with the Evidence Room Policy.

Cash in excess of $5,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Lawrence Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges (29 CFR 1910.95).

705.5 EYE PROTECTION

Approved eye protection shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection

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that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

705.6 HEAD AND BODY PROTECTION

Members who control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided.

705.7 RESPIRATORY PROTECTION

Designated members may be issued respiratory PPE based on the member's assignment (e.g., crime scene investigators, Crisis Response Team members).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander should reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.1 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

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(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.2 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

705.7.3 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.4 RESPIRATOR FIT TESTING

No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134).

After initial testing, fit testing for respiratory PPE should be repeated (29 CFR 1910.134):

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(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.5 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The appropriate Division Commander or authorized designee is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 29 CFR 1910.1020.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Lawrence Police Department. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

800.2 POLICY

It is the policy of the Lawrence Police Department to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the resources of this department.

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to, the following:

- Crime reports
- Field Interview (FI) cards
- Parole and probation records
- Activity records from Dispatch
- Kansas Adult Supervised Population Electronic Repository (KASPER)
- Kansas Criminal Justice Information System (KCJIS)

800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.5 CRIME ANALYSIS DISSEMINATION

Information developed through crime analysis should be disseminated to the appropriate divisions or members on a timely basis. Information that is relevant to the operational or tactical plans of

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specific line members should be sent directly to them. Information relevant to the development of department strategic plans should be provided to the appropriate command staff members.

When information pertains to tactical and strategic plans, it should be provided to all affected members.

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Evidence Room

801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper handling, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Evidence Room or other designated evidence storage areas, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This does not include photographs which are downloaded onto a department server.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping or personal property items - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence and items taken for safekeeping under authority of law.
- Surrendered property - Items turned over to the Department for disposal.

801.2 POLICY

It is the policy of the Lawrence Police Department to handle and store all property in a manner that will protect it from loss, damage or contamination, while maintaining the chain of custody, the location of property and its disposition.

801.3 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property in the custody of this department. Evidence Custodians shall be appointed by the Chief of Police and will be directly responsible to the Technical Services Division Commander or the authorized designee. The evidence custodian is responsible for the security of the Evidence Room.

801.3.1 REFUSAL OF PROPERTY

The evidence custodian has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the evidence custodian refuse an item of property, he/she shall maintain secure custody of the item and inform the submitting member and/or their supervisor of the reason for refusal and the action required for acceptance into the Evidence Room.

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801.3.2 KEY CONTROL

Evidence Room keys should be maintained by the evidence custodian and members assigned to the Evidence Room. Evidence Room keys shall not be loaned to anyone and shall be maintained in a secure manner. If an Evidence Room key is lost, all access points shall be re-keyed and new keys issued as necessary. An evidence custodian should be contacted if after hour's access is required. Each evidence custodian shall have their own individual alarm code to access the Evidence Room.

801.3.3 ACCESS

Only authorized members assigned to the Evidence Room shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be accompanied by the evidence custodian. Each individual must print their name on the access log and also indicate:

(a) The date and time of entry and exit.

(b) The purpose for access, including the specific case or event (e.g., tours).

Each access log entry shall be initialed by the accompanying department member.

801.4 PROPERTY HANDLING

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the evidence custodian and/or processed and placed in a evidence locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

801.4.1 PROCESSING AND PACKAGING

All property must be processed by the responsible member prior to the member going off-duty and turned into an evidence locker, unless otherwise approved by a supervisor. Members shall process and package property as follows:

(a) A property entry shall be completed describing each item. List all known information, including:

1. Serial number.
2. Owner's name.
3. Property description.
4. Other identifying information or marking.

(b) All items entered into evidence shall be marked with the case number, property number, item number, date packaged and employee initials. When items are marked, they shall be done using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and marked as previously mentioned.

(c) Property shall be packaged in a container suitable for its size.

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(d) A property tag shall be completed and attached to any property or container that is too large to package, or does not need packaging.

(e) The evidence sheet shall be submitted with the property directly to the evidence custodian or placed in an evidence locker.

801.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area. No bicycles shall be collected as found property.

Biological and related items - Evidence that may contain biological samples shall be indicated as such and a biohazard sticker affixed to the item.

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Items that are potential biohazards shall be appropriately packaged and marked “Biohazard” to reduce the risk of exposure or contamination.

Cash - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of $5,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary. All currency shall be entered separate from other items.

Explosives and fireworks - Explosives, which includes fireworks, road flares or other signaling devices, will not be retained in the police facility. Explosives should be photographed and destroyed by appropriate personnel at the scene or another location other than the Department.

The collecting member is responsible for transporting to the fire department any fireworks that are not retained as evidence.

Firearms and other weapons - Firearms shall be unloaded. Magazines and ammunition may go in the same box with the firearm. Knife boxes should be used to package knives with exposed blades. Folding knives and knives within in sheaths that cover the blade, may be sealed in a bag or marked with a property tag.

Government property - License plates that have not been reported stolen or are of no evidentiary value should be returned to the Douglas County Clerk. No formal property processing is required.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

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If no responsible City personnel can be located, the property should be held for safekeeping.

Liquids - Liquids shall be photographed in their original container and then a sample collected. The sample should be submitted in an approved container and the original container thrown away.

Perishables - No open containers, perishable items or food shall be entered into evidence. These items should be photographed and property disposed of. Samples may be taken if necessary and submitted separate from the original container.

Sharps - Syringe tubes should be used to package syringes and needles.

801.4.3 CONTROLLED SUBSTANCE

(a) Controlled substances shall not be packaged with other property, but shall be packaged separately.

(b) Prior to packaging and if the quantity allows, a presumptive test may be administered on all suspected controlled substances. If conducted, the result of the test shall be included in the incident report.

1. The member shall package controlled substances as follows:

(a) Maintain the property in the container in which it was seized and place it in packaging of appropriate size.

(b) Seal and initial the package, overlapping both the evidence tape and package/container with initials. Substances waiting submission to the crime laboratory should be packaged according to any current specifications of that lab.

(c) Weigh the property envelope to obtain the Gross Package Weight (GPW).

(d) Indicate GPW in the appropriate property field prior to submission.

(c) When the quantity of controlled substances exceeds the available safe storage capacity as determined by the evidence custodian, the quantity shall be photographed and weighed.

1. A representative sample of sufficient quantity to allow scientific analysis of the controlled substances should be taken as allowed by state law and placed in a separate package or container.

2. Excess quantities should be stored or disposed of as required by law or directed by court order.

(d) Marijuana with any perceptible moisture content shall be loosely packaged in a container that allows for drying or shall be dried prior to storage. The evidence custodian shall monitor stored marijuana for growth of mold.

801.5 RECORDING OF PROPERTY

The evidence custodian receiving custody of property shall ensure a record of each item or group of items is created in the evidence tracking system utilized by the Department. The evidence custodian will record in the evidence tracking system, if the package contains controlled substances, the date and time the property was received and where the property will be stored.

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A unique property number shall be obtained for each item or group of items entered into evidence. This number shall be recorded in the evidence tracking system. The evidence sheet shall document the following:

(a) Property number

(b) Case number

(c) Item number

(d) Item name

(e) Employee name

(f) Type of property (i.e., EVD, PP, FND)

Any change in the location of property held by the Lawrence Police Department shall be noted in the evidence tracking system.

801.6 PROPERTY CONTROL

The evidence custodian temporarily relinquishing custody of property to another person shall record in the evidence tracking system his/her signature, the date and time the property was released, the name and signature of the person accepting custody of the property and the reason for release.

Any member receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity.

The return of the property to the Evidence Room should be recorded in the evidence tracking system, indicating the date, the time, the name and signature of the person who returned the property, the reason for return and the name and signature of the person to whom the property was returned.

801.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry in the evidence tracking system shall be completed to maintain the chain of custody. No evidence is to be released without first receiving authorization from the investigating member or applicable prosecutor's office.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted in the evidence system, stating the date, time and to whom it was released. When possible, requests for items of evidence needed for court proceedings shall be submitted to the evidence custodian at least one day prior to the court date.

Requests for laboratory analysis shall be completed on the evidence sheet and submitted to the evidence custodian.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The evidence custodian submitting items of evidence for laboratory analysis must complete the required information in the evidence tracking system. Upon delivering the item, the member will

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sign the item over to the lab and receive a receipt. The original copy of the lab form will be returned to the Records Unit for filing with the case.

801.6.3 CONTROLLED SUBSTANCES
The evidence custodian will be responsible for the storage, control and destruction of all controlled substances coming into the custody of this department.

801.6.4 UNCLAIMED MONEY
The evidence custodian shall submit an annual report, or more frequently as directed, regarding money that is presumed to have been abandoned to the Chief of Police or authorized designee. The evidence custodian may deposit such money in compliance with existing laws upon receipt of proper authorization.

801.7 RELEASE OF PROPERTY
The Investigations Division Commander or authorized designee shall authorize the release of property related to all death investigations. The investigating member or applicable prosecuting attorney's office shall authorize the release of all other property coming into the care and custody of the Department.

Release of property shall be made upon receipt from the applicable prosecutor's office or investigating member, and must conform to the items listed in the evidence tracking system, and must include the property number assigned to the item. The property release form shall be signed by the applicable prosecutor's office or investigating member and must conform to the items listed in the evidence tracking system or must specify the specific items to be released. Release of all property shall be documented in the evidence tracking system.

Firearms or ammunition should only be released upon presentation of valid identification and/or authorized documents, such as a court order, showing that the individual may legally possess the item(s). A criminal history check shall be completed prior to releasing any firearm to any individual.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law and department procedures. During such period, Evidence Room members shall attempt to contact the rightful owner when sufficient identifying information is available. The final disposition of all such property shall be fully documented in the evidence tracking system.

An evidence custodian shall release such property when the owner presents proper identification and, when applicable, an authorized property release form has been received. The signature of the person receiving the property shall be recorded in the evidence tracking system. The owner of property may designate someone else to receive their property. An original notarized letter must be presented to evidence personnel prior to, or at the time of, the collection.

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801.7.1 DISCREPANCIES

The Technical Services Division Commander or authorized designee shall be notified whenever a person alleges that there is a shortage or discrepancy regarding his/her property. The Technical Services Division Commander or authorized designee will interview the person claiming the shortage. The Technical Services Division Commander or authorized designee shall ensure that a search for the alleged missing items is completed and shall attempt to prove or disprove the claim.

801.7.2 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

801.8 DESTRUCTION OR DISPOSAL OF PROPERTY

At the conclusion of the criminal case or completion of the statute of limitations, the evidence custodian will be responsible for destruction or disposal of property, only after receiving authorization from the investigating member or applicable prosecuting attorney's office.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws. The disposition of all property shall be entered in the evidence tracking system.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Controlled substances declared by law to be illegal to possess without a legal prescription

801.8.1 BIOLOGICAL EVIDENCE

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater.

All evidence related to a homicide shall be retained indefinitely and may only be destroyed or released with the written approval of the Investigations Division Commander.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Investigations Division Commander should be consulted.

801.8.2 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the evidence custodian shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The evidence custodian should

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consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

801.9 INSPECTION OF THE EVIDENCE ROOM

The Technical Services Division Commander or authorized designee shall ensure that periodic, unannounced inspections of the Evidence Room operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Technical Services Division Commander or authorized designee also may request that an audit is conducted annually, or as directed by the Chief of Police. Inspections and audits shall be conducted by a member of this department who is not routinely or directly connected with the Evidence Room operations.

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Records Division

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Lawrence Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

802.2 POLICY

It is the policy of the Lawrence Police Department to maintain department records securely, professionally and efficiently.

802.3 RESPONSIBILITIES

802.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Technical Services Division Commander or the authorized designee.

The responsibilities of the Records Manager include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Unit.

(b) Scheduling and maintaining Records Unit time records.

(c) Supervising, training and evaluating Records Unit staff.

(d) Maintaining and updating a Records Unit procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:

1. Homicides
2. Cases involving department members or public officials
3. Any case where restricted access is prudent

802.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Reviewing report information into the records management system.

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(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.

802.4 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up and any other reports related to a police department case shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, and a copy of the subpoena or court order mandating the release of the original document shall be scanned into the case file, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

802.5 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

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Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Lawrence Police Department is committed to providing public access to records in a manner that is consistent with the Kansas Open Records Act (K.S.A. § 45-215 et seq.).

803.3 CUSTODIAN OF RECORDS

The Chief of Police shall designate a Custodian of Records (Records Manager). The Records Manager is the official custodian pursuant to K.S.A. § 45-217. The responsibilities of the Records Manager or the designee include, but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

(b) Maintaining and updating the department records retention schedule, including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records as provided by K.S.A. § 45-220.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring the availability of a current schedule of fees for public records as allowed by law (K.S.A. § 45-218; K.S.A § 45-219).

(g) Ensuring a brochure on public records is available to the public that contains a description of the basic rights of a person who requests public information, the responsibilities of the Department, and the procedures and costs for inspecting or obtaining a copy of the public record (K.S.A. § 45-227).

(h) Developing and maintaining reasonable written procedures and practices to protect personal information, as defined by K.S.A. § 50-7a01, from unauthorized access, use, modification or disclosure. Procedures should include how members are to be trained to protect personal information (K.S.A. § 50-6,139b).

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Records Manager or the authorized designee. If the Records Manager determines the requester

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is not the custodian of the requested record, the requester shall be notified and provided the name and location of the custodian of the public record, if known or readily ascertainable (K.S.A. § 45-218).

803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (K.S.A. § 45-218; K.S.A. § 45-219):

(a) All requests for records shall be made in writing.

(b) The Department is not required to create records that do not exist.

(c) Copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices shall not be required unless approved by the Records Manager or supported by an approved subpoena or court, or unless such items were shown or played at a public meeting.

1. If a record is copyrighted by a person other than the Department, the record shall not be copied.

(d) Requesters shall not make copies of public records electronically by inserting, connecting or otherwise attaching an electronic device to any computer or other electronic device of the Department.

(e) When a record contains both material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (K.S.A. § 45-221(d)).

(a) A notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) Each request for a record shall be acted upon as soon as possible, but no later than the end of the third business day after receipt of the request.

(g) If access to a record request is not granted immediately, the requester shall be provided an explanation of the cause for the delay and notified of the place and approximate earliest time and date the record will be available for inspection.

(h) Payment of any associated fees is required prior to the release of records.

803.4.2 DENIALS

When a record request is denied, the requester shall be provided a written statement of the grounds for denial, when the final response to the request is given, by the third business day or at the end of the designated period of delay. Only upon request, shall the statement include the citation to the specific provision of law that denies access (K.S.A. § 45-218).

The Records Manager may refuse to provide access to a public record or to permit inspection if the request places an unreasonable burden on the Department to produce the records or there is reason to believe repeated requests are intended to disrupt other essential department functions. A refusal must be supported by a preponderance of evidence (K.S.A. § 45-218) or as outlined in the Kansas Open Records Act.

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803.5 RELEASE RESTRICTIONS

Examples of release restrictions include but are not limited to (K.S.A. § 45-221):

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification number; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic crash reports are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; K.S.A. § 75-3520).

(b) Personnel records, performance ratings, or individually identifiable records pertaining to members or applicants for employment, except for names, positions, salaries, or actual compensation employment contracts/agreements and length of service.

1. Unless an exception applies (under a binding settlement agreement), officer files requested pursuant to a written waiver must be released within 21 days (K.S.A. § 75-4379).

(c) Information that would reveal the identity of an undercover agent or informant reporting a specific violation of law.

(d) Records which represent the work product of an attorney.

(e) Records of emergency or security information or procedures of the Department.

(f) Information that would reveal the location of a shelter, safe house, or similar place where persons are provided protection from abuse, or the name, address, location, or other contact information of alleged victims of stalking, domestic violence, or sexual assault.

(g) Victim information (K.S.A. § 38-2310).

(h) Records related to children in need of care (K.S.A. § 38-2213).

(i) Records that would reveal the location of a victim of domestic violence, sexual assault, human trafficking, or stalking who is enrolled in the Kansas Secretary of State's Safe at Home (SaH) Address Confidentiality Program (K.S.A. § 75-451).

(j) Juvenile law enforcement records (K.S.A. § 38-2310).

(k) Criminal investigation records, including audio or video recordings taken with body-worn or in-car cameras, unless ordered by a court or allowed for by K.S.A. § 45-254.

(l) Records that are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(m) Records containing information of a personal nature where the public disclosure would constitute a clearly unwarranted invasion of personal privacy.

(n) An individual's email address, cellular telephone number, and other contact information which has been given to the Department for the purpose of department notifications or communications which are widely distributed to the public.

(o) Records that would disclose the name, home address, zip code, email address, telephone number, or cellular telephone number, or other contact information for any

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person who is licensed to carry concealed handguns, has enrolled in or completed any weapons training in order to be licensed, or has made application for such license under the Personal and Family Protection Act, unless allowed by law.

(p) Recordings or statements made during a custodial interrogation related to a homicide or felony sex offense (K.S.A. § 22-4620).

(q) Any other information that may be appropriately denied by K.S.A. § 45-221 and Kansas law.

803.5.1 REQUIRED RELEASE

Upon request, the Records Manager shall allow the following individuals, by appointment, to review recordings captured by a body-worn device or in-car camera (K.S.A. § 45-254):

(a) A person who is a subject of the recording.

(b) A parent or legal guardian of a person under 18 who is a subject of the recording.

(c) The attorney for a subject of the recording.

(d) An heir at law, an executor or an administrator of a decedent, when the decedent is a subject of the recording.

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena of non-business records, a subpoena duces tecum or discovery request for records should promptly contact a supervisor, and for the the request to the Records Manager for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney or City Attorney.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

All records released pursuant to this policy should be noted in a dissemination log, identifying the incident number, date and time of release, and to whom the record was released.

803.8 SECURITY BREACHES

Members who become aware that any Lawrence Police Department system containing personal information may have been breached should notify the Records Manager as soon as practicable.

The Department shall conduct a prompt investigation to determine the likelihood that personal information has been or will be misused (K.S.A. § 50-7a02).

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The Department shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been misused or where there is a reasonable likelihood that the information will be misused (K.S.A. § 50-7a02).

Notice shall be given in the most expedient time possible and without unreasonable delay consistent with the legitimate needs of the Lawrence Police Department and consistent with any measures necessary to determine the scope of the breach or to restore the reasonable integrity of the agency data system. Notice may be delayed if notification will impede a criminal investigation (K.S.A. § 50-7a02).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (K.S.A. § 50-7a01):

(a) Social Security number

(b) Driver's license number or Kansas identification card number

(c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Manager should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

803.9 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Records Manager.

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Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Lawrence Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Lawrence Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Lawrence Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Chief of Police shall select a Terminal Agency Coordinator (TAC) and a Local Access Security Officer (LASO), as provided by Criminal Justice Information System (CJIS) rules and regulations, to coordinate the use of protected information.

The responsibilities of these positions include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Revenue, Division of Motor Vehicles (DMV) records and Kansas Criminal Justice Information System (KCJIS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Lawrence Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The TAC and LASO will oversee the security of protected information.

The responsibilities of these positions include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination. All department members will sign the appropriate CJIS confidentiality agreements.

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Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 POLICY

It is the policy of the Lawrence Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

805.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

805.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance, such as Animal Control.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

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2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including, but not limited to, any offense listed in K.S.A. § 21-6412. Minimally:

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care of protection from acts of cruelty.

A member who responds or assists with animal-related calls for service may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty. The member may inspect, care for or treat the animal, or place it in the care of an incorporated humane society or licensed veterinarian for treatment, boarding or other care (K.S.A. § 21-6412(e)).

805.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed in quarantine at a regularly licensed and practicing veterinarian of the owner's choice for at least 10 days. Members should attempt to identify and notify the owner of the final disposition of the animal (City Code 3-208).

805.7 STRAY DOGS

If the dog can be identified by a tag, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody and the owner cannot be contacted, it shall be transported to the appropriate shelter/holding pen. Generally, members who are not Animal Control, should not attempt to catch a stray dog. Any member that takes a stray dog into custody should call for on-duty Animal Control to respond to the scene. In circumstances where Animal Control is not on-duty, members will contact a supervisor for further direction. Members shall not transport any captured dog or animal in a department vehicle other than Animal Control.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.8 DANGEROUS ANIMALS

Members may seize any dangerous animal pursuant to K.S.A. § 32-1307.

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805.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

805.10 DECEASED ANIMALS

When a member becomes aware of a deceased domesticated animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed when necessary. Generally, members should request Dispatch contact or leave a message for sanitation to collect the animal.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

805.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, an Animal Control Officer should be contacted and the animal should be taken to a designated animal care facility or Humane Society. In the event the animal is not seriously injured, efforts should be made to contact the on-call Humane Society personnel to respond to the scene and care for the animal.

Officers may take charge of any livestock or other domestic animal found injured or diseased (K.S.A. § 47-1803):

(a) Upon public property.

(b) Upon private property when the animal appears likely to injure a person or property.

805.11.1 VETERINARY CARE

After taking charge of an injured or diseased animal, an officer may transport it to a licensed veterinarian or an incorporated humane society, animal shelter or other appropriate facility for treatment (K.S.A. § 47-1803).

805.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

An officer may kill an animal that is injured or diseased beyond recovery or appears likely to injure any person or property pursuant to K.S.A. § 47-1803.

805.13 RECORD OF TAKING CUSTODY

When a member takes custody of an animal, he/she shall immediately make a record that includes (K.S.A. § 47-1711):

(a) The color, breed, sex, approximate weight and other description of the animal.

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(b) The reason and the location of the seizure.

(c) The owner's name and address, if known.

(d) The animal license number and any other identification number.

(e) Complete information relating to the disposition of the animal. The disposition shall be added immediately following the disposition of the animal.

Upon request, the Records Manager shall make records related to taking custody of an animal available to the Kansas Department of Agriculture.

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Chapter 9 - Personnel

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Performance Appraisals

900.1 PURPOSE AND SCOPE

This policy provides guidelines for the Lawrence Police Department performance appraisal system.

900.2 POLICY

The Lawrence Police Department shall use a performance appraisal system to measure, document and recognize work performance. The performance appraisal will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

900.3 TYPES OF EVALUATIONS

The Department shall use the following types of appraisals:

Annual - An appraisal completed at regular intervals by the employee's immediate supervisor. Employees who have been promoted should be evaluated as established by the Department of Human Resources or, minimally, on the anniversary of the date of the last promotion.

Special - An appraisal that may be completed at any time the supervisor and Division Commander or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

900.3.1 RATINGS

When completing an appraisal, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Employee's service, performance, preparedness, teamwork, collaboration, attitude, demeanor, judgment, work product, productivity, professionalism and leadership are consistently distinguished by higher quality; surpasses position requirements; demonstrates initiative, resourcefulness, creativity; diligent, respectful, dependable, trustworthy; maintains a personal commitment to quality service; work product is extraordinary relative to regular responsibilities; needs minimum supervision.

Exceeds expectations (commendable) - Employee consistently exceeds performance standards in a majority of job requirements; accomplishments, job knowledge, cooperation, teamwork, collaboration, attitude, demeanor, work product, productivity and leadership are above average; shows initiative; is diligent, respectful, dependable, trustworthy; maintains a personal commitment to quality, professional service; needs little supervision.

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Meets expectations (effective) - Employee meets standards of job requirements; ability; performance, job knowledge, initiative, dependability, cooperation, decision making, teamwork, productivity, skill set is appropriate for the position; assignments and job related duties are completed in a thorough and consistent manner; completes tasks and assignments with occasional supervision.

Needs improvement - Employee's overall performance is not consistent; meets some requirements of position; does not meet standards in many of job requirements; may have received previous corrective action; below average overall performance and decision making will require additional attention and improvement; goal setting needs reviewed with supervisor(s); requires above average supervision and guidance.

Unacceptable - Employee's performance is rarely consistent; does not meet standards or minimum responsibilities in the majority of job requirements; has received previous corrective action through verbal and/or written discipline; is undependable, careless, and overall job performance requires immediate corrective action; requires excessive supervision; discipline up to termination may be considered.

Supervisor comments should be included in the evaluation to document the employee's strengths, weaknesses and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

900.3.2 PERFORMANCE IMPROVEMENT PLAN

The Performance Improvement Plan is a plan of action that addresses less than effective performance in any of the Performance Factors that are rated on the Performance Appraisal. It is designed to address an immediate change in a specific behavior or skill. A Performance Improvement Plan timeframe is generally either 30, 60 or 90 days depending on the Performance Factor needing improvement and the frequency of the tasks or skills used to demonstrate proficiency. Continued employment is generally contingent on successful completion of a Performance Improvement Plan.

900.4 APPRAISAL PROCESS

Supervisors should meet with the employees they supervise to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance and the evaluation criteria with each employee.

Performance appraisals cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Appraisals should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the

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course of the appraisal period are encouraged. Supervisors should document all discussions in the prescribed manner.

900.5 APPRAISAL INTERVIEW

When the supervisor has completed his/her appraisal, a private discussion of the appraisal should be scheduled with the employee. The supervisor should discuss the appraisal ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed.

Employees may write comments in an identified section of the appraisal. The supervisor and employee will sign and date the appraisal.

900.5.1 STATEMENT OF INDIVIDUAL RESPECT FORM

At the time of each employee’s annual appraisal, the employee will read and sign the City's Statement of Individual Respect Form and should review the Lawrence Police Department Discriminatory Harassment Policy.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) upon submission of their self-evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

900.6 APPEAL

An employee who disagrees with his/her appraisal may request an appeal. Employees can find the appeal process with in the Performance Appraisal Handbook on the City of Lawrence Human Resources network file.

900.7 CHAIN OF REVIEW

The signed performance appraisal and any employee attachment(s) should be forwarded to the Office of the Chief of Police for final approval.

900.8 RETENTION AND DISTRIBUTION

The original performance appraisal and any original correspondence related to an appeal shall be maintained by the Department in accordance with the Personnel Records Policy.

A copy of the appraisal and any documentation of a related appeal shall be scanned into the department's electronic employee file, with a copy provided to the employee, and a copy forwarded to the Department of Human Resources.

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Special Assignments

901.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for qualifications and appointment to special assignments within the Lawrence Police Department.

901.2 POLICY

The Lawrence Police Department determines assignments in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments are made by the Chief of Police.

901.3 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) Drug Enforcement Unit

(b) Juvenile investigator

(c) Evidence Custodian

(d) Canine handler

(e) Accident investigator

(f) Public Affairs Officer

(g) Training Officer

(h) Mental Health Team

(i) School Resource Officer

901.3.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Two years with the Lawrence Police Department, unless waived by the Chief of Police

(b) Exceptional skills, experience or abilities related to the special assignment

901.3.2 EVALUATION CRITERIA

The following criteria may be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Expressed an interest in the assignment.

(c) Demonstrates the following traits:

1. Emotional stability and maturity
2. Sound judgment and decision-making
3. Personal integrity and ethical conduct

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4. Leadership skills
5. Initiative
6. Adaptability and flexibility
7. Ability to conform to department goals and objectives in a positive manner

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Anti-Retaliation

902.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or employment agreement.

902.2 POLICY

The Lawrence Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

902.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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902.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

902.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodically following up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

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(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

902.6 COMMAND STAFF RESPONSIBILITIES

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

902.7 WHISTLE-BLOWING

State law protects employees from retaliation for reporting unlawful employment practices and other protected activities. Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Accountability for investigation pursuant to the Personnel Complaints Policy (K.S.A. § 75-2973; K.S.A. § 39-1403(b); K.S.A. § 39-1432(b); K.S.A. § 44-1009; K.S.A. § 44-1113; K.S.A. § 65-4928; K.S.A. § 44-636(f)).

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Reporting of Arrests, Convictions and Court Orders

903.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Lawrence Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

903.2 POLICY

The Lawrence Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

903.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Kansas law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; K.S.A. § 74-5605; K.S.A. § 74-5616).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to the Office of Professional Accountability or the Chief of Police, as provided in this policy.

903.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Certification as a law enforcement officer may be suspended or revoked by the Kansas Commission on Peace Officers' Standards and Training (KS·CPOST) for (K.S.A. § 74-5616):

(a) Failing to meet and maintain the requirements of K.S.A. § 74-5605 or K.S.A. § 74-5607a.

(b) Knowingly submitting false or misleading documents, or willfully failing to obtain any certification under the Kansas Law Enforcement Training Act.

(c) Providing false information or otherwise not cooperating in a commission investigation to determine a person's continued suitability for law enforcement certification.

(d) Failing to complete the annual continuing education required by K.S.A. § 74-5607a or otherwise failing to comply with the requirements of the Kansas Law Enforcement Training Act.

(e) Engaging in conduct which, if charged as a crime, would constitute:

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(a) A felony.

(b) A misdemeanor crime of domestic violence as defined in the Kansas Law Enforcement Training Act at the time the conduct occurred.

(c) A misdemeanor crime that KS·CPOST determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission.

(f) Using racial or other biased-based policing prohibited by K.S.A. § 22-4609.

(g) Engaging in unprofessional conduct as defined by the rules and regulations of KS·CPOST.

903.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Office of Professional Accountability or the Chief of Police) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Office of Professional Accountability or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable KS·CPOST certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Weapons Policy).

903.5.1 NOTIFICATION REQUIREMENTS

The Community Services Division Commander or authorized designee shall submit in a timely manner a notice to KS·CPOST or any other certification or licensing organization of any appointment, termination, reinstatement, name change or status change regarding any officer, or Records Unit supervisor, or other required employee that is employed by this department.

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Reporting of Arrests, Convictions and Court Orders

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Drug- and Alcohol-Free Workplace

904.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

904.2 POLICY

It is the policy of the Lawrence Police Department to provide a drug- and alcohol-free workplace for all members.

904.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify their immediate supervisor or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see the Work Restrictions section in this policy).

904.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

904.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

904.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

904.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

904.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of his/her duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death or substantial damage to property.

(d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death or substantial damage to property.

904.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

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(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

904.7.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

904.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

904.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member’s confidential medical file in accordance with the Personnel Records Policy.

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Sick Leave

905.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City Handbook or applicable LPOA MOU.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

905.2 POLICY

It is the policy of the Lawrence Police Department to provide eligible employees with a sick leave benefit.

905.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness, unless otherwise approved by a supervisor (see the Outside Employment and Outside Overtime Policy).

905.3.1 NOTIFICATION

When possible, members should notify their immediate supervisor or appropriate supervisor no less than one hour before the start of their scheduled shift when they are not able to report to work due to an illness or family illness. Sick leave may not be granted unless such notification has been made. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with reasonable notice of the impending absence.

905.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

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905.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of three or more days may qualify as family medical leave and consulting with Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

906.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

906.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Lawrence Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

906.2 POLICY

The Lawrence Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

906.3 EXPOSURE PREVENTION AND MITIGATION

906.3.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

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(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

906.3.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

906.4 POST EXPOSURE

906.4.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practical.

906.4.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident.

The supervisor shall ensure the following information is documented:

(a) Name of the member exposed

(b) Date and time of incident

(c) Location of incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

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(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

906.4.3 SPECIFIC DUTIES OF SUPERVISORS

The supervisor or, in his/her absence, the authorized designee, shall have the following specific responsibilities (K.A.R. 28-1-23):

(a) Determining whether a suspected exposure was sufficient to potentially transmit a pathogen or an infectious and contagious disease.

(b) Seeking source testing when a suspected exposure was determined sufficient to transmit a communicable disease.

(c) Within four hours of receiving notification from a health care facility that a person who was transported by the department may be the source of an exposure, notifying all other entities whose personnel could have cared for or interacted with the source person. The notification shall include the name, diagnosis of the source person and the date/time the source person was transported to the health care facility.

(d) Advising members of any suspected exposure and recommending appropriate testing as soon as feasible.

906.4.4 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The member should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the supervisor.

906.4.5 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

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906.4.6 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the supervisor or designee. It is the responsibility of the exposed member's supervisor to ensure testing is sought (K.A.R. 28-1-23(d)).

Source testing may be achieved by:

(a) Obtaining consent from the individual.

    (a) If the individual refuses, the City Attorney, with the assistance of the member's supervisor, may submit an application to the court requiring the individual to submit an appropriate specimen for testing (K.S.A. § 65-6008; K.S.A. § 65-6009; K.A.R. 28-1-23).

(b) Contacting the Kansas Department of Health and Environment to request an order for testing (K.S.A. § 65-128).

Since there is the potential for overlap between the different manners in which source testing may occur, the supervisor is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The supervisor should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

906.5 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (K.A.R. 28-1-23).

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Smoking and Tobacco Use

907.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Lawrence Police Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

907.2 POLICY

The Lawrence Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

907.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the Lawrence Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

907.4 ADDITIONAL PROHIBITIONS

Pursuant to the Kansas Indoor Clean Air Act (K.S.A. § 21-6110 through K.S.A. § 21-6116):

(a) Members are prohibited from smoking in an enclosed area or at a public meeting including, but not limited to:

1. Public places.
2. Taxicabs and limousines.
3. Restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities.
4. Restrooms, lobbies and other common areas in hotels and motels and in at least 80 percent of the sleeping quarters within a hotel or motel that may be rented to guests.
5. Access points within a 10-foot radius outside of any doorway, open window or air intake leading into a building or facility of all buildings and facilities unless exempt.
6. Any place of employment.

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(b) The Chief of Police or the authorized designee shall ensure that no smoking signs displaying the international no smoking symbol and clearly stating that smoking is prohibited by state law are posted in a conspicuous place.

(c) No member of this department shall retaliate against any person for reporting or attempting to prosecute a violation of Kansas laws prohibiting smoking.

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Personnel Complaints

908.1 POLICY

The Lawrence Police Department is committed to providing professional police service to the citizens of Lawrence. Department members are required to observe high standards of moral and ethical conduct at all times. Implied deviation from such conduct by a department member will not be construed as permission for investigative personnel to violate the normal standards of courtesy and dignity of the individual during an internal investigation.

It is the policy of the Lawrence Police Department to receive, document, investigate and resolve all complaints made against members of the Department. It is critical to do so in a fair and consistent manner regardless of the nature of the complaint, who makes the complaint or the manner in which the complaint is received. Investigations shall be conducted to ensure the integrity of the organization, the safety of the community and the rights of citizens and employees alike.

Responsiveness to allegations of misconduct will increase transparency, accountability and due process for all involved persons. This approach is necessary to instill public trust in the organization, to ensure ethical behavior by all department employees and to identify training needs.

Complaints will be investigated by the appropriate department resource to determine the validity, nature and seriousness of the conduct in question.

In the case of an allegation of criminal behavior, the employee has the same legal rights as any other citizen.

908.2 DEFINITIONS

Employee - All sworn and civilian personnel.

Allegation - An unproven accusation that an employee violated department or city policy, procedures, rules, regulations or the law.

Complaint - An expression of dissatisfaction that contains an allegation, which if proven to be true, is a violation.

Inquiry - An examination based upon a misunderstanding or lack of knowledge of acceptable or desired conduct, procedures or practices which a supervisor is able to resolve with the complainant and the department member.

Peer representative - A Police Department employee allowed to be present during any meetings with a supervisor or Office of Professional Accountability (OPA) investigator when the employee reasonably believes that he/she may be suspended or terminated. Sworn personnel will have the right to request another sworn member of the Police Department as their peer. Civilian personnel will follow the City's Employee Handbook.

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Spillman Administration Event Detail - An electronic file used to facilitate documentation of employee performance that would be applicable to the evaluation process.

Violation - An act or omission by an employee that is a breach of policy, procedures, rules, regulations or the law, which if proven, could result in disciplinary action.

908.3 RECEIPT OF COMPLAINTS

(a) The Lawrence Police Department will accept all complaints against the Department or any of its employees, regardless of the manner in which the complaint is received (e.g., in person, by telephone, via email, in writing). The fact that a complainant does not wish to or is not willing to identify themselves will not cause the complaint to be dismissed.

(b) Citizen involvement in the complaint process provides greater detail and more accuracy in the investigation. Anonymous complaints present significant investigative challenges but shall be accepted. The OPA Captain will review each anonymous complaint and make a recommendation to the Chief of Police regarding feasibility of further investigation. Without independent facts that can be verified, anonymous complaints may be deemed less credible and/or actionable than a complaint from a known complainant. If possible, anonymous complainants will be informed of the limitations inherent in an anonymous complaint.

(c) Individuals desiring to make a complaint during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.) should be directed to the OPA supervisor. During other hours, or when an OPA supervisor is not available, individuals desiring to make a complaint should be directed to the shift supervisor on duty who will take the complaint.

1. Any employee of the Lawrence Police Department may be the initial contact for a complaint; and are expected to assist the complainant in contacting a supervisor or facilitating the flow of information so that the supervisor can follow-up on the complaint as soon as possible.

2. At no time should an employee seek to discourage an individual from making a complaint. Public trust depends on the knowledge that the Department seeks their input and, if appropriate, will amend policies, procedures or behaviors if mistakes have been made.

(d) The complainant should be informed the Department will investigate the situation and will advise them of the results of the disposition.

908.4 DUTIES AND RIGHTS OF EMPLOYEES

(a) Employees of the Lawrence Police Department who have knowledge of any misconduct or wrong doing by any other employee, either directly or indirectly, are obligated to present the information to their immediate supervisor, the OPA or the Chief of Police as soon as possible. Failure to report misconduct or wrongdoing is considered misconduct.

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(b) All employees shall cooperate fully in personnel investigations by being candid and forthcoming. Employees are required to share all information they have that may be relevant to the investigation, whether directly asked or not. The Department recognizes withholding information from the employee may limit what the employee believes to be relevant.

(c) Intentional misrepresentation of the facts, withholding of information, or dishonesty by an employee during a personnel investigation is grounds for discipline up to and including termination.

(d) Unless authorized by the Chief of Police, employees who are subject to a personnel investigation are not allowed to contact (directly or through third parties) complainants or witnesses in the investigation. This is not intended to prohibit employees from communicating with other employees on topics other than the personnel investigation.

1. No order shall be construed as to prohibit communications between the accused employee and their spouse, legal counsel, peer representative, clergy or any other communications recognized by law as privileged.

(e) The employee being interviewed will be informed of the nature of the complaint, including what specific policy violations are alleged, if known, and who the complainant is. If it is known at the time of the interview that the employee being interviewed is a witness only, he or she will be so informed. The investigator may delay notification of the identity of the complainant if necessary for a criminal investigation, the investigation may be compromised, or otherwise approved by the Chief of Police or his/her designee. If the employee is being interviewed as a witness only, the investigator has the discretion to withhold information related to the complaint if he/she feels disclosing that information would hinder the investigation or unnecessarily malign the accused employee. The Department recognizes withholding information from the witness may limit what the witness believes to be relevant.

(f) Employees will not be subjected to any offensive language, coercion, abuse or devious techniques during an interview. Investigators will not offer any promise of reward as an inducement to answering questions.

(g) Interviews of employees concerning complaints will generally be conducted during an employee's tour of duty if possible. The interview will take place at a location designated by the investigating officer, normally a police facility. Interviews will be conducted in person, unless otherwise specified by the investigating officer.

(h) Employees giving statements or being questioned concerning personnel investigations may not have an attorney present during the interview.

(i) No audio or video recording of any employee will take place during any contact without the knowledge of all persons present. A copy of all audio/video recordings involving inquiries or investigations related to discipline matters will be provided to and stored by OPA. Once an investigation is complete, all duplicate or working recordings not stored by OPA will be deleted or destroyed.

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908.5 INVESTIGATIVE RESPONSIBILITIES

(a) Complaints that are determined to constitute an inquiry may be handled by any supervisor that can appropriately address the concern. In most circumstances this may be the employee's immediate supervisor.

(b) If the complaint of misconduct appears on its face to be minor and non-repetitive or habitual (e.g., attitude, rudeness, poor customer service, incomplete reports) it will normally be forwarded to the employee's Captain. The Captain or his/her designee may investigate the complaint informally and make an appropriate disposition without following the formal procedures.

1. The informal procedure can be utilized as long as the foreseeable discipline is no higher than an oral warning. However, if the employee reasonably believes the complaint may result in suspension or dismissal, the employee may ask for a peer representative.

2. Prior similar and documented misconduct may raise a minor violation into the realm of a formal investigation due to potential progressive discipline consequences of a finding of misconduct.

(c) The OPA is responsible for formal investigations alleging a breach of policy, procedures, rules or regulations and any other non-criminal complaints not specifically described in this policy. All complaints pertaining to the Use of Force or Pursuit policies will be investigated by the OPA.

908.6 OFFICE OF PROFESSIONAL ACCOUNTABILITY GUIDELINES (NON-CRIMINAL)

(a) A supervisor will be assigned as the primary OPA investigator. The supervisor's purpose is to investigate complaints alleging employee misconduct and to maintain records of complaints and personnel investigations.

(b) At the direction of the Chief of Police, any supervisor may investigate a complaint alleging a breach of policy, procedures, rules or regulations and any other non-criminal complaints not specifically described in this policy. Such investigations will be coordinated with the OPA and will conform to the hereafter outlined guidelines.

(c) Investigations will not be conducted while other criminal or judicial processes are pending without the approval of the Chief of Police.

(d) Investigators should obtain as many specific facts and details as possible from the complainant. An attempt to verify the sincerity of the complainant shall be made. Intentional misrepresentation of the facts by the complainant will result in a reevaluation of the investigation and possible pursuit of criminal charges.

(e) If known, the person making the complaint will be asked to sign the Formal Complaint of Employee Conduct (External) form to provide a statement in the complainant's own words. This also protects the involved employee(s) and the Department should the complainant later change his/her allegation or the allegation be found to be misleading or untrue.

1. If unwilling or anonymous, the investigator will complete the form using whatever information has been received, noting the source of the information, the manner

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in which the information was received, and the date and time of the initial complaint. The investigators should note the reason the complainant refused to sign the complaint form.

2. Personnel investigations internally generated will utilize the Formal Complaint of Employee Conduct (Internal) form as the initial face sheet for the investigation and are to be completed by the employee lodging the complaint or the supervisor receiving the complaint from an employee.

(f) Unless a criminal investigation prohibits it, the investigation may be compromised, or otherwise approved by the Chief of Police or his/her designee, department members who are the subject of the investigation will be notified 24-hours before an interview of the employee takes place. The nature of the complaint, including what specific policy violations are alleged, and who the complainant is, will also be disclosed.

1. Notification can be by phone or in-person.

2. This time period also affords officers the opportunity to contact and arrange for the presence of a peer representative in accordance with the guidelines for such as specified in this policy.

3. Employees may opt to more immediately proceed to the interview at a mutually agreed upon time.

(g) The investigating officer will notify the employee's supervisor that the employee has been directed to report for an interview.

(h) A sworn employee has the right to request the presence of a peer representative during any meeting with an investigator when they reasonably believe he/she may be suspended or terminated as a result of the interview. The peer may be present, but cannot participate in the discussion. During the investigation, the peer shall keep all information confidential. At the conclusion of the investigation, the peer must have permission of the investigated employee to share the information. As long as the information does not violate the privacy or disclose the identity/alleged misconduct of another employee.

(i) The employee will be provided with a copy of the Formal Complaint of Employee Conduct form at the beginning of the interview and be afforded the opportunity to review it. Upon employee request, the employee will receive a disseminated copy of the complaint form to retain, as long as the dissemination of the form does not compromise the investigation.

(j) The employee will be provided a copy of the Lawrence Police Department Statement of Rights form.

(k) The investigator should explain to the employee the process he/she expects to undertake in investigating the complaint so that the employee understands the process being used.

(l) The complaint process can be difficult and embarrassing for the complainant as well as the employee that is the subject of the complaint. A neutral and impartial fact finding approach is required to ensure fairness. Investigators shall attempt to obtain “best information” to ensure accuracy. Pertinent facts that could possibly implicate the

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employee as well as prove his/her innocence should be examined. When possible, the investigation should include:

1. In-person interviews of involved parties and possible witnesses.
2. Audio recordings of interviews and/or written statements.
3. Supporting evidence.

(m) Questioning of employees will be pertinent to the issues of the complaint. If responses given by the employee indicate a violation of either department policies or law on other matters not under investigation, a new line of questioning may be initiated. However, broad questions such as, "Have you ever violated department policies?" will not be allowed.

(n) The interview should not exceed four hours in any one day unless there is a compelling reason to continue or the employee and interviewer reach a mutual agreement to continue. Time will be permitted for personal necessities such as meals, restroom breaks and communications not related to the investigation.

(o) If directed by the investigator, an employee must furnish a signed written statement. A copy of the written statement will be furnished to the employee.

(p) If the investigation lasts beyond 30 days, the investigator should re-contact the investigated employee at least on a weekly basis to update them on the status of the investigation (unless such communication would negatively impact the investigation for any reason or an alternate update agreement is made) and attempt to answer any questions the employee may have. The 30-day time frame begins at the time the investigated employee is interviewed.

(q) All internal investigations should be completed within 90 days of the receipt of the complaint or allegation of misconduct unless the nature and complexity of the investigation requires the Chief of Police to issue an extension.

908.7 POLYGRAPH EXAMINATIONS

(a) At the discretion of the Chief of Police, the complainant may be asked to submit to a polygraph examination to help determine truthfulness.

(b) At the discretion of the Chief of Police, an employee may be required to submit to a polygraph examination to help determine truthfulness. Presence of counsel shall not be permitted during such examinations.

(c) If the employee refuses to take the examination, the employee may be subject to disciplinary action for refusing to obey an order. The polygraph examination should not, as a general rule, be given to an individual who has just completed a lengthy interview session, or who is not, in the judgment of the polygraph examiner, physically or mentally fit to be examined.

908.8 INVESTIGATIVE DISPOSITION AND DOCUMENTATION

(a) Informal complaints handled by immediate supervisors will be documented in the Spillman Administration Event Detail. Whether an oral warning was provided or

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not, employees will be notified by their supervisor of the new entry in the Spillman Administration Event Detail.

(b) Complaints handled by the OPA, as well as investigations conducted by other supervisors in coordination with the OPA, shall be documented in the OPA report file(s).

(c) At the conclusion of a formal personnel investigation, the investigative file will be forwarded to the Chief of Police for review. The Chief of Police will determine the final disposition and any related corrective or disciplinary actions.

(d) The complainant will be advised of the findings of the investigation by phone or in person if possible. Subsequently, a disposition letter will be forwarded to the complainant, if known. A copy of this letter will be placed in the OPA investigation case file.

(e) At the conclusion of the investigation, the employee will be advised of the outcome and disposition of the investigation in writing. A copy of this letter will be placed in the OPA investigation case file. In the case of a sustained complaint or a finding of commendation, a second copy of the letter will also be placed in the employee's departmental personnel file.

1. The supervisor responsible for the investigation will also make a notation in the Spillman Administration Event Detail. The employee will be notified by the supervisor of the new entry into the Spillman Administration Event Detail

(f) Final dispositions of complaints will be categorized in one of the following manners:

1. **Sustained** - The greater weight of the evidence establishes that the complaint is valid and that the employee violated department policy and/or law.
2. **Not sustained** - Insufficient evidence to either prove or disprove the allegation(s).
3. **Exonerated** - Incident occurred but was lawful/within policy.
4. **Unfounded** - The allegation is false or not factual or the employee was not involved.
5. **Closed by exception** - Complaint was closed by direction of the Chief of Police, the complainant withdrew the complaint, failed to cooperate with the investigation, or the officer separated form employment prior to completion of the investigation.
6. **Commended** - The investigation revealed that the involved employee did not do anything wrong and the employee's action is instead worthy of commendation.
7. **Training issue** - During the course of the investigation, it is determined that the involved department members were not sufficiently trained to handle the situation.
8. **Policy deficiency** - During the course of the investigation, it is discovered that department policies are in need of revision in order to provide department members with direction. Employee was acting within policy that resulted in unfair or inappropriate treatment of a citizen.

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(g) The Department will maintain appropriate records and dispositions of complaints filed against employees.

1. The OPA will maintain appropriate records of complaints filed against employees. Upon completion of the investigation, all original files will be kept in the OPA office or at an archive location designated by the Chief of Police. OPA records will be maintained for all active employees until five years after an employee's separation from the Department.

2. Once the investigation is complete only the OPA record will be retained. After original case materials are provided to OPA, all other work product will be deleted/destroyed (e.g., reports on non-OPA computer hard drives, handwritten notes not kept in OPA file or any recordings).

3. A log will be kept by OPA for any records disseminated outside of the OPA office.

908.9 CRIMINAL LAW VIOLATIONS

(a) The Investigations Division will investigate allegations that an employee has committed a criminal offense unless the Chief of Police designates another law enforcement agency. At the discretion of the Chief of Police, the OPA supervisor may assist and participate in a criminal investigation if requested.

(b) Any employee arrested for a violation of the law, other than traffic infractions, may be suspended at the discretion of the City Manager in accordance with policies and procedures of the current City Personnel Manual.

(c) An employee of the Department suspected of involvement in a criminal offense is entitled to all rights and privileges guaranteed by the U.S. Constitution.

908.10 SPILLMAN ADMINISTRATION EVENT DETAIL PROCEDURE

(a) Employees may review/view their Spillman Administration Event Detail at any time. The detail is linked to each employee's employee file in Spillman.

(b) Anytime a supervisor makes an entry into the Spillman Administration Event Detail, the supervisor should notify the employee of the new entry within a reasonable amount of time.

(c) The Spillman Administration Event Detail is intended to be a short/intermediate term repository of employee performance and not the definitive employment record. At the time of the employee's evaluation, the reviewing supervisor will ensure any entries older than three years are deleted.

(d) Examples of what the Spillman Administration Event Detail should be used for:

1. Positive performance - Summaries of compliments (email, written, or verbal); commendation letters for exemplary work; notations by the supervisor about an employee's good work in regard to cases, enforcement, customer service, responsiveness, activities, etc.

2. Corrective action - Summaries of sustained complaints (non-OPA related) and any associated counseling; notations of rule, policy, or procedural violations/

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errors with outcome/discussion that occurred with the employee; notations of letters of reprimand or at-fault accidents. If the employee does not agree with the supervisor's entry, the employee may submit a written response via an electronic file (e.g., Word document attachment, email) explaining the objections to the entry. The supervisor will then post the employee's written response in a new entry in the Spillman Administration Event Detail under the category of Special Report.

3. Evaluation - Notation that an evaluation was given and the score.
4. Internal affairs - Notation of an OPA investigation and the result/outcome.
5. Special Report - Notations that may assist supervision in the identification of a potential problem or trend in relation to performance: tardiness, excessive reporting errors, non-sustained complaints, non-preventable accidents, etc.

908.11 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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Safety Belts

909.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

909.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

909.2 POLICY

It is the policy of the Lawrence Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

909.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

909.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with K.S.A. § 8-1343.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side air bag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

909.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle equipped with a prisoner transport insert or, when a prisoner transport

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insert is not available, the subject shall be in the front seat and secured by safety belts provided by the vehicle manufacturer.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

909.6 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

909.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

909.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

910.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

910.2 POLICY

It is the policy of the Lawrence Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

910.3 ISSUANCE

The Training Unit shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Lawrence Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised, or after five years of issuance.

910.3.1 USE

Generally, the required use of body armor is subject to the following:

(a) Members shall only wear department-approved body armor.

(b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.

(c) Members shall wear body armor when working in uniform or taking part in department range training.

(d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.

(e) Officers may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

910.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic inspections that body armor is worn and maintained in accordance with this policy.

910.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

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(a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.

1. Unserviceable body armor shall be reported to the supervisor.

(b) Members are responsible for the proper storage of their body armor.

1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.

(c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.

1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.

2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.

(d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

910.4 RANGEMASTER RESPONSIBILITIES

The responsibilities of the Rangemaster include, but are not limited to:

(a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.

(b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.

(c) Educating officers about the safety benefits of wearing body armor.

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Personnel Records

911.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

911.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Kansas.

911.3 PERSONNEL FILE

The personnel file shall be maintained at City Hall and is a record of a person's employment/appointment with this department. The department file could contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

(f) Commendations and awards.

(g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

911.4 TRAINING FILE

An individual training file shall be maintained by the Training Unit for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records). Training records may be a scanned copy of an original file. Training files will be maintained for all active members until five years after a member's separation from the Department.

(a) The involved member is responsible for providing the Training Unit with evidence of completed training/education in a timely manner.

(b) The Training Unit shall ensure that copies of such training records are placed in the member's training file.

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911.4.1 ATTENDANCE RECORDS
The training attendance records will be maintained by the Training Unit for each member. Attendance records are the records provided to KS-CPOST to document an officer's attendance at training to meet the KS-CPOST on-going training requirement. Attendance records may be a scanned copy of an original file. Attendance records will be maintained for five years.

911.4.2 ACADEMY FILE
The academy file shall be maintained by the Training Unit for each member of the Department who participates in the department's Kansas Law Enforcement Center approved basic recruit academy. The academy file is the repository of the training record for a particular academy class to include a recruit's training record and any certificates. The academy file may be a scanned copy of the original file. After the completion of the training academy, the recruit's training certificates and any other relevant training records shall be moved to their respective training file. All remaining academy files should be stored five years past the date of completion of the recruit academy.

911.4.3 FIELD TRAINING RECORD
The field training record shall be maintained by the Training Unit for each member of the Department who participates in the department's Police Training Officer (PTO) program. The field training record is the electronic or physical file containing the typed or hand written documents from a trainee and the training officer. Field training records should be maintained for five years after the completion of the field training program.

911.5 INTERNAL AFFAIRS FILE
Internal affairs files shall be maintained under the exclusive control of the Office of Professional Accountability. Access to these files may only be approved by the Chief of Police or the Office of Professional Accountability supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Internal affairs files will be maintained five years after a member separates from the Department.

911.6 MEDICAL FILE
A medical file shall be maintained separately from all other personnel records. Medical files will be maintained with Human Resources and may contain documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Any fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

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(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or material that reveals the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

911.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

911.7.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

911.8 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may access his/her own personnel records via the Spillman Employee Table or submit a request to view the physical file through the chain of command to the Chief of Police. Approved requests will be forwarded to Human Resources, where the files are maintained and can be viewed. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

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(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for Department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

911.9 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with City policy.

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Commendations and Awards

912.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Lawrence Police Department and individuals from the community.

912.2 POLICY

It is the policy of the Lawrence Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

912.3 DEPARTMENT AWARDS

Awards for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community. A detailed written report must be prepared on each recommendation. Written reports will be forwarded through the chain of command to the Awards Committee and the Chief of Police.

912.3.1 MEDAL OF VALOR

Any department member who gives his/her life in the performance of duty may be eligible for a posthumous Medal of Valor.

Any department member who was aware of the great personal danger prior to the performance of an exceptionally valorous act may be eligible for the Medal of Valor. The act performed must have been one of personal bravery or self-sacrifice so notable as to clearly distinguish the individual above his/her fellow officers and must have involved risk of life.

The Medal of Valor will consist of a medal with a neck ribbon, a miniature medal, citation bar and a certificate.

912.3.2 DISTINGUISHED SERVICE MEDAL

Any department member who performs an act of extraordinary heroism not justifying of a Medal of Valor may be eligible for the Distinguished Service Medal. The act must have been so extraordinary as to set the individual apart from his/her fellow officers.

The Distinguished Service Medal will consist of a medal with neck ribbon, citation bar and a certificate.

912.3.3 MERITORIOUS SERVICE MEDAL

Any department member who has distinguished himself/herself by exceptional meritorious service may be eligible for the Meritorious Service Medal. The performance must be such as to merit recognition for service which is clearly exceptional and beyond the call of duty. Exceptional performance of normal duty will alone not justify an award.

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The Meritorious Service Medal will consist of a medal with a neck ribbon, citation bar and a certificate.

912.3.4 HONORABLE SERVICE MEDAL
Any department member who has provided years of consistent honorable police service to the community, and who retires as a member in good standing, may be eligible for the Honorable Service Medal.

The Honorable Service Medal will consist of a medal with neck ribbon, citation bar and a certificate.

912.3.5 PURPLE HEART MEDAL
Any department member, who is killed or seriously injured in the performance of duty related to criminal activity, may be eligible for the Purple Heart Medal. The injury to the officer must have been caused by, or directly related to, the actions of the suspect. Individuals injured as a result of their own negligence are not eligible for this medal. This medal may be awarded in addition to a higher medal where the facts show the recipient is eligible for such award.

The Purple Heart Medal will consist of a medal with neck ribbon, citation bar and a certificate.

912.3.6 LIFE SAVING AWARD
Any department member, who is directly responsible for saving of a human life, may be eligible for the Life Saving Award. The Life Saving Award may also be awarded when evidence indicates the actions by the department member prolonged a human life, to the extent of the victim being released to the care of medical authorities. This award may be awarded in addition to a higher medal where the facts show the recipient is eligible to such award.

The Life Saving Award will consist of a citation bar and a certificate.

912.3.7 COMMENDATION AWARD
A department member may be awarded a Commendation Award for any act of police duty that brings credit to the department and the member.

The Commendation Award will consist of a citation bar and a certificate.

912.3.8 COMMUNITY SERVICE AWARD
Any department member who provides years of exemplary work with a service organization, civic group, community activity, and/or with educational or business outreach programs, may be eligible for the Community Service Award.

The Community Service Award will consist of a citation bar and a certificate.

912.3.9 LETTER OF COMMENDATION
A Letter of Commendation may be issued to a department member in recognition of an act or work that exemplifies the high standards of the Lawrence Police Department.

The Letter of Commendation will be a letter of commendation suitable for framing.

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912.4 OUTSIDE AGENCY AWARDS

912.4.1 PUBLIC SERVICE VALOR AWARD

This award is presented to any member of an outside law enforcement agency or a person employed within the judicial system, who at grave and imminent danger, provides extraordinary service to a Lawrence Police Officer, department member, or the department.

The Public Service Valor Award will consist of a plaque and a certificate.

912.4.2 PUBLIC SERVICE DISTINGUISHED SERVICE AWARD

This award is presented to any member of an outside law enforcement agency or a person employed within the judicial system, who performs some act involving danger above and beyond that which is normally expected of an officer.

The Public Service Distinguished Service Award will consist of a plaque and certificate.

912.4.3 PUBLIC SERVICE MERITORIOUS SERVICE AWARD

This award is presented to any member of an outside law enforcement agency or a person employed within the judicial system or community organization in recognition of outstanding services to the department or for assisting in law enforcement efforts.

The Public Service Meritorious Service Award will consist of a plaque and a certificate.

912.4.4 PUBLIC SERVICE LIFE SAVING AWARD

This award is presented to any member of an outside law enforcement agency, or a person employed within the judicial system, for prompt and unselfish actions rendering aid and assistance to a fellow citizen that results in the saving of a human life.

The Public Service Life Saving Award will consist of a plaque and a certificate.

912.5 COMMUNITY AND CITIZEN AWARDS

912.5.1 CITIZEN VALOR AWARD

This award is presented to a citizen, who at grave and imminent danger, provides extraordinary service to a Lawrence Police Officer, department member, or the department.

The Citizen Valor Award will consist of a plaque and a certificate.

912.5.2 CITIZEN DISTINGUISHED SERVICE AWARD

This award is presented to any citizen, who performs some act involving danger above and beyond that which is normally expected of a citizen.

The Citizen Distinguished Service Award will consist of a plaque and a certificate.

912.5.3 CITIZEN MERITORIOUS SERVICE AWARD

This award is presented to any citizen or community organization in recognition of outstanding services to the department or for assisting in law enforcement efforts.

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The Citizen Meritorious Service Award will consist of a plaque and a certificate.

912.5.4 CITIZEN LIFE SAVING AWARD

This award is presented to a citizen for prompt and unselfish actions rendering aid and assistance to a fellow citizen that result in the saving of a human life.

The Citizen Life Saving Award will consist of a plaque and a certificate.

912.5.5 CITIZEN COMMUNITY SERVICE AWARD

This award is presented to a citizen, educational institution, organization, civic group, or community activity, who/that supports an officer or the department.

The Community Service Award will consist of a plaque and a certificate.

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Fitness for Duty

913.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

913.2 POLICY

The Lawrence Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

913.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

913.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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913.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the member's Division Commander.

913.4.2 DUTY STATUS

In conjunction with the member's Division Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the member's Division Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the leave of absence provisions of the city Employee Handbook or when applicable the current MOU.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

913.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or traumatic incident.

913.5.1 PROCESS

The Chief of Police, in cooperation with the City's Human Resources, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order

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and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

913.6 LIMITATION ON HOURS WORKED

Absent supervisor approval for investigative needs or emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period
- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

Except in unusual circumstances, members should have a minimum of six hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

913.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

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Meal Periods and Breaks

914.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

914.2 POLICY

It is the policy of the Lawrence Police Department to provide meal periods and breaks to members of this department in accordance with the applicable LPOA MOU.

914.3 MEAL PERIODS

All officers on patrol shifts may have a 30 minute uninterrupted meal break. Officers on patrol shifts shall request their meal break through dispatch, who will approve the meal break based on available patrol units. Officers on patrol shifts may not schedule a meal break during the last hour of their shift without approval from a supervisor. Officers that are unable to take a meal break during their shift shall inform the on-duty supervisor before the last hour of the shift starts. The supervisor will either approve the officer to take the meal break or will decide on compensating the officer at least 30 minutes. Officers and detectives who work from 8:00 a.m. to 5:00 p.m., Monday through Friday, may have a 60 minute uninterrupted meal break as approved by the supervisor.

Meal breaks will not be subject to geographic boundaries. Members may leave their duty assignment, change uniforms, leave the city limits, or conduct personal activities while on a meal break. However, city vehicles may not be used for meal breaks outside the city limits, unless the member is assigned outside the city or has permission from his/her supervisor.

During a meal break, members do not have to take any type of police action and are not expected to respond to crimes or accidents committed in their presence. Monitoring the radio is optional and shall not be considered an interruption of the meal period. If a member's meal break is interrupted by responding to a request for assistance or crime occurring in their presence, the member should contact their supervisor as possible to determine if the meal break can be reset, or compensation given for the meal break. Only a supervisor may make the decision to interrupt the member's meal break, in which compensation for at least 30 minutes will be approved.

914.4 BREAKS

Each member is entitled to a 15-minute break, near the midpoint, for each five-hour work period. Only one break shall be taken during each five hours of duty. No breaks shall be taken during the first or last hour of a member’s shift unless approved by a supervisor.

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Lactation Breaks

915.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

915.2 POLICY

It is the policy of the Lawrence Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

915.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

915.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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915.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Records

916.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

916.2 POLICY

The Lawrence Police Department maintains timely and accurate payroll records.

916.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

916.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the City payroll procedures.

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Overtime Compensation

917.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

917.2 POLICY

The Lawrence Police Department will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

917.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(k)(2); 29 USC § 207(o)(1)). Any time worked in excess of twelve (12) consecutive hours in any one day shall be paid at double time. In other circumstances not covered in this policy, overtime compensation will be made in accordance with the current MOU.

917.4 REQUESTS FOR OVERTIME COMPENSATION

917.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

(a) Obtain supervisory approval, verbal or written.

(b) Not work in excess of 16 hours, including regularly scheduled work time, overtime and extra-duty time, in any consecutive 24-hour period without supervisory approval. When the member works 12 consecutive hours, they shall inform the on-duty supervisor or their immediate supervisor and must seek approval of continued work.

(c) Record the actual time worked in an overtime status using the department-approved form or method. Informal notations on reports, logs or other forms not approved for overtime recording are not acceptable.

(d) Submit the request for overtime compensation to their supervisors by the end of shift or no later than the next calendar day.

917.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

(a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.

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1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of department resources.

(b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.

1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an investigation consistent with the Personnel Complaints Policy.

(c) After verifying, the supervisor must approve the overtime amount.

917.5 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off after making a request, if the request does not unduly disrupt department operations. Requests to use compensatory time will be submitted to the employee's supervisor.

Compensatory time may not be used for time off for a date and time when the employee is required to appear in court on department-related matters. Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

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Outside Employment and Outside Overtime

918.1 PURPOSE AND SCOPE

This policy provides guidelines for department members who seek to engage in authorized outside employment or outside overtime.

918.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by members of this department for another employer, organization or individual who is not affiliated directly with this department when wages, compensation or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those members who are self-employed and receive compensation or other consideration for services, products or benefits rendered.

Outside overtime - Duties or services performed by members of this department for a private organization, entity or individual, that are requested and scheduled directly through the Department. Member compensation, benefits and costs for such outside services are reimbursed to the Department.

918.2 POLICY

Members of the Lawrence Police Department shall obtain written approval from the Chief of Police or the authorized designee prior to engaging in any outside employment or outside overtime. Approval of outside employment or overtime shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment or overtime, or engaging in outside employment or overtime that is prohibited by this policy, may lead to disciplinary action.

918.3 OUTSIDE EMPLOYMENT

918.3.1 REQUEST AND APPROVAL

Members must submit an officer special requesting outside employment approval to their immediate supervisors. The request will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the member will be provided with a copy of the approved form. Unless otherwise indicated in writing on the request, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Members seeking to continue outside employment must submit a new request at the start of each calendar year.

918.3.2 DENIAL

Any member whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

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918.3.3 REVOCATION OR SUSPENSION
Any member whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

(a) When a supervisor determines the member's performance is failing to meet standards and the outside employment may be related to the deficient performance.

1. Approval for the outside employment may be reestablished when the member's performance has reached a satisfactory level and with his/her supervisor's authorization.

(b) When a member's conduct or outside employment conflicts with department policy or any law.

(c) When the outside employment creates an actual or apparent conflict of interest with the Department or City.

918.4 REQUIREMENTS

918.4.1 PROHIBITED OUTSIDE EMPLOYMENT
The Department reserves the right to deny any request for outside employment that involves:

(a) The use of department time, facilities, equipment or supplies.

(b) The use of the Lawrence Police Department badge, uniform or influence for private gain or advantage.

(c) The member's receipt or acceptance of any money or other consideration for the performance of duties or services that he/she would be required or expected to render in the course or hours of his/her employment, appointment or as a part of his/her regular duties.

(d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other member of this department.

(e) Demands upon the member's time that would render the performance of his/her duties for this department deficient or substandard.

(f) Activities that may conflict with any other policy or rule of the Department.

918.4.2 SECURITY AND LAW ENFORCEMENT OFFICER OUTSIDE EMPLOYMENT
No member of this department may engage in any outside employment as a private security guard, private investigator or other similar private security position, or as a law enforcement officer in another jurisdiction, with the exception of serving in the guard or reserve military branches as a law enforcement officer.

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918.4.3 DEPARTMENT RESOURCES
Members are prohibited from using any department equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against any member using his/her position with this department to gain access to official records or databases of this department or other agencies.

918.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If a member terminates his/her outside employment, the member shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Members shall also promptly submit in writing to the Chief of Police any material changes in outside employment, including any change in the number of hours, type of duties or the demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material are advised to report the change.

918.4.5 LEAVE OR RESTRICTED DUTY STATUS
Members who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Chief of Police regarding whether such employment should continue.

In the event that the Chief of Police determines that the outside employment should be discontinued, or if the member fails to promptly notify his/her supervisor of his/her intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the member and a copy attached to the original outside employment request form.

Criteria for revoking approval due to leave or restricted duty status include, but are not limited to:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's medical professional advisers.

(b) The outside employment requires performance of the same or similar physical ability as would be required of an on-duty member.

(c) The member’s failure to make timely notice of his/her intention to the supervisor.

When the member returns to full duty with the Lawrence Police Department, a written request may be submitted to the Chief of Police to approve the outside employment request.

918.5 OUTSIDE OVERTIME

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918.5.1 REQUESTS FOR SPECIAL SERVICES

Any private organization, entity or individual seeking special services (e.g., security, traffic control) from members of this department must submit a request to the Office of the Chief of Police or designee in advance of the desired service. Such services will be assigned, monitored and compensated through the Department as outside overtime assignments.

(a) A request for special services during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute will not be approved.

(b) The requester will be required to enter into an agreement that includes indemnification with the Department prior to approval.

(c) The requester will be required to reimburse the Department for the member's compensation, benefits and costs (e.g., court time) associated with such outside services.

(d) Should such a request be approved, any member working outside overtime shall be subject to the following conditions:

1. The member shall wear the department uniform, unless other wise approved by the Chief of Police or authorized designee, and will carry department identification.
2. The member shall be subject to the rules and regulations of this department.
3. Compensation for such approved outside overtime shall be pursuant to normal overtime procedures.

(e) Outside overtime shall be assigned at the discretion of the Chief of Police or the authorized designee.

918.5.2 ARREST AND REPORTING PROCEDURE

Any officer making an arrest or taking other official law enforcement action while working in an outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to the Report Preparation Policy. Time spent on the completion of such reports shall be considered part of the outside overtime assignment.

918.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work outside overtime in a uniform or other capacity that could reasonably disclose the officer's law enforcement status.

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Work-Related Illness and Injury Reporting

919.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

919.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related illness or injury - The personal injury of an employee causing damage or harm to the body due to an accident, repetitive trauma or occupational disease that arose out of and in the course of employment (K.S.A. § 44-508).

919.2 POLICY

The Lawrence Police Department will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers compensation requirements (K.S.A. § 44-501b et seq.).

919.3 RESPONSIBILITIES

919.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (K.S.A. § 44-520).

919.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City-wide injury- or illness-reporting protocol shall also be followed.

The supervisor who receives a report of an occupational illness or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the applicable Division Commander to ensure any required Kansas Department of Labor reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

919.3.3 CHIEF OF POLICE RESPONSIBILITIES

Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

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919.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the Chief of Police, the City's risk management entity and the appropriate Division Commander

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Personal Appearance Standards

920.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of members of the Lawrence Police Department.

Requirements for department uniforms and civilian attire are addressed in the Uniforms and Civilian Attire Policy.

920.2 POLICY

Lawrence Police Department members shall maintain their personal hygiene and appearance to project a professional image that is appropriate for this department and for their assignments. Department personal appearance standards are primarily based on safety requirements, appearance conformity and the social norms of the community served, while considering matters important to members of the Department.

920.3 GROOMING

Unless otherwise stated and because deviations from these standards may present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignments would deem them not applicable, and where the Chief of Police has granted an exception.

920.3.1 PERSONAL HYGIENE

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) that affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to the Chief of Police.

920.3.2 HAIR

Hair shall be clean, neatly trimmed or arranged, and of a natural hair color. Hairstyles with shaved designs in the scalp are prohibited. Hair adornments shall be primarily for the purpose of securing the hair and must present a professional image.

Hairstyles for male department members must not extend below the top edge of a uniform or dress shirt collar while assuming a normal stance.

When working a field assignment, hairstyles for female department members must not extend beyond the bottom edge of the shirt collar while assuming a normal stance. If hair extends beyond the bottom edge of the shirt collar it shall be secured tight to the head above the shirt collar or worn in a braid or ponytail and shall not hang beyond mid-point of the shoulder blades.

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920.3.3 MUSTACHES
Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip and shall be short and neatly trimmed.

920.3.4 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

920.3.5 FACIAL HAIR
Facial hair, other than sideburns, mustaches and eyebrows, is prohibited, unless authorized by the Chief of Police or the authorized designee.

920.3.6 FINGERNAILS
Fingernails shall be clean and neatly trimmed to a length that will not present a safety concern. The color of fingernail polish shall present a professional image.

920.4 APPEARANCE

920.4.1 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Earrings shall be small and worn only in or on the earlobe.

(b) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(c) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(d) Wristwatches shall be conservative and present a professional image.

(e) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

920.4.2 TATTOOS
At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

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920.4.3 BODY PIERCING OR ALTERATION

Body piercing (other than earlobes) or alteration to any area of the body that is visible while on-duty or while representing the Lawrence Police Department in any official capacity, that is a deviation from normal anatomical features and that is not medically required, is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).

(c) Abnormal shaping of the ears, eyes, nose or teeth (i.e., enlarged or stretched out holes in the earlobes).

(d) Branding, scarification or burning to create a design or pattern.

920.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while on-duty or while representing the Lawrence Police Department in any official capacity. Such ornamentation includes, but is not limited to:

(a) Objects that are bonded to front teeth.

(b) Gold, platinum or other veneers or caps used for decorative purposes.

(c) Orthodontic appliances that are colored for decorative purposes.

920.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall be conservative and present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited while on-duty or while representing the Lawrence Police Department in any official capacity.

920.4.6 COSMETICS

Cosmetics shall be conservative and present a professional image.

920.5 RELIGIOUS ACCOMMODATION

The religious beliefs and needs of department members should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The Chief of Police should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves, simple head coverings, certain hairstyles or facial hair for religious reasons should generally be accommodated absent unusual circumstances.

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Uniforms and Civilian Attire

921.1 PURPOSE AND SCOPE

This policy provides guidelines for Lawrence Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Badges, Patches and Identification, Department-Owned and Personal Property, and Personal Appearance Standards policies.

921.2 POLICY

The Lawrence Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's employment agreement. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

921.3 UNIFORMS

Uniforms shall be worn as described therein and as specified in this policy.

The following shall apply to those assigned to wear department-issued uniforms:

(a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat and clean and appear professionally pressed.

(b) Officers in a non-uniformed assignment shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Uniforms shall be worn in compliance with any applicable department specifications.

(d) Members shall wear only the uniforms specified for their ranks and assignments.

(e) Civilian attire shall not be worn in combination with any distinguishable part of a uniform.

(f) Uniforms are only to be worn while on-duty, for court, at official department functions or events, while in transit to or from work, or when authorized by the Chief of Police or the authorized designee.

(g) Members are not to purchase or drink alcoholic beverages while wearing any part of department-issued uniforms, including the uniform pants.

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(h) All supervisors may perform periodic inspections of members under their commands to ensure conformance to this policy.

921.3.1 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

(a) Mirrored sunglasses will not be worn.

(b) Jewelry shall be in accordance with the specifications in the Personal Appearance Standards Policy. Unless specifically authorized by the Chief of Police or the authorized designee, only the following jewelry may be worn with the uniform:

1. Earrings shall be stud-style and only one earring may be worn in each ear.
2. Necklaces must be worn inside the uniform shirt and must not be able to fall out.
3. Rings
4. Wristwatch
5. Medical alert bracelet

921.3.2 INSIGNIA, PATCHES AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

(a) Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.

(b) Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.

(c) Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform.

(d) Rank insignia - The designated insignia indicating the member’s rank must be worn at all times while in uniform.

(e) American flag pin - An American flag pin may be worn, centered above the nameplate.

(f) Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered below the badge. If more than one award is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the pocket in a manner that provides a balanced appearance.

921.3.3 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever directed by the Chief of Police.

921.4 UNIFORM CLASSES

The Chief of Police or the authorized designee shall determine the uniform to be worn by each department member or any deviations that may be authorized.

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Uniforms are classified as follows:

(a) Dress uniform - Full dress uniform to be worn by designated department members on special occasions, such as funerals, graduations, ceremonies, or as directed by the Chief of Police or the authorized designee.

(b) Class A - Standard issue uniform to be worn by designated department members.

(c) Class B - Standard issue uniform to be worn daily by designated department members.

(d) Training uniform - Specific uniform to be worn by designated department members.

(e) Specialized assignment - Specific uniforms to be worn by members in special assignments or divisions.

921.4.1 DRESS UNIFORM

The dress uniform consists of the following:

(a) Command staff

1. Dress hat
2. Issued dress uniform
3. Long-sleeve white shirt
4. Tie
5. Black belt with brass buckle
6. Dark blue or black socks
7. Black polished dress shoes or Clarino Shoes/Boots
    (a) Boots with pointed toes are not permitted.

(b) Non-command staff or on-duty supervisor

1. Dress hat
2. Long-sleeve shirt
3. Tie
4. Dark blue pants with royal blue stripe
5. Black belt
    (a) Belts shall be equipped as needed for the member’s assignment.
6. Dark blue or black socks
7. Black polished dress shoes or Clarino Shoes/Boots
    (a) Boots with pointed toes are not permitted.

921.4.2 CLASS A UNIFORM

The Class A uniform consists of the following:

(a) Long- or short-sleeve shirt with the collar open and tie optional

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1. A black crew neck or mock collared shirt must be worn under the uniform shirt, if the under shirt is visible.
2. All shirt buttons must remain buttoned except for the top button at the neck.
3. Long sleeves must be buttoned at the cuff.

(b) Blue patrol pant with blue stripe

(c) Black belt

1. Belts shall be equipped as needed for the member's assignment.

(d) Black polished dress shoes or Clarino Shoes/Boots

1. Approved black unpolished shoes may be worn.
2. Decorative stitching or adornment is not permitted.

(e) Weather-appropriate items

1. Hat or black stocking cap
2. Black mock turtleneck may be worn under the long-sleeve uniform shirt
3. Jacket
4. Rain gear

921.4.3 CLASS B UNIFORM

The Class B uniform consists of the following:

(a) Long- or short-sleeve shirt with the collar open and no tie

1. A black crew neck or mock collared shirt must be worn under the uniform shirt, if the under shirt is visible.
2. All shirt buttons must remain buttoned except for the top button at the neck.
3. Long sleeves must be buttoned at the cuff.

(b) Blue cargo patrol pant

(c) Black belt

1. Belts shall be equipped as needed for the member's assignment.

(d) Black polished dress shoes or Clarino Shoes/Boots

1. Approved black unpolished shoes may be worn.
2. Decorative stitching or adornment is not permitted.

(e) Weather-appropriate items

1. Hat or black stocking cap
2. Black mock turtleneck may be worn under the long-sleeve uniform shirt
3. Jacket
4. Rain gear

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921.4.4 TRAINING UNIFORM

Generally, the gray training polo and blue cargo patrol pant or blue BDU pant will be deemed the training uniform, unless otherwise instructed.

921.4.5 SPECIALIZED ASSIGNMENT UNIFORM

The Chief of Police or the authorized designee may authorize certain uniforms to be worn by members in specialized assignments, such as detectives, canine handlers, CRT, bicycle patrol, motor officers and other specific assignments.

921.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require a uniform because recognition and authority are not essential to their functions. There are also assignments for which civilian attire is necessary.

(a) Civilian attire shall fit properly, be clean and free of stains, and not be damaged or excessively worn.

(b) Members assigned to administrative, investigative and support positions shall wear business-appropriate clothing that is conservative in style.

(c) Variations from this policy are allowed at the discretion of the Chief of Police or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.

(d) No item of civilian attire may be worn while on-duty that would adversely affect the reputation of the Lawrence Police Department or the morale of the members.

(e) The following items shall not be worn while on-duty or when representing the Department in any official capacity:

1. Clothing that reveals cleavage, the back, chest, stomach or buttocks
2. Exposed undergarments
3. Swimsuits, tank tops, tube tops or halter tops
4. Sweatshirts, sweatpants or similar exercise clothing
5. Spandex-type pants or transparent clothing
6. Shorts
7. Clothing, buttons or pins displaying racial, sexual, discriminatory, gang-related or obscene language

921.6 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Lawrence Police Department members may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

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Conflict of Interest

922.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Lawrence Police Department.

922.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

922.2 POLICY

Members of the Lawrence Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

922.3 PROHIBITIONS

The Department prohibits the following types of personal or business relationships among members:

(a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, police training officers (PTOs) and other trainers will not be assigned to train relatives. Department PTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and the person is off probation.

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922.4 CONFLICTS IN CONTRACTING DECISIONS

Members shall not participate in the making of a contract with any person or business the member has an employment or substantial interest with, unless the contract is awarded after a competitive bidding process or the contract is for property or services with a price fixed by law (K.S.A. § 75-4304).

922.5 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the dispatcher to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

922.6 SUPERVISOR RESPONSIBILITIES

Upon being notified of, or otherwise becoming aware of, any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. When the conflict is related to a supervisor/subordinate relationship situation supervisors shall promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

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Badges, Patches and Identification

923.1 PURPOSE AND SCOPE

The Lawrence Police Department (LPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

923.2 POLICY

Members of the Department will use the LPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

923.3 UNAUTHORIZED USE

The LPD badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Department members shall not:

(a) Display or use the LPD badge, patch or identification card for personal gain or benefit.

(b) Loan the LPD badge, patch or identification card to others or permit these items to be reproduced or duplicated.

(c) Use images of the LPD badge, patch or identification card, or the likeness thereof, or the Lawrence Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, or social networking or websites.

923.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their LPD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

923.4 BADGES

The Chief of Police shall determine the form of badges authorized for use by department members. No other badges may be used, carried, worn or displayed.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the approval of the Chief of Police, may obtain a second badge that can be carried in a wallet.

923.4.1 RETIREE BADGES

The Chief of Police may allow honorably retired members to keep their badges upon retirement, for use as private memorabilia.

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923.4.2 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the LPD badge shall not be used for any purpose without the express authorization of the Chief of Police and shall be subject to the following:

(a) An authorized employee group may use the likeness of the LPD badge for merchandise and official employee group business provided it is used in a clear representation of the employee group and not the Lawrence Police Department. The following modification shall be included:

1. Any text identifying the Lawrence Police Department is replaced with the name of the employee group.

923.5 IDENTIFICATION CARDS

All members will be issued an official LPD identification card bearing the member's name, full-face photograph, member identification number, member's signature and signature of the Chief of Police or the official seal of the Department.

923.6 BUSINESS CARDS

The Department will supply business cards to certain department members. The only authorized business cards are those issued or approved by the Department and should contain identifying information including, but not limited to, the member's name, rank, and contact information (e.g., telephone number, email address).

923.7 PUBLIC CONTACT

Whenever on-duty or acting in an official capacity representing the Department, members shall give their name and CAD number in a respectful manner when requested. This requirement shall not apply to the following circumstances.

(a) When a uniformed officer is in the performance of his/her duties, and is contacted by an individual who is not immediately connected or related to those duties, and providing the information would serve to hinder the officer in the performance of those duties.

(b) When working a specialized assignment that would jeopardize the member's safety or investigation.

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Temporary Modified-Duty Assignments

924.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current employment agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

924.2 POLICY

Subject to operational considerations, the Lawrence Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

924.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Lawrence Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

924.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commander or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

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(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) When applicable, a statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee should confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less may be approved and facilitated by the Division Commander, with notice to the Chief of Police.

924.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

924.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

924.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors may include, but are not limited to:

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(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

924.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

924.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

924.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

924.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

924.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Speech, Expression and Social Networking

925.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Lawrence Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

925.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Lawrence Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

925.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Lawrence Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.

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- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

925.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Lawrence Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity.
3. Participation in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

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925.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Lawrence Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative

(b) Endorse, support, oppose or contradict any social issue, cause or religion

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Lawrence Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

925.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

925.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

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(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

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Illness and Injury Prevention

926.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Lawrence Police Department.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the guidelines, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related City wide safety efforts.

926.2 POLICY

The Lawrence Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

926.3 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted through the member's chain of command to the Chief of Police and to the City's Risk Management office.

926.4 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

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Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented appropriately and the information forwarded via the chain of command to the Chief of Police.

926.5 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards.

926.5.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall notify a supervisor if an unsafe condition cannot be immediately corrected.

926.6 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty, shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Additionally the supervisor should proceed with the steps to report an on-duty injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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Line-of-Duty Deaths

927.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Lawrence Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

927.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

927.2 POLICY

It is the policy of the Lawrence Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

927.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the on-duty supervisor or deceased member's supervisor should provide all reasonably available information to the Incident Commander or appropriate Division Commander.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Affairs Officer section of this policy).

(b) The on-duty supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Incident Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

927.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, the applicable Division Commander or the authorized designees should conduct notification of survivors. The use and presence of a Department Chaplain may be considered.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors may be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Lawrence Police Department members may be apprised that survivor notifications are complete.

927.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

927.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

When possible, notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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927.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

927.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

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(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

927.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Lawrence Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

927.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Affairs Officer (PAO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Affairs Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

927.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

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927.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

927.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Lawrence Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

927.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

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(a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Illness and Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Educational Assistance (PSOEA) Program.
2. Social Security Administration.
3. Department of Veterans Affairs.
4. Public Safety Officers' Benefits (PSOB) Program.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Surviving spouse retirement benefits (K.S.A. § 74-4958; K.S.A. § 74-4958a)
2. Death benefits (K.S.A. § 74-4959)
3. Disability benefits (K.S.A. § 74-4960; K.S.A. § 74-4960a)
4. Pension benefits (K.S.A. § 13-14a07; K.S.A. § 14-10a07)
5. Insurance benefits (K.S.A. § 40-2140)
6. Educational benefits (K.S.A. § 75-4364)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

927.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

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(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

927.7 PUBLIC AFFAIRS OFFICER

In the event of a line-of-duty death, the department's PAO should be the department's contact point for the media. As such, the PAO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PAO.

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PAO should request that the media withhold the information from release until proper notification can be made to survivors. The PAO should ensure that media are notified when survivor notifications have been made.

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927.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

927.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

927.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

927.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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INDEX / TOPICS

. 308

A

ACKNOWLEDGEMENTS
- Discriminatory harassment. 380
- Evidence. 359
- Policy manual. 15
- Policy revisions. 16

ADMINISTRATIVE COMMUNICATIONS . 26
ADMINISTRATIVE INVESTIGATION
- Surreptitious recording. 245

ADMINISTRATIVE INVESTIGATIONS
- Vehicle damage. 345

ADMINISTRATIVE LEAVE
- Compensation. 428
- Employee convictions. 387
- Fitness for duty. 422
- Outside employment. 432

ADULT ABUSE 118
- Homeless persons. 279
- Investigations. 305

AIRCRAFT
- Ambulance. 266
- Flying while armed. 75
- Pursuits. 83
- Support. 236
- Temporary flight restrictions. 160

ALCOHOL
- Firearms. 72
- Intoxicants. 148
- Vehicle use. 342

AMBER ALERTS 135
AMMUNITION
- Body armor. 412
- Property packaging. 357

ANIMALS
- Dangerous. 56
- Line-of-duty deaths. 467

ANTI-RETALIATION 383
APPOINTMENTS
- ALPR operations coordinator. 263
- Bicycle patrol coordinator. 260
- Chief executive officer. 11
- Custodian of records. 365
- Operations director 325, 329
- Petty cash fund manager. 346
- Press information officer (PIO). 159
- Vehicle maintenance supervisor. 345

APPOINTSMENTS
- Line-of-duty death liaisons and coordinators 460

ARRESTS
- Authority. 8
- Child and dependent adult safety. . . . 172
- Citations. 215
- Control devices. 48
- Diplomatic immunity. 217
- First amendment assemblies. 274
- Handcuffs and restraints. 44
- Homeless persons. 280
- Juveniles. 161
- Mass. 272
- Private Person's. 171
- Response team. 190
- Safety belts. 409
- Towed Vehicles. 290

ARRESTS,
- Employee. 386

AUDIO/VIDEO RECORDING
- Children. 115
- Custodial Interrogation. 304
- First amendment assemblies. 271
- Mobile (MVR). 243
- OIS. 66
- Review. 245

AUDITS
- ALPR system. 264
- Criminal intelligence system. 240
- Informant files. 315
- Informant funds. 316
- Petty cash. 346

AUTHORITY 8
- Abuse of. 279
- Ethics. 143
- Member. 19
- Official. 453
- Policy manual. 13
- Use of force. 40

AUTOMATED EXTERNAL DEFIBRILLATORS (AED) 267
AUTOMATED LICENSE PLATE READERS (ALPR) 263

B

BACKGROUNDS
- Ride-alongs. 193

BADGES, PATCHES AND IDENTIFICATION
- Conduct. 145
- Prohibited use. 431
- Speech, expression and social networking. 452
- Temporary modified-duty assignment. . 448
- Uniforms. 440

BARRICADE INCIDENTS 198

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BATONS 49
BICYCLES 260
Property storage. 357
Special assignment. 381
Uniforms. 443
BIOLOGICAL SAMPLES
Hazards. 233
Property packaging. 357
BODY ARMOR 411
BODY PIERCING 438
BOMBS 203
Aircraft accidents. 233
Mobile Digital Terminal. 250
BRADY 322
BUSINESS CARDS 447

C

CANINES
Pursuits. 89
Special assignment. 381
Uniforms. 443
CASH
Audit. 316
Informants. 316
Property packaging. 357
Unclaimed. 360
CHAPLAINS
Line-of-duty deaths. 467
CHIEF EXECUTIVE OFFICER 11
CHILD AND DEPENDENT ADULT SAFETY 172
CHILDREN
Amber alerts. 135
Child safety. 172
Drug endangered. 116
Firearms. 72
Pursuits. 86
Transporting. 409
CITATIONS
Accountability. 300
Diplomatic immunity. 218
Evaluation criteria. 282
Jurisdiction. 9
Juvenile. 300
MVR recordings. 246
Traffic. 299
CIVIL
Disputes. 276
Liability response (OIS). 66
COMMAND STAFF
Anti-retaliation. 385
Claims review. 335
Discriminatory harassment. 125
Petty cash audit. 346
Policy review. 16
COMMENDATIONS AND AWARDS
Administrative communications. 26
COMMUNICABLE DISEASES 394
COMPENSATORY TIME 428
COMPUTERS 149
Digital evidence. 306
Protected information. 371
CONDUCT
Anti-retaliation. 383
Conflict of interest. 444
Criminal. 386
Discriminatory harassment. 124
Fitness for duty. 421
MVR recordings. 245
OIS. 59
Prohibited speech, expression and social networking. 452
CONDUCTED ENERGY DEVICE 53
CONFIDENTIALITY
Adult abuse. 122
ALPR data. 263
Child abuse reports. 117
Communicable disease information. . . 397
Conduct. 145
Crisis intervention incidents. 211
Custodian of records. 365
Discriminatory harassment. 126
Fitness for duty. 421
Informants. 313
Media. 161
Protected information. 370
Radio broadcasts. 249
Retaliation complaints. 384
Technology use. 150
CONFLICT OF INTEREST
Outside employment. 431
CONTACTS AND TEMPORARY DETENTIONS
Bias-based policing. 181
Warrant service. 327
CONTROL DEVICES 48
Decontamination. 394
COURT APPEARANCES 162
COURT ORDERS
Adult abuse. 120
Child custody. 172
Citation releases. 215
Civil disputes. 277
Foreign. 107
Juvenile informants. 313
Marijuana destruction. 361

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Members. 386
Property 358, 361
Surreptitious recording. 245
CRIME ANALYSIS 353
CRIME AND DISASTER SCENE INTEGRITY 186
CRIMINAL INTELLIGENCE SYSTEMS . . 240
CRIMINAL ORGANIZATIONS 240
CRISIS INTERVENTION INCIDENTS . . 208
CUSTODIAL INTERROGATIONS 304
CUSTODIAN OF RECORDS 365

D

DEATH 157
Investigations. 168
Mourning bands. 440
DEBRIEFING
Warrant service. 327
DECONFLICTION 331
DEPENDENT ADULTS
Adult abuse. 118
Safety. 172
DIPLOMATIC IMMUNITY 219
DISABLED
Involuntary commitment training. . . . 214
Motorist. 301
Pregnancy. 450
Vehicles. 301
DISCIPLINE 143
DISCLAIMER 13
DISCRIMINATION
Conduct. 144
Defined. 124
Racial or bias-based profiling. 180
DISCRIMINATORY HARASSMENT . . . 124
Evaluation form. 380
DOMESTIC VIOLENCE 103
DOMESTICVIOLENCE
Member convictions. 386
DRIVING
Mobile Data Terminal. 248
Personal Communication Devices. . . . 337
Pursuit tactics. 82
Safety. 147
Safety belts. 409
DRUG AND ALCOHOL-FREE WORKPLACE 389

E

ELECTRONIC CIGARETTES 398
ELECTRONIC MAIL
Personal communication devices. . . . 336
Speech, expression and social networking. 451
EMPLOYEE ASSISTANCE PROGRAM . . 390
ETHICS 143
EVIDENCE
Bombs. 207
Digital. 306
Seizing recordings. 258
EXPLOSIONS 206
EXPOSURE CONTROL
Property packaging. 357
EXPUNGEMENT 369
EYEWITNESS IDENTIFICATION 239
EYEWITNESS IDENTIFICATION
Field identification. 320

F

FIELD TRAINING OFFICERS
Conflict of interest. 444
Special assignments. 381
FIREARMS
Conduct. 147
Destruction of animals. 375
Domestic Violence convictions. 386
Property packaging. 357
Property releases. 360
Pursuits. 86
Retiree concealed. 28
Vehicle maintenance. 339
Vehicle use. 343
FIRST AMENDMENT ASSEMBLIES . . . 270
FITNESS FOR DUTY 421
Temporary modified-duty assignments. . 450
FLYING WHILE ARMED 75
FOREIGN
Country convictions. 387
Court orders. 107
Diplomatic and consular representatives. 217
FORMS
Adult abuse checklist. 122
Child abuse checklist. 117
Eyewitness identification. 318

G

GANGS
Civilian attire. 443
Employee affiliation. 144
GRIEVANCES
Fitness for duty. 423

H

HANDCUFFING AND RESTRAINTS . . . 43
HATE CRIMES 140
HAZARDOUS MATERIAL (HAZMAT) RESPONSE 195

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Aircraft accidents. 233
Precautions. 394
Traffic. 285
HAZARDS 455
HIGH-VISIBILITY VESTS 284
HOMELESS PERSONS 279
HOSTAGE AND BARRICADE INCIDENTS
Notifications. 166
Rapid response and deployment. 221

I

IDENTIFICATION CARDS 447
IDENTITY THEFT
Investigations. 307
ILLNESS AND INJURY PREVENTION . . 455
IMMUNIZATIONS 395
IMPAIRED DRIVING 294
INFORMANTS 313
INFORMATION TECHNOLOGY 149
INFORMATION TECHNOLOGY USE . . . 149
INSPECTIONS
Body armor. 411
Firearms 68, 72, 74
Firearms 72, 74
Illness and injury prevention. 456
Personal communication devices. . . . 336
Personal protective equipment. 456
Personnel. 439
Technology use. 151
Vehicles 341, 456
INTERNAL AFFAIRS
Personnel records. 414
INVESTIGATION AND PROSECUTION . 303
INVOLUNTARY COMMITMENTS 212
Homeless persons. 280

J

JURISDICTION
Aircraft *** accidents/collisions/crashes *** 233
AUTHORITY. 8
Foreign court orders. 107
Identity theft. 307
Multijurisdictional negotiation teams. . . 188
Pursuits. 84
Traffic Accidents. 285

K

KEYS
Searches. 111
Vehicle. 342
KINETIC ENERGY PROJECTILE 50

L

LACTATION BREAKS 425
LAW ENFORCEMENT AUTHORITY 8
LIMITED ENGLISH PROFICIENCY
Interpreters. 318
LINE-OF-DUTY DEATHS 457

M

MAJOR INCIDENT NOTIFICATION . . . 166
MEAL PERIODS AND BREAKS 424
MEDIA 159
Aircraft accidents. 235
First amendment assemblies. 274
Line-of-duty deaths. 466
Major incidents. 166
Operations plans. 332
Storage and integrity. 246
Warrant service. 328
MEDICAL
Adult involuntary detention. 121
Aircraft accidents. 232
Child abuse exam. 115
Examinations - Adult abuse. 121
Examinations - Child abuse. 116
Examinations - temporary modified-duty. 450
File. 422
HAZMAT exposure. 195
Homeless persons. 279
Illness and injury prevention. 455
Leave Act (FMLA). 392
Opioid overdoses. 267
Personnel records 413, 414
Releases. 266
Treatment for OC spray. 49
Treatment for work-related injury and illness 434
Use of medications on-duty. 389
MISSING PERSONS
ALPR. 263
MOBILE AUDIO/VIDEO (MAV) 243
MUTUAL AID
First amendment assemblies. 273
Interstate peace officer powers. 10
Warrant service. 327

N

NOTIFICATIONS
Bombs. 206
Cash. 347
Child protective services. 112
Impaired driving. 296
Line-of-duty deaths. 458
Member arrests, convictions and court orders. 386
Member convictions. 387

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Pregnancy. 450
Sick leave. 392
Use of force. 36
Vehicle Towing. 293

O

OATH OF OFFICE 12
OC SPRAY
Conducted energy device deployment. . . 54
Decontamination. 44
OFF-DUTY LAW ENFORCEMENT ACTIONS 174
OFFICER INVOLVED SHOOTING (OIS)
Fitness for duty. 422
OFFICER SAFETY
Body armor. 411
Contacts and temporary detentions. . . . 237
Crime and disaster scene integrity. . . . 186
Crisis intervention incidents. 209
Domestic violence. 104
Foot pursuits. 89
Handcuffing and restraints. 43
Informants. 314
MVR recordings. 245
Occupational hazards. 455
Personal appearance standards. 436
Personal communication devices. . . . 336
Safety belts. 409
Search and seizure. 111
Vehicle pursuits. 77
Warrant service. 325
OFFICER-INVOLVED SHOOTING (OIS)
MVR recordings. 245
Notifications. 166
OPERATIONS PLANNING AND DECONFLICTION 329
ORGANIZATIONAL STRUCTURE AND RESPONSIBILITY 18
OUTSIDE AGENCY ASSISTANCE 164
OUTSIDE EMPLOYMENT 430
OVERTIME
Limitation on hours worked. 423
Outside. 433

P

PARKING 342
PATROL 177
PAYROLL RECORDS
Limitation on hours worked. 423
PERFORMANCE EVALUATIONS 378
Conflict of interest. 444
Sick leave. 393
PERSONAL APPEARANCE STANDARDS . 436
PERSONAL COMMUNICATION DEVICES 336
PERSONAL PROTECTIVE EQUIPMENT . 348
PERSONNEL COMPLAINTS
Brady. 323
MVR recordings. 245
Protected information. 371
PERSONNEL ORDERS 26
PERSONNEL RECORDS 413
PHOTOGRAPHS
Aircraft accidents. 234
First amendment assemblies. 271
Photo lineup. 319
POLICY MANUAL 13
PREGNANCY 450
PRIVACY EXPECTATIONS
Mobile Data Terminal. 248
Personal communication devices. . . . 336
Speech, expression and social networking. 453
Vehicles. 341
PRIVATE PERSON'S ARREST 171
PROTECTED INFORMATION
Unauthorized release. 145
PROTECTIVE CUSTODY
Adult abuse. 120
PUBLIC ALERTS 135
PUBLIC RECORD REQUEST 365
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY 257
PURSUITS
Foot. 89
Vehicle. 77

R

RACIAL OR BIAS-BASED PROFILING . . 179
RANGEMASTER
Firearms. 68
Inspections. 68
RAPID RESPONSE AND DEPLOYMENT . 221
RECORDS BUREAU
Adult abuse. 122
RECORDS RELEASE
Adult abuse 122, 122
ALPR data. 264
Media. 161
OIS 161, 161
Subpoenas and discovery requests. . . . 368
RECORDS REQUESTS
Personnel records. 415
RECORDS RETENTION
Personal protective equipment. 351
RELIGION
Personal appearance standards. 438

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REPORTING OF ARRESTS, CONVICTIONS AND COURT ORDERS 386
RESPIRATORY PROTECTION 349
RETALIATION 124
RETIREE CONCEALED FIREARMS 28
REVIEWS
Eyewitness identification process - annual. 318
Information technology. 151
MVR recordings. 245
Policy manual. 15
Temporary information files. 241
Unclaimed money - annual. 360
Use of force review board. 40
RIDE-ALONGS 192
RISK ASSESSMENT 329

S

SAFETY
Anti-retaliation. 383
Bomb calls. 203
Conduct. 147
Defective vehicles. 339
Drug- and alcohol-free workplace. . . . 389
Firearms. 71
First responder. 186
Fitness for duty. 421
Inspections. 456
Media relations. 159
Occupational. 455
Personal protective equipment. 348
Release of protected information. . . . 371
Speech, expression and social networking. 451
SAFETY BELTS 409
SAFETY EQUIPMENT
Body armor. 411
First amendment assemblies. 272
High-visibility vests. 284
Safety belts. 409
Unmarked vehicles. 340
SEARCH WARRANTS 325
SEARCHES 110
Administrative. 408
Police vehicle inspections. 341
SECURITY
Personnel records. 415
SECURITY BREACHES 368
SEXUAL HARASSMENT 125
SICK LEAVE 392
SMOKING AND TOBACCO USE 398
SOCIAL MEDIA 152
Media relations. 274
Speech, expression and social networking. 451
SPECIAL ASSIGNMENTS AND PROMOTIONS 381
SPEECH, EXPRESSION AND SOCIAL NETWORKING 451
STANDARDS OF CONDUCT 142
SUBPOENAS 162
Records release and discovery requests. . 368
SUPERVISION STAFFING LEVELS 27

T

TAKE-HOME VEHICLES 343
TECHNOLOGY USE 149
TEMPORARY MODIFIED-DUTY ASSIGNMENTS
Outside employment. 432
TRAFFIC 282
Accidents. 285
Citations. 299
TRAINING 22
Adult abuse. 123
Child abuse. 117
Control devices. 51
Criminal organizations. 242
Crisis intervention incidents. 211
Hate or prejudice crimes. 141
Involuntary commitments. 214
MVR. 247
Opioid overdose medication. 268
Protected information. 372
Pursuits. 88
Social media. 154
Warrant service. 328

U

UNIFORMS 439
Badges, patches and identification. . . . 446
UNLAWFUL ASSEMBLY 273
USE OF FORCE
Review boards. 40
USE OF SOCIAL MEDIA 152
UTILITY SERVICE EMERGENCIES . . . 230

V

VEHICLE MAINTENANCE 339
VEHICLES
Pursuits. 77

W

WARNINGS
Shots. 74
WARRANT SERVICE 325
WORK-RELATED INJURY AND ILLNESS REPORTING 434

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