

Law Enforcement Advisory Board Meeting JULY 12, 2017

x denotes presence

X	Paul Soptick
	Patrick Dunn
X	Scott Mackey
X	Reed Partridge
X	Lee Brown
	Lt Col Bob Gunja
X	Dixie Kaster
X	Don Jolley
	Tony Carter
	Maria Cecilia Ysaac
X	Terry Zeigler
	Tyrone Garner
X	Irene Caudillo
X	Don Ash
X	Mary Hopkins
	Rodney Smith
	Kelli Bailiff
	JoanDeMoss
	Carol Diehl
	Dan Soptic

Paul Soptick opened the meeting at 4:00pm

Reed Partridge gave a power point presentation on Bias-Based Policing Policy and Annual Reporting Audit Police Department.

BACKGROUND

K.S.A. 22-4610 calls for all law enforcement agencies in Kansas to adopt policies to prevent bias-based policing (see Appendix A). Generally, the statute defines required policy provisions and provisions not required but based on best practice and provide clarity to the policy.¹ The statute also sets requirements for annual reporting related to bias-based policing.

Policy Provisions with Exact Wording Required

Of the mandatory policy provisions, two require exact wording. First, the policy prohibiting bias-based policing must use language recommended by the Kansas Attorney General (KS AG). Secondly, the definition of bias-based policing must be reflected in the policy as worded in K.S.A.-4606(d).

The KS AG drafted a model policy to help law enforcement agencies comply with the statute and the model policy contains the recommended language noted in K.S.A. 22-4610. Essentially, the recommended language prohibits the use of race, ethnicity, national origin, gender or religion as a predictor of criminal behavior or in making law enforcement actions and decisions unless the suspect sought in connection with a crime has been identified or described in part by race, ethnicity, national origin, gender or religion.¹ The recommended language provided by the KS AG is presented in Appendix B of this report.

As noted earlier, the definition of bias-based policing should be included in the policy as worded in K.S.A.-4606(d). The statute is written as follows:

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

Policy Provisions Required by K.S.A. 22-4610

- *Adopt Policies Prohibiting Bias-Based Policing (Exact Wording Required)*
- *Define Racial or Other Bias-Based Policing Using K.S.A. 22-4606 (Exact Wording Required)*
- *Provision for Annual Training on Bias-Based Policing*
- *Provision for Discipline of Officers engaging in Bias-Based Policing*
- *Provision for Appropriate Disciplinary Action for Officers in Violation of Bias-Based Policing Policies*
- *Procedures for Filing Complaints of Bias-Based Policing*
- *Provision for Community Outreach to Inform the Public's Right to File Complaints Regarding Bias-Based Policing*

Provisions Related to Community Advisory Boards

K.S.A. 22-4610 notes law enforcement agencies have the option to establish community advisory boards. The statute describes the purpose of community advisory boards as to advise and assist in policy development, education and community outreach and communications related to racial or other bias-based policing. If established, the statute requires community advisory boards receive training on fair and impartial policing.

ANALYSIS

K.S.A. 22-4610 directs law enforcement agencies in Kansas to adopt policies prohibiting bias-based policing. The statute also requires law enforcement agencies to submit an annual report related to bias-based policing.

KCKPD Bias-Based Policing Policy

K.S.A. 22-4610 outlines required provisions and in two cases, exact wording to be included in the bias-based policing policy. The statute requires policy provisions related to annual training, discipline, filing complaints among others. The statute requires exact wording related to the definition of bias-based policing and the policy prohibiting bias-based policing.

KCKPD General Orders contain many of the policy provisions required by K.S.A. 22-4610. For example, the KCKPD Code of Ethics established a policy prohibiting bias-based policing.³ The Code to Ethics defined bias-based policing using nearly the same language allowed by statute. The policy is repeated in general orders related to traffic stops.⁴

Conclusion – Policies related to bias-based policing are dispersed throughout KCKPD General Orders. However, KCKPD does not have a stand-alone policy that contains all the provisions and the exact wording required by K.S.A. 22-4610.

Fair and Impartial Training

Training related to bias-based policing is a required provision of the policy established by statute. KCKPD General Orders address annual training concerning bias-based policing issues.⁴ KCKPD's Training Academy offers basic training to new recruits and continuing education to all other officers. The Training Academy is authorized by the Kansas Law Enforcement Training Center (KLETC) and Kansas Commission on Peace Officers Standards and Training to conduct training.

Conclusion – KCKPD General Orders stipulate officers shall receive training concerning bias. Training related to bias for new recruits and all other officers aligns with the KLETC curriculum.

Community Advisory Board

The creation of a community advisory board is an option provided K.S.A. 22-4610. In June of 2012 the Unified Government (UG) appointed the existing Law Enforcement Advisory Board as the community advisory board described by the statute.⁵ K.S.A. 22-4610 requires community advisory boards receive training on fair and impartial policing.

Conclusion – The most recent fair and impartial policing training for the Law Enforcement Advisory Board occurred August 2012.

Policies Related to Discipline for Bias-Based Policing

K.S.A. 22-4610 requires policies contain provisions for discipline for officers who engage in bias-based policing.

Conclusion – KCKPD General Orders contain policies prohibiting bias-based policing as well as discipline.³

Community Outreach and Procedures for Complaints

K.S.A. 22-4610 requires policy provisions for community outreach and communications efforts to inform the public of the individual's right to file complaints regarding bias-based policing. The policies must also include the procedures for filing complaints.

KCKPD Bias-Based Annual Report

K.S.A. 22-4610 directs each law enforcement agency in Kansas to compile an annual report pertaining to bias-based policing. The reporting period is July 1st through June 30th. The statute also lists required reporting elements including the number of bias-based complaints received. The annual reports are available to the public and posted on the KS AG website.

Table 1
Bias-Based Complaints Received

<u>Police Department</u>	<u>FY2014</u>	<u>FY2015</u>	<u>FY2016</u>
Kansas City, KS	9	8	6
Olathe	6	2	5
Overland Park	3	0	9
Topeka	2	2	1
<u>Wichita</u>	<u>15</u>	<u>26</u>	<u>9</u>

Conclusion – KCKPD issued the FY2016 Annual Report as required by K.S.A. 22-4610.

AUDIT RESULTS

Finding 1

K.S.A. 22-4610 requires law enforcement agencies in Kansas to adopt policies prohibiting bias-based policing. The statute outlines certain provisions and wording to be included in the policy. The KS AG developed a model policy to assist law enforcement agencies in Kansas in complying with the statute.

Policies related to bias-based policing are dispersed throughout KCKPD General Orders. KCKPD is currently developing a single policy containing all the provisions and the exact wording required by K.S.A. 22-4610.

Recommendation – We recommend KCKPD continue to develop a comprehensive policy that complies with K.S.A. 22-4610.

Finding 2

K.S.A. 22-4610 requires community advisory boards receive training on fair and impartial policing. The UG appointed the existing Law Enforcement Advisory Board as the community advisory board in June of 2012. The most recent fair and impartial policing training for the Law Enforcement Advisory Board occurred August 2012.

Recommendation – The Law Enforcement Advisory Board should periodically receive training related to fair and impartial policing. The frequency of training should consider changes in membership to the board and changes to fair and impartial training programs.

MANAGEMENT RESPONSE

KCKPD reviewed a draft copy of the report and agreed with the audit conclusions. Additionally, KCKPD reported an update to its bias-based policing policy is in process. KCKPD is finalizing a new complaint brochure and considering posting the complaint procedures on its website.

Chief Zeigler said that he would cut the training to an hour for presentation to the LEAB September meeting.

Sheriff Ash talked about not getting enough qualified applicants for all the positions the department has to fill.

5 persons applied in June: 3 showed up and 2 others will test in August.

The Sheriff's department is looking for more applicants and are recruiting outside of WYCO thru social media. That has not yet increased applications significantly. They are holding fast to wanting the diversity of the applicants to reflect KCK.

The last time they had a "full" class was October 2016 with 10 applicants.

In late spring they had to farm out approx. 20 inmates per day because of lack of deputies.

Most of the female inmates were because of prostitution or drug issues.

The July 4th activity from June 29th to July 8th resulted in 1800 park checks by his deputies.

Sheriff Ash talked about the deputy in offender registration that pocketed some receipts from offenders and, seizing his computer for a forensic audit, which resulted in the deputy's termination.

Chief Zeigler announced the opening of the new south patrol building with the ribbon cutting on July 10th. Everyone is invited. He also invited the LEAB to have their August meeting at the south patrol building. All in attendance agreed.

Chief Zeigler talked about the pursuit that ended at 62nd and Lathrop with 4 youth dying and the driver carjacking another vehicle and getting away.. He also talked about the wreck at 18th & Pacific resulting in the PD seizing guns and drugs from the vehicles.

Chief Zeigler discussed the ACT program that was in place in the ACT zone (7th street on the east to 18th street on the west, and Pacific Ave on the South to Grandview Blvd on the north. The program was started on June 1 and the PD will release the data in December when the numbers will tell a accurate story. He said that they have been able to seize guns and drugs from the car stops in the ACT zone.

Chief Zeigler talked about the body camera program that will be presented to the commission the 17th, 5th floor City Hall at 5:00pm. He said the officers wanted the cameras as well as the FOP.

We adjourned at 4:55pm.

Submitted 8-09-2017