

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to agency members that affirms the Wyandotte County Sheriff's Office's commitment to policing that is fair and objective (K.S.A. § 22-4606 through K.S.A. § 22-4611).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the agency'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 in:

- (a) Determining the existence of probable cause to take into custody or to arrest an individual.
- (b) 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.
- (c) Determining the existence of probable cause to conduct a search of an individual or a conveyance.

**Racial or bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 401.2 POLICY

The Wyandotte County Sheriff's Office 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 agency to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 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, ethnicity, national origin, gender, or religion of a person (K.S.A. § 22-4610):

- (a) As a general indicator or predictor of criminal activity.

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- (b) In the course of any law enforcement action unless a deputy 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 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).
- (f) As the basis for any decision related to asset seizure or forfeiture efforts.

### **401.4 MEMBER RESPONSIBILITIES**

Every member of this agency shall perform his/her duties in a fair and objective manner and is 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.

#### **401.4.1 REASON FOR CONTACT**

Deputies 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 deputy 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 deputy to document a contact that would not otherwise require reporting.

#### **401.4.2 REPORTING TRAFFIC STOPS**

Each time a deputy makes a traffic stop, the deputy shall report any information as required in the Traffic and Parking Citations Policy.

### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.

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- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of racial or bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this agency who discloses information concerning racial or bias-based policing.

### **401.6 STATE REPORTING**

The Investigations Unit supervisor or Sheriff's designee 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 consist of the number of racial or other biased-based policing complaints received and additional information as required by K.S.A. § 22-4610(d).

### **401.7 ADMINISTRATION**

The Operations Division Commander should review the efforts of the Agency to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff. The annual report should not contain any identifying information about any specific complaint, member of the public or deputy. It should be reviewed by the Sheriff 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 Agency report and discuss the results with those they are assigned to supervise.

This policy and the agency's data collection procedures shall be available for public inspection during normal business hours (K.S.A. § 22-4610(b)).

#### **401.7.1 COMPLAINTS OF RACIAL OR OTHER BIASED-BASED POLICING**

The Agency shall conduct ongoing community outreach and communication efforts to inform the public of a person's right to file a complaint with this agency 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 that he/she is the subject of racial or other bias-based policing may file a complaint in accordance with the Personnel Complaints Policy.

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If an investigation reveals that an agency member has violated this policy prohibiting racial or other biased based policing, the member will face disciplinary action up to termination.

#### **401.8 TRAINING**

Annual training on racial or bias-based policing and review of this policy should be conducted as directed by the Services Division Executive Officer.

##### **401.8.1 INITIAL TRAINING**

Newly hired deputies shall receive training in biased policing issues, including legal aspects.