

## 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 department'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** - An inappropriate reliance on actual or perceived characteristics such as race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity or expression, economic status, cultural group, religion or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.. It is not racial or other biased-based policing when race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity or expression, economic status, cultural group, 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.

### *Bias-Based Policing*

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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

### *Bias-Based Policing*

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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-

# Lawrence Police Department

## Policy Manual

### *Bias-Based Policing*

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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. The Office 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

# Lawrence Police Department

## Policy Manual

### *Bias-Based Policing*

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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."