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|  | <b>ANDOVER POLICE DEPARTMENT<br/>GENERAL ORDER</b>  |                       | Number: O2106     |
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|   |   |                       | Distribution: All |
| Title: RACIAL AND OTHER BIASED-BASED POLICING – COMPREHENSIVE PLAN                |   | Section: Organization |                   |
| Issued: 11/08/2011  | Effective: 11/16/2011   | Revised: 04/02/2015   |                   |
| Rescinds: All Previous  |   | Amends:               |                   |
| CALEA References: 1.2.9   |   |                       |                   |
| Review: Semi-Annual   | Authority: Chief Michael A. Keller  |                       |                   |

## I. Purpose

To establish a comprehensive plan that emphasizes the Andover Police Department’s commitment to unbiased, equitable treatment of all persons in enforcing federal, state and local laws and providing police services, and implement a style of policing that promotes positive interactions between police officers and all communities.

## II. 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 about to commit a violation of the law and to do so without interjecting personal biases into the law enforcement decision process.

Additionally, all members of the Andover Police Department will treat all persons having contact with this agency in a fair, equitable, and objective manner in accordance with law and without consideration of their race, ethnicity, national origin, gender, religion or other individual characteristics.

## III. Definitions

**A. Crime:** An act or omission defined by law and classified as felonies, misdemeanors, traffic infractions, or cigarette or tobacco infractions as provided in KSA 21-5102.

**B. Enforcement Action:** Any law enforcement act during a non-consensual 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.

**C. 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,

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supported by specific and articulable facts, based on the officer's observations, knowledge, training and experience, including information from a reliable source.

- D. **Racial or other Biased-Based Policing:** 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.
- E. **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.
- F. **Stop:** A seizure occurring when a law enforcement officer, by force or some show of authority, restrains a person's liberty.
- G. **Acts that constitute racial or other biased-based policing:** Include, but are not limited to:
  1. Using race, ethnicity, national origin, gender or religion as a general indicator or predictor of criminal activity.
  2. Using the race, ethnicity, national origin, gender or religion of a person in the course of any law enforcement action unless the officer is seeking to detain, apprehend, or otherwise be on the lookout for a suspect sought in connection with a crime who has been identified or described in part by race, ethnicity, national origin, gender or religion.
  3. Using the race, ethnicity, national origin, gender or religion of a person in the course of any reasonable action in connection with a status offense, such as runaways, child in need of care, missing persons, and other non-criminal care taker functions unless the person is identified or described in part by race, ethnicity, national origin, gender or religion.
  4. Using race, ethnicity, national origin, gender or religion shall not be motivating factors in making law enforcement decisions and/or actions, unless the person is identified or described in part by race, ethnicity, national origin, gender or religion.
  5. Using race, ethnicity, national origin, gender or religion as the bases for discretionary law enforcement (i.e. who they will cite, arrest, warn, search, release or which persons(s) to treat with respect and dignity).

#### IV. Regulations

- A. Members are prohibited from engaging in racial or other biased-based policing as provided in this policy or prohibited by law during any law enforcement activity,

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including, but not limited to traffic contacts, field contacts and in asset seizure and forfeiture efforts (1.2.9a) [E].

- B. Members shall report to their supervisor any incidents of racial or other biased-based policing of which they have direct knowledge [C].
- C. Supervisors shall take appropriate action, including but not limited to coaching and discipline, to assure compliance with this policy and related state and federal statutes (1.2.9c). All actions taken by supervisors shall be reported to the Chief of Police through the chain of command [C].
- D. Members shall not violate the provisions of this General Order or the state or federal statutes pertaining to racial or other biased-based policing or violate the constitutional rights of any person as provided in this General Order [D].
- E. Members shall not discourage, intimidate or coerce a person who believes they have been subjected to racial or other biased-based policing from filing a complaint with the department or the office of the Kansas Attorney General [E].
- F. Members shall not seek retribution or otherwise discriminate against a person who has filed a racial or other biased-based policing complaint against a member of the department [F].
- G. Members shall conduct themselves towards the public in a civil and professional manner that connotes a service orientation that will foster public respect and cooperation, and promotes positive interaction between police officers and all communities [B].

## V. Procedures

### A. Supervisor Responsibilities

1. Supervisors are responsible for oversight to ensure all officers use reasonableness and properly apply the legal standards for taking enforcement actions or applying law enforcement discretion.
2. Supervisors shall review reports filed on stops by officers and randomly observe officers' actions on vehicle and pedestrian stops.
3. Supervisors shall take appropriate action, including but not limited to coaching and discipline, to assure compliance with this policy and related state and federal statutes (1.2.9c).
4. Supervisors should be cognizant of any pattern or practice of possible discriminatory treatment by individual officers or groups of officers. If such a pattern or practice is observed, the supervisor must take immediate steps to further investigate; to intervene in such activity; take corrective action and report the activity and action taken to the Chief of Police through the appropriate chain of command (1.2.9c).
5. Supervisors will attend ongoing training to enable them to detect and respond effectively to biased behavior.

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## B. Training

1. All officers of this agency shall attend and successfully complete annual racial or other biased-based policing training including legal aspects and techniques for recognizing and controlling personal biases in order to police in a race-neutral and non-biased fashion (1.2.9b).
  - a. Distance learning training technology is allowed for racial or other biased-based policing training.
  - b. 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.
2. Training exemptions referenced in KSA 22-4610 subsection (d)(2)(F) shall be in accordance with the authority granted to the Executive Director of the Kansas Commission on Peace Officers Standards and Training per KSA 74-5607a, which in pertinent part provides, “The director may extend, waive or modify the annual continuing education requirement, when it is shown that the failure to comply with the requirements was not due to the intentional avoidance of law.”

## C. Complaints of Racial or Other Biased-Based Policing

1. Any person who believes they have been subjected to racial or other biased-based policing may file a complaint with the department and/or the attorney general’s office.
2. Complaints involving racial or other biased-based policing may be made from any source, whether made in person, by mail, telephone or fax, and accepted in compliance with General Order M1107 Complaints and Internal Investigations. Whenever possible, the complaint shall be reduced in writing by the complainant, utilizing the Andover Police Department Citizen Complaint Form (APD Form 26).
3. The Citizen Complaint Form will be forwarded to the Chief of Police pursuant to General Order M1107 Complaints and Internal Investigations, and the form will be made available at the Andover Police Department and on its web site at [www.andoverks.com](http://www.andoverks.com).
4. If at any time during a vehicle or pedestrian stop, the person(s) stopped makes a statement implying that the stop was a result of their race, ethnicity, national origin, gender or religion, the officer should attempt to resolve the issue by explaining their actions, but, in all cases will inform the person of the department’s complaint procedures. Upon conclusion of the stop, the officer making the stop should immediately notify their supervisor.
5. Members who witness or who are aware of instances of racial or other biased-based policing shall immediately report the incident to a supervisor. The supervisor shall consider this information as an official complaint of racial or

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other biased-based policing and handle the complaint in accordance with department policy.

#### **D. Agency Requirements**

1. The department will conduct ongoing community outreach and communication efforts. Such outreach and communication shall include, but not be limited to, posting the following information in the lobbies of the police department and City Hall and on the department’s web site:
  - 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 department’s complaint process.
2. The department will make every effort possible to regularly broadcast information on the City of Andover’s Cable Channel regarding citizen’s rights in filing complaints, including complaints on racial or other biased based policing.
3. This General Order is a public document and any person requesting to see it during normal business hours will be provided an opportunity to examine it.
4. The Chief of Police will file a report not later than July 31st of each year with the Attorney General as required by statute. Such report shall be for the period beginning July 1st of the previous year through June 30th of the current year and the report shall be made available for examination by any person requesting to see it during normal business hours.
5. The annual report shall include:
  - a. The number of racial or other biased-based policing complaints received.
  - b. The date each racial or other biased-based policing complaint is filed.
  - c. Action taken in response to each racial or other biased-based policing complaint.
  - d. The disposition of each racial or biased-based policing complaint.
  - e. The date each racial or biased-based policing complaint is closed.
  - f. Whether or not all department law enforcement officers not exempted by Kansas Commission on Peace Officers’ Standards and Training received the required annual training.
  - g. Whether the department has a policy prohibiting racial or other biased-based policing.
  - h. Whether the department policy mandates specific discipline for sustained complaints of racial or other biased-based policing.
  - i. Whether the department has a community advisory board.
  - j. Whether the department has a racial or other biased-based policing comprehensive plan or if it collects traffic or pedestrian stop data.



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6. The department will develop and maintain a recruitment General Order to promote recruitment and hiring of a diverse workforce to ensure the workforce is comprised of people who can police in a race-neutral and non-biased fashion.
7. Annually, the Chief of Police will conduct a documented administrative review of department practices and the comprehensive plan regarding racial and other biased-based policing efforts to include citizen concerns/complaints (1.2.9d).
8. The annual administrative review shall include:
  - a. Review of Kansas Law: Annually the Kansas Law regarding Racial or Other Bias-Based Policing, specifically KSA 22-4610 will be reviewed to ensure the Andover Police Department is in compliance with State law.
  - b. Review of Department Policies: Annually, the department's General Order O2106 "Racial and Other Bias-Based Policing Comprehensive Plan" will be reviewed to ensure that it meets the needs of the community and compliance with State law.
  - c. Agency Self Audit: Annually, the department will conduct an internal audit regarding Racial and Other Bias-Based Policing and the department's current culture, policies, training and practices. This will be accomplished through a department-wide anonymous questionnaire. Completed questionnaires will be returned to the Office of the Chief of Police where they will be evaluated and filed.
  - d. Review of Complaints: Annually, as a part of the documented administrative review of department practices related to Racial or Other Bias-Based Policing complaints received during the previous 12-months.

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