


JOHNSON COUNTY SHERIFF'S OFFICE

<h1>220</h1>	RACIAL OR BIASED-BASED POLICING		
Date of Issue:	09/12/2018		Revised:
Amends:			
Rescinds:	2005-04 Racial or Biased-Based Policing		
Reference:	K.S.A. 22-4610; 22-4611; 22-4606; 22-4609; 700 Professional Standards		
Authority:	Calvin Hayden, Sheriff		

220.1 POLICY

It is the policy of the Sheriff to neither tolerate nor condone racial or biased-based policing and it is prohibited for all employees and volunteers of the Sheriff's Office. Persons shall only be stopped or detained when reasonable suspicion or probable cause standards have been lawfully and appropriately met.

220.2 DEFINITIONS

Collection of Data - Information collected by Kansas law enforcement officers after each traffic stop.

Enforcement Action - Any law enforcement act, as described in K.S.A. 22-4609, and amendments thereto, during a nonconsensual contact with an individual or individuals.

Probable Cause - A reasonable ground to suspect that a person committed or is committing a crime or that a place contains specific items connected with a crime.

Racial or Other Biased-Based Policing - The unreasonable use of sex, race, ethnicity, sexual orientation, national origin, gender, gender identification, religion or creed or disability by a law enforcement officer in deciding to initiate an enforcement action. It is not racial or other biased-based policing when sex, race, ethnicity, national origin, gender or religion or creed is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.

Reasonable Suspicion - An objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity.

220.3 GENERAL GUIDELINES

Acts that constitute racial or other biased-based policing using sex, race, ethnicity, sexual orientation, national origin, gender, gender identification, religion or creed or disability include but are not limited to:

- a. as a general indicator or predictor of criminal activity;

- b. 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 such descriptions;
- 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 care taker functions unless the person is identified or described in part by such descriptions;
- d. as motivating factors in making law enforcement decisions and/or actions, unless the person is identified or described in part by such descriptions; or
- e. as the basis for discretionary law enforcement (i.e. who they will cite, arrest, warn, search, release) or which person(s) to treat with respect and dignity.

All Sheriff's Office employees (to include sworn, non-sworn and volunteers) shall be required to complete annual training on racial or other biased-based policing. Computer based training shall be allowed for racial or other biased-based policing training. This policy and data collection procedures are available for public inspection during normal business hours.

Employees/Volunteers found to be engaging in racial or biased-based policing are subject to disciplinary due process as outlined in the Professional Standards policies and applicable laws. Complaints may be made in person, or through any source of communication such as:

- a. Telephone;
- b. Fax machine;
- c. E-mail;
- d. Mail; or
- e. Any other electronic device or media.

Each employee and volunteer of the Sheriff's Office shall always be prepared to inform the public how to file a complaint regarding racial or other biased-based policing to either the Professional Standards Unit or the Office of the Kansas Attorney General. Citizen complaints related to racial or other biased-based policing shall be investigated by the Professional Standards Unit.

An annual report shall be compiled by the Professional Standards Unit to include all complaints of racial or other biased-based policing. The annual report shall include complaints from the period of July 1 to June 30 and be submitted on or before July 31 to the Office of the Kansas Attorney General for review and to be published on their website. Such report shall be available to any person requesting to see it during normal business hours. 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 other biased-based policing complaint;

- e. The date each racial or other biased-based policing complaint is closed;
- f. Whether or not all agency law enforcement officers not exempted by Kansas Commission on Peace Officers' Standards and Training received the training required;
- g. Whether the agency has a policy prohibiting racial or other biased based policing;
- h. Whether the agency policy mandates specific discipline for sustained complaints of racial or other biased-based policing;
- i. Whether the agency has a community advisory board;
- j. Whether the agency has a racial or other biased-based policing comprehensive plan or if it collects traffic or pedestrian stop data.

220.4 PROCEDURES

220.4.1 Police Contacts, Decisions & Investigations

Deputies shall not consider a person's sex, race, ethnicity, sexual orientation, age, gender, gender identification, religion or creed, national origin or disability as motivating factors for law enforcement decisions. When these attributes comprise part of the physical description of an individual being sought for lawful purposes, they may be considered for the purposes of the suspect's description if the totality of the circumstances being considered constitutes reasonable suspicion or probable cause. These attributes shall never be used as the sole basis for establishing reasonable suspicion or probable cause during enforcement decisions.

During any Sheriff's Office contacts or when making decisions related to the delivery of law enforcement services, all deputy contacts will be conducted, and all deputy services provided, in a non-biased manner. All investigative detentions, vehicle stops, traffic stops, searches, property seizures, pedestrian stops, non-consensual searches and arrests by deputies shall be based on specific facts and circumstances, which can be articulated by deputies to support the reasonable suspicion or probable cause for their actions.

220.4.2 Use of Personal Attributes

Except as provided above, deputies shall not use the personal attributes described above when:

- a. Establishing reasonable suspicion or probable cause;
- b. Deciding to initiate non-consensual encounters; or
- c. Requesting consent to search.

220.4.3 Maximizing Non-Biased Law Enforcement Efforts

To maximize the Sheriff's Office non-biased policing efforts, pedestrians or vehicle stops shall be lawful and deputies shall:

- a. Be courteous and professional to all persons contacted.

- b. Introduce themselves and state the reason for the stop or contact as soon as practical, unless doing so would compromise officer or public safety.
 - i. Generally, deputies should provide this information before asking the driver for their license and/or other documents.
- c. Ensure detentions are no longer in duration than necessary to complete appropriate and lawful police actions.
- d. Any unusual delays shall be explained.
- e. Ensure citations, if any, are explained and any pertinent questions are answered.
- f. Ensure their business card or their name and badge number are provided upon request.

220.4.4 Vanguard Data

Deputies shall record all data related to all self-initiated motor vehicle stops, pedestrian checks or vehicle searches. Data collected will include:

- a. Age;
- b. Race;
- c. Ethnicity;
- d. Gender; and
- e. County of residence.

The data shall be entered in the Vanguard module in the mobile dispatching software before the deputy clears the vehicle or pedestrian stop. In the event that the deputy fails to enter the data while on the stop, the deputy shall utilize the Vanguard link on SharePoint to complete the necessary information. The Sheriff's Office Professional Standards Unit compiles all collected data and generates an annual report. The Professional Standards Unit Commander will conduct an annual review of data collected. This review will be completed prior to the annual report being submitted to the Office of the Kansas Attorney General.

220.4.5 Supervisory Responsibility

Supervisors shall ensure all personnel, in their command, operate in compliance with this policy.