

Memorandum

City of Lawrence

Police Department

TO: Tom Markus, City Manager
FROM: Tarik Khatib, Chief of Police
Anthony Brixius, Police Captain
CC: Diane Stoddard, Assistant City Manager
Toni Wheeler, City Attorney
DATE: August 10, 2016
RE: Campaign Zero

Background

The Lawrence Police Department has continually strived to improve and meet the expectations of the community. Campaign Zero is a Black Lives Matter initiative seeking comprehensive policy and structural reforms within police departments. As part of the conversations taking place with the community, the Lawrence Police Department has had the opportunity to speak to groups about what the Department is doing in regards to some of the suggested reforms. Some of the issues are beyond the scope of the Department to address, however the Department believes it is important to answer questions the community may have about police practices, evaluate current practices, and examine how the department can improve and evolve. This memorandum presents the major points of Campaign Zero and summarizes how the Department is already meeting some of the suggestions as well as additional work to be done. Below you will find the platform questions/categories from Campaign Zero and the Lawrence Police Department's responses to either categories or specific questions written in bullet point form.

1. De-prioritize enforcement of the following offenses: consumption of alcohol on the streets, marijuana possession, disorderly conduct, trespassing, loitering, disturbing the peace & spitting.
 - Lawrence Police Officers are tasked with enforcing state laws and city ordinances. However, for certain crimes officers can use discretion in how those crimes are enforced. For the crimes of disorderly conduct, trespassing and disturbing the peace, the Lawrence Police Department most often encounters these incidents when a complaint is received from a citizen. These crimes generally require a victim or complainant (the officer not being the person) to enforce. These types of incidents, while not necessarily sought out by officers, are important to attend to when they affect citizens to the point of generating a complaint against such acts.
 - Possession of Marijuana is typically handled with a municipal Notice to Appear in lieu of a custodial arrest. Lawrence Police Officers generally do not prioritize the enforcement of marijuana possession. Typically, the substance is encountered during the course of other business (a different crime, a traffic stop, noise complaint, DWI, etc.).

- Public consumption of alcohol is enforced through local ordinance and is commonly enforced from both an officer initiated and complaint basis.
 - Loitering and Spitting are not represented by state statute or city ordinance and therefore not enforced by Lawrence Police.
2. Pass an Ordinance or revise police department policies to ban racial profiling and establish enforceable protections against it.
 - In Kansas, every law enforcement agency is required to have a Racial or Biased-Based Policing Policy in accordance with K.S.A. 22-4610. The Lawrence Police Department follows the model policy set forth by the Kansas Attorney General's Office. Additionally, all agencies are required to report complaints of biased based policing. If an individual does not feel comfortable reporting such a complaint to the Lawrence Police Department, the complaint may be submitted to the Attorney General's Office which also has investigative authority and oversight. The Department is required to submit an annual report of biased based policing complaints to the Kansas Attorney General's Office for review.
 - The City has taken the initiative to establish a Citizen Advisory Board for Fair and Impartial Policing – which is allowed by state statute but not required. The Board is tasked with reviewing police department policies pertaining to racial profiling, reviewing annual training, assisting with community outreach opportunities and relaying any community concerns related to racial or other bias based policing.
 3. Pass an ordinance or take administrative action to establish teams that include mental health professionals as primary responders or co-responders to crisis situations.
 - Since early 2012, the Lawrence Police Department has been researching and examining what would constitute the best crisis intervention training for officers; a need identified by Department staff and personnel. This resulted in a handful (19) of officers attending Crisis Intervention Team (CIT) training at various locations outside of Lawrence. In February, 2014, the Douglas County CIT Council was created to formalize and accelerate training locally. The Lawrence Police Department has committed to ensuring all commissioned officers will receive the 40-hour Crisis Response Team (CIT) training by the end of 2018. Currently, approximately 40% of the officers have been trained
 - For the 2017 budget, the Lawrence Police Department has been approved for three positions to form a Mental Health Squad. This team includes a supervisor, an officer, and a master's level mental health co-responder. This budget request demonstrates the Department's, the City Manager's, and the Commission's sensitivity to the mental health needs of some of the citizens who encounter law enforcement; and will further provide for alternative (non-incarceration) assistance for those citizens.
 4. End police department quotas for tickets and arrests.

- The Lawrence Police Department does not have quotas for either arrests or citations.
5. Pass ordinances that ban failure to appear fines or warrants, cap court revenue at 10% of the municipal budget, and allow judges discretion to waive or initiate payment plans for fines and fees for low-income people.
- Fines, warrants and court revenues are well below the 10% threshold; 2% - 3% of the Municipal General Fund has been typical.
 - With the exception of a handful of ordinances, the Municipal Judge is able to, and does utilize his discretion in determining the amount of fines and fees that are assessed in any given case. Fines and fees are also suspended on a case by case basis.
 - Defendants are given time to pay their fines and fees, and community service in lieu of fines and most fees is offered to all defendants.
 - The Vice-Mayor, Chief of Police, and the Municipal Judge have joined the Douglas County Criminal Justice Coordinating Council (CJCC). One of the Council's goals is to further examine strategies for reducing the cycle of indebtedness and incarceration of individuals.
 - No new failure to appear charges are filed when a defendant misses court. Warrants are issued in the original scheduled case when it is appropriate to do so under the law.
6. Revise police department use of force policies to require minimal force and de-escalation tactics, carry a less-lethal weapon, and intervene when another officer uses excessive force. Prohibit officers from using force on a person for talking back or as a punishment for running away, from shooting at or moving in front of moving vehicles, and from engaging in high speed pursuits of people who are not suspected of committing or being about to commit a violent felony.
- It is the policy of the Lawrence Police Department to use only that level of force that is reasonably necessary to prevent harm to an officer or to another person or to effect a lawful arrest or detention.
 - Officers are provided with and trained on three types of less lethal force (baton, OC spray, *Taser*), to carry on their person while on-duty.
 - Lawrence Police Officers are required to attend 40-hours of Crisis Intervention Team (CIT) training for de-escalating crisis situations without the use of force. Additionally, officers receive 4 hours of Verbal Judo, a training designed to de-escalate the need for use of force, and all officers have received a 10-hour block of "crucial conversations", which further emphasizes communication skills.
 - By policy, Lawrence Police Officers are required to report any wrong doing if they have knowledge of such.
 - In 2015, the Department initiated a more formal (in addition to the normal supervisory oversight) use of force reporting procedure. The Lawrence Police

Department has reportable uses of force submitted to a Use of Force Committee for review. The committee is comprised of Department experts from various police use of force disciplines. If a use of force complaint arises from a citizen or the committee reviews what they determine to be inappropriate use of force, the incident is sent to the Office of Professional Accountability (OPA) for review. Once completed, the incident is sent to the Chief of Police. The Department summarizes all use of force reports, OPA complaints, Racial or other biases based policing complaints, and *Taser* use reports and presents them to the Citizen Advisory Board For Fair and Impartial Biased Based Policing. This is done in open forum where any member of the public may attend. The summaries are also posted online for public review as well.

- The Department's Use of Force Policy specifies that an officer shall not fire at a moving vehicle or from a moving vehicle unless the occupants of the vehicle represent a direct threat to the life of the officer or other people. Officers are trained to not place themselves in front of moving vehicles.
 - The Department's current pursuit policy specifies that an officer may initiate a pursuit when the officer has reason to believe a suspect presents a clear and immediate threat to the safety of others, or the need for apprehension outweighs the level of danger created by the fleeing suspect. With direct oversight by supervision, Lawrence Police Officers often elect not to pursue vehicles. Department supervision also regularly reviews in-car video of officers involved in pursuits and other emergency response situations. Almost all of the Department's marked patrol cars are equipped with GPS systems that allow supervision to determine the appropriateness of officer speeds and responses. The policy is periodically reviewed to ensure that it is consistent with best practices.
7. Require the police department to post all police shootings and other in custody deaths and serious injuries each quarter on line for public consumptions. Require officers to report all uses of force to a database and use this to inform an early intervention system that re-trains and disciplines officers with repeated uses of force or civilian complaints.
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8. Make chokeholds, hog-ties and nickel rides a criminal offense.

- Making something a criminal offense is outside the scope of abilities for the Lawrence Police Department. However, the Department does not teach or use chokeholds or hog-ties. The Department has policies in place specifically describing the treatment and care for hand-cuffed individuals and transport of such individuals. Additionally, the Department has purchased and trained officers on the "WRAP" immobilization system, a device that can greatly reduce injuries, positional asphyxia, and in-custody death.
9. Require police officers to undergo consistent racial bias training and bias testing, and use findings to determine hiring, performance evaluations, and decisions about where to deploy officers. Require officers to undergo training in procedural justice; community policing; community interaction and relationship building; crisis intervention, mediation, conflict resolution and rumor control; appropriate engagement with youth, LGBTQ individuals, individuals with mental illness, and English language learners; and tactical de-escalation and minimizing use of force.
- Police officers undergo both a state mandated biased based policing training and city sponsored diversity training each year. Since 2014, Department members have had approximately 75 hours of training related to racial or biased based policing, diversity, cultural awareness, fair and impartial policing, crucial conversations, and crisis intervention (some Department members have not completed crisis intervention, but are scheduled for it), and emotional survival for law enforcement officers.
 - In addition to continuing education, upon being hired by the Lawrence Police Department, officers receive approximately 80 hours of training in disciplines such as: Ethics and Discretion in Law Enforcement, Cultural Awareness, Community Policing & Problem Solving, Verbal Judo, Customer Satisfaction, Interactions with Special Populations, Interpersonal Communication, Role of Patrol in Community Policing, Crisis Intervention, Mental Health First Aid, Fair and Impartial Policing, and Crisis Management Strategies.
 - The Department has recruited officers with language (Spanish) skills and provided hiring bonuses for this skill. The Department also subscribes to a language service that can provide translation for over 200 languages. This is available to the patrol officers by phone in their vehicles. It can take as little as 30 seconds to 2 minutes to get an interpreter. The Department recognizes the changing demographics of the community and is attempting to be better prepared to serve the diverse population.
 - The Department has sent members to a "train the trainer" course for the Blue Courage program. This two-day course will be implemented at the Department in the future. The program is nationally recognized and emphasizes the guardian role law enforcement officers have as well as maintaining the trust of the public.
 - In April, 2015, the Chief of Police and Municipal Judge had the opportunity to join a City and County delegation that visited The Center for Health Care Services in San Antonio, Texas. This visit provided the delegation with an abundance of information regarding how Bexar County, Texas has implemented several successful programs to address mental health and substance abuse. Some of these concepts are being implemented.

- Police Department employees seeing themselves as members of the community in addition to their work roles is seen as a crucial component of the police-citizen relationship. Police officers recognizing their leadership role and opportunity to be role models is equally important. The over-arching theme is to strengthen the relationship with community members outside of the oftentimes confrontational interactions (citizen as a suspect, angry victim, or traffic citation situations) police officers are placed in. The following list includes some of the ways Department members have been interactive in our community:
 - Battle for Blood – Community Blood Center
 - Birthday Beat – Kiwanis
 - Bike Safety Fair – KU
 - Bowl-A-Thon – Junior Achievement
 - Citizens’ Academy (21 so far) – Department sponsored
 - Douglas County Crisis Intervention Training (CIT) Council
 - Drug Take Back – Sheriff & DEA
 - Festival of Trees – Shelter, Inc.
 - Flag Football (police vs fire) – Boys& Girls Club
 - Hawks, Cops, & Kids – KU Athletics
 - Law Enforcement Torch Run – Special Olympics
 - Lawrence Blue Santa (4th Season) – department charity
 - Leadership Lawrence
 - Police Camp – Department sponsored
 - Police Camp – for Boys & Girls Club
 - Shop with a Cop – Ballard Center
 - Spurling Scramble – charity event
 - Valor Golf Tournament
 - Trunk or Treat
 - Big Brothers and Sisters of Douglas County
 - Boys and Girls Club
 - Cadre Lawrence
 - Concealed carry handgun instruction

- Douglas County 4-H – rifle and pistol instructors
- Douglas County Child Abuse Task Force
- Douglas County Hunter’s Education
- Habitat for Humanity
- Homeless Issues Advisory Committee
- Just Foods
- Justice Involved Youth and Adult Committee – Governors’ Mental Health Taskforce
- Kansas Angler Education
- Kansas Special Olympics
- Lawrence area Boy Scouts
- Lawrence Citizen Advisory Board on Fair and Impartial Policing
- Lawrence/Douglas County Housing Authority
- Lawrence Habitat for Humanity
- Lawrence Theatre
- Leadership Lawrence
- Martin Luther King Jr. Steering Committee
- Meals on Wheels
- Midwest Boxer Rescue Group
- Outside For A Better Inside
- Safe Winter Walkways
- Salvation Army Advisory Board
- Site Council(s) for various schools in Lawrence/Douglas County
- The Shelter, Inc.
- United Way of Douglas County
- VFW 6654
- Willow Domestic Violence Center
- Youth groups and sports
- N.E. Kansas Homeland Security Council

- The Department has partnered with the Lawrence, Douglas County Valor First Responder Awards program to recognize exceptional performance by first responders. This is a community led program that allows citizens to more easily see and appreciate the efforts made by first responders who serve the community.
 - The Department assisted with the formation of the Lawrence Police Foundation (LPF). This organization is an outgrowth of the Citizen's Academy program and has resulted in a group of citizens who seek to publically support the Department's goals and objectives.
 - Additional training has been implemented regarding officers' leadership roles and the high level of expectations the community has for their behavior, both on and off-duty.
 - Department personnel attend a variety of community meetings to engage in listening, discussion, and educational opportunities.
 - The Department has added citizen awards and recognition to the annual awards program as a way to recognize individuals who have assisted their community and law enforcement through their exceptional actions.
 - The Department has well developed Neighborhood Resource Officer (NRO) and School Resource Officer (SRO) programs which further allow for officers to engage the community and children in schools. Officers provide presentations, meet with community members, teach in schools, and act as coaches and mentor to youth.
10. Prohibit police departments from using municipal funds or federal funds to purchase military equipment from the federal government or otherwise obtaining this equipment. Prohibit the use of military weaponry currently in the department's possession.
- The Lawrence Police Department has not obtained any military weaponry from the federal government. The Department has received several Homeland Security and other grants. These have provided items such as protective equipment (ballistic vests, helmets, gas masks, etc.), forensic computer equipment, equipment to process crime scenes, a forensic crime scene processing vehicle, an accident scene investigation vehicle (and mobile breath test machine), and the armored rescue vehicle.
 - Lawrence Police Officers who are qualified are authorized to carry a semi-automatic law enforcement patrol rifle which are individually purchased by the officers. The necessity for officers to have this equipment is derived from key lessons experienced by law enforcement. Responding officers (patrol) need to have the capacity to meet the combined expectations of the community. They have to be the "Detective", the "Traffic Investigator", the "Neighborhood Resource Officer", and occasionally, the "Tactical Team" at any given moment. Unfortunately, patrol rifles are a necessity in today's environment where disaster can be averted or minimized when quick action with the right equipment is taken.

11. Develop and implement guidelines for recruitment and retention of a police force representative of the community, prioritizing the recruitment and hiring of officers of color.
 - The Lawrence Police Department is interested in attracting and retaining the most talented pool of applicants possible. That includes individuals of all races and backgrounds.
 - The Department has increased efforts to recruit minorities to better reflect our community demographics and to gain the benefits that diversity brings to any organization. From a statistical standpoint, we appear to be moving in a positive direction with the recruitment of women and African American men. In the past six years the Department has been able to more than double the number of African American officers from four to nine (2.8% - 5.6% of the authorized strength). Today, the Department also has twice as many women on the force (20, or 12.3% of the authorized strength) as compared to 2010 (9 or 6.3% of the authorized strength).
 - The Department has been able to recruit and retain Native Americans from Haskell Indian Nations University. Personnel are working on improving the relationship further through being involved in class presentations to students.
 - Challenges remain and the Department looks forward to any insight and suggestions that can be gleaned through our continued discussions with community members.
12. Partner with local research institutions to field a regular survey of community perceptions of the police and use this information to guide officer evaluations as well as department policies.
 - The City of Lawrence contracts ETC institute, a community-based market research firm, to conduct a survey of city services by department. Most recently the survey was conducted in 2015. 80% of citizens responding to the survey reported being satisfied with the professionalism of the police department, 14% did not have an opinion, and 6% of citizens reported being unsatisfied. Only 3% of citizens reported feeling unsafe in Lawrence.
 - Several community members have offered suggestions in this area and the Department will continue to evaluate how to implement them.
13. Pass an ordinance or revise police department policy to require police officers to use technology that collects audio and visual data of police interactions (including body cameras) and develop clear policies governing their use, storage, and accessibility of footage in consultation with activists and community organizations. This should include policies that: record all interactions with civilians (except where a civilian opts not to be recorded upon mandatory notification); allow citizens to review footage involving them or a relative and require this information to be released to the public; presume police misconduct if complete footage is not available; prevent officers from reviewing footage of an incident before completing initial reports or statements; and secure the privacy of the citizen during all processes.

- The Lawrence Police Department currently has in-car video/audio which can video and audio record certain interactions, based on an officer's proximity to their patrol vehicle.
 - In the 2017 budget, the Lawrence Police department asked for approximately \$280,000 for police worn body cameras. The project was unfunded for the 2017 budget, but it is our hope it will be re-examined in future budgets.
 - The Kansas State Legislature recently (July 1, 2016) passed a law that makes all police body cameras and in-car cameras fall under the "criminal investigation report" definition of the Kansas Open Records Act. The law does provide for the viewing or listening of audio or video by the person who is the subject of the video; the parent of a juvenile who is the subject of the video; or an attorney representing the subject or the parents of the juvenile who is the subject of the video.
 - The Department has policies regarding the storage of audio and video media. These policies are currently being reviewed in the broader context of records storage in general and changes are anticipated in the future.
14. Pass a local ordinance or revise the City Charter to establish and fund a civilian oversight structure with the power to investigate police misconduct, subpoena, and discipline officers (San Francisco Charter Policies on Police Commission and Office of Citizen Complaints).
- The Lawrence Police Department is working with the Citizen Advisory Board for Fair and Impartial Policing in an attempt to potentially expand the role of the board to accept complaints. The Lawrence Police Department's annual publication of OPA summaries, *Taser* use summaries, Bias-based policing complaint summaries, Citation Accountability Report, Use of Force Report, *Benchmark City Survey*, and Annual Report are all aimed at providing as much transparency as possible within the constraints of personnel policies and laws.
15. Require an independent and external police department to investigate cases where a police officer employed by the local police department kills or seriously injures a civilian; and require an independent and external prosecutor to manage the proceedings following independent investigation.
- Although not part of a formal policy, the Lawrence Police Department has asked external police agencies to assist with or investigate officer involved incidents in the past. These have been situationally based and have had to take into account the available resources and expertise of those external agencies. The Department does have an informal agreement with the Johnson County Sheriff's Officer to investigate officer involved shootings, should they arise, but there is no formal documentation establishing such an agreement. The Johnson County Sheriff's Office has an officer involved shooting team.
 - The Lawrence Police Department does not have the authority to require an external prosecutor to evaluate these types of incidents. That authority remains with the Douglas County District Attorney's Office. The Department is aware that the District Attorney has asked for outside review of cases involving officers on occasion.

16. Repeal provisions in police union contracts that delay interrogations of officers, obstruct civilian review and expunge or otherwise hide officer disciplinary records from the public.
- The Lawrence Police Department does not have a union, but non-supervisory officers are represented by the Lawrence Police Officers Association (LPOA), which negotiates a Memorandum of Understanding (MOU) with the City of Lawrence. Changes to this would require City Commission amendment to City Resolution 6817, which provides for employee groups (not just police officers) to engage in collective bargaining and negotiate with the City in the determination of conditions of employment, wages, and benefits.
 - The Lawrence Police Department maintains personnel records consistent with City of Lawrence and Department Policies. In addition, there are applicable federal and state laws in regards to employee personnel actions and records, due process, and what can be released to the public.
 - The Lawrence Police Department's annual publication of OPA summaries, *Taser* use summaries, Bias-based policing complaint summaries, Citation Accountability Report, Use of Force Report, *Benchmark City Survey*, and Annual Report are all aimed at providing as much transparency as possible within the constraints of personnel policies and laws.