



CITY COMMISSION AGENDA GENERAL ORDER OF BUSINESS

1. CALL TO ORDER/ROLL CALL
2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
3. ADMINISTRATION
4. ADJOURNMENT

ATTENDING A MEETING:

When attending a City Commission meeting, please turn off your cell phone or set it on vibrate. Signs will not be allowed into the building. Citizens attending the meeting may distribute written information to the commissioners when recognized by the mayor or written information may be submitted to the city clerk prior to the meeting for distribution to the commissioners and key staff members.

Individuals have different opinions and the Commission would like to collect those in the most respectful way possible. Please refrain from clapping or booing before, during or after a person speaks. In addition, we ask that talking within the audience is kept to a minimum to allow for the citizens surrounding you the opportunity to hear the discussions. Individuals that are disruptive will be asked to leave or may be removed from the meeting.

ORDER OF DISCUSSION

Generally, the order of discussion, after introduction of an item, includes comments and information by staff, followed by Commission questions or inquiries. The applicant and interested citizens may then speak on the item. At the close of public discussion, the item will be considered by the Commission and action taken.

ADDRESSING THE COMMISSION

Citizens may address the Commission on items under discussion when recognized by the Mayor. When addressing the Commission, please move to the podium and clearly state your name and address in the microphone. If you are representing a group or organization, please provide the name and address as well.

In order to ensure that all persons may have an opportunity to speak, comments will be limited to three minutes. Keep your remarks brief and do not repeat what has already been said. However, feel free to simply state whether you are or are not in support of the item being discussed.

Do not ask questions of the Commission; provide your comments and factual information only.

CITIZEN FORUM

A citizen desiring to speak on an item which is not on the agenda may do so under Citizen Forum. Discussion is limited to five minutes and the Commission does not take immediate action. However, items introduced under Citizen Forum may become agenda items for later meetings or may be referred to City staff for follow-up.

CONSENT AGENDA

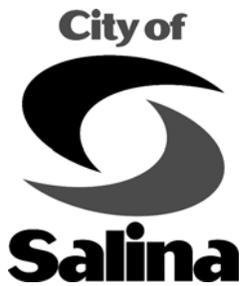
The consent agenda is a means to assemble routine action items to be approved collectively for a more efficient meeting. Any item may be considered separately by request of a commissioner or staff member. Any citizen who would like to ask the governing body to remove any item from the consent agenda can do so by forwarding their request to staff, the mayor, or a commissioner prior to the start of the meeting. A citizen may also make a request during the citizen forum portion of the meeting but no discussion of the item can take place at that time.

EXECUTIVE SESSION

The Commission may, at any time, call for an executive session. Executive sessions are used to discuss, in private, any subject covered under the Kansas Open Meetings Act. Examples of such subjects include personnel action, legal matters, or purchase of property. The public and the media representatives are informed of the time and place of these meetings, as well as the general category of discussion, but are not permitted to attend.

AGENDA INFORMATION

Copies of the agenda are available in the Office of the City Clerk on Thursday afternoon preceding the regular meetings. Items for the agenda should be submitted to this office prior to noon the Wednesday preceding a regularly scheduled Monday meeting. Information regarding the agenda may be obtained from Room 206 in the City-County Building, located at 300 W. Ash, Salina, KS or visiting our website at www.salina-ks.gov.



SALINA CITY COMMISSION
SPECIAL MEETING AGENDA
KANSAS WESLEYAN UNIVERSITY, SAM'S CHAPEL, 100 E. CLAFLIN
SALINA, KANSAS
JUNE 29, 2020
6:00 P.M.

- 1. CALL TO ORDER**
 - a. Mayor request staff confirmation that Kansas Open Meeting Act required notice has been properly provided
 - b. Roll call
- 2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- 3. ADMINISTRATION**
 - (3.1) Introduction
 - (3.2) Review and Response to Community Feedback to Date (City Staff)
 - (3.2a) Law Enforcement Advisory Board
 - (3.2b) Salina Police Department Participation in the Federal 1033 Surplus Property Program
 - (3.2c) Use of Force Policy - Current Compared to Proposed
 - (3.2d) Police Officer Interview, Hiring & Training Process
 - (3.3) Additional Talking Points
 - (3.3a) Salina Police Department Accreditation
 - (3.3b) Consequences for Violation of Policies
 - (3.3c) Less Lethal Equipment and Alternatives
 - (3.3d) Requiring Warning Before Shooting
 - (3.3e) Cost of Police Reports
 - (3.3f) Use of Body & Dash Cameras
 - (3.3g) Citizen Complaint Options & Next Steps
 - (3.4) Listening Session - Open Microphone
- 4. ADJOURNMENT**

The full City Commission Agenda & Packet can be viewed by visiting www.salina-ks.gov and selecting Public Forum on Local Law Enforcement and Community and Race Relations, located at the top of the Featured Items feed.

MEMORANDUM

TO: Board of City Commissioners

FROM: Greg Bengtson, Legal Counsel to the City of Salina

CC: Mike Schrage, City Manager
Jacob Wood, Deputy City Manager
Brad Nelson, Chief of Police
Sean Morton, Deputy Chief of Police

DATE: June 25, 2020

RE: Law Enforcement Advisory Board

2005 Legislation

The 2005 Kansas Legislature enacted legislation codified as KSA 22-4606 through 22-4611 addressing the subject of racial and other profiling. As codified following enactment in 2005 and prior to 2011 amendments, the legislation:

- Called for the appointment of the governor’s task force on racial profiling (KSA 22-4607)
- Made it unlawful for any law enforcement officer or any law enforcement agency to engage in racial profiling (KSA 22-4608)
- Precluded race, ethnicity, national origin, gender or religious dress of an individual or group from being the sole factor in determining the existence of probable cause to take into custody or to arrest an individual or in 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 (KSA 22-4609)
- Required all law enforcement agencies in Kansas to adopt a detailed, written policy to preempt racial profiling and specified the required content of those policies (KSA 22-4610)
- Provided (a) any person who believes such person has been subjected to racial profiling that ability to complain to either the law enforcement agency or the Kansas human rights commission and (b) the complainant, upon disposition of the complaint, with a civil cause of action in the district court (KSA 22-4611)

The law enforcement agency policy requirements included the requirement that: “For law enforcement agencies of cities of the first class, establishment or use of current independent citizen advisory boards which include participants who reflect the racial and ethnic community, to advise and assist in policy development, education and community outreach and communications related to racial profiling by law enforcement officers and agencies.” (KSA 22-4610)(c)(3).

Consistent with the statutory mandate included in the 2005 legislation, the bylaws of the Salina/Saline County Law Enforcement Advisory Board include, among other provisions:

Article II. Vision

The vision for the board is:

- Prohibit/preempt racial profiling as defined by K.S.A. 22-4606 etc.
- Assist law enforcement in policy development, education and community outreach and communications related to racial profiling by law enforcement officers and agencies.
- Assist law enforcement in policy development, education and community outreach and communications related to other issues deemed appropriate by the Chief of Policy and/or Sheriff of Saline County

Article III. Mission

The Law Enforcement Advisory Board's scope of work falls within the following areas:

Policies within the Police Department and/or the Saline County Sheriff's Office:

- Review/develop/recommend policies for law enforcement officers and the agencies as it relates to the prohibition of racial profiling and other law enforcement-community related issues assigned to the board by either the Chief of Policy of Salina and/or the Sheriff of Saline County.

Educational Training for Officers:

- Review and recommend training that includes an understanding of historical and cultural systems that perpetuate racial profiling and assists in identifying racial profiling practices.
- Review and recommend other training topics assigned by the Chief of Police and/or the Sheriff.

Outreach and communication for the General Public:

- Review/develop/recommend strategies to inform the public of an individual's right to file a complaint and of the procedural process.
- Review/develop/recommend strategies to inform the public of the appropriate contact information and the proper procedures for filing a complaint.
- Review/develop/recommend methods to increase public awareness of law enforcement efforts to deal compassionately, yet firmly with alleged violators.

I understand the Salina/Saline County Law Enforcement Advisory Board (the "Board") to have been organized by the Chief of Police and the Saline County Sheriff as required of cities of the first class (Salina is a city of the first class) pursuant to the 2005 legislation. As established, and presumably functioning consistently with its bylaws, the Board does not have any decision making authority and is strictly advisory to either the chief of police or to the Saline County sheriff regarding policies and practices relating to the prohibition of racial profiling ultimately established under the authority of the respective law enforcement agencies and not the City's governing body. Consequently, as currently structured and to the extent it functions consistently with its bylaws, the Board is not subject to the Kansas open meetings act.

2011 Legislation

The 2011 Kansas Legislature enacted Senate Bill No. 93 amending and adding sections relating to racial or other biased-based policing. Under the 2011 amendments, the requirement that cities of the first class have an advisory board was eliminated (KSA 22-4610(c)(3)(A)). In its place, cities or counties have the option to establish community advisory boards pursuant to a new section (KSA 22-4611b), which provides: “The governing body of any city, by ordinance or the sheriff of any county may, establish a community advisory board to work with the law enforcement agency of such city or county in accordance with the provisions of K.S.A. 22-4606, et seq., and amendments thereto”.

The 2011 legislation addresses a number of topics, including a new section (KSA 22-4611a) which provides that the governing body of a city or the sheriff of the county may develop a comprehensive plan in conjunction with a community advisory board, if one exists, or with community leaders to prevent racial or other biased-based policing or may require the law enforcement agency of such city or county to collect traffic or pedestrian stop data and make such data available to the public. I have been advised that policies are in place that address many of the topics called out in the statute and that the Police Department has interpreted those to collectively constitute the comprehensive plan described in the statute. It may be necessary to further review the statutory provisions and Department policies and consider reformatting the Department’s documentation in a way that more clearly represents a comprehensive plan as anticipated by the statute.

2019 Kansas Statutes

22-4609. Same; prohibited as basis for making stop, search or arrest. It is unlawful to use racial or other biased-based policing 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; or
- (c) determining the existence of probable cause to conduct a search of an individual or a conveyance.

History: L. 2005, ch. 159, § 4; L. 2011, ch. 94, § 2; May 26.

2019 Kansas Statutes

22-4610. Same; law enforcement policies preempting profiling, requirements; annual training required; community advisory boards; annual reports of complaints.

(a) All law enforcement agencies in this state shall adopt a detailed, written policy to preempt racial or other biased-based policing. Each agency's policy shall include the definition of racial or other biased-based policing found in K.S.A. 22-4606, and amendments thereto.

(b) Policies adopted pursuant to this section shall be implemented by all Kansas law enforcement agencies within one year after the effective date of this act. The policies and data collection procedures shall be available for public inspection during normal business hours.

(c) The policies adopted pursuant to this section shall include, but not be limited to, the following:

(1) A detailed written policy that prohibits racial or other biased-based policing and that clearly defines acts constituting racial or other biased-based policing using language that has been recommended by the attorney general.

(2) (A) The agency policies shall require annual racial or other biased-based policing training which shall include, but not be limited to, training relevant to racial or other biased-based policing. Distance learning training technology shall be allowed for racial or other biased-based policing training.

(B) Law enforcement agencies may appoint an advisory body of not less than five persons composed of representatives of law enforcement, community leaders and educational leaders to recommend and review appropriate training curricula.

(3) (A) For law enforcement agencies of cities or counties that have exercised the option to establish community advisory boards pursuant to K.S.A. 2019 Supp. 22-4611b, and amendments thereto, use of such community advisory boards which include participants who reflect the racial and ethnic community, to advise and assist in policy development, education and community outreach and communications related to racial or other biased-based policing by law enforcement officers and agencies.

(B) Community advisory boards shall receive training on fair and impartial policing and comprehensive plans for law enforcement agencies.

(4) Policies for discipline of law enforcement officers who engage in racial or other biased-based policing.

(5) A provision that, if the investigation of a complaint of racial or other biased-based policing reveals the officer was in direct violation of the law enforcement agency's written policies regarding racial or other biased-based policing, the employing law enforcement agency shall take appropriate action consistent with applicable laws, rules and regulations, resolutions, ordinances or policies, including demerits, suspension or removal of the officer from the agency.

(6) Provisions for community outreach and communications efforts to inform the public of the individual's right to file with the law enforcement agency or the office of the attorney general complaints regarding racial or other biased-based policing, which outreach and communications to the community shall include ongoing efforts to notify the public of the law enforcement agency's complaint process.

(7) Procedures for individuals to file complaints of racial or other biased-based policing with the agency, which, if appropriate, may provide for use of current procedures for addressing such complaints.

(d) (1) Each law enforcement agency shall compile an annual report for the period of July 1 to June 30 and shall submit the report on or before July 31 to the office of the attorney general for review. Annual reports filed pursuant to this subsection shall be open public records and shall be posted on the official website of the attorney general.

(2) 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 in subsection (c)(2)(A);

(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; and

(J) whether the agency has a racial or other biased-based policing comprehensive plan or if it collects traffic or pedestrian stop data.

History: L. 2005, ch. 159, § 5; L. 2011, ch. 94, § 3; May 26.

2019 Kansas Statutes

22-4611. Same; complaints, office of attorney general, procedure; civil action.

(a) Any person who believes such person has been subjected to racial or other biased-based policing by a law enforcement officer or agency may file a complaint with the law enforcement agency. The complainant may also file a complaint with the office of the attorney general. The office of the attorney general shall review and, if necessary, investigate the complaint and may find there is insufficient evidence of racial or other biased-based policing or may forward the complaint for further review and possible action to the Kansas commission on peace officers' standards and training. The commission shall review and, if necessary, further investigate the complaint. The commission may take action on the officer's certification or other corrective action as allowed by its governing statutes and rules and regulations. The commission shall consult with the head of the law enforcement agency before taking final action regarding discipline of any law enforcement officer or other disposition of the complaint.

(b) Within 10 days of receiving a complaint, the office of the attorney general shall provide notification that such complaint has been filed to the accused officer and to the head of the accused officer's law enforcement agency, including a copy of all complaint documentation submitted by the complainant.

(c) Upon disposition of a complaint as provided for in subsection (a) the complainant shall have a civil cause of action in the district court against the law enforcement officer or law enforcement agency, or both, and shall be entitled to recover damages if it is determined by the court that such officer or agency engaged in racial or other biased-based policing. The court may allow the prevailing party reasonable attorney fees and court costs.

History: L. 2005, ch. 159, § 6; L. 2011, ch. 94, § 4; May 26.

2019 Kansas Statutes

22-4611a. Cities, counties, comprehensive plans; contents; data collection. (a)

The governing body of a city or the sheriff of the county may develop a comprehensive plan in conjunction with a community advisory board, if one exists, or with community leaders to prevent racial or other biased-based policing or may require the law enforcement agency of such city or county to collect traffic or pedestrian stop data and make such data available to the public.

(b) Any comprehensive plan adopted pursuant to this section shall include the following:

- (1) Policies prohibiting racial or other biased-based policing to guide well-meaning officers and address racist officers;
- (2) policies to promote the recruitment and hiring of a diverse workforce to ensure the workforce is comprised of people who can police in a race-neutral and nonbiased fashion;
- (3) training to promote employees' controlled responses to override racial and other biases;
- (4) ongoing training of supervisors to enable them to detect and respond effectively to biased behavior;
- (5) implement a style of policing that promotes positive interactions between police officers and all communities;
- (6) whether or not the governing body or sheriff has included data collection as part of the comprehensive plan; and
- (7) other matters deemed appropriate.

(c) Data collection, if required, may consist of, but shall not be limited to, one or more of the following for every vehicle or pedestrian stop:

- (1) Originating agency and officer identifier number;
- (2) time and date of the stop;
- (3) duration of the stop in ranges of one to 15 minutes, 16 to 30 minutes or more than 30 minutes;
- (4) beat, district, territory or response area where the traffic stop is conducted;
- (5) primary reason for the officer's investigation, and specifically, whether the stop was call related or self initiated;
- (6) primary reason for the stop, and specifically, whether the stop was based on a moving violation, an equipment violation, reasonable suspicion of a criminal offense, other violation, to render service or assistance, suspicious circumstances, pre-existing knowledge or special detail;
- (7) if a vehicle stop, the county code of vehicle registration, if registered in Kansas, and state code, if registered outside Kansas;
- (8) age, race, gender and ethnicity of the primary person stopped by the officer;
- (9) source of the information required by paragraph (8), and specifically, whether it was obtained from officer perception or investigation;
- (10) whether the officer was aware of the information required by paragraph (8) prior to the stop;
- (11) if a vehicle stop, the number of occupants in the stopped vehicle, including the driver;
- (12) type of action taken, including citation, warning, search, arrest, assistance provided or no action. If the action taken is an arrest, the data

collection shall also include the type of arrest, including warrant, resisting arrest, property crime, persons crime, drug crime, traffic crime, DUI or other type of arrest;

(13) if a search was conducted, the rationale for the search, including vehicle indicators, verbal indicators, physical or visual indicators, document indicators (DOT), incident to arrest or other rationale;

(14) if a search was conducted, the type of search, including consent search, consent requested but consent denied, inventory, stop and frisk, search warrant, incident to arrest, plain view or probable cause; or

(15) if a search was conducted, the type of contraband seized, if any, including currency, firearms, other weapons, drugs, drug paraphernalia, alcohol products, tobacco products, stolen property or other contraband.

(d) Nothing in this section shall require a governmental entity to collect data concerning pedestrian stops.

History: L. 2011, ch. 94, § 5; July 1.

2019 Kansas Statutes

22-4611b. Community advisory boards; establishment, cities, counties. The governing body of any city, by ordinance or the sheriff of any county may, establish a community advisory board to work with the law enforcement agency of such city or county in accordance with the provisions of K.S.A. 22-4606 et seq., and amendments thereto.

History: L. 2011, ch. 94, § 6; July 1.

74-5605. QUALIFICATIONS OF APPLICANT FOR CERTIFICATION; REQUIREMENTS.

(a) Every applicant for certification shall be an employee of a state, county or city law enforcement agency, a municipal university police officer, a railroad policeman appointed pursuant to K.S.A. 66-524, and amendments thereto; an employee of the tribal law enforcement agency of an Indian nation that has entered into a tribal-state gaming compact with this state; a manager or employee of the horsethief reservoir benefit district pursuant to K.S.A. 2017 Supp. 82a-2212, and amendments thereto; or a school security officer designated as a school law enforcement officer pursuant to K.S.A. 2017 Supp. 72-6146, and amendments thereto.

(b) Prior to admission to a course conducted at the training center or at a certified state or local law enforcement agency, the applicant's appointing authority or agency head shall furnish to the director of police training and to the commission certifying that the applicant has been found to meet the minimum requirements of certification established by this subsection. The commission may rely upon the statement of the appointing authority or agency head as evidence that the applicant meets the minimum requirements for certification to issue a provisional certification. Each applicant for certification shall meet the following minimum requirements:

- (1) Be a United States citizen;
- (2) have been fingerprinted and a search of local, state and national fingerprint files made to determine whether the applicant has a criminal record;
- (3) not have been convicted of a crime that would constitute a felony under the laws of this state, a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission;
- (4) have: (A) graduated from a high school accredited by the Kansas state board of education or the appropriate accrediting agency of another state jurisdiction; (B) obtained a high school education from a nonaccredited private secondary school as defined in K.S.A. 2017 Supp. 72-4345, and amendments thereto; or (C) obtained the equivalent of a high school education as defined by rules and regulations of the commission;
- (5) be of good moral character sufficient to warrant the public trust in the applicant as a police officer or law enforcement officer;
- (6) have completed an assessment, including psychological testing approved by the commission, to determine that the applicant does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment;
- (7) be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a police officer or law enforcement officer with reasonable skill, safety and judgment; and
- (8) be at least 21 years of age.

(c) The commission may deny a provisional or other certification upon a finding that the applicant has engaged in conduct for which a certificate may be revoked, suspended or otherwise disciplined as provided in K.S.A. 74-5616, and amendments thereto. When it appears that grounds for denial of a certification exist under this subsection, after a conditional offer of employment has been made to an applicant seeking appointment as a police officer or law enforcement officer, the applicant's appointing authority or agency head may request an order from the commission to determine whether a provisional certification will be issued to that applicant.

(d) As used in this section, "conviction" includes rendering of judgment by a military court martial pursuant to the uniform code of military justice, by a court of the United States or by a court of competent jurisdiction in any state, whether or not expunged; and any diversion or deferred judgment agreement entered into for a misdemeanor crime of domestic violence or a misdemeanor offense that the commission determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations by the commission and any diversion agreement or deferred judgment entered into on or after July 1, 1995, for a felony.

POLICE ADVISORY COMMITTEE

SALINA POLICE DEPARTMENT

MAY 10, 2007



The Police Advisory Committee met in the SPD Conference Room #207 at 0700 on Thursday, May 10, 2007. Members Present: James D. Hill, Earle Bess, Tony Blair, Lucila Corley, Richard Frye, Bill Gerry, Recording Secretary Ann Haden.

Lucila Corley distributed copies of the latest issue of La Voz de Salina. She advised that Chief Hill met with religious leaders of the Hispanic community and discussed issues involving juveniles. Chief Hill advised that Kaye Crawford, Human Relations Director of Salina, would like to develop a partnership that would involve all segments of the community in order to address juvenile issues in the schools such as bullying and intimidation between various ethnic groups. In order to attract a larger population, perhaps a townhall meeting could be called. School Resource Officers will be a valuable resource in this partnership.

With Lucy Larson being elected to the City Commission, we now have a position open on the Advisory Committee. Please bring any suggestions to the next meeting or give Chief Hill a call.

The next order of business for the committee should be to adopt a set of bylaws, define membership (5 or 7 members) and elect at least a Chair and a Co-chair. If everyone is in agreement, Ann Haden can remain as recording secretary. Tony Blair submitted sample bylaws for review. Bill Gerry will prepare samples to e-mail to members prior to our next meeting.

First Class cities in Kansas are required by State Statute to have a Police Advisory Committee. Salina is a First Class city.

According to an opinion by the City Attorney, we are not required to make our Police Advisory Committee meetings open to the public or the media.

The topic was addressed as to what procedure is followed if a complaint on police conduct is filed. If a committee member receives a complaint from a constituent, they may contact either Chief Hill or Lt. Gerry. In most instances the complainant will be referred to Lt. Gerry to complete a report and an internal investigation will be conducted. Complaints may also be filed with the Kansas Human Rights Commission. Once the investigation is complete a final report will be written and results can be presented to the committee for review and comment. Our officers are held to a very high standard and when complaints are received they are viewed as a serious matter.

Lucila advised that often times the Hispanic community does not completely understand the legal/law enforcement system and needs to be able to question the process and receive instruction on the proper way to proceed. Hopefully, the Police Advisory Committee will serve as a liason with the community.

Tony Blair suggested committee member names be posted on the City of Salina web site so that citizens will know who to contact.

BYLAWS
Salina/Saline County
Law Enforcement Advisory Board

ARTICLE I. NAME

The name of the board shall be the Salina/Saline County Law Enforcement Advisory Board.

ARTICLE II. VISION

The vision for the board is:

- Prohibit /preempt racial profiling as defined by K.S.A. 22-4606 etc.
- Assist law enforcement in policy development, education and community outreach and communications related to racial profiling by law enforcement officers and agencies.
- Assist law enforcement in policy development, education and community outreach and communications related to other issues deemed appropriate by the Chief of Police of Salina and/or the Sheriff of Saline County.

ARTICLE III. MISSION

The Law Enforcement Advisory Board's scope of work falls within the following areas:

Policies within the Police Department and/or the Saline County Sheriff's Office:

- Review/develop/recommend policies for law enforcement officers and the agencies as it relates to the prohibition of racial profiling and other law enforcement-community related issues assigned to the board by either the Chief of Police of Salina and/or the Sheriff of Saline County.

Educational Training for Officers:

- Review and recommend training that includes an understanding of historical and cultural systems that perpetuate racial profiling and assists in identifying racial profiling practices.
- Review and recommend other training topics assigned by the Chief of Police and/or the Sheriff.

Outreach and Communication for the General Public:

- Review/develop/recommend strategies to inform the public of an individual's right to file a complaint and of the procedural process.

- Review/develop/recommend strategies to inform the public of the appropriate contact information and the proper procedures for filing a complaint.
- Review/develop/recommend methods to increase public awareness of law enforcement efforts to deal compassionately, yet firmly with alleged violators.

ARTICLE IV. MEMBERSHIP OF BOARD MEMBERS

Section 1. Qualifications.

- A. Live or work in Salina, Saline County, Kansas
- B. Members must be a permanent legal resident of the United States.
- C. Reflect the racial/ethnic diversity of Salina, Saline County.
 - (1) This does not mean that the board membership must match the City of Salina or the County of Saline racial/ethnic demographics. It is recommended that minority groups be overrepresented on this board.
- D. Members must be able to exhibit evidence of work within and/or understanding of the community at large.
- E. Members must have an awareness of and willingness to work toward the elimination of racial profiling.

Section 2. Maximum Number.

The Board shall consist of no more than 7 members.

Section 3. Term Limits.

The members of the Law Enforcement Advisory board first appointed shall serve terms of one year, two (2) years and three (3) years as necessary to allow staggered terms, and thereafter all appointments shall be for a term of three (3) years, provided; however, no person shall serve for more than eight (8) consecutive years. Any vacancy occurring among the membership of the board shall be filled in accordance with Section 4, Nomination Process of Board Members of the bylaws.

Section 4. Nomination Process of Board Members.

Board Members shall make nominations and take nominations from the public, to include community groups representing minority interests. The Board will contact nominees to determine interest and criteria. The Board will present the names with a brief biography of each new potential board member. The nominees will attend one meeting for discussion with and review by the board. At the next meeting the full Board will vote on the new board members.

Section 5. Grandfathering of Original Board Members.

The original founding board members who wish to retain current status as of October 11, 2007 as board members may do so until the end of their term limit.

ARTICLE V. OFFICERS

Section 1. Number.

The officers of the Board shall consist of a President and Vice-President; each of the officers shall be elected by the membership after serving at least one year on the Board.

Section 2. Qualifications/Preferred Skills.

A. Qualifications

- (1) Must have been an active board member for at least one year
- (2) Must attend a simple majority of the board meetings, or have excused absences.

B. Preferred Skills

- (1) Must demonstrate shared leadership skills.
- (2) Must possess a strong desire to improve Law Enforcement and community relations.

Section 3. Description.

- A. President. The President shall be the principal officer and shall preside over the meetings, and shall be responsible for preparing and submitting an agenda to the board in a timely manner.
- B. Vice President. In the absence of the President or in the event of his or her inability to act, the Vice-President shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all restrictions upon the President. The Vice-President shall perform such other duties as, from time to time, may be assigned by the President or by the Board.
- C. Secretary. The Secretary shall be a Salina Police Department or Saline County Sheriff's Office employee. The Secretary shall keep the minutes of all meetings of the board. The Secretary shall be custodian of the Board's records and shall make those records available for inspection for any proper purpose at any reasonable time and shall, in general, perform all duties incident to the office and such other duties as, from time to time, may be assigned by the President.

Section 4. Term Limits.

The terms of office of each president and vice-president shall be for two (2) years, and no person shall serve for more than two (2) consecutive terms in the same office, unless such election to the immediately subsequent term is made by members of the board by unanimous vote. The positions of president and vice-president will serve staggered terms with elections for president occurring every two years beginning in 2007 and elections for vice-president occurring every two years beginning in 2008. Unexpired terms will be filled by special election for an interim officer to serve the remainder of the term.

Section 5. Election of Officers.

Officers of the Board shall be nominated and elected by and from the membership at the annual meeting, which is held in the month of October of every year.

Section 6. Vacancy of Office.

If a vacancy occurs among the officers, the vacancy shall be filled by the vote of the members for the unexpired term.

ARTICLE VI. MEETINGS

Section 1. Annual Meeting of Members.

The annual meeting of the Board shall be held on a date agreed upon by the members. Notice of time, place, and agenda shall be communicated to all members at least ten days prior to the meeting date. Officers will be elected at the annual meeting as their terms expire.

Section 2. Special Meeting of Members.

Special meetings of members may be called by the President, the Chief of Police or the Sheriff at any time, for any appropriate reason. Notice of time, place, and agenda shall be communicated to all members as early as possible prior to the meeting date.

Section 3. Quorum.

The members in attendance at any meeting shall constitute a quorum, which shall be equal to or greater than a simple majority of the total membership. Voting by proxy is not allowed.

Section 4. Regular Meetings of the Board.

All Board members will meet on a bi-monthly basis unless otherwise changed by majority vote. All Board members must attend a simple majority of the meetings each year. The normal scheduled meeting will be on the second Thursday, unless otherwise changed by the full board. Any member that is absent more than the established number of meetings will have the absences reviewed by the board to determine continued service on the board.

ARTICLE VII. PARLIMENTARY PROCEDURE

Robert's Rules of Order, latest revision, shall govern in all cases wherein they do not conflict with these bylaws.

ARTICLE VIII. AMENDMENTS

These bylaws may be amended at the annual or a special meeting of the members; provided that a thirty-day notice, in writing, of the proposed change shall have been given, and only then upon a simple majority vote of the members in attendance.

CERTIFICATE

The undersigned hereby certifies that the foregoing By-laws are current By-laws of the Committee as of this 27th day of February 2020.

Secretary,



Nikki Kerwin

2019 Kansas Statutes

22-4606. Racial and other profiling; definitions. As used in this act:

(a) "Governmental unit" means the state, or any county, city or other political subdivision thereof, or any department, division, board or other agency of any of the foregoing, except governmental unit shall not include the board of education of any school district employing school security officers.

(b) "Law enforcement agency" means the governmental unit employing the law enforcement officer.

(c) "Law enforcement officer" has the meaning ascribed thereto in K.S.A. 74-5602, and amendments thereto, except law enforcement officer shall not include school security officers designated as school law enforcement officers pursuant to K.S.A. 72-6146, and amendments thereto.

(d) "Racial or other biased-based policing" means 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) "Enforcement action" means any law enforcement act, as described in K.S.A. 22-4609, and amendments thereto, during a nonconsensual contact with an individual or individuals.

(f) "Collection of data" means that information collected by Kansas law enforcement officers after each traffic stop.

History: L. 2005, ch. 159, § 1; L. 2011, ch. 94, § 1; May 26.

Law Enforcement Support Office/1033 Program

Chief Brad L. Nelson

The Law Enforcement Support Office/1033 Program permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs).

Source:

<https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx>

We have participated in the 1033 Program since 1993. Since then we have received shotguns, M-16 rifles, an M-14 sniper rifle, .45 caliber handguns, 40mm grenade launcher (no actual grenades were received), HUMVEE 1 ¼ ton vehicle and a PUMA armored personnel carrier (APC). *Prior to 2020, every single item except for the APC has been returned to the government.*

If our agency, or any other LE agency, wanted to find out what is available in this program, we would contact the State Coordinator for the 1033 program. The last 1033 item received was a Colt M14 (Sniper rifle) which was obtained in January of 2012 and returned in December of 2012.

This link covers 1033 Program FAQs:

<https://www.dla.mil/DispositionServices/Offers/Reutilization/LawEnforcement/ProgramFAQs.aspx#:~:text=The%20LESO%2F1033%20Program%20is,the%20other%20items%20discussed%20above.>

The PUMA armored personnel carrier was obtained in 2011 for our SWAT team at a cost of \$5,000 for transportation. The action to receive the PUMA APC was not taken before the Commission for their consideration and/or approval. This was because the cost fell below the threshold required for Commission approval at that time.

One of the primary benefits of an APC vehicle is the ballistic protection they offer from gunfire for both officers and citizens. APC's also provide the following:

- Provides distance between a suspect and police.
- Protects a hostage negotiator from inside the vehicle while communicating with the suspect
- If there is an injured officer or citizen in the line of fire, an APC provides an immediate mobile cover *between* the gunfire and the injured party.

There are countless examples in American policing where the effective use of an APC has saved the lives of police officers and citizens.

In my 35 years of policing, I was on a SWAT team for over ten years and participated in over 400 search warrants. On several occasions, I witnessed the psychological effect an APC has on a suspect as they surrendered upon the arrival of the APC. Our APC weighs 8 ½ tons and stands over 8' tall.

The deployment of our APC is not taken lightly. We do not use it for mere transportation of our SWAT officers to a scene but for incidents where the potential for an armed encounter is elevated. It is similar to the fire department having specialized trucks such as their 15-ton HAZMAT vehicle, though rarely needed, is readily available.

We have not had an incident similar to the George Floyd in-custody death but we have to train and have the "best practice" policy and procedures in-place to reduce the likelihood of such an incident in Salina. We have however had multiple occasions where there was a demonstrated need for an armored vehicle to protect our officers and citizens.

Since 2017, we have utilized our APC on 21 call outs. I am briefed on each search warrant that we serve and have final approval on the actual service of the search warrant and the use of our APC. Our APC is also available for communities in north central Kansas with my approval. It has been used on SWAT callouts in rural Saline County and in Abilene on one occasion.

A brief description for some of these APC deployments are:

- Suicidal subject with shots fired
- Search warrant for shooting suspect
- Search warrant and arrest warrant for kidnapping suspect
- Home Invasion Robbery suspect
- Attempt to locate homicide suspect – known weapons
- Robbery suspects
- Felony drug search warrant w/ known violent criminal history

We have never tried to conceal the fact that we possessed this APC as it has been present at many community events. I have never had anyone question our need for such a vehicle after they are advised of its purpose, to protect both our officers and our citizens. This vehicle, always very popular with children, has participated in the following events over the years.

- Salina Parks and Recreation sponsored "Touch-A-Truck" event
- 99KG "Back to School" event
- SPD Halloween "Cops & Costume" event
- Citizens Academy SWAT Demo
- Southeast of Saline School Community event
- Water's True Value car show

In addition we have conducted APC training on 15 occasions since acquiring the vehicle, some in conjunction with the KHP SWAT team.

Many reporters and citizens erroneously refer to *any* armored vehicles as tanks. This vehicle is NOT a tank. Tanks are designed for destruction while an armored personnel carrier is designed for protection and safety for its occupants, a significant difference. The safety of our citizens we serve and our officers must remain our primary objective.



Use of Force

Chief Brad L. Nelson

The Salina Police Department's use of force policy has been in place for over 25 years. This policy has been written and updated based on the Commission on Accreditation for Law Enforcement Agencies (CALEA) standards, applicable federal/state laws, and applicable case law.

The police department's use of force and various other force policies were reviewed by Daigle Law Group LLC, Southington, CT in 2017. Various recommendations provided by Attorney Eric Daigle were incorporated into department policies. Eric Daigle and his firm are renowned as experts on the topic of use of force. Eric Daigle is a featured trainer annually at the Internal Association of Chiefs of Police (IACP) Conference.

Use of force in law enforcement is a complex topic that encompasses more than department policy. Law enforcement officers must receive classroom training on the law and case law governing use of force. Officers must then put what they have learned into practice during scenario based training. Training and practice include techniques in giving proper verbal commands and de-escalation.

The police department has 136 general orders/policies that comply with CALEA standards. On an annual basis a CALEA assessor will review 25% of the police department's policies and proofs of compliance to ensure the agency is in compliance with CALEA requirements. This typically includes the department's use of force policy and proofs of compliance. In addition, CALEA requires the police department does an annual analysis of use of force reports, bias policing, internal affairs complaints, pursuits, and the department conducts an annual audit of our property and evidence.

Use of force statistics are submitted to CALEA annually for review. Attached is the police department's use of force statistics reported to CALEA for 2019. At the bottom of the page, under "Reaccreditation Year 4 Notes:" are any notes made by the CALEA Assessor.

In addition to CALEA reporting, since January of 2019 the police department began submitting data to the U.S. Department of Justice National Use-of-Force Data Collection system. This data includes use of force reports that: 1) involve death of a person due to law enforcement use of force, 2) involve discharge of a firearm by law enforcement at or in the direction of a person that did not otherwise result in death or serious bodily injury, 3) involves serious bodily injury of a person due to law enforcement use of force. Per 18 United States Code, Section 2246(4), Serious Bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

In accordance with police department policy O2102.9.1.2 Use of Force, under Lethal Force Incident - at the request of the Chief of Police the Kansas Bureau of Investigation (KBI) will conduct an independent criminal investigation in all officer-involved homicide cases. The KBI then submits its final report to the Saline County Attorney's Office or the Kansas Attorney General's Office for review.

Use of Force – Reaccreditation Year 4 (2019) - Key

1. Total number of firearms discharged or displayed
2. Discharging of firearms
3. Pointing weapon at a person
4. Total number of Electronic Control Weapon (ECW)
5. Discharging of ECW
6. Displaying of ECW only (SPD does not currently track this data will start tracking January 1, 2021)
7. Use of Baton
8. Use of chemical agent or oleoresin capsicum (OC)
9. Physical control of combative suspects
10. Total number of canine releases only or release and bite
11. When the canine is released but there is no bite
12. When the canine is released and bites
13. Total number of use of force techniques used. One suspect can have multiple use of force techniques used on them during a single incident (specific date/time).
14. Multiple officers could be injured or killed during a single incident (specific date/time)
15. Number of suspects who were arrested and had force used against them
16. Multiple suspects could be injured during a single incident (specific date/time)
17. Multiple suspects could be killed during a single incident (specific date/time)
18. Includes both suspects who had force used against them and those that did not
19. A single incident (specific date/time) could potentially have more than one complainant if there are multiple suspects involved.

SALINA POLICE DEPARTMENT		Number
GENERAL ORDER		O2102
SUBJECT: USE OF FORCE		
EFFECTIVE: 4/29/19 ISSUED: 4/29/19 REVIEW: Annual		
CANCELS:		
AMENDS: O2102 issued 5/15/18		Distribution
CALEA References: 4.1.1.-4.1.5., 4.2.1.-4.2.4., 4.3.1.-4.3.4.		A

POLICY

Officers are routinely confronted with situations in which control must be exercised to affect arrests and protect the public welfare. Control may be achieved through officer presence and verbal commands, which are used to advise, warn, inform or persuade an uncooperative subject. Use of reasonable physical force, however, may be necessary in situations which cannot be otherwise controlled. When resistance to lawful police action or threat to human life is encountered and reasonable alternatives have been exhausted or would clearly be ineffective, physical force may be employed. Only the amount of force that is reasonable and necessary to accomplish a lawful police objective shall be applied, and the use of force shall cease immediately upon accomplishment of the police objective. All officers shall be issued a copy of this General Order and given instruction regarding the provisions contained herein before being authorized to carry lethal or less lethal weapons.

DEFINITIONS

- D1 **Force** - Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, use of chemical spray, use of Conducted Electrical Weapon, hard hands, soft hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of Force is lawful if it is **objectively reasonable** under the circumstances to effect an arrest, or protect the officer or another person.
- D2 **Lethal (Deadly) Force** - Any use of force that is likely to cause death or serious bodily harm.
- D3 **Non-Lethal Force** - Any use of force other than that which is considered lethal force.
- D4 **Active Resistance** - Actions such as pushing, pulling evasive arm movement, flailing, flight, muscle tension, etc. to avoid control. Does NOT include attempts to harm the Officer.
- D5 **Passive Resistance** - Dead weight, or non-compliance with an Officer's lawful verbal direction, but offering not active resistive movements.
- D6 **Imminent Threat** – An officer's reasonable perception of impending danger, death or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending threat even if he or she is not pointing a weapon at the officer, but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.
- D7 **Soft Empty Hand Control** – The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive resistance.
- D8 **Hard Empty Hand Control** – Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes

to pressure points such as: the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

*Defensive strikes are used by officers to protect themselves from attack and may include strikes to other areas of the body, including the abdomen or head. Techniques in this category include pressure point controls, stunning or striking actions delivered to a subject's body with the hand fist, forearm, legs, or feet. These techniques target the major muscle group and are delivered to create muscle cramping, thereby inhibiting muscle action and allowing the officer to subdue the subject. In extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater. The use of neck restraints, chokeholds, or other similar weaponless control techniques, however, are prohibited unless the use of deadly force is authorized.

- D9 **Verbal and Non-verbal Compliance** - When a subject expresses his/her intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.
- D10 **Reasonable Belief** - When the totality of the facts and circumstances known to the officer are such as to cause an ordinary and prudent officer to act or think in a similar way under similar circumstances.
- D11 **Serious Bodily Harm** - Any bodily injury that creates a substantial risk of death; causes serious disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ..

PROCEDURE

1. Use of Force Guidelines:

- 1.1 Any application of force by an officer of this Department SHALL be lawful, necessary, and objectively reasonable.
 - 1.1.1. The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.
 - 1.1.2. Whenever possible, an officer shall identify themselves as police officers and use advisements, warning, and verbal persuasion, when possible, before resorting to force. Force shall be de-escalated immediately as resistance decreases. When feasible based on the circumstances, officers should summon reinforcements, and /or call in specialized units, in order to reduce the need for force and increase officer and civilian safety.
 - 1.1.3.. An officer is expected to subject himself to reasonable risk during the performance of his duties. It is an understood condition of this particular employment. However, an officer is not expected or required to subject himself to unreasonable risk.
 - 1.1.4.. As an officer's risk exposure increases, the officer is expected to take reasonable measures to minimize and/or control it.
 - a. Reasonable control measures may include, but are not limited to, non-lethal force options, posturing, summoning backup, retreat, and other reasonable actions.

- b. Reasonable measures may also include lethal force, but an officer is expected to restrain himself from using lethal force until or unless he reasonably believes risk exposure has already or is escalating to the level of serious bodily harm or death.
- 1.2. Escalation of Force: An officer will not intentionally encourage and/or aggravate unlawful behavior. When an officer is confronted with unlawful force, he/she will, if circumstances permit, respond with reasonable superior force until the person is under control. Only that degree and type of force that is objectively reasonable shall be used. An officer will not knowingly use unnecessary force or excessive force.
- 1.2.1. Officers who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. The use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Department will thoroughly review and/or investigate all uses of force by officers to assure compliance with all legal requirements and this policy.
- 1.3. De-escalation of Force: de-escalation of force is moving to a lesser force option on the use of force continuum. Officers shall de-escalate force at the earliest opportunity to do so safely. De-escalation of force does not mean that the officer must drop his guard. If reasonable, an officer will provide force recipients with opportunities to reduce their resistance. When an officer perceives that a person is complying with the officer's lawful commands/actions, the officer shall respond by de-escalating the force he is using.
- 1.4. Force shall never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.
- 1.5. Competency Requirements: each officer must demonstrate proficiency in the use of Department authorized weapons prior to being authorized to carry same. When confronted with exigent circumstances, an officer will not intentionally use techniques and/or instrumentalities of force with which he has not been trained and deemed competent by this Department.
- 1.5.1. On at least an annual basis, each officer shall receive in-service training on the Department's use of force directives, and shall be required to demonstrate proficiency with any approved (lethal or non-lethal) weapon that the officer is authorized to use.
- a. All proficiency training will be conducted by a Department approved and certified instructor.
 - b. All training and proficiency will be documented by the instructor conducting such training and the Department Training Supervisor.
 - c. Any officer who is unable to qualify with an authorized weapon shall undergo Department specified remedial training and shall be required to qualify with the (lethal or non-lethal) weapon prior to being allowed to carry same on or off duty.
 - d. All training, including remedial training, will be documented.
- 1.6. Use of Force - Other Instruments/Techniques: the Department realizes that in exigent, tense, uncertain, and/or rapidly evolving violent confrontations, an officer may need to (reasonably) use techniques, weapons, and/or improvised weapons/techniques which are not a part of this Department's formal training curricula, and/or which may not be specifically addressed by this General Order. Also, the officer may need to (reasonably) use a technique or weapon in a manner that does not parallel Departmental training. Chokeholds or neck restrains, with or without a device that restricts a person's airway are prohibited; force shall not be used against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person(s), prevent escape, or, as objectively reasonable. Any strike with an impact weapon or object to a person's

head or neck is prohibited; any use of flashlights, radios, or any other items not issued or trained specifically as defensive weapons are prohibited. In limited circumstances, when a confrontation escalates suddenly and/or unpredictably, an officer may use any means or device at hand such as a flashlight, radio, and other issued equipment or item, to defend themselves, another person, or to bring a situation under control. This decision should be based on the circumstances surrounding the officer at the time, if the officer determines it was reasonably necessary to do so, as long as the level of defensive action is objectively reasonable given the existing circumstance. It is further recognized that, due to the unpredictable nature of a person's movements and/or actions under these circumstances, the officer's defensive technique(s) and/or weapon(s) may unintentionally (on the part of the officer) impact a body area, or produce an outcome, which does not parallel Departmental training.

- 1.7. Horseplay/Rough-housing Prohibited: horseplay and practical jokes can cause serious injury, can degrade the image of the Department to the public, and can cause discord among officers. Therefore, horseplay, rough-housing, practical jokes, etc., involving use of force techniques and/or instrumentalities are prohibited, including, but not limited to:
 - a. Using the baton inappropriately,
 - b. Using a chemical aerosol inappropriately,
 - c. Pointing a firearm in an unsafe manner and direction, etc.
- 1.8. Medical/First Aid: when an officer applies force against an individual and the person is visibly injured, complains of injury, or the officer reasonably believes the person is injured, or is in need of medical attention, the officer shall render appropriate first aid (within the limits of his training and available equipment) as soon as it is practical, and safe, to do so. In addition, medical/rescue personnel will be summoned, if necessary. If the subject is offered and refuses medical treatment, this information shall be noted in the officer's report along with all pertinent information. The officer shall advise his supervisor anytime a subject is offered or requires medical attention as soon as practical to do so.

2. **Parameters for Use of Lethal Force**

- 2.1. The authority and ability to use lethal force against another human being is perhaps the gravest responsibility of the sworn law enforcement officer. Thus, **an officer is justified in using deadly force only when he or she reasonably believes such force is necessary to:**
 - 2.1.1 **Defend the officer, or a third person, from the imminent threat of death or serious bodily injury.**
 - 2.1.2 **Effect an arrest or prevent escape from custody of a person whom they reasonably believe has committed, or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury; AND the officer reasonably believes this person still poses a significant threat of death or serious physical injury to the officer or other persons. *Tennessee v. Garner***
 - 2.1.3. The purpose of an officer's use of lethal force shall be to stop an individual's unlawful, imminent life-threatening actions and not to cause death, although death may result.
- 2.2. The decision to use lethal force must be legally justifiable, considering both the nature of the crime and the circumstances surrounding the arrest. Justification for the use of lethal force must be limited to the collective facts and circumstances known by the officer at the time he acts. In deciding to use lethal force, however, the threat of imminent danger must be accompanied by a reasonable belief that:

- 2.2.1. The focal point of concern has the **ABILITY** to cause death or serious bodily harm;
- 2.2.2. The focal point of concern has the **OPPORTUNITY** to cause death or serious bodily harm; and
- 2.2.3. That **JEOPARDY** exists.
- 2.3. The use of lethal force against a "fleeing felon" must meet the conditions required by Section 2.1. of this order. A "fleeing felon" should not be presumed to pose an imminent threat to life in the absence of actions that would lead one to believe same, such as a previously demonstrated threat or wanton disregard for human life.
- 2.4. Where feasible, the officer should identify himself and give warning of the intent to use deadly physical force.
- 2.5. An officer may also discharge a firearm under the following circumstances:
 - 2.5.1. At the police range for target practice, for approved law enforcement shooting competition, and for training purposes.
 - 2.5.2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured (and it is not possible and/or feasible for Animal Shelter personnel to put the animal down), in compliance with K.S.A. 21-6412 (c). If possible, supervisory approval should be obtained before taking action.
 - a. An officer will not fire upon a fleeing or running animal, regardless of the animal's condition, unless the officer reasonably believes that the animal's continued freedom poses a clear and substantive threat to the safety of innocent people.
 - b. When an officer reasonably believes that he or a third party is being attacked, or is about to be attacked by an animal and the circumstances are such that serious bodily injury is likely, or when the officer reasonably believes that an animal's continued freedom poses a substantive threat to the safety of the public, the officer, using appropriate care, may employ deadly force in order to stop the animal.
- 2.6. An officer is **NOT JUSTIFIED** in discharging a firearm under the following circumstances:
 - 2.6.1. When the use of less force would safely accomplish the objective.
 - 2.6.2. To apprehend a fleeing offender (felony or misdemeanor), except in those instances outlined in 2.3. of this general order.
 - 2.6.3. To fire at or from a moving vehicle, **unless** the occupant(s) of the vehicle represent an imminent threat to the life of the officer or others, and then it shall be done only as a last resort.
 - 2.6.4. When it appears that innocent persons may be injured by the action, **unless** the officer reasonably believes, considering the totality of the circumstances, that failure to act poses a greater threat to public safety.
 - 2.6.5. Warning shots are prohibited.
- 2.7. Except for maintenance or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this General Order.

3. Parameters for Use of Non-Lethal Force

- 3.1. When an escalation of force is justified, officers shall employ only the level of force necessary to safely control the situation. Each incident must be assessed in order to determine which available non-lethal technique or issued equipment is the best choice (in the officer's opinion) to bring the incident under control without compromising the safety of the officer, fellow officers, or innocent citizens.
- 3.2. An officer is authorized to use Department approved non-lethal force techniques and issued equipment for resolution of incidents, as follows:
 - 3.2.1. To protect himself and others from physical injury.
 - 3.2.2. To restrain or subdue a resistant individual.
 - 3.2.3. To bring an unlawful situation safely and effectively under control.
 - 3.2.4. To prevent the escape from custody, or to effect a lawful arrest, of a person whom the officer reasonably suspects has committed an offense.
- 3.3 The authorized use of physical force ends when resistance ceases and/or the officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options. Force shall never be used to subject a person to torture and/or cruel or inhumane or degrading treatment or punishment.

4. Lethal Weapons (See Attachment A)

- 4.1. Officers shall carry only weapons authorized by and registered with the Department.
- 4.2. Authorized weapons are those with which the officer has qualified and received Department training on proper and safe usage, and that are registered and comply with Department specifications. Only those weapons which are inspected and deemed safe by a Department armorer shall be authorized. Any weapon found to be unsafe shall be immediately removed from authorized use until such time said weapon is repaired and approved by a Department Armorer.
 - 4.2.1. Pursuant to Department specified qualification and requalification procedures, a Department approved and certified armorer and/or firearms instructor will inspect each firearm and oversee the proficiency training/testing.
 - 4.2.2. A complete record of all weapons approved by the Department, to include type, description, model, serial number, and identity of assignee or owner shall be maintained by the Detective Division Commander.
 - a. The record shall also include the name of the official making the approval, the date of the approval, the course of fire, and the numerical or pass/fail score used to qualify.
- 4.3. Any officer who fails to qualify with his duty weapon in accordance with Department testing procedures shall:
 - 4.3.1. Not be permitted to carry the weapon.
 - 4.3.2. Be reassigned to non-enforcement duties.
 - 4.3.3. Undergo remedial training and be required to qualify before returning to enforcement duties.

- 4.4. The service weapon will be the handgun model and caliber designated and issued by the Department. On-duty officers shall carry the Department issued handgun as their primary weapon unless prior approval has been obtained from the Chief of Police. Before being authorized to carry any firearm, commissioned personnel must demonstrate proficiency with the firearm by successfully completing a firearms qualification course. Officers will be required to qualify with their Department issued side arm and all other issued firearms on at least an annual basis.
- 4.5. An officer may carry a handgun other than the issued sidearm as his primary weapon in certain situations, providing:
 - 4.5.1. It has been approved and registered with the Department.
 - 4.5.2. The ammunition used has been approved by the Chief of Police or his designee, and must be new, high quality, factory manufactured.
 - 4.5.3. The officer has qualified with the weapon.
 - 4.5.4. The officer has received written permission from the Chief of Police to carry same.
- 4.6. If a backup or second weapon is carried, it shall be subject to Department approval and must be either a high quality revolver or semi-automatic pistol, capable of holding at least five (5) rounds of Department approved ammunition.
- 4.7. Officers who wish to carry non-issued, personally owned weapons as a second, backup, or off-duty weapon must register such weapon with the Department for inspection and approval and will be required to fire the KS-CPOST qualification annually to prove proficiency with the weapon under the supervision of a range Master. All ammunition costs in the proficiency firing of the weapon will be borne by the officer.
- 4.8. All firearms will be properly secured at all times.
- 4.9. Carrying of an off-duty weapon will be at the discretion of the individual officer. The weapon must conform to the standard set forth in this General Order and the officer must have his police commission and badge on his person at all times. All directives relative to firing a weapon on-duty also apply to firing a weapon off-duty.
- 4.10. Officers who have reason to travel armed outside the State of Kansas on official business must have their commission and badge on their person. If traveling on a commercial airline, all procedures of the FAA and air carrier that pertain to the reporting and carrying of weapons and the required training, shall be followed.
- 4.11. Duty ammunition for Department issued weapons will be issued by the Department and no other ammunition is approved for on-duty use in a Department issued weapon, shotgun or rifle. Officers using other than Department issued ammunition in Department issued weapons will be subject to disciplinary action.
- 4.12. Ammunition for off-duty, second or backup weapons shall be new, high quality, factory manufactured, and shall be subject to Department approval. Factory reloads and hand loaded ammunition are expressly prohibited.
5. **Non-Lethal Weapons** (See Attachment A and General Order P3220 reference Conducted Electrical Weapon)
 - 5.1. Non-lethal weapons are necessary to provide the officer with an alternative to the use of lethal force, so that he may successfully defend himself from combative, resisting, and/or violent individuals while reducing the risk of inflicting or receiving injury. A police officer is not permitted to carry or use a non-lethal weapon unless qualified in its proficient use as determined by Department training standards.

- 5.2. The Department issues the ASP expandable baton, X26P TASER, and Oleoresin Capsicum ("OC") Aerosol Spray to all commissioned officers Uniformed Patrol Division officers, while on-duty, shall carry the ASP baton, "OC" Aerosol Spray, and issued Taser on their person at all times.
 - 5.2.1. Uniformed officers assigned to administrative duties are required to carry a department-issued firearm and magazines. If deployed in a Patrol capacity, all above mentioned equipment is required. Detective Division non-uniformed officers are required to carry a department-issued firearm and magazines. If Detectives are deployed on a field visit or investigative / enforcement activities, they may be required to carry the ASP baton and OC spray as directed by the Detective Supervisor. All uniformed School Resource Officers are required to carry the standard equipment as mentioned for uniformed Patrol Officers. If wearing a soft-uniform, the SRO's equipment requirements will be directed by the SRO Supervisor.
 - 5.2.2. The non-lethal weapons issued are tools that can be used at the discretion of the officer when the decision is made that the use of force is reasonable and necessary under the circumstances. The primary purpose of these weapons is to provide officers an advantage when fending off and subduing an unarmed assailant. They are not intended to be used to overcome an armed attack.
- 5.3. The Department Training Supervisor shall schedule annual training and qualification sessions for approved, non-lethal weapons, which will be graded on a pass/fail basis.
- 5.4. Chemical agents other than the issued "OC" shall not be used or carried by members of the Department unless specifically authorized by the Chief of Police.
- 5.5. Weapons other than Department issue must be approved by the Chief of Police before an officer can carry or have same in his possession. Pocket knives are not considered weapons and may be carried.
- 5.6. The flashlight is not to be used as a substitute for the ASP baton as a primary impact weapon.

6. Defensive Tactics

- 6.1. All officers will be trained in Department approved unarmed defensive tactics and control techniques.

7. Reporting Use of Force

- 7.1. Each and every member of the Department is charged with the responsibility to monitor and control the use of force during operations involving multiple officers. Supervisory and non-supervisory personnel alike will be held strictly accountable to intervene, halt and report any use of force perceived to be excessive.
- 7.2. In addition to a detailed Standard Offense Report, a Salina Police Department Use of Force Report (UFR), will be completed whenever an officer:
 - 7.2.1. Takes an action that results in, or is alleged to have resulted in, the injury or death of another person.
 - 7.2.2. Applies force through the use of lethal (to include pointing a firearm at a person) or less lethal weapons.
 - 7.2.3. Applies physical force (other than that minimal force required during a normal custodial arrest, e.g. handcuffing) to the person of another.
 - 7.2.4. Discharges a firearm for other than training or recreational purposes.
 - 7.2.5. Forces entry into secured building.

- 7.3. The UFR will also be completed when a suspect:
 - 7.3.1. Uses lethal force against an officer.
 - 7.3.2. Uses a non-lethal weapon against an officer.
 - 7.3.3. Uses force which results in injury to an officer.
 - 7.3.4. Physically, as opposed to passively, resists arrest.
- 7.4. The Patrol Supervisor will be notified and will respond to the scene when:
 - 7.4.1. A suspect requires or requests medical attention resulting from an officer using force.
 - 7.4.2. An officer utilizes lethal force against a human being.
 - 7.4.3. An officer requires medical attention as a result of a suspect using force.
- 7.5. Staff will be notified, through the chain of command, when:
 - 7.5.1. A weapon is discharged.
 - 7.5.2. A suspect requires medical attention as a result of an officer using force.
 - 7.5.3. An officer requires medical attention as a result of a suspect using force.
- 7.6. One UFR will be completed for each incident. Should an officer be injured, preventing completion of the UFR, his Supervisor shall ensure the form is completed.
- 7.7. The Supervisor will complete the Supervisor's portion of the UFR, attach all other related reports, and forward same through the chain of command to the Division Commander for review. The Division Commander will forward the UFR directly to Internal Affairs. The UFR will not be sent to the Records Bureau.
 - 7.7.1. All UFRs shall be reviewed to determine:
 - a. Whether the action was consistent with policy and procedure;
 - b. Whether the action warrants further administrative review and/or investigations; and
 - c. Recommendations on equipment upgrades, training, and/or policy issues if applicable.
- 7.8. Internal Affairs shall ensure that the incident has been reviewed at each level of command and that the UFR contains appropriate signatures indicating same.
- 7.9. Internal Affairs shall timely bring each individual UFR to the attention of the Chief of Police for final approval. The Chief of Police shall be notified about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.
- 7.10. Internal Affairs shall log each UFR and shall conduct an annual analysis of all response to resistance reports/incidents.
 - 7.10.1. An annual report shall be submitted to the Chief of Police relative to the UFR review, indicating problems, patterns or trends identified, and training needs and/or policy modifications needed to correct identified deficiencies.
- 7.11. No information contained in the UFR will be released to persons or agencies outside the Department without prior approval from the Chief of Police.

8. Procedure following Use of Lethal Force

8.1. INVOLVED OFFICER

8.1.1. Whenever an officer discharges a firearm or employs any other force that is likely to cause death or serious bodily harm of a human being, the officer shall immediately:

- a. Approach when safe and secure suspect by appropriate means.
- b. Determine the physical condition of any injured person and render first aid when appropriate and if it can be rendered safely.
- c. Request necessary emergency medical aid.
- d. Notify Communications of the incident and location.

8.1.2. The Officer will remain at the scene unless injured or directed otherwise by a Supervisor or Command Officer. If circumstances are such that the continued presence of the Officer at the scene of the incident may cause a more hazardous situation to develop, the Ranking Officer at the scene shall have the discretion to direct the Officer to respond to a more suitable location. The Supervisor or Command Officer may ask certain public safety questions that the involved officer shall answer.

8.1.3. Subsequent to the discharge, the officer may have performed a tactical load of the firearm to ensure a fully loaded firearm. Once the scene is completely secure and the officer has been brought to a location of safety, the officer will protect his weapon for examination and submit said weapon to the appropriate investigator / evidence technician. The officer shall not load or unload the weapon used in the discharge or otherwise handle unless needed for self-preservation. This is to protect trace, DNA and other evidence on the firearm.

8.2. COMMUNICATIONS

8.2.1. The Communications member notified of the use of lethal force shall immediately:

- a. Cause necessary medical aid to be sent to the scene.
- b. Notify the Patrol Supervisor of the incident.
- c. Make other notifications as directed by the Patrol Supervisor or other command officer.

8.3. PATROL SUPERVISOR

8.3.1. Upon notification of the use of lethal force by an officer, the Patrol Supervisor shall:

- a. Notify the involved Officer's Division Commander.
- b. Notify the Patrol Division Commander, who will respond to the scene and direct the preliminary investigation.
- c. Notify the Chief of Police.
- d. Ensure that the scene is protected and witnesses are identified.
- e. Assist the officer(s) involved.

8.4. PATROL DIVISION COMMANDER

8.4.1. The Patrol Division Commander shall:

- a. Conduct a preliminary investigation of the incident, utilizing Detective Division personnel.

- b. Consult the Chief of Police to determine if the Kansas Bureau of Investigation should be contacted to conduct the criminal investigation.
- c. Assist the officer(s) involved.

9. Departmental Response

9.1. Lethal Force Incident

- 9.1.1. Upon notification from the Chief of Police, Internal Affairs shall immediately respond to the scene and conduct an administrative investigation.

Depending upon the circumstances, the criminal investigation may be conducted by the Detective Division and/or the Kansas Bureau of Investigation.

- 9.1.2. The Kansas Bureau of Investigation, at the request of the Chief of Police, will conduct an independent criminal investigation in all officer-involved homicide cases.

- 9.1.3. The officer involved in a use of force incident which results in death or a serious physical injury will:

:

- a. Be immediately removed from line-duty assignment and placed on paid administrative leave status, pending review of the incident.
- b. Be available for official interviews and statements regarding the case, and will be subject to recall to duty at any time. He will obtain permission from the Chief of Police or his designee prior to leaving the city.
- c. **Not discuss the case with anyone outside the Department,** except his attorney(s), without prior approval from the Chief of Police.

- 9.1.4. When a decision has been made relative to the lethal force incident, the Chief of Police will:

- a. Suspend the officer if criminal charges are filed, or
- b. Reinstate the officer to active duty if the County Attorney determines the homicide to be justifiable (except in those situations where pending Department administrative charges necessitate that the officer remain on leave or suspension status).

- 9.1.5. When an officer is involved in a shooting or other lethal force incident which does not result in a death pending review of the incident, said officer:

- a. **Shall not discuss the case with anyone outside the Department,** except his attorney(s), without prior approval from the Chief of Police.
- b. Shall be placed on paid administrative leave for at least the remainder of his shift.
- c. Depending upon the circumstances and at the discretion of the Chief of Police, may either be: placed on paid administrative leave status, temporarily reassigned to administrative duties, or restored to full-duty status.

9.2. Administrative review of critical incidents

- 9.2.1. Pending administrative review, any employee whose actions or use of force results in a death or serious physical injury shall be removed from line duty assignment.

- 9.2.2. All reported uses of force will be reviewed by staff and Internal Affairs to determine whether:
 - a. Departmental rules, policy and procedures were conformed with;
 - b. Policy and procedure was clearly understandable and effective to cover the situation; and
 - c. Department training is adequate.
- 9.2.3. Internal Affairs shall timely report all use of force review findings, policy violations and/or training inadequacies to the Chief of Police.

10. Critical Incident Trauma

- 10.1. A psychological debriefing will be mandatory for any officer who, in the line of duty:
 - 10.1.1. Discharges a firearm at another person, injuring or killing the person.
 - 10.1.2. Is seriously injured as the result of an assault.
 - 10.1.3. Is referred for psychological counseling by a Supervisor or Staff member following a critical incident.
- 10.2. A psychologist will be provided at the request of any officer who, in the line of duty:
 - 10.2.1. Has been involved in a shooting incident.
 - 10.2.2. Is the victim of an assault resulting in significant injury.
 - 10.2.3. Has witnessed a shooting or other trauma causing critical incident.

BY ORDER OF

CHIEF OF POLICE

WARNING

This directive is for departmental use only. It should not be construed as a creation of higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

ATTACHMENT A

**SALINA POLICE DEPARTMENT
AUTHORIZED WEAPONS AND AMMUNITION**

AUTHORIZED WEAPONS AND AMMUNITION	
Sworn Personnel	
FNS-40	.40 Federal 165 Grain Hydra-Shok JHP
Glock 19	9mm Luger + P 135 Grain Flexlock JHP
Remington M870 12 Gauge	12 gauge Hornady 00B reduced recoil
ASP Baton 21 inch	N/A
Police Magnum 2oz	17% OC
Police Magnum 16oz	17% OC
TASER X26 / X26P	XP 25 air cartridge
ARWEN 37	Police Ordnance AR1/Sage K01 standard
Rifle Qualified Officer	
AR15/M16	.223 Hornady 55gr.TAP
Special Weapons and Tactics Team	
Colt M16 M4 Scoped	.223 Hornady 55gr.TAP
Remington Scoped Model 40X .308 HS Precision 2000 HT .308 Remington Scoped 700 Police .308	Federal Gold Medal 168 gr. BTHP match Federal 165 gr. Tactical Rifle
HS Precision 2000 LA	.300 Win Mag Federal 190 grain BTHP
Winchester M14 Scoped .308	Federal Gold Medal 168 gr. BTHP Match
Heckler and Koch Model 69 40mm	NICO Pyrotechnik 40mmx46 CS/15-P
ARWEN Ace	Police Ordnance AR1/Sage K01 Standard
CTS 8230	CS
CTS 5210	White Smoke
Def-Tec #2; CTS 5230	CS
NICO Plus CS/1 D	CS extension
NICO Pyrotechnik	2 bang flash sound device
CTS 6340-A	OC Aerosol grenade
Defense Technology 40mm Ferret Rd	CN
Watch Commander	
Zarc Cap-Stun Z505 5oz.	5% OC
Patrol Supervisor / SWAT	
Protectojet	10% OC

04/19

SALINA POLICE DEPARTMENT		Number
GENERAL ORDER		M1107
SUBJECT: INTERNAL AFFAIRS		
EFFECTIVE: 10/29/18 ISSUED: 10/29/18 REVIEW: Annual		
CANCELS:		
AMENDS: M1107 issued 1/31/18		Distribution
CALEA References: 26.2.1., 26.2.2., 26.2.4., 26.3.2., 26.3.5.		A

POLICY

The Department must provide a formal internal system for the processing of complaints relative to Department operations, policies and procedures, and the conduct of police personnel. The character and the reputation of the Department rest on an adequate program of fair and impartial investigations. The purpose of this order is to establish an Internal Affairs Unit and delineate its authority, duties, and standard operating procedures.

INTERNAL AFFAIRS UNIT

1. Authority - The Internal Affairs Unit shall be under the direct command of the Chief of Police and is acting for the Chief when conducting investigations.
2. Selection - Internal Affairs Unit personnel will be appointed at the discretion of the Chief of Police.
3. Duties - The Internal Affairs Unit will initiate, complete, and maintain records of all investigations relative to complaints against the Department or any of its members. All findings and recommendations made during the course of the investigation will be recorded and forwarded to the Chief of Police for final disposition.
4. For purposes of this General Order, a complaint shall be defined as an act of expressed dissatisfaction which relates to Salina Police Department operations, policies and procedures, or conduct of department personnel.
5. Internal Affairs shall be responsible for any other investigations as directed by the Chief of Police.
6. **Primary Objectives of Internal Affairs Investigations**
 - 6.1. Protection of the Public - The public has a right to expect efficient, fair, and impartial law enforcement. Therefore, any misconduct by Department personnel must be detected, thoroughly investigated and properly adjudicated to assure the maintenance of these qualities.
 - 6.2. Protection of the Department - The Department is often evaluated and judged by the conduct of individual members. It is imperative that the entire organization not be subjected to public censure because of misconduct by one of its members.
 - 6.3. Protection of the Employee - Employees must be protected against false allegations of misconduct. This can only be accomplished through a consistently thorough investigative process.
 - 6.4. Correction of Procedural Problems - The Department is constantly seeking to improve its efficiency and the efficiency of its personnel. Internal investigations occasionally disclose faulty policies and procedures that would otherwise have gone undetected. These procedures can then be improved or corrected.

7. The Internal Affairs Unit or the Chief of Police may refer investigations to the employee's supervisor for investigation.
8. Internal Affairs Unit members or officers temporarily assigned to that unit shall have the authority to interview any member of the Department and to review any record or report of the Department relative to their assignment. Members of the Internal Affairs Unit will come under the direct authority of the Chief of Police.
9. The Internal Affairs Unit will maintain a comprehensive central complaint file on complaints received, whether investigated by Internal Affairs or any other member of the Department.
10. **The Internal Affairs Unit Shall:**
 - 10.1. Maintain liaison with the prosecutor's office in investigations involving alleged criminal conduct by Department members.
 - 10.2. Provide assistance to and close coordination with City/Department defense counsel on civil claims or suits against the Department and its personnel.
 - 10.3. Conduct on scene inspection and investigation of police involved shooting incidents and firearms discharges.
 - 10.4. Appear before legislative and judicial bodies in matters pertaining to the Department's disciplinary policies and procedures.

PROCEDURE

11. Acceptance and Referral of Complaints

- 11.1. All members of the Department are charged with the responsibility for courteously and willingly receiving any complaint that may be lodged against the Department or any employee.
- 11.2. Complaints will be accepted from any source, whether made in person, by mail or by telephone. Anonymous complaints shall be evaluated to determine the extent to which they should be investigated.
- 11.3. Public access for the procedure to register a complaint against the Department is located on the City of Salina's website. Also located on the City of Salina's website is the official complaint form that must be completed online.
- 11.4. Complaints will be referred directly to the Internal Affairs Unit (telephone number 826-7225) during normal business hours of 0800 to 1630, Monday - Friday.
- 11.5. All formal complaints received during other than normal business hours will be referred to the involved member's supervisor (or on-duty supervisor in his absence), who will document the complaint on the Salina Police Department Complaint Form, and forward same to the Internal Affairs Unit. After documenting the complaint, the supervisor shall advise the complainant to contact the Internal Affairs Unit during normal business hours.
- 11.6. Upon receipt of the following types of complaints, Internal Affairs will notify and brief the Chief of Police or his designated representative immediately.
 - 11.6.1. The following types of formal complaints will be forwarded to and handled by the Internal Affairs Unit:
 - a. Excessive Force
 - b. Discrimination

- c. False Arrest/Imprisonment
- d. Unlawful Search/Seizure
- e. Shooting Policy/Weapons
- f. Sexual Harassment
- g. Drug or Alcohol Use/Intoxication on Duty
- h. Alleged Perpetration of a Criminal Act
- i. Violations of Civil Rights
- j. Internal Theft/Dishonesty
- k. Misconduct, on or off-duty, which brings the department into disrepute or reflects discredit upon the employee as a member of the department.
- l. Any other investigation as directed by the Chief of Police.

11.6.2. Other types of complaints made that do not fall under those listed in 11.6. will be brought to the attention of the Chief of Police, or his designated representative, in a timely manner during normal business hours: Monday – Friday, 8:00 AM to 5:00 PM, excluding holidays. These same types of complaints will be forwarded to and handled by the Internal Affairs Unit or the Chief's designee.

12. Formal Complaints

- 12.1. Upon accepting a formal complaint from a citizen, the Internal Affairs officer is responsible for notifying the person verifying that the complaint has been received and an investigation will be conducted.
- 12.2. Department employees involved in serious formal complaints will normally be notified of the complaint by letter, unless determined by the Chief of Police or his designee that such notification may jeopardize the investigation. The complaint letter shall state the nature of the complaint and shall reference the employee's rights and responsibilities. The employee's Division Commander shall also be notified by letter. Upon receipt of the letter, the employee must contact the Internal Affairs Unit to set up an appointment for an interview to be held within five working days of the notification. No overtime will be authorized for any off duty employee who appears without a scheduled appointment.
- 12.3. When requested by the Chief of Police or his designee, employees shall submit a written report to the Internal Affairs Unit in regards to the allegation(s) within five working days of the letter notification. The report shall contain the following:
 - 12.3.1. All pertinent information pertaining to the allegation.
 - 12.3.2. A list of all officers and witnesses known.
 - 12.3.3. Any other information that would be of assistance in the investigation.
- 12.4. A thorough, complete and impartial investigation will be conducted by the Internal Affairs Unit. This investigation may include the taking of formal, signed statements, gathering and preservation of physical evidence and any other information relevant to the investigation. All employee interviews shall be recorded and interviews with complainants should be recorded whenever possible.
 - 12.4.1. Whenever an employee is not willing to answer questions concerning matters which may or may not result in a criminal prosecution against him, he shall be given the "Miranda-Garrity" or "Garrity" Warning, whichever is applicable. (See Attachments A and B)
- 12.5. Pursuant to and in congruence with all legal requirements, the Chief of Police may, at Department expense, require an employee to submit to a medical or laboratory examination and provide a sample of blood, breath, or urine, when such examination is specifically directed and narrowly related to a particular investigation. For example: This process may be used in determining alcohol and/or illicit drug use by an employee.

In addition, upon order of the Chief of Police, an employee may be required to be photographed; to participate in a line-up; submit to a financial disclosure statement; submit to a polygraph, psychological and/or physical examination, provided that 1) such actions are material to a particular investigation, and 2) such actions are specifically directed and narrowly related to said investigation.

- 12.6. Failure to follow a direct order requiring employee participation in the above constitutes a separate infraction, and may result in disciplinary action up to and including termination.
- 12.7. When the investigation is completed, a copy of the investigative reports will be forwarded to the Chief of Police for review. These reports will include a recommendation as to the findings.
- 12.8. The following findings are available to the Internal Affairs Unit:
 - 12.8.1. Unfounded - The investigation conclusively proved that the act complained of did not occur. This finding also applies when an individual employee named in the complaint was not involved in the act which may have occurred.
 - 12.8.2. Exonerated - The act which provided the basis for the complaint or allegation occurred; however, the investigation revealed that the act was justified, lawful and proper.
 - 12.8.3. Not Sustained - The investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove such allegation.
 - 12.8.4. Sustained - The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.
 - 12.8.5. Sustained Against Policy - The investigation revealed a faulty policy and/or procedure.
- 12.9. The Chief of Police shall approve each formal investigation and may, at his discretion, make a new and separate finding as to appropriate Department action.
- 12.10. Any investigation disapproved by the Chief of Police shall be returned to the Internal Affairs Unit for required action necessary for approval.
- 12.11. All Internal Affairs investigations should be completed within 30 days after receipt of the complaint. The Internal Affairs Unit shall provide the Chief of Police with status reports at seven day intervals until the investigation is complete. If for any reason the investigation cannot be completed within allotted time, the Internal Affairs officer shall request an extension from the Chief of Police and notify the complainant of a new completion date.

13. Informal Complaints

- 13.1. The following types of complaints may be handled by the involved employee's immediate supervisor:
 - 13.1.1. Complaints of demeanor,
 - 13.1.2. Neglect of duty, and
 - 13.1.3. Minor rules and regulations, or policy and procedure violations.
- 13.2. All informal complaint investigations shall be documented and, upon completion, forwarded to the Internal Affairs Unit for control and statistical purposes.

The results of an informal investigation may be reviewed by Internal Affairs if so directed by the Chief of Police or his designated representative.

14. Disposition of Investigation Results

14.1. Approved investigations shall be processed in the following manner:

14.1.1. Sustained Cases

- a. The involved employees shall be notified by letter as to the completion of the case and of the findings.
- b. A letter indicating the finding shall be sent to the employee's Division Commander.
- c. An administrative hearing, attended by the involved employee, his immediate supervisor and Division Commander the Internal Affairs Officer, and the Chief of Police, will be held within ten days of the completion of an Internal Affairs case. The purpose of this hearing is to explain the case findings and give the involved employee a meaningful opportunity to present his position prior to final disposition by the Chief of Police.
- d. Following the aforementioned administrative hearing, a letter indicating the finding and disposition will be sent to the complainant.
- e. All copies of the reports shall be retained by the Internal Affairs Unit.

14.1.2. Other than Sustained Cases

- a. The involved employees shall be notified by letter as to the completion of the case and of the findings.
- b. A letter indicating the finding shall be sent to the employee's Division Commander.
- c. A letter indicating the finding and disposition will be sent to the complainant.
- d. All copies of the reports shall be retained by the Internal Affairs Unit.

15. Internal Affairs Files

15.1. In order to maintain the confidentiality of Internal Affairs' files, access to the files within the Department will be restricted. Only persons with a need to know the content of the files, based on some part in the Internal Affairs or the discipline process, will be allowed to examine those documents. Access shall be granted only by order of the Chief of Police.

15.2. Excepting a court order, or unless specifically authorized by the Chief of Police, no portion of an investigative Internal Affairs report shall be given to, or maintained by, anyone outside the Department.

15.3. The Internal Affairs officer shall compile annual statistical summaries, based upon records of internal affairs investigations, and provide same to the Chief of Police and other Department personnel, as directed by the Chief of Police. This statistical summary may be made available upon request to agency employees and the public.

16. **Commendations**

- 16.1. Commendations for employees will be accepted from any source, whether made in person, by mail, or by telephone.
- 16.2. Public access for the procedure to register a commendation for an employee is located on the City of Salina's website. Also located on the City of Salina's website is the official commendation form that must be filled out online.

BY ORDER OF

CHIEF OF POLICE

INTERNAL AFFAIRS - ATTACHMENT A

MIRANDA-GARRITY WARNING

(To be used when a member is being questioned about matters which could result in criminal prosecution against him and no decision has been made as to whether or not the member's statements will be used against him in a criminal prosecution.)

At this time I would like to question you concerning (state the general nature of the matter under investigation). This questioning concerns criminal matters. You (are) (are not) under arrest. (If the person being questioned is suspected of committing a crime, he should be informed of the specific offense for which he is suspected, unless such disclosure would endanger the investigation.)

I am now going to advise you of your rights as established by the Supreme Court in the cases of Miranda v. Arizona and Garrity v. New Jersey.

First, you have the right to remain silent. You are not required to say anything at any time or to answer any questions. If you do make a statement or answer questions, anything you say can be used against you in a court of law.

Second, you have the right to talk to a lawyer for advice before making a statement or answering any questions, and you may have a lawyer present with you during questioning if you wish. If you do want a lawyer but cannot afford one, a lawyer will be provided for you. If you want to answer questions now without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer

Third, even though you are an employee of the Salina Police Department and ordinarily you would be required by regulations to answer questions put forth to you by a superior officer regarding your official duties, in this instance those regulations do not apply, and you will not be required to answer. If you do not wish to answer any of these questions, your refusal to answer alone will not subject you to disciplinary action by the Salina Police Department.

Do you understand that I want to question you about criminal matters?

Do you understand that you do not have to make a statement or answer any questions?

Do you understand that if you do make a statement or answer questions, anything you say which incriminates you can be used against you in a court of law?

Do you understand that you have the right to talk to a lawyer and have one present during questioning?

INTERNAL AFFAIRS - ATTACHMENT B

"GARRITY" WARNING

(To be used only when a member is being questioned about possible criminal matters and it has been officially determined that any self-incriminating statements that the member makes will not be used against him in a criminal prosecution.)

At this time I am going to question you about (state the general nature of the matter under investigation.) This questioning concerns administrative matters relating to the official business of the Police Department. I am not questioning you for the purpose of instituting a criminal prosecution against you. During the course of this questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements you make will be used against you in any criminal legal proceedings.

Since this is an administrative matter and any self-incriminating information you may disclose will not be used against you in a court of law, you are required to answer my questions fully and truthfully. If you refuse to answer my questions, this will be considered insubordination and you will be subject to disciplinary penalties.

Do you understand what I have just explained to you?

Do you have any questions concerning what I have just explained to you?

I now order you to answer the following questions.

Use Of Force - Reaccreditation Year 4

	White Non-Hispanic		Black Non-Hispanic		Hispanic Latino Any Race		Other		Total
	Male	Female	Male	Female	Male	Female	Male	Female	
1. Firearm									111
2. Discharge	2	0	0	0	0	0	0	0	2
3. Display Only	61	22	11	0	8	3	2	2	109
4. ECW									11
5. Discharge Only	8	1	1	1	0	0	0	0	11
6. Display Only	0	0	0	0	0	0	0	0	0
7. Baton	1	0	0	0	0	1	0	0	2
8. Chemical/OC	2	0	0	0	0	0	0	0	2
9. Weaponless	55	21	11	2	4	3	0	1	97
10. Canine									2
11. Release Only	0	0	0	0	0	0	0	0	0
12. Release and Bite	1	0	0	0	0	1	0	0	2
13. Total Uses of Force	130	44	23	3	12	8	2	3	225
14. Total Number of Incidents Resulting In Officer Injury or Death	19	1	0	0	1	0	0	0	21
15. Total Use of Force Arrests	105	25	21	3	4	4	2	3	167
16. Total Number of Suspects Receiving Non-Fatal Injuries	32	2	3	1	1	1	0	0	40
17. Total Number of Suspects Receiving Fatal Injuries	1	0	0	0	0	0	0	0	1
18. Total Agency Custodial Arrests	1119	543	288	64	149	52	39	23	2277
19. Total Use of Force Complaints	1	3	0	0	0	0	0	0	4

Reaccreditation Year 4 Notes:

Use of Force continues to be in accordance with department policy.

4.1.1 (LE1)

(M M M M) (LE1) Use of Reasonable Force

A written directive states personnel will only use reasonable force to accomplish lawful objectives.

Commentary

Agencies should ensure training is conducted ranging from immediate action to de-escalation. De-escalation policy should also include a discussion of proportionality, using distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisory and other resources, etc. (M M M M) (LE1)

4.1.2 (LE1)

(M M M M) (LE1) Use of Deadly Force

A written directive states that an officer may use deadly force only when the officer reasonably believes that the action is in defense of any human life in imminent danger of death or serious bodily injury. Definitions of conditional terms, such as those for reasonable belief, serious physical injury, or similarly used terms that are used to qualify the directive, shall be included.

Commentary

The intent of this standard is to establish a policy on the use of deadly force that provides officers with guidance in the use of force in life-and-death situations and to prevent loss of life to include that of the officer. (M M M M) (LE1)

4.1.3 (LE1)

(M M M M) (LE1) Warning Shots

A written directive governs the discharge of "warning" shots.

Commentary

Generally, warning shots should be prohibited due to the potential for harm. If permitted, the circumstances under which they are utilized should be narrowly defined. (M M M M) (LE1)

4.1.4 (LE1)

(M M M M) (LE1) Use of Authorized Less Lethal Weapons

A written directive governs the use of authorized less lethal weapons by agency personnel.

Commentary

None. (M M M M) (LE1)

4.1.5 (LE1)

(M M M M) (LE1) Rendering Aid

A written directive specifies procedures for ensuring appropriate medical aid after use of force incidents and injuries during apprehension.

Commentary

The intent of this standard is to minimize the severity posed by obvious injuries or non-visible trauma commonly associated with police actions. "Appropriate medical aid" should be rendered as quickly as reasonably possible, but does not place the burden on the agency to have each injured person immediately evaluated at a medical facility. "Appropriate medical aid" may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals. (M M M M) (LE1)

4.2.1 (LE1)

(M M M M) (LE1) Reporting Uses of Force

A written report is submitted whenever an employee:

- a. *discharges a firearm, for other than training or recreational purposes;*
- b. *takes an action that results in, or is alleged to have resulted in, injury or death of another person;*
- c. *applies force through the use of lethal or less lethal weapons; or*
- d. *applies weaponless physical force at a level as defined by the agency.*

Commentary

The intent of this standard is to establish use of force or response to resistance reporting systems within the agency for effective review and analysis. The reporting systems should help identify trends, improve training and employee safety, and provide timely information for the agency addressing use of force issues with the public. Early and accurate reporting helps establish agency credibility.

Software programs may be used to generate the necessary reporting elements of this standard or the agency may choose to use a variety of reporting methods to document use of force or response to resistance incidents, based on severity or other established criteria.

This standard could include documenting the pointing of weapons or using weaponless, hand-to-hand control techniques. These techniques include, but are not limited to: physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-alongs, handcuffing, or other custodial procedures. It should be noted that some agencies have had success documenting this type of information, using a standard checklist report format associated with the arrest or incident report.

In deciding the threshold of when to generate a use of force or response to resistance report and how extensive the report needs to be, the agency should carefully examine all incidents wherein its employees have caused, or are alleged to have caused death or injury to another, have accidentally or intentionally discharged a firearm, or have applied weaponless force upon another to the extent it is likely to cause or lead to unforeseen injury, claim of injury, or allegations of excessive force, e.g., the use of neck holds, four point restraints (commonly referred to as the hog-tie restraint), punches, or kicks. The agency should also consider who is required to write reports when multiple employees were engaged in the same use of force incident.

If physically able, the primary employee involved should be required to verbally report his/her involvement within a specified time period. The verbal report should be committed to writing as soon as practical, thereafter. Written procedures should state by whom, when, and how the report will be submitted. The standard is not intended to document actions taken to euthanize animals. Time sensitive standard. (M M M M) (LE1)

4.2.2 (LE1)

(M M M M) (LE1) Written Use of Force Reports and Administrative Review

The agency has a written procedure for the administrative review of each use of force report.

Commentary

The use of force by public safety professionals in the delivery of service is a critical issue for the affected employee(s), suspect and the general public. The incidents bring tremendous scrutiny not only within the legal environment, but also across interest groups, affected families, and others directly or indirectly connected to the issue. Detailed documentation of such incidents allows for proper administrative review and the collection of data that can contribute to the creation of safer strategies for employees and citizens.

Recommended data to be collected includes a summary of the incident; race, gender, and age of subject to which force was applied; date, time, location, and circumstances of requiring force; documentation of injuries (officer and civilian); medical treatment provided; and acknowledgement of supervisory review, including any follow up actions. Personnel responsible for conducting use of force investigations should receive training commensurate with the types and levels of investigations to be conducted, as defined by the agency. If the agency establishes a use of force review committee composed of senior leadership and other appropriate practitioners, as defined by the chief executive officer, it reviews such incidents and makes recommendations on corrective or adverse actions, to include non-disciplinary actions such as training or tactical improvements. Time sensitive standard.
(M M M M) (LE1)

4.2.3 (LE1)

(M M M M) (LE1) Operational Assignment

A written directive requires that any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, be removed from operational assignments, pending an administrative review.

Commentary

The purpose of this standard is twofold: to protect the community's interest when employees may have exceeded the scope of their authority in their actions or in their use of force and to shield employees who have not exceeded the scope of their authority from possible confrontations with the community.

The agency should consider removing from duty status all employees involved in a critical or traumatic incident, not limited to shootings, and may include incidents such as a fatal motor vehicle collision involving the employee. During the period of administrative leave or reassignment, the agency should consider provisions for post-incident debriefing or counseling for those employees involved. In some critical incidents, the employee's family may also require assistance.

The removal process may have a detrimental effect on employees involved. Agencies may wish to routinely include a review of these procedures during in-service training sessions to enhance understanding of this procedure.

Agencies may consider some form of independent review of deadly use of force incidents. (M M M M) (LE1)

4.2.4 (LE1)

(M M M M) (LE1) Analyze Reports from Use of Force

Annually, the agency conducts an analysis of its use of force activities, policies and practices. The analysis should identify:

- a. date and time of incidents;*
- b. types of encounters resulting in use of force;*
- c. trends or patterns related to race, age and gender of subjects involved;*
- d. trends or patterns resulting in injury to any person including employees; and*
- e. impact of findings on policies, practices, equipment, and training.*

Commentary

A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The process of collecting and reviewing the reports is also critical to this analysis. Time sensitive standard. (M M M M) (LE1)

4.3.1 (LE1)

(M M M M) (LE1) Authorization: Weapons and Ammunition

A written directive requires that only weapons and ammunition authorized by the agency be used by agency personnel in the performance of their responsibilities. The directive shall apply to weapons and ammunition carried both on and off duty, and must address:

- a. *the types and specifications of all lethal and less lethal weapons approved for use, including those weapons used by members of tactical teams or other specialized personnel;*
- b. *the types and specifications of ammunition approved for use, including ammunition used in specialized weapons for members of tactical teams or other specialized personnel;*
- c. *the procedure for review, inspection, and approval of all weapons intended for use by each employee in the performance of duty, prior to carrying, by a qualified weapons instructor or armorer;*
- d. *a process to remove unsafe weapons;*
- e. *the procedure for maintaining a record on each weapon approved by the agency for official use; and*
- f. *guidelines for the safe and proper storage of agency authorized firearms.*

Commentary

The intent of this standard is to establish strict agency control over all firearms, weapons, and ammunition it allows members to carry and use in the performance of their official duties, both on and/or off duty. Clear guidelines should be established for exact types and specifications of each category of weapon, including specialized weapons used by members of tactical teams or other specialized personnel. Written directives and the guidance provided through specific job descriptions should clearly describe the authority to carry and use weapons within the rules, regulations and laws established by local, regional, tribal, provincial, state or federal authority.

For firearms, the agency should establish an approval process. Each firearm should be identified, meet the agency's established criteria and be safe and in good working order. The user should demonstrate his or her proficiency in using the firearm on an approved qualifying course before being approved, in writing, by the agency, to carry and use the firearm. A certified firearms instructor or armorer should inspect and approve the firearm and oversee the proficiency testing.

A complete record of all weapons approved by the agency should be maintained. For firearms, the record should list the type, description, identifying model, and serial numbers of each firearm, as well as the identity of the owner or assignee. The record should also include the name of the official making the approval, the date of approval, the course fired, and all scores used to qualify the user on the demonstration of proficiency. (M M M M) (LE1)

4.3.2 (LE1)

(M M M M) (LE1) Demonstrating Proficiency with Weapons

A written directive requires that only agency personnel demonstrating proficiency in the use of agency-authorized weapons be approved to carry such weapons.

Commentary

The intent of this standard is to cover the carrying and use, both on and off duty, of all weapons, such as handguns, shotguns, chemical sprays, or striking weapons. Demonstrated proficiency includes achieving minimum qualifying scores on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force; and being familiar with recognized safe-handling procedures for the use of these weapons. The instruction on and qualification with all weapons should be provided by a certified weapons instructor. (M M M M) (LE1)

4.3.3 (LE1)

(M M M M) (LE1) Annual/Biennial Proficiency Training

At least annually, all agency personnel authorized to carry weapons are required to receive in-service training on the agency's use of force policies and demonstrate proficiency with all approved lethal weapons and electronic controlled weapons that the employee is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially. In addition:

- a. *proficiency training must be monitored by a certified weapons or tactics instructor;*
- b. *training and proficiency must be documented; and*
- c. *the agency must have procedures for remedial training for those employees who are unable to qualify with an authorized weapon prior to resuming official duties.*

Commentary

Annual and biennial in-service use of force refresher training need not be as formal as entry level or recruit training. Use of force In-service training can be accomplished through a combination of methods; for example, during shift briefing training sessions, reviewing legal updates on use of force issues, or conducting written or skills tests on use of force and less than lethal weapons during annual firearms qualifications courses. Proficiency levels should be established by the agency with input from certified weapons instructors or others in the agency that can validate the criteria. Demonstrated proficiency with less lethal weapons may consist of the same criteria used at entry level, or the course may be modified to either abbreviate or extend the training, based on the agency's experience with the weapon in the field.

The intent of bullet (c) is to ensure that remedial measures are provided, and that an employee failing to demonstrate proficiency with a weapon is not returned to duty with that weapon until such time as proficiency is demonstrated and documented.

Unless they are applied properly, neck restraints and other similar compliance techniques that rely on cutting off the flow of oxygen to the brain have the potential to cause serious injury or death. Therefore, any agency that authorizes the use of such techniques should ensure that its personnel are properly trained in the use of these techniques so that the possibility of injury is minimized. In addition to the initial training, the agency should also provide biennial refresher training to ensure that the skills required for proper application are maintained.

Training should be commensurate with the limits and scope of the employees' job responsibilities, e.g., an agency property guard having no arrest authority may be issued a baton and chemical agent, but training proficiency need only cover defensive moves. The curriculum for sworn officers would be more extensive based on the scope of their authority to use force in making arrests. Time sensitive standard. (M M M M) (LE1)

4.3.4 (LE1)

(M M M M) (LE1) Prerequisites to carrying lethal / less lethal weapons

A written directive requires all agency personnel authorized to carry lethal and less lethal weapons receive all use of force policies and related instruction before authorization to carry a weapon. Policy receipt and curriculum delivery must be documented.

Commentary

All personnel authorized to carry weapons intended for use of force application must receive training on their use from the perspectives of practical application and organizational policy. Instruction should include confirmation of employee understanding of legal implications and requirements, weapon specific operating and care procedures, documentation and reporting procedures, obligations following the use of force, and any other subject matter required within this section of the CALEA Standards for Law Enforcement Agencies. (M M M M) (LE1)

SPD Hiring Process

Chief Brad L. Nelson

The background process for Police Officer is a multi-phase process, which begins with the prospective officer submitting an application to the City of Salina. Once the application is received by the Police Department, initial checks are conducted on the applicant to ensure they are viable candidates and qualified to proceed in the hiring process.

If no issues are located at the application stage, the applicant is invited to take the Police Officer Selection Test (POST), which is administered at the Salina Police Department. This test is used by Police Chief Associations in 25 states. It tests basic skills in four sections: Arithmetic, Reading, Comprehension, Grammar, and Incident Report Writing. No previous knowledge of law enforcement terminology or experience in the field is required to pass the test.

If the applicant passes the test, with a score of 80% or better, they are required to fill out an initial questionnaire pertaining to arrests, convictions, and drug use. The answers to these questions are checked throughout the background investigation process. If the answers are found to have been falsified, the applicant is eliminated from the process.

The applicant is then given a 1st Contact Interview, where they are questioned further regarding their answers on the initial questionnaire, and posed with new questions from the 1st Contact Interview questionnaire. The person conducting the 1st Contact Interview can ask additional questions they feel need to be addressed. After the 1st Contact Interview, the applicant can be cut from the process, or allowed to move on.

If the applicant is allowed to move forward in the hiring process, they are required to fill out a 17- page Personal History Statement consisting of 226 questions. Once completed, a Staff Interview is scheduled. The interview is on a pass/fail basis. The interview board can be comprised of officers, detectives and/or supervisors.

The background investigation consists of various records checks, a credit check, a review of an applicant's social media accounts, and questionnaires being sent to law enforcement agencies whose jurisdictions the applicant has lived. Questionnaires are also sent to references, former employers, schools, and various other persons the applicant had contact with. The questionnaires ask specific questions relative to the applicant's honesty, reliability, use of drugs/alcohol and any prejudice based on race, gender sexual orientation or AID/HIV.

Follow-up interviews and other investigative techniques are used to get a full picture of the applicant's qualities, weaknesses, and other attributes that need to be considered. This

background investigation is completed by a retired 28 year veteran of the Salina Police Department.

If the applicant passes the initial stages of the background process and the background investigator has found no issues to eliminate them, the applicant is then required to take the Computer Voice Stress Analysis (CVSA) test. This test is two-fold, requiring the applicant to fill out a lengthy questionnaire and take the actual computerized test. At times, the applicant is re-interviewed if there are questions regarding past behavior that was revealed during the CVSA process.

If the applicant passes the background processes, they are scheduled for an interview with me. If the applicant is approved by me they are given a Conditional Offer for employment.

They are then required to take a written Psychological test which takes anywhere from 4-6 hours. The tests are sent to Forensic Psychology Associates in Kansas City, Missouri and are evaluated. The testing battery evaluates the following dimensions of an applicant's personality:

- Social Competence
- Assertiveness/Persuasiveness
- Teamwork
- Adaptability/Flexibility
- Impulse Control
- Risk Taking Behavior/Avoidance of Substance Abuse
- Decision-Making/Judgment
- Conscientiousness/Dependability
- Emotional Regulation/Stress Tolerance.

Within each of these dimensions are listed individual personality traits, which are evaluated by Forensic Psychology Associates. Significant scores are noted in the final report provided by the evaluator. After the written battery of tests are completed and scored, the applicant is then interviewed by a Forensic Psychological Associates staff member. After psychological testing, the applicant must pass a physical exam and drug screening before they are hired.

The application process is very thorough as I have to certify that each applicant seeking law enforcement certification has met the minimum requirements listed in Kansas Statute Annotated 74-5605, attached.

As previously stated, the above is an overview of the hiring/background process. The entire process takes approximately a month to complete.

SPD Training

Chief Brad L. Nelson

All Kansas law enforcement training and certification falls under the auspice of the Kansas Commission on Peace Officers' Standards and Training (KS-CPOST). KS-CPOST approves the basic core training curriculum for all Kansas law enforcement officers and grants certification to all Kansas full and part-time officers who meet the prerequisites for certification.

Further information regarding KS-CPOST can be found on their web site:

<https://www.kscpost.org/kscpost.php>

Upon being hired, all Salina police officers attend the Kansas Law Enforcement Training Center (KLETC) near Hutchison. Each officer attends the 560-hour (14-weeks) basic law enforcement training curriculum, approved by the Kansas Commission on Peace Officers' Standards and Training. The Basis Law Enforcement Course Curriculum is attached.

Further information regarding the KLETC can be found at the following web site:

<https://kletc.org/basic-training>

560-hours is the minimum number of hours required for full-time law enforcement basic training in Kansas. Completion of the basic law enforcement training program is just the beginning of ones training as a police officer. Training is on-going throughout ones career.

Once successfully graduating from KLETC, the recruits return to the SPD and receive two-weeks of orientation training and then an additional 15-weeks of Field Training with an experienced officer on multiple shifts. Field training Phases:

- Phase One – Four Weeks with a patrol officer
- Phase Two – Four Weeks with a patrol officer
- Phase Three – Four Weeks with a patrol officer
- Traffic Phase – One Week with a traffic officer
- Phase Four – Two Weeks (Back with Phase One Field Training Officer who assesses officer's progress)

During field training the recruit officer is evaluated on a daily basis by their field training officer. The recruit officer must pass the field training program before they are allowed to work as a solo officer. Those that do not pass the field training program are recommended for termination.

In addition, all Kansas officers must receive 40 hours of law enforcement education or training *annually* in subjects relating directly to law enforcement. Failure to complete such training shall be grounds for suspension from work without pay until such training is completed. Of this 40-

hours of mandatory training annually, there are many courses that are required. These trainings include: Active Shooter, Biased Policing, Blood borne Pathogens, Domestic Violence, Hazardous Materials, Kansas Legislative Update/Legal Review, Mental Health Refresher, Pursuit Driving, and Firearms Qualification.

Salina Police Department policy also requires that on at least an annual basis, each officer shall receive in-service training on the Department's use of force directives, and shall be required to demonstrate proficiency with any approved (lethal or non-lethal) weapon that the officer is authorized to use.

In addition to the in-house training, we have had a training budget of \$75,000 for the past several years. This is primarily for conferences and specialized training for all our officers. Some examples of this training include:

- Crisis Negotiator School
- Basic Crisis Intervention Training
- Law Enforcement Leadership Academy Supervisor School
- Kansas Basic Narcotics Class
- SWAT Supervision and Management
- Law Enforcement Leadership Academy – Foundation/Intro to Supervision
- FBI Supervisor Leadership Training
- K-9 Handler training
- Motor Officer training
- Radar Certification
- Drug Recognition Expert Certification
- Accident Reconstruction Certification
- Ethics Train the Trainer
- Inside the Tape – Homicide and Crime Scene Management

Examples of conferences we attend:

- International Association of Chiefs of Police Conference
- Kansas Association of Chiefs of Police Conference
- Kansas Narcotic Officers Association
- K-9 Conference
- Tyler Technology Conference
- SWAT Conference
- Leadership and Technology Conference

The following is new training that I initiated since I have been the Chief.

- Introduced Crisis Intervention Training – 2014
- Increased SWAT training from 8-hours per month to 16. (Best Practice) - 2015

- Established Peer Support and Critical Incident Debriefs – 2017

Law enforcement requires a myriad of annual training and the SPD has a robust in-house training program and an adequate training budget for outside training.



BASIC LAW ENFORCEMENT COURSE CURRICULUM

Class Titles (Codes)	Hours
-----------------------------	--------------

INTRODUCTORY CLASSES

Ethics and Discretion in Law Enforcement (01.02)	7
Community Oriented Policing (01.03)	4
Kansas Criminal Justice System, Authority and Jurisdiction (01.04)	3
<hr/>	
Introductory Class Hours	14

LAW

Constitutional Law (02.01)	2
Kansas Criminal Law and Code (02.02, 02.02.1, 02.02.2)	13
Criminal Procedure and Laws of Arrest (02.03)	2
Search and Seizure; Fourth Amendment and the Exclusionary Rule; Warrants (02.04; 02.04.1; 02.04.2)	13
Admissions and Confessions (02.05)	5
Civil Process (02.06)	2
Kansas Civil and Criminal Liability of Law Enforcement (02.07)	4
Alcohol Beverage Control Laws (02.08)	2
<hr/>	
Law Hours	43

COMMUNICATIONS

Interpersonal Communications and Human Behavior (03.01)	12
Fair and Impartial Policing (03.04)	6
<hr/>	
Communications Hours	18

REPORT WRITING

Report Writing for Law Enforcement (04.01)	10
Field Notes for Law Enforcement (04.02)	2
Kansas Incident Based Reporting System (KIBRS) (04.03)	8
<hr/>	
Report Writing Hours	20

PATROL PROCEDURES

Role of Patrol in Policing the Community (05.01)	2
Patrol Activities (05.02)	2
Law Enforcement Radio Procedures (05.03)	1
Pedestrian Stops (05.04)	2
Vehicle Stops (05.05)	12
Roadblocks and Barricades (05.06)	2
Building Searches (05.08)	2
Crowd Control and Civil Disorder (05.09)	2
Crime Prevention (05.10)	1
Gang Awareness and Domestic Terrorism (05.11)	4
Officer Survival (05.12)	8
Officer Survival – Practical Exercise (05.13)	11
High Risk Vehicle Stops – Practical Exercise (05.14)	8
Low Risk Vehicle Stops – Practical Exercise (05.15)	4
Building Searches – Practical Exercise (05.16)	4
National Crime Information Center (NCIC) (05.17)	2
<hr/>	
Patrol Procedures Hours	67

PRINCIPLES OF CRIMINAL INVESTIGATIONS

Law Enforcement Officers as First Responders (06.01)	3
Securing the Crime Scene (06.02)	1
Interview and Interrogation Techniques (06.03)	12
Identifying, Collecting and Processing Evidence (06.04)	4
Laboratory Services (06.05)	2
Fingerprinting (06.06)	4
Identification of Suspects (06.07)	1
Theft Investigation (06.08.01)	1
Auto Theft Investigation (06.08.2)	1
Financial Crimes (06.08.3)	3
Burglary Investigation (06.08.4)	1
Injury and Death Investigations – Assault, Battery and Homicide (06.09)	5
Robbery Investigation (06.10)	2
Sexual Offenses (06.11)	6
Child Abuse and Neglect (06.12)	5
Narcotics and Controlled Substances (06.13)	8
Informants and Intelligence (06.14)	2
Surveillance Strategies and Techniques (06.15)	1
Criminal Investigations – Practical Exercise (06.16)	24
<hr/>	
Principles of Criminal Investigations Hours	86

MOTOR VEHICLE LAW ENFORCEMENT

Introduction to Kansas Vehicle Code (07.01)	1
Kansas Traffic Code Definitions (07.02)	1
Title, Registration and Vehicle Identification (07.03)	1
Kansas Drivers Licensing (07.04)	1
Kansas Vehicle Insurance Requirements (07.05)	1
Rules of the Road (07.06)	5
Serious Offenses and Fatalities (07.07)	2
Occupant Safety and Restraint (07.08)	2
Traffic Enforcement Strategies (07.09)	1
Standardized Field Sobriety Testing (SFST) (07.10)	24
Intoxilyzer Training (07.11)	8
<hr/>	
Motor Vehicle Law Enforcement Hours	47

MOTOR VEHICLE COLLISION INVESTIGATION

Collision Investigation (08.01)	20
Traffic Direction and Control (08.02)	1
Hazardous Material Awareness – First Responder Training (08.04)	2

Motor Vehicle Collision Investigation Hours 23

CRISIS MANAGEMENT

Behavior Management and Crisis Intervention (09.01)	2
Interaction with Special Populations (09.02)	6
Crisis Management Strategies (09.03)	3
Juvenile Law and Justice (09.04)	3
Juvenile Intervention and Prevention Strategies (09.05)	3
Domestic Violence Intervention (09.06)	9
Domestic Violence Intervention – Practical Exercise (09.07)	8

Crisis Management Hours 34

USE OF FORCE

Use of Force – Legal (10.01)	4
Use of Force – Continuum (10.02)	4
Use of Force – Practical Exercise (10.03)	1

Use of Force Hours 9

ARREST PROCEDURES

Mechanics of Arrest, Restraint and Control (11.01)	4
Handcuffing and Control Techniques (11.02)	4
Introduction to Transporting Prisoners (11.03)	1
Prisoner Booking, Lock-up and Identification (11.04)	2
Juvenile Custody – Special Needs (11.05)	1
Transporting Prisoners – Practical Exercise (11.06)	3

Arrest Procedures Hours 15

DEFENSIVE TACTICS

Law Enforcement Baton (12.01)	4
Law Enforcement Use of Chemical Agents (12.02)	4
Tactical Self-Defense and Control (12.03)	32

Defensive Tactics Hours 40

LAW ENFORCEMENT HEALTH

Physical Fitness Training and Health Awareness (13.01)	16
Emotional Health and Stress Management (13.03)	4

Law Enforcement Health Hours 20

COURTROOM TESTIMONY

Fundamentals of Courtroom Testimony (14.01)	2
Rules of Evidence (14.02)	4
Courtroom Testimony – Practical Exercise (14.03)	8

Courtroom Testimony Hours 14

FIREARMS

Introduction to Firearms (15.01)	2
Fundamentals of Marksmanship (15.02)	4
Basic Auto-Pistol Fundamentals (15.03)	4
Mechanics of the Draw (15.04)	1
Introduction to Reduced Light Shooting (15.05)	1
Introduction to Shotgun (15.06)	4
Shotgun – Practical Exercise (15.07)	4
Handgun – Practical Exercise (15.08)	32
Reduced Light Shooting – Practical Exercise (15.09)	1

Firearms Hours 53

LAW ENFORCEMENT DRIVER TRAINING

Legal Aspects of Emergency Vehicle Operations (16.01)	2
Fundamentals of Emergency Vehicle Operations (16.02)	3
Vehicle Dynamics (16.03)	2
Emergency Response and Pursuit Driving (16.04)	4
Emergency Vehicle Operation – Practical Exercise (16.05)	26
<hr/>	
Law Enforcement Driver Training Hours	37

ORIENTATION AND TESTING

Orientation (17.01)	6
Testing (17.02)	13
Graduation (17.03)	1
<hr/>	
Orientation and Testing Hours	20

Total Training Hours 560

Approved this 31st day of August, 2015 in a public meeting of the Kansas Commission on Peace Officers' Standards and Training.



Ed H. Pavey
Director of Police Training



John R. Whitmer
KSCPOST Chairperson

1.2.9 (LE1)

(M M M M) (LE1) Bias Policing

The agency has a written directive governing biased policing and, at a minimum, includes the following provisions:

- a. *a prohibition against biased based policing;*
- b. *initial training and annual training for affected personnel in biased issues including legal aspects; and*
- c. *a documented annual administrative review of agency practices including citizen concerns and any corrective measures taken.*

Commentary

Biased policing is the application of police authority based on a common trait of a group. This includes but is not limited to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.

Law enforcement agencies should not condone biased policing in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, biased policing alienates the public, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and judicial intervention.

Law enforcement personnel should focus on a person's conduct and not consider common traits unless that trait has been associated with a specific suspect of a crime or the suspects associated with a pattern of incidents in a particular area.

Law enforcement agencies should implement ongoing, top down training for all officers in cultural diversity and related topics that can build trust and legitimacy in diverse communities. This should be accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally had adversarial relationships with law enforcement. The agency should ensure all police actions provide training that addresses how bias can affect police activities and decision making, such as field contacts, traffic stops, searches, asset seizure and forfeiture, interviews and interrogations. Training should emphasize the corrosive effects of biased policing on individuals, the community and the agency.

It is best practice for the agency to collect and track data relating to all citizen contacts as defined by the data tables (biased policing, traffic warnings and citations). Time sensitive standard. (M M M M) (LE1)

SALINA POLICE DEPARTMENT		Number
GENERAL ORDER		O2106
SUBJECT: BIAS POLICING / FAIR AND IMPARTIAL POLICING		
EFFECTIVE: 10/29/18 ISSUED: 10/29/18 REVIEW: Annual		
CANCELS:		
AMENDS: O2106 issued 10/20/17		Distribution
CALEA References: 1.2.9.		A

POLICY

It is the policy of the Department to patrol in a proactive manner, to investigate suspicious persons and circumstances, and to enforce motor vehicle laws, while ensuring that citizens shall only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing or are about to commit a violation of the law.

Law enforcement activities which are bias-based or racially-based are not condoned, are unacceptable, and will not be tolerated by the Department. Bias policing or racial profiling is unethical, illegal, and serves to foster distrust of law enforcement by the community we serve. This policy will serve as a guideline for police personnel to prevent such occurrences.

DEFINITION

- D1 **Bias Policing/Racial Profiling** - The practice of a law enforcement officer or agency relying, as the sole factor, on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity. Bias policing and/or racial profiling does not include reliance on such criteria in combination with other identifying factors when the law enforcement officer or agency is seeking to apprehend a specific suspect whose race, ethnicity, national origin, gender or religious dress is part of the description of the suspect.

- D2 **Reasonable Suspicion** - Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulated facts and circumstances that would warrant a person of reasonable caution to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of an officer combined with his training and experience, and/or reliable information received from credible outside sources.

- D3 **Probable Cause** - Evidence, facts, and circumstances of a reasonably trustworthy nature which would warrant a police officer to believe that a person has committed a criminal offense.

- D4 **Investigative Detention** - An interaction between a police officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

- D5 **Traffic Stop** - Is the stopping of a motor vehicle by a police officer for an alleged violation of the law or ordinance regulating traffic.

- D6 **Criminal Profiling** - Method of identifying the perpetrator of a crime based on an analysis of the nature of the offense and the manner in which it was committed. Various aspects of the criminal's personality makeup are determined from his choice of actions before, during and after the crime. This information is combined with the other pertinent details and physical evidence, and then compared with the characteristics of known

personality types and mental abnormalities to develop a practical working description of the offender.

D7 **Enforcement Activities** - Activities both on and off duty, undertaken by Department personnel that arise from their authority related to their employment, oath of office, state statute, federal law, or city ordinance. Activities include traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture, and general law enforcement contact with citizens.

D8 **Routine Investigatory Activities** - Includes, but is not limited to, the following activities conducted by law enforcement officers and agencies in conjunction with traffic stops: (1) frisks and other types of body searches, and (2) consensual or nonconsensual searches of persons or possessions, including vehicles, dormitory rooms, school lockers, homes and apartments.

PROCEDURES

1. Officers shall make traffic stops, field contacts, searches, asset seizure and forfeiture efforts, and any other law enforcement actions, based only on reasonable and articulated suspicion and probable cause.

1.1. Traffic and field contacts, consensual contacts, and all enforcement activities shall be conducted as described in General Orders O2603 and O2515.

1.2. When enforcement action is taken, the appropriate documentation will be completed as required by the specific type of enforcement action, in accordance with the appropriate written directives.

1.3. No motorist or individual, once cited or warned, will be detained if no further reasonable suspicion of criminal activity exists.

2. **Investigations**

2.1. Criminal profiling in and of itself can be a useful tool to assist law enforcement officers in carrying out their duties to include the investigation of criminal activity and subsequent arrest as well as asset seizure and forfeiture efforts. Bias policing or racial profiling, however, is the selection of individuals based on a common trait of a group as defined in this policy.

2.2. This Department does not condone, and will not allow, the use of bias policing or racial profiling in its enforcement programs, to include investigations both incidental and ongoing, as well as subsequent arrest and asset forfeiture.

2.3. Officers will focus on a person's conduct or other specific information supported by articulated facts that indicate whether a person has or is about to commit a crime, or is presenting a threat to the safety of himself or others.

2.4. All investigations and enforcement activities will be carried out in accordance with established written directives.

3. **Training**

3.1. All affected personnel will receive initial training on Bias Policing/Fair and Impartial Policing. Additionally, Fair and Impartial Policing refresher training relating to bias policing and racial profiling will be conducted for all affected personnel on an annual basis. The training shall include, but not be limited to, an understanding of the historical and cultural systems that perpetuate bias policing or racial profiling, assistance in identifying racial profiling and bias policing practices and the legal aspects, and also provide officers with self-evaluation strategies to preempt bias policing or racial profiling prior to stopping a citizen.

4. Complaints of Bias Policing/Racial Profiling

- 4.1. This Department will thoroughly investigate any complaint filed by any person arrested, allegedly stopped, detained, searched, or who had property seized, based on bias policing or racial profiling. The complainant also has the right to contact the Kansas Human Rights Commission concerning complaints of bias policing or racial profiling.
- 4.2. No person, including another employee of this Department, will be discouraged, intimidated, or coerced from filing such a complaint, and no complainant will be discriminated against.
- 4.3. Any Department member contacted by a person who wishes to file such a complaint will immediately contact his supervisor, who will respond to the scene. The supervisor shall advise the complainant of the complaint process procedures, document the complaint, and immediately notify Internal Affairs of such complaint for a thorough and complete investigation.
- 4.4. Internal Affairs shall immediately notify the Chief of Police of any bias policing or racial profiling complaint. Upon completion of the case investigation, a report detailing the findings will be submitted to the Chief of Police. All complaints will be handled according to General Order M1107.
- 4.5. Appropriate and immediate administrative action will be taken against an officer found to have engaged in bias policing or racial profiling.
- 4.6. All departmental corrective measures will be considered including, but not limited to:
 - 4.6.1. Remedial training
 - 4.6.2. Counseling
 - 4.6.3. Written reprimands
 - 4.6.4. Any other form of discipline, up to and including termination.

5. Supervisor Responsibilities

- 5.1 Supervisors will handle any bias policing or racial profiling complaints according to General Order M1107.
- 5.2. It will be the responsibility of the first line supervisors to monitor the activities of their personnel, to identify any potential bias policing or racial profiling activity, and to report any violations or concerns to the Chief of Police through the appropriate chain of command.

6. Annual Administrative Review to be Completed

- 6.1 An annual administrative review and report will be completed by the Internal Affairs Commander and forwarded to Chief of Police.
- 6.2. The Department shall also compile an annual report of all complaints of bias policing and racial profiling received, and shall submit the report on or before January 31 to the office of the Kansas Attorney General for review. The annual report shall include:
 - 6.2.1. The date the complaint is filed.
 - 6.2.2. Action taken in response to the complaint.
 - 6.2.3. The decision upon disposition of the complaint.
 - 6.2.4. The date the complaint is closed.

BY ORDER OF

CHIEF OF POLICE