



Andover Police Department

Public Service Excellence thru Compassion, Integrity & Commitment

Memorandum

To: Mayor, City Council Members
Jennifer McCausland, City Administrator

From: Michael A. Keller, Chief of Police

CC: Captain Buck Buchanan, Operations Commander, Captain Joseph Schroeder,
Special Services Commander, Jessica Smith, Accreditation Manager

Date: 07/24/2020

Re: Annual Administrative Review of Racial & Other Bias Based Policing Practices

Per General Order O2106, the Chief of Police is required to conduct an administrative review of department practices and the comprehensive plan regarding racial and other biased-based policing efforts to include citizen concerns/complaints. This memorandum documents such review.

ANNUAL RACIAL OR OTHER BIAS-BASED POLICING REPORT:

On Wednesday, July 1, 2020 the Police Department's annual Racial or Other Bias-Based Policing Annual report was submitted to the Kansas Attorney General's office per Kansas State law K.S.A. 22-4610. The report documented that the Andover Police Department received no Racial or Other bias-based complaints during the previous reporting period, July 1, 2019 through June 30, 2020. The last racial or bias-based complaint received by the Andover Police Department was initiated on June 6, 2016 regarding an Asian male that indicated that he was discriminated against when he was issued a citation for not wearing his seatbelt. The investigation revealed that the complainant was one of 34 individuals issued a citation during a 3-hour long seatbelt enforcement initiative involving 5 officers. Of the 34 citations issued, 32 citations were issued to Caucasian males, one issued to a black female, and the last one issued to the Asian male. The complaint was determined to be "unfounded." The only other racial or bias-based complaint received by the Andover Police Department was in April of 2009, which involved a double arrest in a Domestic Violence incident involving a mixed race relationship and was also "unfounded."

Additionally, the Attorney General report documented that the department has a policy in place prohibiting racial or other biased-based policing, the agency mandates specific discipline for sustained complaints of racial or other biased-based policing, that the department has a racial or other biased-based policing comprehensive plan and that all of the law enforcement officers serving the department who were not exempted from annual training by the Kansas Commission on Police Officer Standards and training completed training required in K.S.A. 22-4610. Finally, the report indicated that the department does not have a racial or other bias-based policing community advisory board, nor does the department collect extra pedestrian or traffic stop data pursuant to the racial and other biased-based policing statute, as determined and voted on by the City Council in 2012.

STATE STATUTE AND GENERAL ORDER REVIEW:

In reviewing the State Statute, K.S.A. 22-4610, the Andover Police Department is in full compliance with the statute regarding Racial and Other Bias-Based Policing, having a policy in place, all officers received training in the previous 12-months, the Department participates in a community outreach effort having the information available to the public, and the Department has a Racial and Other Biased-Based Policing comprehensive plan in place.

The Department's General Order O2106, being a "critical" policy is reviewed a minimum of twice a year. During the past twelve months, the policy was reviewed on September 18, 2019 and again on March 25th, 2020. During both of these reviews, the policy appeared to be up-to-date and in full compliance with Kansas State Statute 22-4610. However, on April 16th the General Order was revised to comply with CALEA standards and include a requirement for officers to receive Bias Based Policing training while attending the Basic Police Academy, and a requirement for "Corrective Measures Taken" to be included in the "Citizen's Concerns and Complaints" portion of this report. Through additional review of the department's practices, the department continues to be in full-compliance with the General Order's requirements to conduct ongoing community outreach and communication efforts, to include, but not limited to, the posting of citizen's rights in filing complaint information, including complaints on racial or other biased based policing, in the lobbies of the police department and City Hall, on the department's web site, and on Andover's local Cable Channel.

TRAINING:

As previously indicated, 100% of all sworn members of the Andover Police Department have received Racial and Other Bias-Based Policing Training as required by K.S.A. 4210. During the training year 2012-2013 the department conducted in-house training, the third and final section of a 3-part training course which was included in the March Mandatory In-Service training. This in-house training was conducted by Officer Heath Kintzel, who was trained and certified by the Tools for Tolerance Museum in Los Angeles, California.

During the 2013-2014 training year, all members of the department, including sworn and civilian staff, completed the 2-hour on-line "Biased Based Policing Course #1" training through the Kansas Law Enforcement Training Center (KLETC), meeting the state requirements for K.S.A. 4210.

During the 2014-2015 training year, all members of the department, including sworn and civilian staff, completed the 2-hour on-line "Biased Based Policing Course #2" training through the Kansas Law Enforcement Training Center (KLETC).

During the 2015-2016 training year the police department hosted five internal training sessions titled "Fair & Impartial Policing" which was attended by all department staff members and presented by MPO II Heath Kintzel. This training was as part of the mandatory annual training on Bias Based Policing required by State law for all sworn officers.

During the 2016-2017 training year, in August and September of 2016, all members of the Andover Police Department completed the 2-hour on-line "Biased Based Policing Course #3" through the Kansas Law Enforcement Training center (KLETC), meeting the state requirements for K.S.A. 4210.

For the 2017-2018 training year, on November 7th and November 9th, 2017 in order to meet state training requirements, the Police Department hosted two 1-hour in length training sessions titled "Racial Profiling" instructed by MPO III Heath Kintzel. Then again on June 5th

and June 7th, 2018, the department hosted a second 1-hour in length training session titled "Racial Profiling, also instructed by MPO III Heath Kintzel.

During the 2018-2019 training year, in March of 2019 the department brought in Loretta Summers, an outside Diversity Instructor to instruct all department staff on a 2-hour block titled "Breaking Down Barriers: Unconscious Bias." Additionally, in June of 2019, utilizing the department's two in-house certified instructors, the department presented a 2-hour "Blue Courage Review" training to all department staff. The "Blue Courage" training was a refresher training and is one of the 59 recommendations for law enforcement included in President Obama's Task Force on 21st Century Policing 2015 final report.

For the 2019-2020 training year, all sworn staff members were scheduled and attended a 3-hour "Bias-Free Policing" training hosted by the Kansas Law Enforcement Training Center (KLETC) on various dates and locations throughout the State.

Additionally, in 2017 Chief Michael Keller attended the "2017 Advance Kansas," Class #9, in 2018 MPO III Heath Kintzel attended the "2018 Advance Kansas," Class #10, and in 2019 Captain Buck Buchanan attended the "2019 Advance Kansas," Class #11. "Advance Kansas" hosted by Butler Community College is a community initiative bringing together people who are already leaders from across the community to create and strengthen relationships and acquire skills for addressing diversity challenges and opportunities in organizations and in the community. Class members meet over the course of four months, including a ½ day orientation and 4 full-day sessions, to form relationships and develop skills to become better leaders in increasingly diverse organizations and communities)

RECRUITMENT:

Per General Order O2106, "Racial and Other Biased Based Policing" (issued on 11/08/2011 and effective on 11/16/2011, a critical policy reviewed twice a year and last revised on 4/2/2015), the Department "will develop and maintain a recruitment General Order to promote recruitment and hiring of a diverse workforce to ensure the workforce is comprised of people who can police in a race-neutral and non-biased fashion." General Order M1205 "Recruitment & Equal Employment Opportunity" was issued on 5/8/2012 and effective on 5/16/2012, and last revised on 11/15/2019, which calls for an annual recruitment plan to be developed in January of each year that includes "goals and objectives for the department to identify and employ the best candidate(s) available."

General Order M1205 requires that in January of each year the Special Services Commander will develop a recruitment plan for the current calendar year that will take into consideration and include recommendations made in the previous year's Recruitment Analysis' report and include goals and objectives for the department to identify and employ the best candidate(s) available and at the same time attempt to achieve a sworn workforce, in reference to the ethnic and gender composition, which is representative of the available workforce in Andover. The recruitment plan will also provide an Action Plan that will include Recruitment Flyer placement; identify advertisement outlets including dates of advertising and expenses; identify job and career fair participation; written testing dates; and physical agility testing dates. The order will also require that in December of each year, the Special Services Commander will conduct a Recruitment Analysis Report regarding the department's recruitment efforts for the previous 12-months, which will be used in the development of the next year's Recruitment Plan.

Since the date that M1205 became effective, the department has developed nine recruitment plans and participated in thirteen recruitment/selection processes, July of 2012, February 2013, August of 2013, May of 2014, January of 2015, February of 2016, July of 2017,

September of 2017, May of 2018, October of 2018, July of 2019, January of 2020 and July of 2020. In all thirteen processes, in order to identify and employ the best candidates available and to achieve a sworn workforce, in reference to the ethnic and gender composition, which is representative of the available workforce in Andover, the department recruited/advertised at numerous job fairs, colleges, military organizations, as well as, the Wichita Area Technical College that targets women and minorities, "The Community Voice", an African-American newspaper and "The Urban League of Kansas" both targeting the African-American community, and the "Spanish Media Group," a local media outlet that targets the Hispanic community. Additionally, in late 2019 and early 2020, the department began advertising/recruiting through the use of electronic billboards on major highways in the Andover area.

The July 2012 recruitment process resulted in the hiring of one Caucasian male and one Other (American Indian) male. This recruitment effort in identifying female and minority candidates was somewhat restricted, due to one of the positions being a federally funded grant position with a requirement that the individual hired be a military veteran.

The February 2013 recruitment efforts and process resulted in the hiring of a Caucasian female in May of 2013 that was identified thru participation in a Wichita State University Job Fair. However, the department's gender composition remained consistent at 9% (2 females) due to the retirement of a Caucasian female, Captain Randy Coffman, in February of 2013.

The August 2013 recruitment efforts and process resulted in the hiring of an Asian male and a Caucasian male.

The May 2014 recruitment efforts and process resulted in the hiring of a Caucasian female, a Black male and a Caucasian male.

The January 2015 recruitment efforts and process resulted in the hiring of two Caucasian females, two Caucasian males and one Hispanic male. Unfortunately, during this same time period, the department lost a Hispanic officer, due to the officer taking a law enforcement position with another department in order to be closer to home and family.

The January 2016 recruitment efforts and process resulted in the hiring of two Caucasian males, one being a new position added to the police department's authorized strength, and the second one replacing a Caucasian male officer that had resigned earlier in the year.

The July of 2017 recruitment efforts and process resulted in the hiring of one Caucasian female, replacing a Caucasian male officer that had resigned earlier in the year.

The September of 2017 recruitment efforts and process resulted in the hiring of one Black male, replacing a Caucasian male officer that had resigned earlier in the year.

The May of 2018 recruitment efforts and process resulted in the hiring of one Caucasian male, replacing a Caucasian female who accepted the Accreditation Manager position, a non-sworn position on the department.

The October of 2018 recruitment efforts and process resulted in the hiring of one Black Female, replacing a Hispanic male who resigned to pursue another career. Unfortunately, this officer was unable to successfully complete the Field Training Program and resigned in June of 2019 in lieu of being terminated.

The July of 2019 recruitment efforts and process resulted in the hiring of one Caucasian male, replacing a Caucasian female who was pregnant and resigned from the department to pursue a new career after the birth of her child.

The January of 2020 recruitment efforts and process resulted in the hiring of one Caucasian male, replacing a Caucasian female who resigned to spend more time with her family, and a Hispanic male, replacing a Black female who failed to successfully complete the Field Training program.

The July of 2020 recruitment efforts and process resulted in the hiring of two Caucasian females, replacing two Caucasian males who both resigned to pursue new careers.

The department's current sworn staff authorization is 26 officers, with 26 officer currently employed. The race composition is at 80.8% Caucasian, 3.8% Hispanic, 3.8% Asian, 7.7% African American and 3.8% Other. The department's current gender composition is at 84.6% Males and 15.4% Females.

SELF AUDIT:

As part of the annual review of the department's Racial or Other Bias-Based Policing Comprehensive Plan, the department developed and administers a "Self-Audit" questionnaire regarding Biased Enforcement practices witnessed within the department. The questionnaire is anonymous and handed out to all members of the department. The 2020 Self-Audit was administered in mid-July, a few months following the officers attending a 3-hour "Bias-Free Policing" training hosted by the Kansas Law Enforcement Training Center (KLETC) on various dates and locations throughout the State. In 2020 the department had an authorized staff of 34.5 employees, including 26 sworn members and 8.5 civilian positions. Of the 34.5 positions authorized, as of August 1st, 2020, the department had no open sworn positions and one ½-time civilian position vacant. Of the current 26 sworn staff members and 8 civilian positions, one officer was attending the Basic Law Enforcement academy and one officer was in their orientation phase, leaving a total of 24 sworn and 8 civilians to take the survey, total 32. 7 of the 32 responses came from employees with less than 5 years on the department, 13 responses from employees with 5 to 10 years on the department, 8 responses came from employees with 10 to 15 years on the department, 2 response came from an employee with 15 to 20 years on the department and 1 response came from employees with over 20 years on the department.

The "Self-Audit" includes a series of six questions regarding the department's support, policies, training and practices. The results were as follows:

1. Does the Andover Police Department unofficially condone or tolerate racial profiling or other discriminatory policing practices? Response was 0 yes, 32 no and 0 don't know.
2. Regarding biased-based policing, do you believe that the Andover Police Department has adequate policies in place? Response was 31 yes, 0 no, 1 don't know.
3. Regarding biased-based policing, do you believe that the Andover Police Department adequately provides the necessary training? Response was 30 yes, 1 no, 1 don't know.
4. Do you believe that bias based policing is presently practiced by an officer(s) in the Andover Police Department? Response was 2 yes, 30 no, 0 don't know.
5. In the previous 12-months, have you personally witnessed bias based policing by other officers in the Andover Police Department? Response was 0 yes, 30 no, 1 don't know.
6. To what extent, if any, do you believe bias-based policing is a problem on the Andover Police Department? Response was 1 somewhat a problem, 0 a serious problem, 31 not a problem.

In review of the results of the "Self-Audit" questionnaire, it appears that the Andover Police Department does not unofficially support racial profiling or other discriminatory policing practices, has adequate policies in place, provides adequate training and bias-based policing

is “not a problem” on the Andover Police Department. The responses to question #1 is once again consistent with the previous 8-years of self-audits, with 32 of the 32 respondents stating that the department does not “unofficially condone or tolerate” racial profiling or other bias-based policing. The responses to question #2 regarding the department having adequate policies in place, thirty-one (31) of thirty-two respondents indicated that adequate policies are in place. Regarding question #3, the department providing necessary training, thirty (30) of thirty-two (32) respondents indicated adequate training was provided, with one (1) respondent indicating that the department did not provide adequate training and one (1) respondent indicated that they did not know if the department provided adequate training.

Thirty (30) of thirty-two (32) respondents in question #4 indicated that bias-based policing is not presently practiced on the Andover Police Department, with two (2) individuals responded with a “yes” that they believe that bias based policing is presently practiced by officers and zero (0) respondents indicated that they “don’t know” if bias-based policing is practiced on the Andover Police Department. However, in question #5, thirty (30) of the thirty-one (31) respondents indicated that they had not witnessed racial profiling or other discriminatory policing practices by other officers within the previous 12-months. These responses are a very good sign of the training and culture that we have worked hard to develop within the Andover Police Department. However, we still need to remain vigilant for these types of unwanted behaviors in the future, and continue to provide the necessary training and expectations to present to our staff.

Overall, for the eighth year in a row, bias-based policing continues to not be an issue or concern for the Andover Police Department as indicated by question #6 where thirty-one (31) of thirty-two (32) responses indicated that bias-based policing is NOT a problem for the police department, one (1) individual indicating that it is “somewhat of a problem,” and no one indicating that it is “a serious problem.” These last responses are somewhat conflicting with the responses from the previous 5 questions; since there was absolutely no one that believes the department “unofficially” condones or tolerates racial profiling of other bias based policing practices; thirty-one (31) of thirty-two (32) respondents believe that we have adequate policies in place to prevent racial profiling or discriminatory policing practices; thirty (30) of thirty-two (32) respondents believe we have adequate training; and, in the past 12-month period thirty-one (31) of thirty-two (32) respondents indicated that they did not personally witness an incident of racial profiling or other discriminatory policing practices. This is further supported by no bias-based incidents having been reported internally, and only two biased based or racial profiling complaints having been alleged and/or received by this department in the last 14-years.

The information gained from the questionnaire was shared with the Department’s Bias-Based Policing Instructor for consideration in future trainings, as well as, with Department supervisors for the purpose of enlightening and a reminder to be continually vigilant for bias-based police practices.

Additionally, the Andover Police Department conducts frequent training on bias based profiling, including legal aspects per State Statute. The APD has exceeded the State’s minimum training requirements of 100% of all sworn members receive Racial and Other Bias-Based Policing Training, by having sent a significant percentage of the supervisory staff to advanced Bias-Based Policing training. The Chief of Police attended a 3-day “Leadership Initiative for Command Staff” at the Tools for Tolerance Museum in Los Angeles, CA, followed by three of the department’s six Lieutenants attending the same class designed for supervisors and mid-managers. Additionally, the Chief of Police and four Lieutenants attended an “Implementing Fair & Impartial Policing” training instructed by Dr. Lori Friedel, a recognized U.S. expert on racial profiling and data collection.

The APD also has an on-staff Racial Profiling Instructor that obtained his instructor certification from the Tools for Tolerance Museum in Los Angeles, CA in May of 2011, attended Dr. Friedel's class on Fair & Impartial Policing in December, 2011, a "Racial Profiling; What Law Enforcement Needs to Know" training at Wichita State University in April of 2013, attended a three-day "Fair & Impartial Policing Train-the-Trainer" training instructed by Dr. Lori Friedel in July of 2014 in Hutchinson, Kansas, and most recently attended a four-month "Advance Kansas" diversity program in 2018 hosted by Butler Community College.

Finally, in 2016 the department sent two officers to "Blue Courage" instructor training, being one of the 59 recommendations made by the President's Task Force on 21st Century Policing. These two officers returned and during the department's Fall of 2016 Mandatory In-service trainings, provided the department's staff with the first 4-hour block of a 16-hour curriculum, followed by the second 4-hour block presented at the Spring of 2017 Mandatory In-service training.

DATA COLLECTION:

The Andover Police Department does not currently collect data on traffic stops. The State of Kansas does not mandate data collection for traffic stops and relatively few agencies in Kansas actually do data collection. The State of Kansas, by way of State Statute K.S.A. 22-4610 "Preempting Profiling," mandates that each law enforcement agency have a Racial or Biased-Based Policing Policy that contains specific requirements including annual Racial or Bias-Based Policing training, provisions for community outreach and communications regarding individual's rights to file complaints and an annual report to the Kansas Attorney General regarding the number of complaints and disposition of each. Additionally, the State Statute allows the governing body of each law enforcement agency, in an effort to prevent racial or other bias-based policing, to determine if their law enforcement agency will: develop a comprehensive plan, develop a community advisory board; and/or require the law enforcement agency to collect traffic or pedestrian stop data. In September of 2011 Andover's governing body instructed the Police Department to develop a comprehensive plan to prevent racial or other biased-based policing and forgo the implementation of a community advisory board and/or data collection.

PUBLIC NOTIFICATION:

The Andover Police Department conducts ongoing community outreach and communication efforts regarding citizen complaints, including racial and other biased-based policing complaints. The department regularly broadcasts or makes available information on how to file a "Racial Profiling" type complaint on the City of Andover's Cable Channel, the Police Department's website and hard-copy brochures in the lobbies of the Police Department and City Hall. The information made available includes citizen's rights in filing a complaint, how to file a complaint, and the fact that complaints may be filed with the Police Department and/or the Kansas Attorney General's Office.

The Police Department's website includes a section titled "Professional Standards" that describes the department's process in detail for a citizen to file a complaint, as well as, what a citizen should expect from the department regarding the investigation of their complaint. The "Professional Standards" site also has four sub-sections titled: "Annual Complaint Statistics" that provides data on complaint statistics for the past seven years; "Bias Based Policing" that includes information on filing a complaint specifically involving Racial Profiling and/or Bias Based Policing practices; "Positive Feedback" which affords an individual an opportunity to

recognize an officer and/or department staff member for a job well done; and “Submit a Complaint.” Which provides a description on how to file a complaint with the Police Department, an electronic copy of the Department’s “Complaint Form” and the capability to submit a complaint on-line or via e-mail.

The Police Department developed a brochure in July of 2012 titled “Bias Based Policing Racial Profiling Complaints” that explains the process to file a ‘Racial Profiling’ complaint with the Police Department. This brochure is available to the public in the lobbies of both the Police Department and City Hall. The brochure was updated in September of 2014.

The Police Department develops and distributes an annual “Complaint Investigations Statistical Summary” each year that is presented to the City Council and made available to the public on the department’s website. The “Complaint Investigations Statistical Summary” outlines the department’s complaint process, the number and types of complaints received each year, as well as, the findings for each complaint.

Additionally, the Police Department prepares and distributes an “Annual Report” each year that also includes annual complaint data for the previous year. This report is distributed to the City Council and is available to the public in the lobby of the police department. An electronic version of the report is also available to the public on the department’s website. In the “2019 Annual Report,” a documented review of all “Use of Force” incidents, including numbers and types was also included.

Finally, in 2014, the back of all officer’s business cards have a printed statement directing individuals who wish to provide feedback on their experience with the Andover Police Department to a website where they can complete an on-line “Citizen Satisfaction Survey” and/or file a complaint. The “Citizen Satisfaction Survey” was updated in January of 2020, to include more opportunity for citizens to provide additional and open feedback.

CITIZEN CONCERNS/COMPLAINTS REVIEW:

As indicated earlier in this document, there has been no Racial or Other Biased-Based Policing complaint initiated against the department or its members during the previous 12-months, July 1, 2019 through June 30, 2020*. In fact, the department has only received two Racial or Other Biased-Based Policing complaints initiated against the department or its members during the previous 11 years, one in 2009 and one in 2016, both of which were determined to be “unfounded.” With only two Racial or Other Biased-Based Policing complaint in the past 11+ years, an analysis of these types of complaints cannot be completed at this time.

Biased Based Profiling Complaints

Complaints from:	2014	2015	2016	2017	2018	2019	2020 (thru July)
Traffic Contacts	0	0	1	0	0	0	0
Field Contacts	0	0	0	0	0	0	0
Asset Forfeiture	0	0	0	0	0	0	0

*It should be noted that on Monday, June 22nd, 2020, the Chief of Police received a telephone call from a gentleman who identified himself as a black male who was a resident of Wichita, Kansas, but advised that he was frequently in Andover. The individual further advised that “every time” he drives through Andover, the officers see a black man driving and they jump behind his car and follow him for a while, which he believes is “racist.” The individual, who was unable to provide any dates, times or details for these incidents, and further advised that he has never been stopped by an Andover officer, but he has had friends that have been stopped. The individual, at his request, was provided the Chief’s email

address and he advised that he would document his complaint in writing and forward to the Chief. To date, that complaint's email has not been received. This incident was documented for future reference, but a formal complaint could not be created due to the lack of any specific details.

CORRECTIVE MEASURES TAKEN:

With no Racial or Other Biased-Based Policing complaints initiated against the department or its members during the previous 12-months, July 1, 2019 through June 30, 2020, there have been no corrective measures taken.

During the previous five-year review period, (2015-2019) the agency annually averaged over 21,270 calls for service (21,873/2019; 20,189/2018; 21,942/2017; 19,265/2016; 23,079/2015), including 3,515 traffic stops per year (2,956/2019; 2,877/2018; 3,892/2017; 4,005/2016; 3,843/2015). Only one Racial or Bias-Based Policing complaint was received by the department during this five-year period (2016), and only two Racial or Bias-Based Policing complaints were received in the past 11-years (2009 & 2016).

Furthermore, the existence of only one bias-based "traffic" related complaint received (2016) over the past ten years (2010 – 2019), which was ultimately unfounded, is quite exemplary, considering that over the same past ten years, this department conducted 35,268 vehicle stops, issued 25,071 citations, issued 14,828 traffic warnings, and made 3,610 custodial arrests, including 335 DUI arrests.