



## Andover Police Department

*Public Service Excellence thru Compassion, Integrity & Commitment*

# Memorandum

**To:** Mark Detter, City Administrator

**From:** Michael A. Keller, Chief of Police

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

**Date:** 08/13/2018

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

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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 July 26, 2018 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, 2017 through June 30, 2018. 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 twice a year. During the past two months the policy was reviewed on September 21<sup>st</sup>, 2017 and again on March 28<sup>th</sup>, 2018. During both of these reviews, the policy appeared to be up-to-date and in full compliance with Kansas State Statute 22-4610. 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 7<sup>th</sup> and November 9<sup>th</sup>, 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 5<sup>th</sup> and June 7<sup>th</sup>, 2018, the department hosted a second 1-hour in length training session titled "Racial Profiling, also instructed by MPO III Heath Kintzel.

Additionally, in 2017 Chief Michael Keller attended the "2017 Advance Kansas," Class #9, and in 2018 MPO III Heath Kintzel attended the "2018 Advance Kansas," Class #10.

“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,” 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 revised on 6/25/2015, 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 to in the development of the next year’s Recruitment Plan.

Since the date that M1205 became effective, the department has developed seven recruitment plans and participated in nine 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 and May of 2018. In all nine 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.

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 department's current sworn staff totals 26 officers and the race composition is at 80.8% Caucasian, 3.85% Hispanic, 3.85% 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 2017 Self-Audit was administered in June immediately following the department's Summer Mandatory In-Service training 1-hour "Racial Profiling" training. As of July 31<sup>st</sup>, 2018, 34 of the department's 34 employees, including 26 of the department's 26 sworn officers and 8 of the 8 civilian staff members completed the surveys. 12 of the 34 responses came from employees with less than 5 years on the department, 11 responses from employees with 5 to 10 years on the department, 7 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 2 responses came from employees with over 20 years on the department.

The "Self-Audit" include 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 support racial profiling or other discriminatory policing practices? Response was 0 yes, 34 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 34 yes, 0 no, 0 don't know.
3. Regarding biased-based policing, do you believe that the Andover Police Department adequately provides the necessary training? Response was 33 yes, 0 no, 1 don't know.

4. Do you believe that racial profiling or other discriminatory policing is presently practiced by an officer(s) in the Andover Police Department? Response was 1 yes, 33 no, 0 don't know.
5. In the previous 12-months, have you personally witnessed racial profiling or other discriminatory policing practices by other officers within the Andover Police Department? Response was 0 Yes, 34 no, 0 don't know.
6. To what extent, if any, do you believe bias-based policing is an issue for the Andover Police Department? Response was 33 not an issue, 1 somewhat an issue, 0 a serious issue.

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 an issue" on the Andover Police Department. The responses to question #1 is once again consistent with the previous 6-years of self-audits, with 34 of the 34 respondents stating that the department does not "unofficially support" bias-based policing. The responses to question #2 regarding the department having adequate policies in place unanimously indicate that adequate policies are in place. Regarding question #3, the department providing necessary training, 33 of 34 respondents indicated adequate training, with one respondent indicating that they did not know.

Thirty-three (33) of thirty-four (34) respondents in question #4 indicated that bias-based policing is not presently practiced on the Andover Police Department, with one individual responded with a yes, that bias-based policing is practiced on the Andover Police Department. However, in question #5, thirty-four of the thirty-four 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 sixth 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-three of thirty-four responses indicated that bias-based policing is NOT an issue. 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 11-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 21<sup>st</sup> 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.

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.

COMPLAINT 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, 2017 through June 30, 2018. 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 10 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 10+ years, an analysis of these types of complaints cannot be completed at this time.

Biased Based Profiling Complaints

Complaints from:	2013	2014	2015	2016	2017	2018 (Thru July)
Traffic Contacts	0	0	0	1	0	0
Field Contacts	0	0	0	0	0	0
Asset Forfeiture	0	0	0	0	0	0

During the previous five-year review period, (2013-2017) the agency annually averaged over 3,877 traffic stops (3,892/2017; 4,005/2016; 3,843/2015; 3,622/2014; 4,025/2013) and more than 20,701 calls for service (21,942/2017; 19,265/2016; 23,079/2015; 19,470/2014; 19,750/2013). Only one Racial or Bias-Based Policing complaint was received by the department in the previous five-years (2016), and only two Racial or Bias-Based Policing complaints received in the past 10-years (2009 & 2016).

Furthermore, the 2016 Racial or Bias Based Complaint was the only traffic related complaint from citizens during the same previous 10-year period (2016). One complaint over the last five years is quite impressive, considering that over these five years, there were over 19,387 vehicle stops and over 103,506 calls for service.