

Lenexa Police Department

Policy Manual

CHIEF'S PREFACE

The Lenexa Police Department Policy and Procedure Manual establish the foundation for how we operate, both in the field and across the organization. These policies guide our daily actions and decisions, ensuring consistent, professional service to our community. By following these directives with care and purpose, we strengthen the trust placed in us by those we serve. Community support is essential, and maintaining strong partnerships must remain central to our mission.

The Lenexa Police Department is a progressive agency of dedicated professionals who are highly trained, accountable, and committed to public safety. Our reputation for proactive policing and professional service reflects the Lenexa Way: working in partnership to protect and serve with honor, integrity, and professionalism. We respect our history, value the work being done today, and remain focused on preparing for the future alongside our community.

Policing continues to evolve. Changing laws, advancing technology, and shifting community expectations require adaptability and thoughtful action. This manual reflects current standards and best practices, supporting sound decision-making while protecting the interests of the community, the organization, and our personnel. Ongoing review of policies, training, and tactics ensures we remain effective, fair, and responsive.

No policy manual can address every situation. We rely on judgment, character, and common sense of our employees. Policy provides guidance, but it cannot replace ethical leadership or accountability. Doing the right thing, for the right reason, will always take priority.

When mistakes occur, we will acknowledge them and learn from them. Accountability and transparency are essential to maintaining credibility with both our employees and the community. We will communicate honestly, act with empathy, and treat all people with dignity and respect. Strong relationships are built through consistency, fairness, and trust, and those principles that must guide our actions every day.

Equally important is the wellness of our employees. Our people are our greatest assets, and their physical, mental, and emotional well-being is critical to our success. We are committed to providing the training, equipment, resources, and support necessary for our personnel to perform their duties safely and effectively. Supporting one another and maintaining a healthy work environment are shared responsibilities across the organization.

Every role within this department contributes to our success. The professionalism, teamwork, and commitment demonstrated each day make the Lenexa Police Department exceptional. Thank you for your continued dedication to this organization and to the community we proudly serve. Your service and character define the Lenexa Way.

Eric Schmitz

Chief of Police

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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MISSION STATEMENT: WORKING IN PARTNERSHIP TO PROTECT AND SERVE THE COMMUNITY WITH HONOR, INTEGRITY, AND PROFESSIONALISM.

Our mission is to provide quality public service based on high ethical and professional standards. It is critical that all members understand, accept and be aligned with the responsibilities established by this mission. It provides the foundation upon which all operational decisions and organizational directives will be based. Directives include rules, regulations, operating policies, procedures and practices.

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ORGANIZATIONAL PHILOSOPHIES AND OPERATIONAL PRINCIPLES

WE WORK AS A TEAM

WE PROMOTE A POSITIVE AND PROGRESSIVE IMAGE BOTH ON THE JOB AND IN OUR PERSONAL LIVES

WE ARE ACCESSIBLE, RESPONSIVE AND A RESOURCE FOR OTHER INDIVIDUALS AND AGENCIES

WE FUNCTION AS PART OF THE COMMUNITY

WE ENCOURAGE AND PROVIDE EXCEPTIONAL TRAINING TO KEEP OUR KNOWLEDGE AND SKILLS CURRENT

WE RECOGNIZE EACH OTHER'S ACHIEVEMENTS AND SHARE CREDIT FOR ACCOMPLISHMENTS

WE ARE SUPPORTIVE OF EACH OTHER AND OF EACH OTHER'S FAMILIES AND SIGNIFICANT OTHERS

WE CARE ABOUT PRESERVING THE PEACE AND ENFORCING THE LAW, BUT ALSO ABOUT THE WELL-BEING OF ALL PEOPLE

WE ARE NOT WILLING TO SETTLE FOR THE NORM, BUT STRIVE FOR THE BEST

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Lenexa Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Lenexa Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 DEFINITIONS

Arrest: is the taking of a person into custody in order that he/she may be forthcoming to answer for the commission of a crime. The issuance of a Notice to Appear (NTA) is not an arrest. (K.S.A. 22-2202)

Critical Incident: an incident that could result in serious physical injury or loss of life.

Detention: the temporary restraint of a person by a law enforcement officer. (K.S.A. 22-2202)

Kansas Border Counties: the counties of Johnson, Leavenworth, Miami, and Wyandotte.

Law Enforcement Mutual Aid Region: the nine counties of the Kansas City Metropolitan area as identified by the Mid-America Regional Council (MARC). These counties include Kansas border counties and Missouri border counties as identified in this directive.

Missouri Border Counties: the counties of Platte, Clay, Ray, Jackson, and Cass.

100.4 LAW ENFORCEMENT OFFICER POWERS

Certified members of this department are authorized to exercise law enforcement officer powers pursuant to applicable state law (K.S.A. § 12-4111).

100.4.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE LENEXA POLICE DEPARTMENT

An officer may arrest a person under any of the following circumstances (K.S.A. § 22-2401):

- (a) The officer has a warrant commanding that the person be arrested.
- (b) The officer has probable cause to believe that a warrant for the person's arrest has been issued in this state or in another jurisdiction for a felony.
- (c) The officer has probable cause to believe that the person is committing or has committed:
 1. A felony.
 2. A misdemeanor and the officer has probable cause to believe that:

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- (a) The person will not be apprehended or evidence of the crime will be lost unless the person is immediately arrested.
- (b) The person may cause injury to him/herself or others or damage to property unless immediately arrested.
- (c) The person has intentionally inflicted bodily harm to another person.
- (d) The person commits any crime, except a traffic infraction or a cigarette or tobacco infraction, in the officer's view.

100.4.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE LENEXA POLICE DEPARTMENT

An officer employed by the City may exercise powers as a law enforcement officer outside the City limits when (K.S.A. § 22-2401a; K.S.A. § 48-934):

- (a) On property owned or under the control of the City.
- (b) A request for assistance has been made by law enforcement or corrections officers from that place (K.S.A. § 48-3602).
- (c) In fresh pursuit of a person.
- (d) Engaged in maintaining or restoring the public peace, safety or protection of life or property during a state of disaster emergency proclaimed by the governor.
- (e) Jurisdiction is extended to any City adjoining Lenexa when the officer observes, through the normal course of his/her duties, any crime (to include traffic violations) has been, is being, or is about to be committed; or when requested to assist another signatory agency under the terms of the Johnson-Wyandotte County Mutual Aid Compact.
- (f) Transporting a person in custody to an appropriate facility, wherever such facility may be located.
- (g) There is reason to suspect a criminal act is causing an imminent danger, immediate action is warranted, and all the following apply:
 - 1. The officer is driving a department vehicle for a work-related reason or going to or from work.
 - 2. The officer notifies the local law enforcement agency.
 - 3. The officer remains at the location and cooperates with responders from the local law enforcement agency.
 - 4. The officer is in uniform or displays proper identification.

100.4.3 TRANSFER TO PROPER JURISDICTION

Whenever an officer makes an arrest outside of the department's jurisdiction, the officer should contact the proper law enforcement authority in the jurisdiction where the arrest occurred as soon as practicable. The arresting officer should ensure that the receiving agency has any necessary affidavits or evidence needed to support the probable cause for arrest or apprehension (K.S.A. § 48-3602).

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100.4.4 GRANTING AUTHORITY TO OTHERS

Officers making an arrest may command the assistance of any person who may be in the vicinity. That person shall have the same authority to arrest as the officer (K.S.A. § 22-2407).

100.5 INTERSTATE LAW ENFORCEMENT OFFICER POWERS

Law enforcement officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters and continues in fresh pursuit of a person:
 - 1. In Colorado, to arrest the person for a crime committed in Kansas (CRS § 16-3-104).
 - 2. In Nebraska and Oklahoma, to arrest the person for a felony committed in Kansas (Neb. Rev. Stat. § 29-416; 22 O.S. § 221).
 - 3. In Missouri, to arrest the person for a felony or the crime of driving while intoxicated in Kansas (§ 544.155.1, RSMo).

When an officer makes an arrest in another state, the officer shall take the offender to the appropriate judicial official in the county where the arrest occurred without unnecessary delay (CRS § 16-3-104; Neb. Rev. Stat. § 29-417; 22 O.S. § 222; § 544.155.2, RSMo).

100.6 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Kansas Constitutions.

Chief of Police

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Kansas are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Lenexa Police Department, who is required to exercise the powers and duties of the office as prescribed by state law (K.S.A. § 19-801b; K.S.A. § 19-4408; K.S.A. § 19-4431; K.S.A. § 19-4475; K.S.A. § 74-5605).

101.2 POLICY

It is the policy of the Lenexa Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department, as a condition of continued employment, shall meet the qualification standards and be certified by the Kansas Commission on Peace Officers' Standards and Training (KS-CPOST) unless a provisional certificate is granted or the requirement is waived (K.S.A. § 74-5605; K.S.A. § 74-5607a; K.S.A. § 74-5608a).

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Lenexa Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties (K.S.A. § 75-4310).

102.3 OATH OF OFFICE

All sworn department members shall subscribe to the following oath or affirmation, in addition to any other form of oath or affirmation required. If a member is opposed to taking an oath, he/she shall be permitted to substitute the words “sincerely and truly declare and affirm” for the word “swear” (K.S.A. § 54-102; K.S.A. § 54-103; K.S.A. § 54-104; K.S.A. § 54-106).

"I, _____ (state your name)

Do solemnly swear that on my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution of the United States and the state of Kansas; and I will uphold the laws and further the mission, goals, and values of the City of Lenexa and its Police Department.

(K.A.R. 106-3-6):

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Lenexa Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Lenexa Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Lenexa Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

City - The City of Lenexa.

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Professional Staff - Employees and volunteers who are not law enforcement officers.

DCF - Department of Children and Families (includes Adult Protective Services and Child Protective Services)

Department/LPD - The Lenexa Police Department.

DMV - Department of Revenue, Division of Vehicles

Employee - Any person employed by the Department.

Employment agreement - Includes any collective bargaining agreement, memorandum of understanding, memorandum of agreement or any other employment contract or conditions of employment

KASPER - Kansas Adult Supervised Population Electronic Repository

KBI - Kansas Bureau of Investigation

KCJIS - Kansas Criminal Justice Information System

KDHE - Kansas Department of Health and Environment

KDOC - Kansas Department of Corrections

KDOT - Kansas Department of Transportation

KHP - Kansas Highway Patrol

KLETC - Kansas Law Enforcement Training Center

KORA – Kansas Open Records Act

KS·CPOST - The Kansas Commission on Police Officers' Standards and Training

K.A.R. - Kansas Administrative Regulations; for example, K.A.R. 106-3-1, which shows the agency, article and section

K.S.A. - General Laws of the state of Kansas; for example, K.S.A. § 21-5412(b)(2), which shows the chapter, article, section and subsection

Manual - The Lenexa Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Lenexa Police Department, including:

- Full- and part-time employees
- Certified law enforcement officers
-
- Professional Staff employees
- Volunteers

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Officer - Those employees, regardless of rank, who are law enforcement officer employees of the Lenexa Police Department pursuant to K.S.A. § 74-5602(g).

Official Custodian or custodian assigned - Any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control, or any person designated by the Official Custodian to carry out the duties of custodian of this act (K.S.A. § 45-217).

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

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Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Department Authority Transfer

104.1 POLICY

Effective December 13th, 2025, all Lenexa Police Department Policy and Procedure Directives are hereby adopted by, and issued through the authority of Interim Chief Eric Schmitz. The substance of these Directives have not been reviewed or changed as part of this adoption and issuance.

Code of Ethics

105.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all members are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

105.2 POLICY

The appropriate Code of Ethics shall be administered to all department members at the time of appointment.

105.3 LAW ENFORCEMENT CODE OF ETHICS

Sworn members shall abide by the following Code of Ethics:

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

105.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

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Code of Ethics

105.4 CIVILIAN MEMBER CODE OF ETHICS

Non-sworn members shall abide by the following Code of Ethics:

AS A CIVILIAN MEMBER, my fundamental duty is to serve the community and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will be honest in thought and deed both in my personal and official life. I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions.

I recognize that my position is a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other employees. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...public service.

105.5 PRIMARY RESPONSIBILITIES OF A POLICE OFFICER

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace, and ensuring the rights of all to liberty, equality and justice.

105.6 PERFORMANCE OF THE DUTIES OF A POLICE OFFICER

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

105.7 DISCRETION

A police officer will responsibly use the discretion vested in his/her position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

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Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, which may be correct in appropriate circumstances, can be a more effective means of achieving a desired end.

105.8 USE OF FORCE

A police officer will never employ unnecessary force and will use only such force in the discharge of duty as is objectively reasonable under the circumstances.

While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhumane treatment of any person.

105.9 DUTY TO INTERVENE

All members must recognize and act upon the duty to intervene or stop any member from conducting any act that is unethical, or that violates law or policy (e.g. excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Members are expected to take an active approach to intervene and stop any unethical behavior or misconduct when such an act is being committed by another member. Failure to intervene may subject a member to disciplinary action, up to and including termination.

Preventing misconduct preserves the integrity of all Lenexa Police Department members.

Misconduct that is observed should be promptly reported to a supervisor after any intervention which is required.

105.10 CONFIDENTIALITY

Whatever a police officer sees, hears, or learns which is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

105.11 INTEGRITY

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must avoid any conduct that might compromise integrity and thus undercut the public confidence in this law enforcement agency. Officers will refuse to accept gifts, presents, subscriptions, favors, gratuities, or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

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105.12 COOPERATION WITH OTHER POLICE OFFICERS AND AGENCIES

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

105.13 PERSONAL - PROFESSIONAL CAPABILITIES

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

105.14 PRIVATE LIFE

Lenexa Police Officers will behave in a manner that does not bring discredit to themselves or this agency.

A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

105.15 NON-FRATERNIZATION

Police officers shall avoid situations where their professional role and their personal life come into conflict. Examples include: borrowing and lending of money; business and financial ventures; and romantic relationships between officers and supervisors, where actual benefit, or an appearance of benefit, may occur to the employee that would not exist but for his/her employment as a police officer with the City of Lenexa. These types of conflicts may also occur between officers and private individuals.

The simple existence of a professional and personal relationship does not mean that the conduct is unethical. This department recognizes the significant benefit of role blending and social interaction that is and should be an important extension of the working environment, such as the case with the mentoring program and with some professional organizations. However, this Department demands constant vigilance to ensure no appearance or existence of impropriety occurs in any employee relationships which could harm this organization or its employees.

Relationships may become unethical when an employee, the department, or department morale is, or is likely to be, harmed because of conduct that is a departure from commonly accepted practices of this profession and this organization. This may also be the case actual benefit, or an appearance of benefit, may occur due to the officer's position with the City.

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105.16 PROFESSIONAL STAFF

The values and expectations set forth in this directive apply equally to all employees of the Lenexa Police Department, to include Professional Staff. Discretion, confidentiality, integrity, cooperation with other entities, personal-professional capabilities, private life, and non-fraternization all apply equally regardless of status within the organization.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

This policy establishes the organizational structure of the Department and defines general responsibilities of department members.

200.2 POLICY

The Lenexa Police Department will implement and maintain an organizational structure that provides clear and identifiable roles for command, control and guidance of the Department. Each position and assignment should have clearly identified responsibilities and a defined chain of command.

200.3 DIVISIONS

The Chief of Police is responsible for administering and managing the Lenexa Police Department. There are two sections in the department:

- Patrol Division
- Support Services Division

200.3.1 SUPPORT SERVICES

The Support Services Division is commanded by an assigned Major, whose primary responsibility is to provide general management, direction and control for the Support Services Division. The Support Services Division consists of technical and administrative services. The Support Services Division consists of:

- Communications Unit
- Crime Analysis Unit
- Investigations Unit
- Police Department Volunteers
- Public Service Officer Unit (and Property Room)
- Technical Services Unit

200.3.2 PATROL DIVISION

The Patrol Division is commanded by an assigned Major, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of uniformed patrol and special operations, which includes:

- Uniformed Patrol
- Animal Control
- Special Operations, which includes the following units:
 - Bicycle Unit

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- Canine Unit
- Court Security
- Directed Patrol Unit
- Police Department Information Technology (PDIT) Unit
- Public Relations Officer
- School Resource Officer Unit
- Traffic Unit
- Training Unit
- Warrant Officer

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all members of the Lenexa Police Department. During planned absences, the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

200.4.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Bicycle Patrol), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.5 AUTHORITY AND RESPONSIBILITIES

Each member will be assigned duties and responsibilities. Each member is delegated the authority necessary to effectively execute those responsibilities. Each member will also be held accountable for the appropriate application of that delegated authority.

Departmental Directives

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing Departmental Directives

201.2 POLICY

Departmental Directives will be used to modify policies of the Lenexa Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable employment agreements and other alternatives should be considered before a Departmental Directive is issued.

201.3 PROTOCOL

Departmental Directives will be incorporated into the Policy Manual, as required, upon approval. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The authorized designee should ensure that all Departmental Directives are disseminated appropriately. Departmental Directives should be numbered consecutively and incorporate the year of issue. All members will be notified when a Departmental Directive is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 COMMAND STAFF

Command staff shall periodically review Departmental Directives to determine whether they should be formally incorporated into the Policy Manual, and, as appropriate, will recommend necessary modifications to the Chief of Police.

201.4.2 CHIEF OF POLICE

Only the Chief of Police or the authorized designee may approve and issue Departmental Directives.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the Departmental Directives. Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

Training

202.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

202.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local and the Kansas Commission on Police Officers' Standards and Training (KS-CPOST) training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

202.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department members.
- (c) Provide for continued professional development of department members.
- (d) Ensure compliance with KS-CPOST rules and regulations concerning law enforcement training.

202.4 TRAINING PLAN

It is the responsibility of the Training Sergeant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all members as needed or required. The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs.

While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Sergeant shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities and scheduling. The plan will address federal, state and department-required, minimum-mandated training of officers and other members.

202.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations.

- (a) Federally-mandated training:
 - 1. National Incident Management System (NIMS) training
- (b) State-mandated training:

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Training

1. Officers of the Department must meet the training requirements to be certified by KS-CPOST (K.S.A. § 74-5607a; K.S.A. § 74-5608a).
2. Full-time officers shall complete 40 hours of continuing law enforcement education or training annually unless extended, waived, or modified by KS-CPOST. All training shall be approved in advance by the Chief of Police or the authorized designee (K.S.A. § 74-5607a(b); K.A.R. 106-1-9).
3. Members assigned to a school shall complete a skill development training course as required by K.A.R. 16-16-3.

(c) Locally-mandated training (including county or city)

The Chief of Police shall ensure that every officer in the department has the opportunity to receive mandatory training as prescribed in K.S.A. § 74-5604a (K.S.A. § 74-5617).

202.5 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to the following:
1. Court appearances
 2. Previously approved vacation or time off
 3. Illness or medical leave
 4. Physical limitations preventing the member's participation
 5. Emergency situations or department necessity
- (b) Any member who is unable to attend training as scheduled shall notify his/her supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
1. Document his/her absence in a memorandum to his/her supervisor.
 2. Make arrangements through his/her supervisor or the Training Sergeant to attend the required training on an alternate date.

202.6 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Lenexa Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Sergeant. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

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Training

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-active computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

202.7 TRAINING RECORDS

The Training Sergeant, or designee, is responsible for the creation, filing and storage of all training records. Training records shall be retained in accordance with KS-CPOST guidelines and the established records retention schedule.

The Training Sergeant, or designee, shall ensure that certified reports of annual in-service training requirements are sent to KS-CPOST no later than 30 days after the training concludes (K.S.A. § 74-5607a).

202.8 TRAINING SERGEANT

The Chief of Police shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Sergeant should review the training plan annually.

Electronic Mail

203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department.

203.2 POLICY

Lenexa Police Department members shall use email in a professional manner in accordance with this policy and current law (e.g., Kansas Open Records Act).

203.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

203.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration or practices of the Department.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. In the event that a member has questions about sending a particular email communication, the member should seek prior approval from a supervisor in his/her chain of command.

It is a violation of this policy to transmit a message under another member's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Members are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of a member's email, name or password. Any member who believes his/her password has become known to another person shall change their password immediately.

203.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the Kansas Open Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

Concealed Weapons Under LEOSA

204.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Lenexa Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

204.2 POLICY

It is the policy of the Lenexa Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

204.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

204.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Lenexa Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

204.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active-duty standards for qualification in firearms training.

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Concealed Weapons Under LEOSA

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active-duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Kansas law or by a private person or entity on his/her property if such prohibition is permitted by Kansas law.

204.4 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

204.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Agency of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Arrests, Convictions and Court Orders Policy.

204.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department. [See attachment: LEOSA CCW Waiver 2022.pdf](#)
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

204.6 FIREARM QUALIFICATIONS

The Firearms Instructor may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Firearms Instructor will maintain a record of the qualifications and weapons used.

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204.7 PROOF OF GOOD STANDING

The Chief of Police or the authorized designee, after receiving a request from an officer who has retired in good standing and is seeking a Kansas concealed carry permit, shall provide the attorney general with the required proof of retirement (K.S.A. § 75-7c05(g)).

U-Visa Certification

Effective Date:	August 30th, 2022
Revised Date:	
Issuing Authority: Chief Dawn M. Layman	

205.1 PURPOSE

To establish guidelines for processing U-Visa certifications when an undocumented member of the community is the victim of a crime.

205.2 POLICY

A petition for U Nonimmigrant Status, commonly referred to as a U-Visa, provides temporary immigration benefits to foreign nationals who are victims of qualifying criminal activity, and to their qualifying family members. The U-Visa is a discretionary form of relief granted by the Department of Homeland Security (DHS) and has been in place since 2000. The Lenexa Police Department reviews and, when appropriate, signs Form I-918 Supplement B "U Nonimmigrant Status Certification." This form does not provide an immigration benefit, but is part of the victim's application to DHS. This form certifies that the person was a victim of a crime and helpful to the Police Department's investigation of the crime.

205.3 PROCEDURES

(a) Form Submission

- Form I-918 Supplement B may be submitted to the City for signature by the following individuals:
 - The victim;
 - The victim's guardian, parent, or next of kin; or
 - The victim's attorney or representative.
- The form can be reviewed by the Lenexa Police Department, the Lenexa City Prosecutor, or the Johnson County District Attorney's office.
- The Chief of Police, or designee, will review certifications for the Lenexa Police Department.

(b) Review Process

- When Form I-918 Supplement B is submitted to the Lenexa Police Department, the Chief of Police, or designee, will review the following items to determine whether the form should be signed:
 - Whether the victim was a victim of criminal activity involving one of the following criminal offenses (or similar activity):

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U-Visa Certification

1. Homicide;
 2. Sexual Assault (rape, criminal sodomy, aggravated sexual battery, indecent liberties with a child, solicitation or exploitation of a child);
 3. Robbery;
 4. Abuse of a Child;
 5. Aggravated Assault;
 6. Kidnapping;
 7. Stalking;
 8. Human Trafficking;
 9. Criminal Threat;
 10. Intimidation of a Witness;
 11. Blackmail; and/or
 12. Felony Domestic Violence
- (b) Whether the victim suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity;
- (c) Whether the victim was, is or is likely to be helpful in the investigation or prosecution of the criminal act and the crime is within the statute of limitations;
- (d) Criminal history of the victim; and
- (e) Any other circumstances relevant to determination of whether the certification should be signed by the agency.
- (c) Form Approval, Denial, or Revocation
1. Once the Department has had the opportunity to review Form I-918 and the above listed considerations, the Chief of Police, or designee, will determine whether the certification should be signed.
 2. If signed, the form will be returned to the victim or their representative.
 3. If the Department declines to sign the form, the Department will send a letter to the victim or their representative that states the reasons(s) for declining to sign the certification.
 4. The Department reserves the right to revoke its signature on the form at any time.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Choke Hold - a physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

De-escalation - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Guiding Force-a minimal amount of physical guidance, pressure, or force which is used to gain compliance or otherwise move, direct, or place an individual in proper positioning (e.g., moving an arrestee's arms behind their back for handcuffing; or guiding a person by physical contact to another place).

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Lateral Vascular Neck Restraint-a technique, which when properly applied, is designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck.

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Use of Force

Less Lethal Force - Force which is highly unlikely to cause death or serious injury to a person when properly applied by a law enforcement officer.

A. Highly unlikely to cause death or serious injury to a person is intended to convey that it is possible, but highly improbable, that the force would cause death or serious injury.

B. Properly applied is intended to convey the importance of proper training relative to force options.

Objectively Reasonable - the determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

Serious Bodily Injury or Harm - A bodily injury that involves one or more of the following: a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Lenexa Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERVENE AND REPORT

Any officer, regardless of rank, present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

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Use of Force

300.3 USE OF FORCE

Officers shall use only that amount of force that is objectively reasonable given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.2 USE OF FORCE TO EFFECT AN ARREST

A law enforcement officer or any person summoned or directed to assist in making a lawful arrest need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. A law enforcement officer is justified in the use of any force he/she reasonably believes to be necessary to both effect the arrest and also to defend him/herself or another from bodily harm while making the arrest (K.S.A. § 21-5227).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.

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- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 ARREST AND CONTROL TECHNIQUES

Arrest and control techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those arrest and control techniques which are objectively reasonable. Officers utilizing any arrest and control technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any arrest and control technique shall be discontinued once the officer determines that compliance has been achieved.

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300.3.5 LATERAL VASCULAR NECK RESTRAINT

A Lateral Vascular Neck Restraint (LVNR) is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the LVNR may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the LVNR is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the LVNR, the response of the individual should be monitored. The LVNR should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the LVNR applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the LVNR and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the LVNR shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the LVNR shall be thoroughly documented by the officer in any related reports.

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Lenexa Police Department

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or

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death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

- (c) Facts known to the officer.
- (d) Choke Holds
- (e) Lateral Vascular Neck Restraints

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Generally, officers should not shoot at a vehicle as a means to disable it. There are certain special tactical situations where shooting at a vehicle's tires or engine block through the use of precision tactics may be necessary to help resolve a situation.

The use of a police vehicle to perform a Precision Immobilization Technique (PIT), Tactical Vehicle Intervention (TVI), or the use of the Grappler to disable a suspect vehicle is considered a use of force. The application of these techniques may be referenced in Directive 306 (Vehicle Pursuits).

300.5 LESS LETHAL FORCE APPLICATIONS

Where deadly force is not authorized, officers should assess the incident in order to determine which less-lethal force option is reasonable.

Authorization to use less lethal force:

- (a) Less lethal force used by a law enforcement officer may be classified as restraining force and defensive force.
 - 1. Restraining force is the application of physical control to overcome the resistance of a person to a lawful arrest or to the performance of other official duty.
 - 2. Defensive force is a use of physical force to defend an officer or others from physical assault.

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- (b) A police officer may use less lethal force in a performance of duty when he or she believes that the use of such force is reasonably necessary to:
 - 1. Protect themselves or another from physical harm.
 - 2. Prevent people from injuring themselves.
 - 3. Execute court orders; effect lawful arrests and searches; overcome resistance to such arrests and searches; and prevent escape from custody.
 - 4. Provide control over persons in custody.
 - 5. Preserve the peace.
- (c) The amount and level of less lethal force used should be based on an assessment of the factors present, which includes:
 - 1. The seriousness and nature of the crime.
 - 2. The suspect's physical ability, mental competence, and degree of resistance or violence to the officer.

300.6 USE OF FORCE OUTLINE AND OPTIONS

- (a) Levels of Resistance
 - 1. **Psychological Intimidation:** Non-verbal cues indicating the subject's attitude, appearance, and physical readiness.
 - 2. **Verbal Noncompliance:** Verbal responses indicating unwillingness to comply, or threats.
 - 3. **Passive Resistance:** Physical actions that do not prevent officers attempt to control.
 - 4. **Active Resistance:** Physical actions which attempt to prevent officers' control, but do not attempt to harm the officer.
 - 5. **Active Aggression:** Physical actions of assault.
 - 6. **Aggravated Active Aggression:** Deadly force encounters.
- (b) Force Option variables: the following options may affect an officer's decision in choosing the level of control.
 - 1. Information reported to the officer
 - 2. Officer/subject size and gender
 - 3. Environmental conditions
 - 4. Reaction time
 - 5. Age
 - 6. Fitness
 - 7. Skill level
 - 8. Multiple subjects/officers

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9. Possession or proximity to a weapon
10. Special knowledge
11. Injury or exhaustion
12. Ground position
13. Disability
14. Imminent danger
15. Statements of intent by the subject
16. Any exigent circumstances

300.7 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.7.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following any use of force.

300.8 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.9 USE OF FORCE REVIEW PROCESS

Each use of force will be reviewed in the following manner:

(a) Supervisor Review

1. A supervisor should respond to a reported application of force if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:
 - (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
 - (b) Ensure that any injured parties are examined and treated.
 - (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied.
 - (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas and the scene.
 - (e) Identify any witnesses not already included in related reports.
 - (f) Review and approve all related reports.
2. In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

(b) Training Unit Review

1. The Training Unit shall review all use of force incidents after the initial review by the shift supervisor.
2. The Training Unit shall review the incident to determine if proper training techniques were followed and applied.
3. Once the Training Unit review is complete, the Training Unit supervisor will assign the incident to the proper Watch Commander or member of Command Staff for an administrative review.

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(c) Administrative Review

1. The Watch Commander or appropriate member of Administration will review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.10 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

300.11 USE OF FORCE ANALYSIS

At least annually, the Training Unit should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police, or designee. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Lenexa Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Lenexa Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, officers, or others.

See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

301.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

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Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints, the Wrap, the restraint chair, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on their stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

301.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

301.9 TRAINING

Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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- (e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

Control Devices

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

302.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Lenexa Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

302.4 RESPONSIBILITIES

302.4.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander or designee may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or by those in specialized assignments who have successfully completed the required training.

302.4.2 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms Instructor shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Firearms Instructor or the designated instructor for a particular control device. The inspection shall be documented.

302.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Firearms Instructor

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for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

302.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or Patrol over vest. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Watch Commander, Incident Commander or Tactical Team (TAC Team) Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

302.7 OLEORESIN CAPSICUM (OC) AND OC/PAVA BLEND PROJECTILE GUIDELINES

As with other control devices, OC spray and OC/PAVA blend projectiles may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. OC spray and OC/PAVA blend projectiles should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

302.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt or Patrol over vest. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

302.7.2 TREATMENT FOR OC/AND OC/PAVA BLEND EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC or OC/PAVA blend should be promptly provided with clean water to cleanse the affected areas when feasible. Those who complain of further severe effects shall be examined by appropriate medical personnel.

302.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible

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presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

302.9 KINETIC ENERGY AND/OR .68 CALIBER PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles and/or .68 caliber projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions and .68 caliber projectiles shall be carried and deployed. Approved munitions and projectiles may be used to compel an individual to cease his/her actions when such munitions and projectiles present a reasonable option.

Officers are not required or compelled to use approved munitions or projectiles in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions or projectiles cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

302.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances.

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The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

302.9.3 SAFETY PROCEDURES

Less Lethal Shotguns and launchers specifically designated for use with kinetic energy projectiles and .68 projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect shotguns, launchers, and projectiles at the beginning of each shift to ensure that the shotguns and launchers are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, shotguns and launchers will be unloaded and properly and securely stored in police department vehicles. When deploying a Less Lethal shotgun or launcher, officers shall visually inspect the kinetic energy projectiles and .68 projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

.68 CALIBER LAUNCHER AND MUNITIONS-SAFETY PROCEDURES

.68 caliber launchers specifically designated for use with .68 caliber projectiles will be specially marked in a manner that makes them readily identifiable as such.

POST DEPLOYMENT USE AND TREATMENT PROCEDURES

The treatment for .68 caliber munitions shall follow the same guidelines outlined in section 302.7.2 which details the treatment for OC and OC/PAVA blend products.

302.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant or designee shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.

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- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to discipline.

302.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Electronic Control Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Electronic Control Device.

303.2 POLICY

The Electronic Control Device is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

303.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the Electronic Control Device.

Electronic Control Devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the Electronic Control Device and cartridges/magazines that have been issued by the Department.

Uniformed officers who have been issued the Electronic Control Device shall wear the device in an approved holster.

Members carrying the Electronic Control Device should perform a function test prior to every shift.

When carried in uniform, officers shall carry the Electronic Control Device in a support-side, Department issued, cross-draw holster on the side opposite the duty weapon.

- (a) All Electronic Control Devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Officers are responsible for ensuring the issued Electronic Control Device is properly maintained and in good working order.
- (c) Officers should not hold a firearm and the Electronic Control Device at the same time.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Electronic Control Device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the Electronic Control Device may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate the warning alert or the laser in a further attempt to gain compliance prior

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to the application of the Electronic Control Device. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given should be documented by the officer deploying the Electronic Control Device in the related report.

303.5 USE OF THE ELECTRONIC CONTROL DEVICE

The Electronic Control Device has limitations and restrictions requiring consideration before its use. The Electronic Control Device should only be used when its operator can safely approach the subject within the operational range of the device. Although the Electronic Control Device may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

303.5.1 APPLICATION OF THE ELECTRONIC CONTROL DEVICE

The Electronic Control Device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself, or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the Electronic Control Device to apprehend an individual.

The Electronic Control Device shall not be used to psychologically torment, to elicit statements, or to punish any individual.

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the Electronic Control Device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

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303.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the Electronic Control Device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest, or groin until the subject is examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE ELECTRONIC CONTROL DEVICE

Officers should apply the Electronic Control Device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one Electronic Control Device at a time against a single individual.

If the first application of the Electronic Control Device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the Electronic Control Device, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the Electronic Control Device. As soon as practicable, officers shall notify a supervisor any time the Electronic Control Device has been discharged. The expended probes and wire should be submitted into evidence. The probe serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.6 DANGEROUS ANIMALS

The Electronic Control Device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

303.6 DOCUMENTATION

Officers shall document all Electronic Control Device discharges in the related case reports. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation, and activation of the warning alert, other than for testing purposes, will also be documented in the case reports.

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303.6.1 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing Electronic Control Devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

303.7 MEDICAL TREATMENT

Consistent with training, officers will remove probes from a person's body unless they are lodged in a sensitive area or other extenuating circumstances exist. Used Electronic Control Device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by Electronic Control Device probes, or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes should be monitored prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The Electronic Control Device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the Electronic Control Device.

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Electronic Control Device may be used. A supervisor should respond to all incidents where the Electronic Control Device was activated.

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A supervisor should review each incident where a person has been exposed to an activation of the Electronic Control Device. The device's onboard memory should be downloaded through the data port battery charging station. The supervisor will verify the battery has downloaded and the data has been stored to the Digital Evidence Management System. Photographs of probe sites should be taken and witnesses interviewed.

303.9 TRAINING

Personnel who are authorized to carry the Electronic Control Device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the Electronic Control Device as a part of their assignments for a period of one year or more shall be recertified by a qualified Electronic Control Device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued Electronic Control Devices should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Sergeant. All training and proficiency for Electronic Control Devices will be documented in the officer's training files.

The Training Unit is responsible for ensuring that all members who carry Electronic Control Devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.2 POLICY

The policy of the Lenexa Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.

304.4 CONTROL OF INVESTIGATIONS

Investigators from the Johnson County Officer Involved Critical Incident Investigation Team (OICIIT) may be assigned to work on the criminal investigation of officer-involved shootings and deaths.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is coordinated by the OICIIT and by the agency in whose jurisdiction the suspect's crime occurred.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

304.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the OICIIT protocols.

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Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

304.4.3 ADMINISTRATIVE INVESTIGATION

Regardless of where the incident occurs, the administrative investigation of each involved officer is controlled by the respective employing agency.

304.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved LPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.
- (g) Once the scene is secure, ensure all video/recordings are turned off.

304.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved LPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - (a) In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) The supervisor shall administratively order any LPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects.
 - (a) Public safety information shall be limited to such things as outstanding suspect information, direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.
 - (b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and Communications. If feasible, sensitive information should be communicated over secure networks.

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- (d) Take command of and secure the incident scene with additional LPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved LPD officer should be given an administrative order not to discuss the incident with other involved officers or LPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or is transported by other officers.

304.5.3 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Watch Commander.

304.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Investigation Division Commander
- The Johnson County Officer Involved Critical Incident Investigation Team Commander
- Watch Commander supervisor
- Psychological/peer support personnel
- Chaplain, if appropriate or requested
- Medical Examiner (usually coordinated by the OICIIT and/or Crime Lab)
- Public Information Officer

304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.
 - 1. Involved LPD officers shall not be permitted to meet collectively or in a group with an attorney to discuss the incident prior to providing a formal interview or report.
 - 2. Requests from involved non-LPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

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- (c) Discussions with employee groups/agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved LPD officer. A licensed psychotherapist may also be provided to any other affected LPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam will also be required (see the Fitness for Duty Policy).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved LPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

304.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigative personnel from this department may be assigned to the Johnson County Officer Involved Critical Incident Investigation Team to avoid duplicating efforts in related criminal investigations.

An involved officer may choose to make a statement to the OICIIT Investigators. An officer will not make a statement to the OICIIT Investigator until at least twenty-four hours after the incident. An officer may elect to conduct a walk through of the shooting scene prior to the statement. An officer shall also be permitted to review any video or audio recordings of the incident, or view physical evidence, prior to the statement. The following shall be considered for the involved officer:

- (a) LPD supervisors and Watch Commander personnel should not participate directly in any voluntary interview of LPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with an attorney prior to speaking with criminal investigators. An officer may have his/her attorney present when making their official statement to the OICIIT. However, in order to maintain the integrity of each involved officer's statement, he/she shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

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- (c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED LPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved LPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

Involved officers shall not write reports unless directed by the OICIIT.

Nothing in this section shall be construed to deprive an involved LPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, identification and contact information should be obtained for OICIIT investigators to use for formal follow up interviews..
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Unit supervisor to assign appropriate investigative personnel to coordinate with the OICIIT for the investigation of related crimes. Lenexa Police investigators may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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All related department reports, administrative and/or privileged reports, will be forwarded to Command Staff for review and approval.

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved LPD officers to determine conformance with department policy. This investigation will be conducted under the direction of the Chief of Police and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (b) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. In order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Watch Commander shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Training Unit, which will restrict its findings to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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304.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the Johnson County District Attorney's Office, the Johnson County Officer Involved Critical Incident Investigation Team, and City Legal, as appropriate.

304.8.1 REQUESTS TO REVIEW RECORDINGS

Requests to review recordings of an officer-involved shooting or death made by a body-worn device or in-car camera shall be processed in accordance with the Records Maintenance and Release Policy (K.S.A. § 45-254).

304.9 DEBRIEFING

Following an officer-involved shooting or death, the Lenexa Police Department should conduct both a critical incident stress debriefing and a tactical debriefing.

304.9.1 CRITICAL INCIDENT STRESS DEBRIEFING

A CISM debriefing should occur as soon as practicable. The Chief of Police, or designee, is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., Professional Staff). The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Watch Commander personnel, not directly involved.

304.9.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police, or designee, should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

304.10 MEDIA RELATIONS

Media releases, when practicable, should be coordinated with the OICIIT, District Attorney's Office, and City Legal, and be prepared with input and concurrence from the supervisor and the department representative responsible for each phase of the investigation. Releases will be

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available to the Watch Commanders, Division Commanders, and Public Information Officer in the event of inquiries from the media.

No involved LPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or designee.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Firearms

305.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

305.2 POLICY

The Lenexa Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms staff. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

305.3.1 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and approved by Firearms staff.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun shall be the responsibility of the member unless the handgun is provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Firearms staff prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Firearms staff or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms staff, who will maintain a list of the information.

305.3.2 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as law enforcement officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried, and inspected in accordance with this policy.
 - (a) The purchase of the personally owned firearm shall be the responsibility of the member.
- (b) The firearm shall be carried in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Firearms staff for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms staff.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms staff that the member is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Firearms staff, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, the member may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges or Lenexa Police Department identification cards under circumstances requiring possession of such identification.

305.3.3 AMMUNITION

Members shall carry only department-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms staff when needed, in accordance with established policy.

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Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above.

305.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

305.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms staff.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms staff.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms staff.

305.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

305.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms staff. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms staff. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

305.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.

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- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms staff. Members shall not dry fire or practice quick draws except as instructed by the Firearms staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere inside the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a member of the Firearms staff approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms staff will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition.

Personally owned firearms may be safely stored in secured lockers. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

305.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

305.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty while under the influence of alcohol or drugs, or both, to such a degree as to render such person incapable of safely operating a firearm (K.S.A. § 21-6332).

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305.6 FIREARMS TRAINING AND QUALIFICATIONS

All members will qualify at least annually with their duty firearms unless extended, modified or waived by the Director of the Kansas Law Enforcement Training Center (KLETC). Members will qualify with off-duty and secondary firearms annually. Training and qualifications must be on an approved range course.

All members who carry a firearm while on-duty are required to successfully qualify annually on the required Kansas Commission on Police Officers' Standards and Training (KS-CPOST) range course, with a minimum score of 80%. The Firearms staff or department designated firearms instructor must be present when conducting the required annual KS-CPOST qualification process.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

The Training Sergeant, or designee, shall maintain written documentation and submit evidence of each member's successful compliance with or failure to complete the required annual firearms qualification standard to KS-CPOST.

305.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and one additional attempt to qualify.

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall notify an on-duty supervisor.
- (b) If off-duty at the time of the incident, the member shall notify an on-duty supervisor.

305.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, electronic control device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a

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dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

305.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

In addition, an officer may take charge of any livestock or other domestic animal and, if the animal is injured or diseased beyond recovery or appears likely to injure any person or property, may euthanize it in a humane manner (K.S.A. § 47-1803).

305.8 FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Firearms staff. All members attending will follow the directions of the Firearms staff. The Firearms staff will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Firearms staff may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Firearms staff has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Firearms staff has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Firearms staff.

The Firearms staff has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Firearms staff shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Firearms staff should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

305.9 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Lenexa Police Department identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action.

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- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

306.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

306.1.1 DEFINITIONS

Definitions related to this policy include:

Backup Units are those vehicles not actively involved in the pursuit but which are strategically placed on the pursuit route to respond as assigned by a supervisor.

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Foreign Jurisdiction is any jurisdiction other than the City of Lenexa.

Foreign Jurisdiction Initiated Inter-jurisdictional Pursuit is a pursuit initiated by a foreign jurisdiction that enters the City of Lenexa.

Initiating Unit or Vehicle is the unit or vehicle driven by the officer that initiated the pursuit.

Life Threatening Situation is a set of circumstances, or crime from which death or serious injury to a person resulted or was likely to result.

Originating Jurisdiction is the jurisdiction where the decision was made to initiate a pursuit.

Primary Unit is the vehicle or unit driven by the officer initiating the pursuit or the vehicle or unit that takes the lead vehicle position and responsibility in a pursuit.

Precision Immobilization Technique (PIT) - is the intentional act of using a police vehicle to physically force a suspect vehicle refusing to stop for an emergency vehicle from a course of travel in order to stop it. PIT is a specific technical maneuver, which requires advanced practical training prior to use.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Receiving Jurisdiction is the jurisdiction entered by a pursuit which was initiated by another jurisdiction.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

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Secondary Unit is a vehicle or unit involved in a pursuit to tactically support the primary unit and to provide immediate back up, If necessary.

Self-initiated Inter-jurisdictional Pursuit is a pursuit initiated by an officer of the home jurisdiction that enters a foreign jurisdiction.

Supervisor is the field supervisor directly responsible for the actions of the officers participating in the pursuit. In those jurisdictions where there is not a designated field supervisor on duty, the highest ranking officer in the field shall assume the responsibilities of a supervisor in relation to the pursuit unless relieved of such duties by a supervising officer.

Tactical Vehicle Intervention (TVI) - is the intentional act of using a police vehicle to physically force a suspect vehicle refusing to stop for an emergency vehicle from a course of travel in order to stop it. TVI is a specific technical maneuver, which requires advanced practical training prior to use.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

The Grappler - a push bumper style "vehicle arresting" device that deploys a webbing around the rear wheel of a suspect vehicle, resulting in the tire seizing. The webbing remains attached to the patrol vehicle via a tether and stops the suspect vehicle as the patrol vehicle brakes. The Grappler requires advanced technical training prior to use.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - means the attempt by an officer operating a motor vehicle to apprehend an actual or suspected violator of the law who is attempting to avoid apprehension by using a vehicle to flee and is operating a vehicle above the posted speed limit and/or otherwise in substantial violation of the ordinary rules of the road.

306.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

306.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with emergency lighting and sirens as required by law.

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (K.S.A. § 8-1506):

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- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the maximum speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.
- (d) Proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation.

306.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Following a reasonable and limited period of time for officers to determine the nature of why an individual is failing to stop, officers will not continue a pursuit of a vehicle unless they have reasonable suspicion that one or more of the following inherently dangerous felonies as defined by KSA 21-5402 is being, has been, or is about to be committed:

- (a) Murder
- (b) Voluntary Manslaughter
- (c) Kidnapping
- (d) Aggravated Kidnapping
- (e) Robbery
- (f) Aggravated Robbery
- (g) Arson
- (h) Aggravated Arson
- (i) Rape
- (j) Aggravated Criminal Sodomy
- (k) Aggravated Assault
- (l) Aggravated Battery
- (m) Aggravated Assault Against a Law Enforcement Officer
- (n) Aggravated Battery Against a Law Enforcement Officer
- (o) Abuse of a Child
- (p) Treason
- (q) Residential Burglary
- (r) Aggravated Burglary
- (s) Hit and Run (serious injury or death)

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(t) Criminal Discharged of a Firearm at an Occupied Building or Occupied Vehicle

Supervisors may authorize the continued pursuit of an individual when the initiating event is not an inherently dangerous felony but the individual's actions place others in imminent danger of great bodily harm or death.

Factors that should be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and communications operator/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) The pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

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306.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the reasonable totality of objective circumstances known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) When the identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

306.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

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306.4.1 MOTORCYCLES

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

306.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

306.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the communications operator, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.
- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Unless relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

306.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

Active pursuits shall be limited to the initiating officer (or the primary pursuit vehicle if the initiating officer is no longer in the pursuit) and two secondary pursuit vehicles. Backup units may be strategically placed along the pursuit route but shall not actively engage in the pursuit unless requested to do so by the primary pursuit vehicles or a supervisor.

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The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the communications operator of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

306.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Request assistance from available air support.
 - 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 - 3. Request other officers to observe exits available to the suspect.
- (d) Notify the Kansas Highway Patrol (KHP) or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

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306.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

306.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit.

306.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should not become directly involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road as the totality of the circumstances dictate.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

306.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the communications operator of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.

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- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Lenexa Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

306.6.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy.

The Watch Commander shall conduct an administrative review of the incident and forward the findings and any recommendations to the Division Commander.

306.7 COMMUNICATIONS

Upon initiation of a pursuit, Communications should patch the radio traffic to a Reg Comm pursuit channel, if one is available. The supervisor may direct the radio traffic to an encrypted channel, depending on the circumstances.

306.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the communications operator is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Assigning an incident number and logging all pursuit activities.

306.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be

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responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

306.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Kansas law permits an officer from one jurisdiction to enter another when in pursuit of a known or suspected law violator. No prior authorization is therefore required to enter another jurisdiction; however, the receiving jurisdiction must be notified at the earliest possible opportunity. Kansas law enforcement officers do not have jurisdiction, even in pursuit situations, to enter the State of Missouri in pursuit of non-felony suspects.

Officers are prohibited from continuing a pursuit into a foreign jurisdiction without notifying Communications that the pursuit is entering into it. If an officer enters a foreign jurisdiction without a supervisor's authority, the officer shall, at the earliest opportunity, contact a supervisor for authorization to continue the pursuit. If the authorization cannot then be immediately obtained, the pursuit shall be terminated.

Upon a pursuit entering into a foreign jurisdiction, Communications shall notify the receiving jurisdiction of all available information as quickly as possible.

During self-initiated inter-jurisdictional pursuits, the initiating officer or the officer in the primary pursuit vehicle shall maintain control over the pursuit. When circumstances allow, a supervisor from the initiating jurisdiction shall enter the foreign jurisdiction and maintain communication with the pursuing vehicles.

306.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

The primary officer or his/her supervisor may request assistance from the foreign jurisdiction subject to the following conditions:

- (a) A primary pursuit vehicle from the originating jurisdiction may request the pursuit to be transferred to a foreign jurisdiction for tactical reasons.
- (b) The originating jurisdiction maintains communications and, if possible, control over the pursuit.
- (c) Officers shall not request an officer from a foreign jurisdiction to actively join in the pursuit if both the primary and secondary unit from the originating department are still actively involved in the pursuit.
- (d) Other forms of assistance may be requested of the foreign jurisdiction (examples: blocking intersections, aerial surveillance, canines).
- (e) If the decision is made by the originating jurisdiction to terminate the pursuit, no officer will request assistance from a foreign jurisdiction to continue the pursuit.

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Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Lenexa Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

Officers are prohibited from entering into a pursuit that was initiated by a foreign jurisdiction if the pursuit does not meet the criteria established in this policy. Supervisors shall not assign officers to participate in foreign jurisdiction initiated pursuits unless assistance is requested by the initiating agency and that agency has provided the following information:

- (a) Name of initiating and pursuing agencies to include number and identity of units and aircraft.
- (b) The location and direction of travel of the pursuit.
- (c) A description of the suspect vehicle and its occupants to include criminal history information if available.
- (d) A description of the crime the suspects are believed to have committed.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

A supervisor from the originating jurisdiction shall be responsible for processing the arrest of any suspects and for coordinating the investigation, unless a more serious crime occurred in another jurisdiction.

306.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Lenexa Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.

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- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

306.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, wheel/tire seizing, blocking or vehicle intercept, boxing-in, the PIT, TVI, ramming or roadblock procedures.

306.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

306.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

306.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers

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reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of safety to those involved or the public.
 4. The suspect vehicle is stopped or traveling at a low speed.
 5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT and TVI are limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle.
 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.

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3. Has considered the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 4. Has considered whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (f) The Grappler is limited to use by properly trained officers in accordance with training considerations and conditions present at the time, including the risk of injury to officers, the public, and the occupants of the pursued vehicle. The use of The Grappler is not authorized for vehicles designed from the factory with less than four wheels, trucks with dual rear wheels, or for vehicles carrying hazardous materials, except in incidents where deadly force is authorized. The Grappler should be deployed only after notification is given to other officers and the supervisor of the deploying officer's intent and location of the intended deployment, when feasible. All vehicles successfully seized through use of the Grappler shall be towed from the scene in accordance with Directive 501 (Vehicle Towing). Prior to releasing the vehicle to the towing company, the deploying officer shall affix the Grappler warning sticker in a conspicuous place inside the vehicle.
- (g) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

306.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

306.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.

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- (c) After first obtaining the available information, the involved supervisor, or if unavailable, on-duty field supervisor shall promptly complete a notification email briefly summarizing the pursuit.
- (d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.

306.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

Foot Pursuits

307.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

307.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

307.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.

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- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

307.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the communications operator or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

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- (o) The officer's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

307.5 RESPONSIBILITIES IN FOOT PURSUITS

307.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit and containment. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the communications operator of his/her location and the status of the foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

307.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

307.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible;

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the supervisor does not, however, need to be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

307.5.4 COMMUNICATIONS RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the communications operator is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Assigning an incident number and logging all pursuit activities.

Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

308.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

308.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

308.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately and shall continuously operate the emergency vehicle lighting and siren as required by law.

Officers may use emergency response driving under the following circumstances during a non-pursuit situation:

- (a) Life threatening
- (b) Injury Accident
- (c) Assist the Officer
- (d) When authorized by a supervisor.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign
- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

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In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the communications operator.

308.5 SAFETY CONSIDERATIONS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (K.S.A. § 8-1506).

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property:

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Proceed through toll booths on roads or bridges without stopping for payment of tolls after slowing down as necessary for safe operation and the picking up or returning of toll cards.

308.5.1 NUMBER OF OFFICERS ASSIGNED

Only the number of officers that are reasonably necessary should be assigned to respond to an emergency call or request for assistance.

An emergency response involving more than one police vehicle should be coordinated by Communications to avoid any unanticipated intersecting of response routes. The communications operator shall notify the field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

308.5.2 MOTORCYCLES

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

308.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

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If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Watch Commander, field supervisor or the communications operator of the equipment failure so that another officer may be assigned to the emergency response.

308.6.1 ESCORTS

- (a) Escorts of private vehicles with the use of emergency equipment are not authorized. Officers will not authorize the driver of any private vehicle to exceed the speed limit or to ignore stop signs or signals, or to otherwise violate traffic regulations.
- (b) Officers will not lead or otherwise escort ambulances on emergency runs. If assistance is necessary, officers may render such assistance by attempting to clear intersections along the route of the emergency vehicle.

308.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the communications operator. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the communications operator of his/her determination. Any subsequent change in the appropriate response level should be communicated to the communications operator by the officer in charge of the scene unless a supervisor assumes this responsibility.

308.8 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the field supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

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It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the field supervisor should consider the following:

- The type of call or crime involved
- The type and circumstances of the request
- The necessity of a timely response
- Weather, traffic and road conditions
- The location of the responding officers and the location of the incident

Police Canine Operations

309.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide guidelines for the operation, training, certification, and deployment of the Lenexa Police Department Canine Unit.

309.1.1 DEFINITIONS

Apprehension: When a handler, making use of the assigned dog and on duty in an official capacity, assists in locating a suspect(s).

Canine team: The handler and assigned service dog.

Certified: A team meeting the performance standards of the Lenexa Police Department as evaluated by the Chief of Police, or designate.

Community contacts: Social and physical contact with citizens of the community.

Deployment: When a handler makes use of the assigned dog on duty in an official capacity.

Handler: An officer selected by the Chief of Police, or designate, and qualified by the trainer to care for, use and maintain the proficiency of a police service dog.

Perimeter: A method of containment for a search area utilizing other officers.

Police Service Dog (PSD): a police canine trained and certified in detection of hidden substances (illegal narcotics, explosives, etc) and/or the apprehension of certain violent persons suspected of violating the law through basic Patrol functions (tracking, suspect/evidence searches). A multi-purpose PSD would be one trained in two fields of detection (ex: Patrol and Narcotics).

Recovery: When a handler, making use of the assigned dog on duty in an official capacity, assists in locating items of evidence.

Trainer: An officer selected by the Chief of Police, or designate, and qualified by a professional training center as certified in the training and use of police service dogs and their handlers.

309.2 POLICY

Because of superior senses and agility, the trained police canine is a valuable supplement to law enforcement personnel. It is the policy of the Lenexa Police Department that assigned canine teams be used within these guidelines to prevent, control, and detect criminal activity.

309.3 MISSION

It is the mission of the Lenexa Police Department Canine Unit to provide the specialized services of highly trained canine teams to support field units in the performance of their duties. Unit members shall assist in the location and apprehension of suspects and items of evidence that may be of value in a criminal case.

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309.4 STRUCTURE

The canine unit is a specialized unit within the Patrol Division. A canine team shall consist of a Police Officer, Master Police Officer, or Corporal and his/her assigned service dog. The canine unit shall consist of a number of canine teams, to be determined by the Chief of Police or designate, and a selected trainer. The canine unit will be under the direct supervision of the Canine Unit Sergeant, who will be responsible for all administrative matters involving the unit and its members. The Canine Sergeant shall report to the Patrol K9 Watch Commander (Captain), who in turn will report to the Patrol Division Commander.

309.5 QUALIFICATIONS

309.5.1 HANDLER QUALIFICATIONS

An officer shall meet the following criteria to be considered for assignment to the Canine Unit. Interested individuals shall submit a request in writing to the Patrol Division Commander which explains

his/her qualifications as well as successful participation in both an oral interview and training session as directed by the unit supervisor. A recommendation will then be made to the Chief of Police, or designate, who will make the final decision. Exceptions may be made to these requirements when considering prior experience.

- (a) Non-probationary employment status.
- (b) Must be in good physical condition and successfully pass the standard Department Physical Fitness Test, which shall be conducted during the selection process.
- (c) Successfully participate in a session of canine training as determined by the Canine Unit Supervisor.
- (d) Must be willing to work flexible hours and overtime.
- (e) Must have a suitable place to house a canine, and upon the canine's retirement be willing to care for the animal until it dies or is adopted to an appropriate home.
- (f) Must be willing to commit five years to the Canine Unit.
- (g) Must successfully complete the prescribed canine training program.
- (h) Work performance will be considered, including but not limited to tenure, safety, and dependability. Performance evaluations and substantiated complaints will be considered in the selection process.

309.5.2 TRAINER QUALIFICATIONS

An officer shall meet the following criteria to be considered for assignment as unit trainer. The unit supervisor shall make a recommendation to the Chief of Police, or designate, who will make the final decision. Exceptions may be made to these requirements when considering prior experience.

- (a) Must meet all the requirements for selection to the Canine Unit as a handler.
- (b) Must have successfully worked as a law enforcement canine handler for a minimum of two years.

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- (c) Must successfully complete a police service dog trainers' course by an accredited professional training center approved by the Chief of Police, or designate.
- (d) Must possess the ability to train canine teams to the performance standards of the Lenexa Police Department.

309.6 RESPONSIBILITIES

309.6.1 HANDLER RESPONSIBILITIES

The responsibilities of a unit handler include, but are not limited to, the following:

- (a) Perform all Patrol related functions as directed.
- (b) Handlers will be responsible for the actions of their assigned dog at all times.
- (c) Handlers will be responsible for the proper care and maintenance of their assigned dog, vehicle, home kennel, and all issued equipment. This includes, but is not limited to: feeding, grooming and veterinary care for the police service dog; maintaining the canine at an acceptable performance level; and pointing out any deficient areas to the trainer and/or unit supervisor.
- (d) Assist in the initial and in-service training as directed by the unit trainer.
- (e) Respond to dispatched calls, or requests for service, whether on or off duty.
- (f) Actively participate in public demonstrations as a representative of the Lenexa Police Department.
- (g) The handler is responsible to ensure that all reports are completed and disseminated in a timely manner per department standard.
- (h) The handler is responsible for maintaining a log of all training, deployments, community contacts and apprehensions on department approved forms.
- (i) The handler is expected to use his/her skills and those of his/her assigned partner to actively deter and detect criminal activity.

309.6.2 TRAINER RESPONSIBILITIES

The responsibilities of the unit trainer shall include, but are not limited to, the following:

- (a) Assist in the selection process of prospective handlers.
- (b) Test and select prospective canines for use by the unit.
- (c) Train prospective canines and handlers to meet the performance standards of the Lenexa Police Department.
- (d) Ensure that certified teams maintain the performance standards of the Lenexa Police Department.
- (e) Maintain a list of the current performance standards for Lenexa Police Department canine teams.
- (f) Identify any deficient areas of the unit's teams and initiate any necessary corrective or remedial training.

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- (g) Properly maintain the department's official kennel facilities and all canines housed therein.
- (h) Maintain an adequate supply of, and proper storage area for the unit's equipment.
- (i) Make recommendations to the unit supervisor regarding the performance of teams within the unit.

309.6.3 SUPERVISOR RESPONSIBILITIES

The responsibilities of the unit supervisor include, but are not limited to, the following:

- (a) Be directly accountable to the Patrol K9 Watch Commander on all canine related matters.
- (b) Be responsible for the overall operation of the canine unit.
- (c) Meet periodically with other supervisors and unit members to evaluate the overall operation of the Canine Unit.
- (d) Check and approve reports and overtime requests of unit members.
- (e) Ensure that a secure kennel and pad are properly constructed and maintained at each handler's residence.
- (f) Assign requests for public demonstrations, and provide a schedule of on-call teams and a current emergency call-out list for the Communications Unit.
- (g) Ensure adherence to departmental guidelines regarding canine deployments and uses of force, and complete an annual report for the Patrol Division Commander.
- (h) Confer with other supervisors in the selection of unit personnel.
- (i) Confer with the unit trainer in the selection of prospective canines and the evaluation of the unit's teams.
- (j) Prepare performance evaluations on all unit members.
- (k) Make duty assignments of unit members based on the needs of the Department.
- (l) Periodically inspect the assigned equipment of unit members ensuring that it has been properly maintained.
- (m) Ensure that canine teams are being trained to and maintaining the desired level of proficiency. This shall include the removal from duty any teams failing to achieve performance standards after corrective or remedial training.
- (n) Assist in the unit training program by:
 - 1. assisting the unit trainer as necessary;
 - 2. assuring that handlers are performing the necessary training work as prescribed by the unit trainer;
 - 3. apprise the unit trainer of any training problems which have not been addressed; and
 - 4. assist with the evaluation of all canine teams on an ongoing basis.

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- (o) Periodically review the work performance of all unit members and identify any areas that may need improvement.
- (p) Ensure that there is adequate secure space for the storage of training drugs and that the ledger is properly maintained.
- (q) Conduct a yearly inventory of training drugs to ensure adequate control and supply.
- (r) Be aware of the capabilities of the unit and maintain an open line of communication within the unit.
- (s) Maintain and update the unit Training Manual periodically.
- (t) Assist the Patrol Commander in preparing the annual budget for the K9 Unit.

309.7 DUTIES

Canine teams will be assigned general patrol and other duties as directed. The general duties include but are not limited to the following:

- (a) Canine teams should have the understanding that they are subject to call out for assistance with canine searches outside of their normal working hours. If called upon to provide assistance to officers of the Lenexa Police Department or an outside agency for a canine search, canine teams should make every effort to respond, if available. If unavailable, canine teams should immediately notify Communications, so another canine team can be notified. Canine team working hours and assignments may vary according to the needs of the Department.
- (b) Canine teams shall be deployed with a proactive patrol responsibility to detect crimes in progress and respond quickly to those crimes that have been reported. Canine teams may be dispatched as an assisting unit, when necessary, but must retain the ability to respond elsewhere when needed. Canine teams should be dispatched on felony crimes in progress, or crimes that have just occurred, as well as calls to assist the officer. Canine teams will not be utilized in crowd control situations without the approval of the Watch Commander.
- (c) One day of each work week will be reserved for training. The unit supervisor will determine which day is the designated training day.

309.8 CANINE DEPLOYMENT

- (a) The decision to deploy or not deploy a police canine ultimately rests with the handler.
- (b) The decision to deploy a canine shall be based on the following:
 - 1. The nature of the incident and the totality of the circumstances,
 - 2. the likelihood of apprehension and whether the suspect poses a threat to the safety of officers or others,
 - 3. whether the suspect is actively resisting arrest or attempting to evade arrest at the time,
 - 4. or to locate other suspect(s) when it would be unsafe for officers to proceed into a given area.

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5. The age of the suspect, if known, should be taken into consideration in evaluating whether or not to deploy the police service dog. A supervisor should first authorize the use of a canine to search for a known juvenile suspect.
- (c) Canine officers may use canines as a use of force to apprehend fleeing suspects when it is objectively reasonable to believe that:
 1. The suspect has committed a felony, or a serious or high-grade misdemeanor.
 2. The suspect is actively resisting arrest or attempting to evade arrest by flight.
 3. Whether the suspect poses an immediate threat to the safety of the officers or others.
- (d) Canine officers may use canines for searching for lost or missing persons and articles, including evidence, weapons, narcotics, explosives or other contraband.
- (e) The canine shall be confined to the patrol vehicle (which shall be clearly marked as a police canine unit), or kennel, unless under the direct supervision of the handler. When the handler leaves the vehicle unattended, and the use of the canine is not anticipated, the vehicle shall be secured with adequate ventilation.
- (f) When practical, a verbal challenge shall be given before using the canine to search for or apprehend a suspect. The challenge shall be repeated by the handler, allowing sufficient time for a response. Officer safety or other concerns may negate the necessity for giving a verbal challenge prior to initiating a search or apprehension. When possible, perimeter officers should confirm that they heard the challenge to ensure that it was clearly given at an audible level. Additional challenges should be considered when searching larger structures. The verbal challenge shall include at least the following:
 1. identify your authority
 2. an order to comply, and
 3. consequences of non-compliance.

Example: "Police canine, identify yourself and surrender or we will search with a police dog and you may be bitten."

309.9 PROCEDURES FOR REQUESTING CANINE ASSISTANCE

- (a) All requests for canine assistance will be made through the Communications Unit.
- (b) If possible, a perimeter shall be set up by other officers around the area to be searched.
- (c) The requesting/assisting officer(s) shall not:
 1. Enter or allow others to enter the area to be searched.
 2. Accompany the team during the search unless requested to do so by the handler.
- (d) When an apprehension is made the suspect(s) shall be turned over to the officer(s) who requested canine assistance.

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- (e) When evidence is located it shall be recovered by the officer(s) who requested canine assistance.
- (f) Officers shall not tease, pet or feed any police canine without the consent of the handler.
- (g) The handler shall have the authority to structure the search in accordance to his/her training.

309.10 REPORTS

- (a) When a suspect is apprehended by a department canine, the handler shall ensure that the person receives medical attention, if injured, as soon as possible. If a use of force occurs involving a PSD, the Use of Force protocols and policy shall apply and be adhered to, including but not limited to photographs of all injuries caused by the use of force. Handlers shall complete all required reports detailing a canine use of force before he/she ends the tour of duty.
- (b) The requesting officer's offense report shall state only that the suspect was found at a certain location by the canine team. All facts detailing the apprehension shall be described in the handler's reports.
- (c) Anytime a Lenexa Police service dog engages a person, the handler will notify the unit supervisor as soon as practical. In the absence of the unit supervisor, the Patrol K9 Watch Commander will be notified.

309.11 EMERGENCY PROCEDURES

The following guidelines should be used by officers when a canine handler becomes incapacitated, and the canine is not contained:

- (a) Officers on the scene shall direct the Communications Unit to contact someone from the emergency call-out list and have them respond to the scene. The canine supervisor and Patrol K9 Watch Commander shall also be contacted as soon as practical.
- (b) Officers shall follow the directions of the handler if he/she remains conscious.
- (c) If the handler loses consciousness, then officers shall consider the following:
 - 1. if at all possible, await the arrival of additional canine personnel;
 - 2. avoid direct eye contact with the dog;
 - 3. don't excite the dog with loud noises or sudden movement;
 - 4. don't approach the handler, unless absolutely necessary, as the canine will be protective;
 - 5. attempt to contain the canine by slowly driving the canine vehicle, or other caged vehicle, in close proximity. Sound the vehicle horn and loudly yell "kennel."; Or
 - 6. if previous measures are unsuccessful, protective clothing found in the canine vehicle, coupled with loud and sudden movements will attract the canine's attention. When the canine engages the protective clothing he may then be dragged to an awaiting vehicle or other suitable area of confinement.

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- (d) Destroy the canine only as a last resort and when a person, or the handler, is in jeopardy of succumbing to a preexisting injury.

309.12 TRAINING

- (a) Training is divided into two categories:
 - 1. Initial training: from selection of the dog and handler to the initial certification of the team:
 - (a) The initial training will be done on a full-time basis (40 hours per week) under the direction of the trainer until the team is certified according to the performance standards of the Lenexa Police Department. Initial training may be terminated when, in the opinion of the unit supervisor and trainer, one or both members of a team are not going to be able to achieve the department's performance standards.
 - 2. In-service maintenance training: continuous on-going training from the team's initial certification, to the retirement of a team member.
 - (a) In-service training shall also be done under the direction of the trainer and/or unit supervisor. Each canine team shall train to the accepted canine industry standard and receive a minimum of 16 hours per month, per team. Exceptions shall be made for absences such as vacation and illness. Extended absences shall require the approval of the trainer and unit supervisor prior to the team returning to duty. This training time shall be spent working on increased proficiency, improving tactics, exposing the team to new environments, annual certifications, competitions or other as directed by the trainer and/or unit supervisor.
- (b) Each team shall receive a minimum of 40 hours per year of outside specialized training (conferences, seminars, competitions, certifications, etc.). This will help ensure that all canine teams are kept abreast of current trends, practices and training techniques.

309.12.1 MANAGEMENT OF TRAINING AIDS

- (a) All narcotic training aids will be stored in locked safes. All explosive training aids will be stored in locked magazines. Each narcotic aid safe shall be secured to the building. Each explosive aid magazine shall comply with all applicable federal, state and local laws. Only the canine handlers and the unit sergeant shall have access to the combinations or keys to those safes and magazines.
- (b) A ledger will be maintained to document each time an aid is taken from, or returned to a safe/magazine. Each time an aid is checked in or out its weight will be known and recorded. All transactions will be recorded and initialed by the handler. The location and quantity of all training aids will be known at all times. The ledger will remain secured in the canine office.
- (c) While aids are checked out and in the possession of the handler, the security of those aids will be their sole responsibility.
- (d) Any aid loss or damage due to training (canine ingestion, torn or damaged packages, etc.) will be reported immediately. The report will be in the form of a memo to the unit

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supervisor detailing the estimated loss, the circumstances of the loss, any injury to the canine or handler, and the location of occurrence. The incident must be conveyed to the unit supervisor, or in his/her absence the Patrol K9 Watch Commander, within 24 hours.

- (e) Any loss due to theft or misplacement will be reported immediately to the shift supervisor, canine supervisor, Patrol K9 Watch Commander and Patrol Division Commander. The report will be completed on a standard offense report with the content to be the same as required in Paragraph D. The classification will be specific to the crime (information on lost or stolen property, theft, burglary, etc.). The location of the incident will be treated as a crime scene, with an investigator being assigned. Photographs will be taken and other processing as deemed necessary by the assigned investigator. Statements from all involved parties will be completed as soon as practical.
- (f) Any loss of training aids will be reported by the canine unit supervisor to the appropriate agency responsible for administrative oversight, by the next working day. Narcotics loss will be reported to the Drug Enforcement Administration Diversion Section and explosive loss to the Alcohol, Tobacco and Firearms compliance section.

309.13 PERFORMANCE STANDARDS

All Lenexa Police Department PSD teams shall certify according to the Department approved performance standards prior to being assigned for duty. After being assigned for duty, teams shall demonstrate proficiency by meeting the performance standards at least once annually. The competency of the canine team shall be evaluated and declared by the Chief of Police or designate.

A list of current performance standards for the Lenexa Police Department canine teams shall be kept on file by the trainer and/or unit supervisor. Current standards of proficiency for recognized police service dog associations, when approved by the trainer and/or unit supervisor, shall be deemed acceptable as having met the standards of proficiency for the Lenexa Police Department. Current standards of proficiency for recognized police service dog associations shall also be kept on file by the trainer and/or unit supervisor.

Domestic Violence and Stalking

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence and stalking through vigorous enforcement and to address domestic violence and stalking as serious crimes against society. The policy specifically addresses the commitment of the Lenexa Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence and stalking as required by K.S.A. § 22-2307 and K.S.A. § 22-2310.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - Means an act or threatened act of violence against a family or household member or against a person with whom the offender is involved or has been involved in a dating relationship, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.

Dating Relationship - Means a social relationship of a romantic nature (K.S.A. 21-5111 (3) (i1). Some elements of a social relationship that are romantic in nature include, but are not limited to: The nature of the relationship; length of time the relationship has been in existence; the frequency of interaction between the parties; and the time since termination of the relationship.

Family or household member-Means: (K.S.A. § 21-5111):

- (a) Persons who are 18 years of age or older, who are spouses or former spouses.
- (b) Parents or stepparents.
- (c) Children and stepchildren.
- (d) Persons who are presently residing together or have resided together in the past.
- (e) Persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

Mutual Combat- is a forcible encounter between two or more persons into which both parties enter willingly or voluntarily. It implies a common intent to fight but not necessarily an exchange of blows. (NOTE: A thorough investigation should ensure to establish this finding. Factors to be identified include the determination of the primary physical aggressor (not necessarily the initial physical

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aggressor), use of self-defense, nature and degree of injuries, and statements made by the victim prior to arrest. The officer must understand while mutual combat may exist in certain domestic calls, the investigation and the reports must substantiate this limited finding of true mutual combat.)

Stalking- Is recklessly engaging in a course of conduct targeted at a specific person which would cause a reasonable person in the circumstances of the targeted person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear; or engaging in a course of conduct targeted at a specific person with knowledge that the course of conduct will place the targeted person in fear for such person's safety or the safety of a member of such person's immediate family; or after being served with, or otherwise provided notice of, any protective order included in K.S.A. 21-3843, prior to its repeal or K.S.A. 2012 Supp. 21-5924, and amendments thereto, that prohibits contact with a targeted person, recklessly engaging in at least one act listed in subsection (f)(1) that violates the provisions of the order and would cause a reasonable person to fear for such person's safety, or the safety of a member of such person's immediate family and the targeted person is actually placed in such fear.

NOTE: Domestic violence may include a juvenile offender if a social relationship of a romantic nature exists. Officer discretion should be utilized when making a custodial juvenile arrest related to domestic violence. The decision to make a custodial arrest with a juvenile offender related to domestic violence should be determined by the severity of the offense as well as the probability that the offender will "re-offend" if not taken into custody.

Probable Cause- Includes evidence, facts, and circumstances of a reasonably trustworthy nature which would cause a law enforcement officer to believe a person has committed or is committing a criminal offense. The probable cause standard applied to domestic violence crimes is not different from the standard applied to all other crimes.

310.2 POLICY

It is the policy of the Lenexa Police Department to provide a proactive, pro-arrest approach in responding to domestic violence. The primary focus shall be on the safety of the victim, officers, and others in proximity of the crime, followed closely by perpetrator accountability. The law enforcement officer should follow all policies and procedures of this agency to complete a thorough investigation and analysis of the complaint with the goal of arresting the person(s) committing an act of domestic violence and who were not acting in defense of persons or property.

310.3 OFFICER SAFETY

The investigation of domestic violence and stalking cases often place officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

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310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence or stalking cases (K.S.A. § 22-2307; K.S.A. § 22-2310):

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence or stalking and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should be made to obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) Video or audio record all statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where injuries are in a sensitive area they should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations Unit in the event that the injuries later become visible.
- (f) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (g) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (h) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (i) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred (K.S.A. § 22-2307; K.S.A. § 22-2310).
- (j) Officers should not make any statement that would discourage a person from reporting any act of domestic violence or stalking, or threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement.
- (k) If the incident appears to involve a law enforcement officer from any agency, officers should notify a supervisor.
- (l) If a language barrier exists, officers shall follow the procedures in the Limited English Proficiency Services Policy.

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- (m) If the victim is referred to Safe Home, the officer will contact Safe Home in the presence of the victim and attempt to coordinate the contact between Safe Home and the victim. The officer will attach the Lethality Assessment document within the report to confirm the need for Safe Home intervention as required by the District Attorney's Office. The Lethality Assessment document will be attached to the report whether or not the victim is referred to Safe Home.
- (n) If the victim is considered high risk via the D.V. Lethality assessment, attempt(s) to follow up with the victim will take place within a reasonable time frame and the results of the follow up will be submitted with the report via a supplement. It will be the responsibility of the primary officer to inform their supervisor if the victim is referred to Safe Home.

310.4.1 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the department domestic violence or stalking information handout.
- (b) Victims shall also be alerted to any available victim advocates, shelters and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.
- (e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate or when mandated by a court order, officers should seek or assist the victim in obtaining an emergency court order or serving any court order.

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310.6 COMMUNICATIONS OFFICERS ASSISTANCE

All calls of domestic violence or stalking, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Communications Officers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that a Community Service Officer check whether any of the involved persons are subject to the terms of a court order.

310.6.1 COMMUNICATIONS OFFICERS RESPONSIBILITIES

A communications officers receiving a report of domestic violence or stalking should (K.S.A. § 22-2307):

- (a) Dispatch a minimum of two officers whenever possible.
- (b) Assign a priority response to the call.
- (c) Attempt to elicit information from the caller that may help officers assess and investigate the situation.
- (d) If requested by an investigating officer or supervisor, preserve documentation of the facts and circumstances of the call, including 9-1-1 tapes, for use in potential administrative and criminal investigations.
- (e) Notify a supervisor if a law enforcement officer is involved in the domestic violence or stalking call, regardless of the involved law enforcement officer's jurisdiction.

Domestic violence or stalking calls should not be cancelled. Information regarding requests for cancellation should be relayed to the responding officers.

The Communications Supervisor should ensure that contact information for local domestic violence agencies is maintained and available to communications operators.

310.7 OUT OF STATE/ INDIAN TRIBE OR TERRITORY COURT ORDERS

Various types of orders may be issued in domestic violence or stalking cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

If an otherwise valid foreign protective order cannot be enforced because the respondent has not been notified or served with the order, officers shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order (K.S.A. § 60-31b04).

310.8 VERIFICATION OF COURT ORDERS

Victims of domestic violence and/or stalking often seek additional ways to prevent recurrence of the violence. Officers should advise victims in this category to pursue a court order for protection

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from abuse. Victims can obtain assistance from the Johnson County District Attorney's Victim Assistance Unit during regular business hours.

To be valid, a court order issued under the authority of the Protection from Abuse Act (K.S.A. 60-3101 through 60-3111) or a divorce action (K.S.A. 60-1607) must be signed by a judge and certified. A victim at the scene of a domestic dispute may present responding officers with a valid court order, or the victim may advise them an order has been issued but the victim has no copy of it. In this case, an officer shall immediately contact the Johnson County Sheriff's Office, CSO office or Communication's to determine if a copy of the protection from abuse/restraining order is on file.

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable (K.S.A. § 22-2307; K.S.A. § 22-2310):

- (a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

If the person has been served and, therefore, is knowingly in violation of the order, the person shall be arrested for criminal trespass or violation of a protection order by the officer and booked into the Johnson County Adult Detention Center on a state charge.

If prior service of the individual named as the defendant cannot be verified, the officer should make an effort to attain personal service on the defendant through the Johnson County Sheriff's Office.

Whether or not the suspect is arrested at the scene, the suspect is subject to possible prosecution for criminal trespassing and/or violation of a protection order. Therefore, the existence of such a court order and its violation require a report to be made.

Any valid protective order issued by a court of any state or Indian tribe, will be enforced in any domestic violation situation. Any violations of a protective order; will be documented by Kansas standard offense report.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

310.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence or stalking report should consider the following:

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- (a) When there is probable cause to believe that an offense involving domestic violence or stalking has been committed, the officer shall arrest the person without undue delay (K.S.A. § 22-2307; K.S.A. § 22-2310).
- (b) Officers should arrest a person who is in violation of a domestic violence protective court order.
 - 1. Officers are not required to arrest both parties involved in an alleged act of domestic violence or stalking when both claim to have been victims of domestic violence or stalking (K.S.A. § 22-2307).
- (c) Officers receiving complaints of domestic violence or stalking from two or more opposing persons shall evaluate each complaint separately to determine if there is probable cause that each person committed a crime or offense and his/her actions were not an act of defense of a person or property (K.S.A. § 22-2307).

310.10 REPORTS AND RECORDS

Officers shall complete a Kansas Standard Offense Report (KSOR) on all domestic violence and stalking incidents regardless of whether an arrest is made (K.S.A. § 22-2307; K.S.A. § 22-2310). If there is no probable cause to support arrest or to believe that a crime of domestic violence or stalking occurred, the report should include information supporting such a conclusion.

The Records shall forward a copy of the KSOR to the Kansas Bureau of Investigation and should also forward a copy to the appropriate prosecutor's office (K.S.A. § 22-2307; K.S.A. § 22-2310).

310.11 TRAINING

Training on domestic violence calls shall be provided to officers in accordance with K.S.A. § 22-2307.

Search and Seizure

311.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Lenexa Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Lenexa Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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Search and Seizure

311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officershould witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.
 3. When feasible, the search should be recorded by the member's in-car and/or body worn camera.
 4. Members should not manipulate, or cause to be manipulated, the undergarments of the person being searched.

311.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports in the RMS are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Child Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Lenexa Police Department members are required to notify the Department for Children and Families (DCF) of suspected child abuse.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement.

312.2 POLICY

The Lenexa Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the DCF is notified as required by law.

312.3 MANDATORY NOTIFICATION

Members of the Lenexa Police Department shall notify DCF when there is reason to suspect that a child has been harmed as a result of physical, mental, or emotional abuse, or neglect or sexual abuse (K.S.A. § 38-2223(a)).

For the purposes of notification, abuse includes physical neglect, sexual abuse, and the infliction of physical, mental, or emotional harm, or the causation of a child's deterioration. This includes, but is not limited to, maltreatment or exploiting a child to the extent that his/her health becomes endangered (K.S.A. § 38-2202; K.A.R. 30-46-10).

312.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (K.S.A. § 38-2223(b)):

- (a) Notification shall be made to DCF promptly or as soon as practicable.
- (b) Notification shall contain, if known:
 - 1. The names and addresses of the child and the child's parents or other persons responsible for the child's care.
 - 2. The location of the child if not at the child's residence.
 - 3. The child's gender, race, and age.
 - 4. The reasons why the child may be in need of care.
 - 5. The nature and extent of the harm, including any evidence of previous harm.
 - 6. Any other information that might be helpful in establishing the cause of the harm.

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7. The identity of the person responsible for the harm.
8. Information about any custody dispute involving the child.
- (c) When reporting suspected child abuse, protected health information may be disclosed freely with DCF.
- (d) If requested by DCF, notification shall be followed up by a written report.

In addition to notifying DCF, members shall notify the Secretary of the Kansas Department of Health and Environment (KDHE) when an investigation involves a facility licensed or regulated by KDHE (K.S.A. § 38-2226(e)).

The Medical Examiner shall be notified immediately in all instances where abuse is suspected in the death of a child (K.S.A. § 38-2223(d); K.S.A. § 22a-242).

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed (K.S.A. § 38-2226).
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams or mandatory joint investigations, as applicable (K.S.A. § 38-2226; K.S.A. § 75-723).

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of child abuse require an investigation and a written report even if the allegations appear unfounded or unsubstantiated (K.S.A. § 38-2226).

Suspected child abuse reports shall be accepted from anyone, including mandated reporters when DCF is unable to accept reports (K.S.A. § 38-2223(c)(1)).

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom the child made the statements.

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- (d) If a child was taken into protective custody, and the factors that went into that decision.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) The date, time, and location of any visual observation of the victim as required by K.S.A. § 38-2226.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

312.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCF. Generally, removal of a child from their family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from their parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to JIAC or other approved facility (K.S.A. § 38-2232).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children shall only be taken into custody and removed from a parent or guardian by an officer in the following situations (K.S.A. § 38-2231):

- (a) There is a valid court order authorizing custody of the child issued in this state or another jurisdiction.
- (b) The officer reasonably believes:
 - (a) The child will be harmed if not immediately removed from the place or residence where the child has been found.

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- (b) The child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.
- (c) The child is experiencing a behavioral health crisis and is likely to cause harm to themself or others.

312.6.1 NEWBORN INFANT PROTECTION ACT

A member may accept custody of an infant not more than 60 days old surrendered by a person purporting to be the infant's parent or a person having lawful custody of the infant or, if applicable, when the infant is surrendered in a newborn safety device installed at the Department (K.S.A. § 38-2282).

Members involved in the voluntary surrender of an infant shall (K.S.A. § 38-2282):

- (a) Immediately notify the shift supervisor.
- (b) Perform any act necessary to protect the physical health or safety of the infant.
- (c) Arrange for the immediate transportation of the infant to the nearest medical care facility.
- (d) Not require the parent voluntarily surrendering the infant to reveal personally identifiable information but should offer the parent the opportunity to provide information concerning the infant's familial or medical history.
- (e) Inquire whether the infant or either biological parent is a member of or is eligible for membership in a federally recognized Indian tribe, and if so, ask the identity of the tribe. Any such information shall be reported to DCF.
- (f) Keep confidential the name or other personally identifiable information of the person who delivered the infant unless there is a reasonable suspicion that the infant suffered great bodily harm.
- (g) Make information available to the surrendering parent as required by K.S.A. § 38-2282 (e.g., termination of parental rights, counseling services, medical/background questionnaire, postpartum health).

The shift supervisor shall ensure that DCF is notified, and the infant is delivered to the nearest medical facility. Once the infant is medically evaluated, the shift supervisor shall ensure the infant is delivered to a facility or person designated by DCF (K.S.A. § 38-2282).

A relinquishing parent is immune from civil or criminal liability if the surrendered infant has not suffered great bodily harm as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse, or licensed physician assistant (K.S.A. § 38-2282).

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When

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practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

312.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

312.7.3 INTERVIEWS ON SCHOOL PREMISES

Officers may interview a child on the premises of an educational institution in a setting designated by school personnel (K.S.A. § 38-2226(g)).

- (a) Officers have discretion in determining who may be present during an interview, taking into consideration the best interests of the child.
- (b) To the extent that safety and practical considerations allow, Officers shall not be in uniform when investigating suspected child abuse on the premises of an educational institution.
- (c) The officer may request the presence of school personnel if the presence of such person might provide comfort to the child or facilitate the investigation.

312.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should arrange for the child's transportation to the appropriate medical facility. The officer may seek consent for the examination, but it is not required under the law. The officer shall notify or attempt to notify the appropriate parent or guardian of the examination unless it is suspected that the parent or guardian is the abuser (K.S.A. § 38-2217).

312.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Unit supervisor, or designee should:

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- (a) Work with professionals from the appropriate agencies, including DCF, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations Unit supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives at the scene.

312.9.2 OFFICER RESPONSIBILITIES

An officer responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate.
- (b) Notify on duty Investigations Unit personnel, or the on call detective so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

Kansas requires or permits the following:

312.10.1 ACCESS TO RECORDS

Officers seeking access to records from any person or agency that maintains records relating to a child who is the subject of a child abuse investigation shall (K.S.A. § 38-2226):

- (a) Submit a written request for information to the person or agency.
- (b) Provide written notice that an investigation is being conducted by the Department.

When access to certain records is denied, an officer may request disclosure of documents, reports or information by making a written, verified application to the district court when there is probable cause to believe this information will assist in the investigation of a report of child abuse or neglect (K.S.A. § 38-2229).

312.10.2 RELEASE OF REPORTS

Information and records related to incidents and investigations of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (K.S.A. § 38-2209).

Information and reports relating to the surrender of an infant or individuals involved in the surrender are confidential and shall not be released except where allowed by law (K.S.A. § 38-2282).

312.10.3 STATE CHILD DEATH REVIEW BOARD

The Department shall allow the State Child Death Review Board access to all investigative information regarding the death of a child (K.S.A. § 22a-244).

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312.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.
- (g) Recognizing abuse that requires mandatory notification to another agency.

Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Lenexa Police Department members as required by law.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

313.2 POLICY

The Lenexa Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Lenexa Police Department shall notify the Department for Children and Families (DCF) when there is reasonable cause to suspect or believe that an adult is being or has been abused, neglected, or financially exploited, or is in need of protective services (K.S.A. § 39-1431).

For purposes of notification, abuse includes an act or inaction that would cause, or is likely to cause, harm including physical or mental injuries, sexual acts without consent, unreasonable use of physical or chemical restraints, isolation or medication that harms, or is likely to cause harm, emotional or mental distress, neglect, or financial exploitation as provided in K.S.A. § 39-1430.

For purposes of adult abuse, an adult is a person (K.S.A. § 39-1430):

- (a) Who is 18 years of age or older, alleged to be unable to protect his/her own interest, who is harmed or threatened with harm, whether financial, mental, or physical in nature, through action or inaction by either another individual or through his/her own action or inaction when the adult:
 - 1. Resides in his/her own home, the home of a family member, or the home of a friend.
 - 2. Resides in an adult family home as defined in K.S.A. § 39-1501.
 - 3. Is receiving services through a provider of community services operated or funded by the DCF, the Kansas Department for Aging and Disability (KDADS), or a licensed residential facility.

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (K.S.A. § 39-1431):

- (a) Notification to the DCF shall be made immediately or as soon as practicable by telephone.

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- (b) Information shall include, if known:
 - (a) The name and address of the person making the report.
 - (b) The name and address of the caretaker caring for the involved adult.
 - (c) The name and address of the involved adult.
 - (d) Information regarding the nature and extent of the abuse.
 - (e) The name of the next of kin of the involved adult, if known.
 - (f) Any other information which the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

For adult abuse investigations involving a medical facility, adult residential care facilities, home health agencies, adult day care or a facility for the mentally disabled, KDADS shall be notified upon the conclusion of the investigation or sooner if the report does not compromise the investigation (K.S.A. § 39-1443(d)).

313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed (K.S.A. § 39-1409; K.S.A. § 39-1443).
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (K.S.A. § 39-1409; K.S.A. § 75-723).
- (g) Assist in investigations when requested by the DCF when it is reported that an adult is in a life-threatening situation (K.S.A. § 39-1435).

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

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- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

313.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact the DCF. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the appropriate care facility.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

313.7 INTERVIEWS

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313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should utilize their body worn camera during the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) The adult cannot adequately provide for his or her own care or protection and exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. The supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Unit supervisor, or designee should:

- (a) Work with professionals from the appropriate agencies, including the DCF, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult

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abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

- (b) Activate any available interagency response when an officer notifies the Investigations Unit that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

313.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives at the scene should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigations Unit so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Kansas requires or permits the following:

313.10.1 RECORDS RESPONSIBILITIES

After a request from the Investigations Unit, the Records is responsible for:

- (a) Providing a copy of the adult abuse report to the DCF as required by law (K.S.A. § 39-1443).
- (b) Retaining the original adult abuse report with the initial case file.

313.10.2 ACCESS TO RECORDS

Officers shall have access to relevant records from any person or agency which maintains records relating to an adult abuse investigation (K.S.A. § 39-1406; K.S.A. § 39-1436).

313.10.3 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

313.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The Lenexa Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

Nothing in this policy supersedes the City of Lenexa Non-Discrimination, Anti-Harassment and Workplace Bullying policy.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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314.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

314.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

314.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Kansas Human Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to duty on time, that the member comply with city or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Director, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

314.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Director, or the City Manager for further information, direction, or clarification.

314.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Watch Commander immediately of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation.

314.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all

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complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The Command Staff member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Director, or the City Manager.

314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Manager, or the Human Resources Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

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314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

314.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member.

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

High risk - Includes persons who (K.S.A. § 75-712c(e)(3)):

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 - 1. Out of the zone of safety for their chronological age and developmental stage
 - 2. Mentally or behaviorally disabled
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing
 - 5. In a life-threatening situation, such as an abduction or suspicious or known dangerous circumstances
 - 6. In the company of others who could endanger their welfare
 - 7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk (facts or circumstances indicate the person may be at risk of bodily harm or death)
 - 9. Have been missing more than 30 days
 - 10. Have been designated as a high-risk missing person by another law enforcement agency

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown (K.A.R. 10-20-1).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), and the Kansas Bureau of Investigation (KBI) Missing/Unidentified Person Clearinghouse.

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315.2 POLICY

The Lenexa Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

315.3 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay (K.S.A. § 75-712c(a)(1)).

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

315.4 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable (K.S.A. § 75-712c(a)(4)):

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be high risk (K.S.A. § 75-712c(e)(1)).
 - 1. Provide the reporting party with contact information and information concerning the National Center for Missing and Exploited Children (NCMEC) and the National Center for Missing Adults (K.S.A. § 75-712c(b)).
 - 2. Advise the reporting party to immediately notify the Department in the event the missing person returns or is located (K.S.A. § 75-712c(d)).
- (c) Notify a supervisor immediately if there is evidence that a missing person is either high risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a radio alert (e.g., internal broadcast, interagency broadcast) if the person is under 18 years of age or there is evidence that the missing person is high risk. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be high risk.
- (e) Ensure that entries are made into the appropriate missing person networks (K.S.A. § 75-712b; K.S.A. § 75-712c(a)(3); K.S.A. § 75-712c(e)(4)):
 - 1. Immediately, when the missing person is high risk.
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.

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2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

315.5 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.5.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - (a) The reports should be promptly sent to Investigations.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing person networks (K.S.A. § 75-712c(a)(3)).
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.
- (g) Reevaluating new information, including whether the missing person is subsequently high-risk (K.S.A. § 75-712c(e)(2)).

315.5.2 RECORDS RESPONSIBILITIES

The responsibilities of the Records receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

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- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Investigations Unit.
- (e) Coordinating with the NCIC Terminal Contractor for Kansas to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.6 INVESTIGATIONS UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is appropriately notified if the missing person is a juvenile (K.S.A. § 72-9934).
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Shall recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available. Investigators shall also (K.S.A. § 75-712c(c); K.A.R. 10-20-2):
 - 1. Provide follow-up forms to the reporting party from the NCIC or KBI.
 - 2. Attempt to obtain a DNA sample from family members.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the KBI Missing/Unidentified Person Clearinghouse, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308; K.S.A. § 75-712c(c)).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and NCMEC if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

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- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the KBI Missing/Unidentified Person Clearinghouse and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should assign responsibility to monitor the case and upon obtaining any new information concerning the missing person at any time, evaluate whether such person may be a high-risk missing person (K.S.A. § 75-712c(e)(2)).
- (k) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.7 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the KBI and any other agency involved in the case.
- (b) The missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is high risk, the fact that the person has been found should be reported within 24 hours to the KBI and any other agency involved in the case.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

315.7.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should (K.S.A. § 75-712g):

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File, NamUs database, and the KBI Missing/Unidentified Person Clearinghouse (K.S.A. § 75-712b(b)).
- (c) Use available resources, such as those related to missing persons, to identify the person.

315.7.2 VICTIMS OF DOMESTIC VIOLENCE/SEXUAL ASSAULTS

When there is reason to believe that a missing person (including an emancipated minor) is staying at or made contact with a domestic violence or sexual assault program, notification that the missing

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person was found shall not be provided to relatives and/or the reporting party unless the missing person expressly consents to the release of the information (K.S.A. § 75-712c(d)).

315.8 CASE CLOSURE

The Investigations Unit supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Lenexa or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations, social media and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES

Members of the Lenexa Police Department should notify their supervisors, Watch Commander or Investigations Unit supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

316.4 AMBER™ ALERTS

AMBER™ Alerts are used to provide a statewide system for the rapid dissemination of information regarding abducted children. Members should refer to the criteria and procedures for issuance of an Amber Alert in the Procedural Resource Manual.

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316.5 BLUE ALERTS

Blue Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state, or federal law enforcement officer. Members should refer to the criteria and procedures for issuance of a Blue Alert in the Procedural Resource Manual.

316.6 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is suffering from dementia or is over the age of 65 (K.S.A. § 75-754). Members should refer to the criteria and procedures for issuance of a Silver Alert in the Procedural Resource Manual.

316.7 PURPLE ALERTS

Purple alerts are used to locate missing adults with intellectual or developmental disabilities (H.B. 2531, 90th Legislature, § 1 (2024)).

316.7.1 CRITERIA

The following criteria must be met to issue a Purple Alert:

- (a) The person is 18 years of age or older.
- (b) The person has been diagnosed with an intellectual disability.
- (c) The person's whereabouts are unknown.
- (d) It is believed that the person is in imminent danger of serious bodily injury or death because of their disability and unable to return to safety without assistance.

Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

317.2 POLICY

The Lenexa Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Lenexa Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. City Legal and the District Attorney's Victim Assistance Unit will generally serve as points of contact for crime victims.

317.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

317.5 VICTIM INFORMATION

The appropriate Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) A clear explanation of relevant court orders and how they can be obtained.
- (c) Information on how to register with the Kansas Department of Corrections to receive information on an offender's custody status.
- (d) Resources available for victims of identity theft.
- (e) Information shall be provided regarding (K.S.A. § 19-4808):
 - 1. Emergency and medical telephone numbers, if needed.
 - 2. The officer's name, badge number, and any applicable case or incident number, in writing.
 - 3. The address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights.

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4. The name and address of the crime victims' compensation board and information about possible compensation benefits.
 5. An advisement that the details of the crime may be made public.
 6. An advisement of the Victim's Bill of Rights (K.S.A. § 74-7333; K.S.A. § 74-7335).
- (f) Information required for victims of domestic violence (K.S.A. § 22-2307).

317.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Hate Crimes

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

318.2 POLICY

The Lenexa Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

318.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.
- (b) Providing victim assistance and community follow-up or identifying available resources to do so.

318.4 INVESTIGATION

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
- (e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.
- (f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

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- (g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Temporary Protective Order) through the courts or City Attorney.

318.4.1 INVESTIGATIONS UNIT RESPONSIBILITIES

If a hate crime case is assigned to the Investigations Unit, the assigned investigator will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

318.5 TRAINING

All members of this department should receive training on hate crime recognition and investigation.

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Lenexa Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Kansas constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority. Member conduct shall be such that it does not damage or have the probable expectation (in the mind of a reasonable and prudent member) of damaging the organization's public image, integrity, or reputation, or bring it into discredit or disrepute.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Members are required to seek affirmative ways to cooperate and work with Department members, other public officials, and members of any organization with whom the member or this organization needs to have a good working relationship in order to deliver lawful, effective, and safe services.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

319.5.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in department or City manuals.

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- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.
- (d) Failing to take assertive action and notify a supervisor when the member observes or becomes aware of another member engaging in criminal conduct, unconstitutional behavior, or other inappropriate activities that would discredit the Department.

319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Lenexa Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts, or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel, or services.
- (g) Any other failure to abide by the standards of ethical conduct.
- (h) Creating a conflict of interest, or potential conflict of interest with the duties and obligations of the member's position within the organization:
 - 1. Supervisors who place themselves in a financial obligation to a subordinate violate this standard if the subordinate attempts to use such circumstances to gain special favors.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

- (a) Solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

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- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

319.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.
- (e) Scheduling personal appointments that coincide with scheduled work time without prior authorization.
- (f) Conducting personal business on work time.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

319.5.7 EFFICIENCY

- (a) Neglect of duty.

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- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.
- (g) Consistently failing to make use of un-obligated work time.
- (h) Consistently taking longer than normal time on a task or job assignment, which results in others having to handle the extra workload.
- (i) Spending an atypical amount of time at the station or otherwise unavailable, leaving fieldwork for others to do.

319.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
 - (a) Gossiping or condoning gossip about members or supervisors.
 - (b) A supervisor discussing a private conversation with another individual who has no work related necessity to know about the conversation.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

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1. While on department premises.
 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
- (a) Unauthorized attendance while on-duty at official legislative or political sessions.
 - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (a) City employees shall not participate as a candidate for any political office for any City government position while an employee of the City of Lenexa.
 - (b) City employees will not solicit, sell, or handle any political contributions; or display any political badges, buttons, or signs on their person or at their workstation during working hours.
- (i) Any act on- or off-duty that brings discredit to this department.

319.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

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- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.
- (n) Failure to come to the aid of another member in the line of duty when a request or need is made known.
- (o) Failure to respond when a request for backup is made by another member, particularly if the failure was due to an unauthorized absence from duty or being out of an assigned work area.
- (p) Establishing a pattern of being habitually unavailable or unable to respond to a request for assistance or to take a call.
- (q) Habitually making the same types of mistakes and being defensive about accepting constructive criticism of performance.

319.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Unsafe firearm or other dangerous weapon handling, including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (d) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (e) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (f) Any personal action contributing to a preventable traffic accident.
- (g) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.
- (h) Failing to notify Dispatch via the radio when conducting a traffic stop or other police action.
- (i) Disregarding backup or handling calls for service when two officers are mandated.

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319.5.11 INTOXICANTS

- (a) Members should refer to the City of Lenexa Drug and Alcohol Policy for specific information regarding intoxicants.
- (b) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (c) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (d) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

319.5.12 INSUBORDINATION

Members shall willfully observe and obey the lawful verbal and written rules, duties, policies, procedures, and practices of this organization. They also shall subordinate their personal preferences and work priorities to the lawful verbal and written rules, duties, policies, procedures, and practices of this agency, as well as to the lawful orders and directives of supervisors and superior command staff personnel of this organization. Members shall willfully perform all lawful duties and tasks assigned by supervisors and superior-ranked personnel. Direct, tacit, or constructive refusal to do so is insubordination.

- (a) Refusing to comply (directly or constructively) with established rules, policies, procedures, and practices.
- (b) Habitually challenging policies, procedures, or practices without providing objective and documented facts to support justification of such deviation.
- (c) Refusing to work reasonable amounts of overtime or refusing to work overtime in an emergency situation.
- (d) Repeatedly being unable to be contacted for call out when given stand-by notice.

319.6 SOCIAL MEDIA

Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.

Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police or designee.

Department personnel should expect that any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be accessed by the Department and/or public at any time without prior notice.

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Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his/her supervisor immediately for follow-up action.

When using social media, Department personnel should be mindful that their post becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Standards of Conduct is required in the personal use of social media.

Clarification on appropriate postings, if needed, shall be directed to Command Staff.

This section does not apply to Department sponsored social media sites.

Examples of violations include, but are not limited to:

- (a) Post comments, photographs, digital media relating to any investigation or perceived investigation of this agency.
- (b) Post that could reasonably be interpreted to express the opinions of the Lenexa Police Department.
- (c) Post expressing opinions or discussion of Department operations, philosophies, discipline, or making disparaging comments towards another member of the organization.
- (d) Post involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible or that bring discredit to the organization.

Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Lenexa Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

320.2 POLICY

It is the policy of the Lenexa Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities with the exception of allowed limited personal use of the internet. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities while some limited personal use is acceptable. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

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Downloaded information from the Internet shall be limited to messages, mail and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments. Work-related activities should not be completed when off-duty without authorization by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

320.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by the Chief of Police or designee, or during the course of regular duties that require such information.

Department Use of Social Media

321.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

321.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

321.2 POLICY

The Lenexa Police Department will use social media as a method of effectively informing the public about department services, issues, investigations, recruitment and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

321.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

321.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission, and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

321.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Chief or designee.

321.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Lenexa Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure the PIO or other designee is notified to ensure removal and/or investigation.

321.6 MONITORING CONTENT

The Department's social media use shall be periodically reviewed by a supervisor or other designated individual who does not create or manage content, to ensure resources are used

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appropriately, content is effective, and no unauthorized or inappropriate material is present. Any prohibited or inappropriate content shall be promptly removed upon discovery.

321.7 RETENTION OF RECORDS

The Support Services Division Commander should work with the Official Custodian or custodian assigned to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

321.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Report Preparation

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

322.2 POLICY

It is the policy of the Lenexa Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

322.3 EXPEDITIOUS REPORTING

An incomplete report, unorganized reports or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

322.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

322.4.1 HANDWRITTEN OR TYPED REPORTS

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

Members who generate reports on computers are subject to all requirements of this policy.

322.4.2 ELECTRONIC SIGNATURES

The Lenexa Police Department has established an electronic signature procedure for use by all members of the Lenexa Police Department. The Patrol Division Commander shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for his/her electronic signature and that the use of electronic signatures otherwise complies with the law (K.S.A. § 16-1607).

- (a) Members may only use their electronic signatures for official reports or other official communications.

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- (b) Each member shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

322.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if he/she deems it necessary or as directed by a supervisor.

322.5.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes, but is not limited to:

- (a) All arrests.
- (b) All felony crimes.
- (c) Searches of vehicles and/or persons.
- (d) Physical detention of a person.
- (e) Incidents involving criminal threats, terrorist threats, and stalking.
- (f) Situations covered by separate policy. These include:
 - 1. Use of Force Policy.
 - 2. Domestic Violence and Stalking Policy.
 - 3. Child Abuse Policy.
 - 4. Adult Abuse Policy.
 - 5. Hate Crimes Policy.
 - 6. Suspicious Activity Reporting Policy.
- (g) All misdemeanor crimes where the victim desires a report.

322.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes, but is not limited to:

- (a) Any found property or found evidence.
- (b) All protective custody and welfare detentions.
- (c) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy).
- (d) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy.

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- (e) Suspicious incidents that may place the public or others at risk.
- (f) Any use of force by members of this department against any person (see the Use of Force Policy).
- (g) Any firearm discharge (see the Firearms Policy).
- (h) Any time a member points a firearm at any person.
- (i) Any traffic accidents above the minimum reporting level (see the Traffic Accidents Policy).
- (j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

322.5.3 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, and potentially fatal.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to document the event.

322.5.4 DEATHS

Death investigations require specific investigation methods, depending on the circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

- (a) Unattended deaths (no physician or qualified hospice care during the period preceding death)
- (b) Sudden, accidental or suspicious deaths
- (c) Suicides
- (d) Homicide or suspected homicide
- (e) Found dead bodies or body parts

322.5.5 CITY PERSONNEL OR PROPERTY

Incidents involving City personnel or property shall require a report when:

- (a) An injury occurs as the result of an act of a City employee or on City property.
- (b) There is damage to City property or equipment.

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322.6 ALTERNATIVE REPORTING FOR VICTIMS

Reports that may be submitted by the public via telephone or on line through the Police Department website include:

- (a) Identity Theft
- (b) Suspicious activity that occurred at least two days prior
- (c) Minor theft cases
- (d) Missing license plate
- (e) Theft of Services
- (f) Unlawful Use of a Credit Card
- (g) Criminal Damage to Property

Members at the scene of one of the above incidents should not refer the reporting party to any alternative means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (for example, the Federal Trade Commission website for identity theft; the Federal Bureau of Investigation's Internet Crime Complaint Center website for computer crimes).

322.7 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a correction form stating the reasons for rejection.

The original report and the correction form should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

322.7.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

Media Relations

323.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

323.2 POLICY

It is the policy of the Lenexa Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

323.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and applicable laws regarding confidentiality.

The Department's Public Information Officer (PIO), or designee, will exercise staff supervision over selected matters pertaining to release of information to the news media. To accomplish this, the PIO will be available during normal business hours and be on-call for emergencies and critical incidents at all times. The shift Watch Commander shall be responsible for ensuring that the PIO is informed of major incidents and all other events that may generate media interest.

323.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, shall not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

323.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

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- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comment to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

323.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
 - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) Suspects or accused person, in custody, shall not be posed or made available for media interviews by any member of this agency.
- (d) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

323.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

323.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

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323.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

323.7.1 EMPLOYEE INFORMATION

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO, the Official Custodian or custodian assigned, or if unavailable, the Watch Commander. Such requests will be processed in accordance with the provisions of public records laws (e.g., the Kansas Open Records Act) (K.S.A. § 45-215 et seq.).

323.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

Members of the Department shall make every effort to be courteous and diplomatic when dealing with the media and are authorized to release information to the media under the following circumstances:

- (a) Names of individuals involved in an accident requiring a police report, if the name will appear in records open to public inspection. It is not normal department practice to release names and addresses of victims of sex offenses; witnesses; or deceased persons before next of kin is notified.
- (b) Factual information concerning an individual, other than the above, involved in an accident, such as name, age, residence, occupation, and family status.
- (c) Circumstances surrounding an incident or arrest, such as time and place, possession and use of weapons, resistance, pursuit, identity of arresting officers, length of investigation, and a general description of items seized.
- (d) Additional information which may assist in an investigation, such as "attempt to locate" bulletins for persons or vehicles.
- (e) Copies of Public Offense and Traffic Accident reports are available for a fee in accordance with the Lenexa Police Department Records Retention policy.

Members shall not release for publication or airing or in a manner likely to result in publication or airing, information falling into the following categories (except when released as part of a record open to the public):

- (a) Information which may jeopardize the successful conclusion of an investigation. (Access to crime scenes also may be restricted for this reason.)

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- (b) Names of victims or suspects in sex crimes or any incidents involving juveniles.
- (c) The identity of any suspect prior to arrest or the results of any investigative procedures except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of danger.
- (d) Any opinion as to guilt or innocence of the accused or as to the merits of the case or the evidence in the case.
- (e) Statements, arrest records, or information regarding the character or reputation of the accused.
- (f) The existence or contents of admissions or confessions made by individuals, or the refusal or failure of the accused to make any statement.
- (g) The performance of any examinations or tests or the refusal or failure of the accused to submit to any examination or test.
- (h) The identity, testimony, or credibility of any prospective witnesses.
- (i) The possibility of a plea of guilty to the offenses charged or to a lesser offense.
- (j) Any department photographs, video images, or audio recording of evidentiary value unless prior approval is given by the Chief of Police, or designee.
- (k) General speculative information or opinion on any matter being investigated or that is connected, without first obtaining the permission of the Chief of Police for appropriateness.

323.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the PIO.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Lenexa Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

Lenexa Police Department members will respond appropriately to all subpoenas and any other court ordered appearances.

324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Lenexa Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Lenexa Police Department.

The supervisor will then notify the Division Commander and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by current City policy.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

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324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the department uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

324.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with current City policy.

Part-Time Officers

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Lenexa Police Department part-time officers to supplement and assist regular full-time police officers in their duties. These officers provide professional and special functions and part-time services that can augment regular staffing levels.

325.1.1 DEFINITIONS

Definitions related to this policy include (K.S.A. § 74-5602; K.S.A. § 74-5607a; K.S.A. § 74-5616):

Part-time officer- A person whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state for less than 1,000 hours per year and has been certified by the Kansas Commission on Police Officers' Standards and Training (KS-CPOST). Part-time officers are paid employees of this department.

325.2 POLICY

The Lenexa Police Department shall ensure that part-time officers are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

325.3 RECRUITMENT AND SELECTION

The Lenexa Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as regular full-time police officers before appointment.

325.3.1 APPOINTMENT

Applicants who are selected for appointment as part-time officers shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office in accordance with the Oath of Office Policy and as required for the position.

Part-time officers are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Part-time officers shall have no property interest in continued appointment. However, if a part-time officer is removed for alleged misconduct, the part-time officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

325.4 IDENTIFICATION AND UNIFORMS

Part-time officers will be issued Lenexa Police Department uniforms, badges and identification cards. The uniforms and badges shall be the same as those worn by regular full-time police officers.

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Part-Time Officers

325.5 AUTHORITY

Part-time officers shall perform law enforcement officer duties within the scope of their approved training and have the authority to arrest on behalf of this department (K.S.A. § 22-2401; K.S.A. § 74-5604a; K.S.A. § 74-5607a).

325.6 COMPENSATION

Compensation for part-time officers is provided as follows:

- (a) Part-time officers shall work on a regular schedule or work a minimum number of hours each payroll period, but perform less than 1,000 hours of law enforcement-related work per year (K.S.A. § 74-5602(i)).
- (b) Part-time officers are issued two sets of uniforms and all designated attire and safety equipment, as applicable to their positions. All property issued to part-time officers shall be returned to this department upon termination or resignation.

325.7 PERSONNEL WORKING AS PART-TIME OFFICERS

Qualified regular department personnel, when authorized, may also serve as part-time officers. However, this department shall not utilize the services of part-time officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a part-time officer for reduced pay or no pay). Therefore, the part-time officer coordinator should consult with the Human Resources prior to allowing regular department personnel to serve in a part-time officer capacity (29 CFR 553.30).

325.8 COMPLIANCE

Part-time officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each part-time officer upon appointment. The officers shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to a regular full-time police officer, it shall also apply to a part-time officer, unless by its nature it is inapplicable.

Part-time officers are required by this department to meet department-approved training requirements.

All part-time officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the part-time officer coordinator.

325.9 FIREARMS

Part-time officers shall successfully complete department-authorized training in the use of firearms. Their appointments must be approved by the City prior to being issued firearms by this department or otherwise acting as part-time officers on behalf of the Lenexa Police Department.

Part-time officers will be issued duty firearms as specified in the Firearms Policy. Any part-time officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

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Part-Time Officers

Part-time officers are required to maintain proficiency with firearms used in the course of their assignments. Part-time officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

325.9.1 CONCEALED FIREARMS

A part-time officer shall not carry a concealed firearm while in an off-duty capacity, other than to and from work, unless he/she possesses a valid concealed carry license.

An instance may arise where a part-time officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the part-time officer may be permitted to carry a weapon more suited to the assignment, but only with the knowledge and approval of the supervisor in charge of the detail.

Any part-time officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon shall comply with all the requirements set forth in the Firearms Policy.

Before being allowed to carry any optional firearm during an assigned tour of duty, the part-time officer shall demonstrate his/her proficiency with the weapon.

325.10 PART-TIME OFFICER COORDINATOR

The Chief of Police shall delegate certain responsibilities to a part-time officer coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The part-time officer coordinator may appoint a senior part-time member or other designee to assist in the coordination of part-time officers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Assigning part-time officers.
- (b) Conducting part-time officer meetings.
- (c) Establishing and maintaining a part-time officer callout roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of part-time officers.
- (f) Monitoring individual part-time officer performance.
- (g) Monitoring overall part-time officer activities.
- (h) Maintaining a liaison with other agency part-time officer coordinators.

325.11 FIELD TRAINING

All part-time officers shall complete the same department-specified field training as regular full-time police officers, as described in the Field Training Policy.

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Part-Time Officers

325.12 SUPERVISION

Part-time officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Part-time officers should not supervise a regular full-time officer.

325.12.1 EVALUATIONS

While in training, part-time officers should be continuously evaluated using standardized daily and weekly observation reports. The part-time officer will be considered a trainee until he/she has satisfactorily completed training. Part-time officers who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that part-time officer.

325.12.2 INVESTIGATIONS AND COMPLAINTS

If a part-time officer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Outside Agency Assistance

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

326.2 POLICY

It is the policy of the Lenexa Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the shift supervisor for approval. In some instances, an established protocol or agreement may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the shift supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

326.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Lenexa Police Department shall notify his/her supervisor or the Watch Commander and Communications as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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Outside Agency Assistance

326.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the shift supervisor.

Major Incident Notification

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Lenexa Police Department in determining when, how and to whom notification of major incidents should be made.

327.2 POLICY

The Lenexa Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

327.3 CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, the affected Division Commander, and the City. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Homicides, suspicious deaths, or deaths related to law enforcement activity
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery, or sexual assaults
- High-risk missing children or high-risk missing adults
- In-custody deaths
- Aircraft, train, boat, or other transportation accidents with major damage and/or injury or death
- Traffic accidents with fatalities or severe injuries
- Death of a prominent Lenexa official
- Significant injury or death to a member of the Department, whether on- or off-duty
- Arrest of a member of the Department or prominent Lenexa official
- Equipment failures, utility failures, and incidents that may affect staffing or pose a threat to basic police services
- Any other incident that has attracted or is likely to attract significant media attention
- Significant incidents occurring on City property
- Significant incidents involving City employees

327.4 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander is responsible for ensuring the appropriate notifications are made. The Watch Commander shall make reasonable attempts to obtain as much information on the incident

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Major Incident Notification

as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in Communications.

327.4.1 COMMAND STAFF NOTIFICATION

In the event an incident occurs as identified in the Criteria for Notification section above, the Chief of Police shall be notified along with the affected Division Commander and the Investigation Division Commander if that section is affected.

327.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an investigator respond from home, the on-call detective shall be notified, who will then contact the appropriate investigator.

327.4.3 TRAFFIC UNIT NOTIFICATION

In the event of a major injury or traffic fatality, the Traffic Unit supervisor shall be notified, who will then contact the appropriate investigator.

327.4.4 PUBLIC INFORMATION OFFICER

The Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

327.4.5 TACTICAL UNIT ACTIVATION

In the event of a Tactical Unit activation, the Chief of Police along with the Command Staff should be notified.

Death Investigation

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

328.2 POLICY

It is the policy of the Lenexa Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented.

328.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the on-call detective as necessary. The Watch Commander will make notification to command staff.

328.3.1 MEDICAL EXAMINER REQUEST

Officers are not authorized to make a determination of death. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner be notified in any of the following cases (K.S.A. § 22a-231):

- (a) The death is suspected to have been the result of violence, caused by unlawful means, by suicide or by casualty.
- (b) The death occurred suddenly when the decedent was in apparent health or not regularly attended by a licensed physician.
- (c) The death occurred in any suspicious or unusual manner.
- (d) The death occurred in law enforcement custody, in a jail or correctional institution.
- (e) The death involved a child as specified under K.S.A. § 22a-242.
- (f) When the determination of the cause of a death is held to be in the public interest.

328.3.2 SEARCHING DEAD BODIES

- (a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.

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- (b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.
- (c) The Medical Examiner, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.
- (f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

328.3.3 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigations Unit shall be notified as soon as possible to respond.

If the on-scene supervisor, through consultation with the Watch Commander or Investigations Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

328.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

Upon receipt of a report of any unidentified body, the Records Supervisor shall ensure that the report is immediately entered into the National Crime Information Center (NCIC) and the Kansas Bureau of Investigation (KBI) missing and unidentified person system.

If unidentified human remains have not been identified by other means within 30 days, members investigating a case shall make reasonable efforts to obtain prompt DNA analysis of biological

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samples by submitting the DNA biological samples to the KBI laboratory for analysis (K.S.A. § 75-712g).

328.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner's Office, notification to the next of kin of the deceased person shall be made in person as directed by a supervisor. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Private Person's Arrest

329.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

329.2 POLICY

It is the policy of the Lenexa Police Department to accept a private person's arrest only when legal and appropriate.

329.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

- (a) The person making the arrest has:
 - 1. Probable cause to believe that the arrested person is guilty of a felony that has been or is being committed (K.S.A. § 22-2403(1)).
 - 2. Observed a crime, other than a traffic infraction or a cigarette or tobacco infraction, committed in his/her view (K.S.A. § 22-2403(2)).
 - 3. Reasonable information that the arrested person is charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year (K.S.A. § 22-2714).
- (b) A person is commanded by a law enforcement officer to assist in making an arrest (K.S.A. § 22-2407).

329.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

329.5 DOCUMENTATION

The arresting person should be asked to complete and sign a written statement form. Every effort should be made to obtain thorough and detailed information about the incident and the person who made the arrest. If the person fails or refuses to complete a written statement, the arrested

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individual should be released, unless the officer has a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.

Communications with Persons with Disabilities

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; the use of approved communication apps on a City mobile device; or use of a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability. (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

330.2 POLICY

It is the policy of the Lenexa Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

330.3 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members

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should ask the individual to communicate back or otherwise demonstrate his/her understanding.

- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

330.4 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, is hard of hearing or has impaired speech must be handcuffed while in the custody of the Lenexa Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

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330.5 TYPES OF ASSISTANCE AVAILABLE

Lenexa Police Department members should make a good faith effort to offer available services to an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall it require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to disabled individuals through a variety of services.

Disabled individuals may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

330.6 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form (e.g., a personnel complaint form) or provide forms with enlarged print.

330.7 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee) if the individual to be interviewed normally relies on sign language or speechreading (lipreading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

330.8 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, are hard of

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hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD), and text-to-911. Members shall provide additional time, as needed, for effective communication due to the slower nature of these communications.

The Department will accept all TTY, text-to-911, or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

330.9 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim, suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

330.10 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member should document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

330.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or

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supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

330.11.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, is hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

330.12 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, are hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning.

To ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

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330.13 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that the individual prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, are hard of hearing, have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, to protect the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

330.14 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Watch Commander.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this department.

330.15 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

330.16 TRAINING

To ensure that all members who may have contact with disabled individuals are properly trained, the Department will provide periodic training (in addition to De-escalation, CIT, and basic academy training) that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

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The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including those who are deaf, are hard of hearing, have impaired speech or vision or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided and will retain a copy in each member's training file in accordance with the established records retention schedule.

330.16.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, are hard of hearing or have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls and using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Communications members who may have contact with individuals from the public who are deaf, are hard of hearing or have impaired speech. Refresher training should occur every six months.

Biological Samples

331.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation, nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

331.2 POLICY

The Lenexa Police Department will assist in the expeditious collection of required biological samples from arrestees in accordance with the laws of this state and with as little reliance on force as practicable.

331.3 ARRESTEES SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

331.4 PROCEDURE

When an arrestee is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy and the procedures established by the Kansas Bureau of Investigation (KBI) (K.A.R. 10-21-6).

331.4.1 COLLECTION

The following steps should be taken to collect a sample (K.S.A. § 21-2511; K.A.R. 10-21-6):

- (a) Verify that the arrestee is required to provide a sample pursuant to K.S.A. § 21-2511.
- (b) Verify the arrestee's identity using photo identification before taking the biological sample (K.A.R. 10-21-6).
- (c) Verify that a biological sample has not been previously collected from the arrestee by querying the Kansas Criminal Justice Information System (KCJIS). There is no need to obtain a biological sample if one has been previously obtained.
- (d) Use the designated collection kit provided by the KBI to perform the collection and take steps to avoid cross contamination.
- (e) Collection shall be made in a reasonable manner according to generally accepted medical practices.
- (f) The DNA information sheet provided in the collection kit shall be completed and all relevant information requested supplied on the form.
 1. A witness shall sign, as indicated on the form, a verification that the blood sample and saliva sample were taken from the positively identified arrestee.
- (g) Samples shall be forwarded to the KBI within 72 hours in the manner prescribed by the KBI.

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331.5 USE OF FORCE TO OBTAIN SAMPLES

If an arrestee refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order.

Methods to consider when seeking voluntary compliance include contacting:

- (a) The individual's parole or probation officer, when applicable.
- (b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge (K.S.A. § 21-2511).
- (c) The judge at the individual's next court appearance.
- (d) The individual's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

331.6 LEGAL MANDATES AND RELEVANT LAWS

Kansas law requires that biological samples be forwarded to the KBI within 72 hours of collection in a manner prescribed by the KBI. In addition, the member taking the biological sample and one additional witness must complete and sign the verification form provided by the KBI that indicates the sample was taken from a positively identified arrestee (K.A.R. 10-21-6).

Chaplains

332.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Lenexa Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

332.2 POLICY

The Lenexa Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

332.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, free from addiction to alcohol or other drugs, and free from excessive debt.
- (b) Managing his/her household, family and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) Possession of a valid driver's license.
- (f) Be familiar with medical, psychiatric, and religious resources in the community.
- (g) Be willing and available to respond to call outs as needed.
- (h) Willing to abide by the policies and procedures of the Lenexa Police Department.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

332.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Lenexa Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

332.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

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332.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Oral board interview.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Interview with the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment.

332.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers and approved by the Chief of Police.

Chaplains will be issued Lenexa Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Lenexa Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department. Exemptions on a case-by-case basis may be authorized by the Chief of Police.

332.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.

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- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

332.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division, but chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills and abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service, or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Lenexa Police Department.

332.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

332.7.2 OPERATIONAL GUIDELINES

- (a) Generally, each chaplain will serve with Lenexa Police Department personnel a minimum of eight hours per month.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Lenexa Police Department operations, provided the Watch Commander has been notified and has approved the activity.
- (c) Chaplains shall not be evaluators of members of the Department.
- (d) In responding to incidents, a chaplain shall never function as an officer.
- (e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

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- (f) Chaplains shall serve only within the jurisdiction of the Lenexa Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (g) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

332.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members who are dealing with the public during significant incidents (e.g., accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse).
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

332.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in defusing a conflict or incident, when requested.
- (b) Responding to any significant incident (e.g., natural and accidental deaths, suicides and attempted suicides, family disturbances) in which the Watch Commander or supervisor believes the chaplain could assist in accomplishing the mission of the Department.
- (c) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (d) Participating in in-service training classes.
- (e) Training others to enhance the effectiveness of the Department.

332.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing a liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.

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- (e) Assisting the community in any other function, as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

332.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

332.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Lenexa Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Lenexa Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

332.9 TRAINING

The Department will provide opportunities for training which include, but are not limited to:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Officer injury or death
- Sensitivity and diversity

Public Safety Video Surveillance System

333.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio video systems or any other image capturing devices used by the Department.

333.2 POLICY

The Lenexa Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

333.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

333.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.

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- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

333.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

333.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members follow department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

333.4.1 VIDEO AUDIT TRANSACTION

An audit transaction should be maintained at all locations where video surveillance monitors are located. The audit transaction should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The audit transactions should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

333.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived

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characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

333.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

333.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

333.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Lenexa Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

333.7 TRAINING

All department members authorized to operate or access public safety video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

334.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

334.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Lenexa Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

334.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

334.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

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1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
 2. Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify the Juvenile Intake and Assessment Center (JIAC) or DCF, if appropriate.
- (d) Notify the field supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

334.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), the supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

334.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member should document the following information:
 1. Name
 2. Sex
 3. Age
 4. Special needs (e.g., medical, mental health)

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Child and Dependent Adult Safety

5. How, where and with whom or which agency the child was placed
 6. Identities and contact information for other potential caregivers
 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member should document the following information:
1. Name
 2. Sex
 3. Age
 4. Whether the person reasonably appears able to care for him/herself
 5. Disposition or placement information if he/she is unable to care for him/herself

334.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

334.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency, and coordinate with the shift supervisor to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

334.5 TRAINING

Officers and members who may be involved in arrests affecting children or dependent adults should receive periodic training on effective safety measures when a parent, guardian, or caregiver is arrested. This training could be in the form of policy and/or procedure review, a Daily Training Bulletin, Roll Call, or 9th Hour Training.

Service Animals

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

335.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; K.S.A. § 39-1102; K.S.A. § 39-1107; K.S.A. § 39-1108; K.S.A. § 39-1113).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

335.2 POLICY

It is the policy of the Lenexa Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service dog (K.S.A. § 39-1109).

335.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Lenexa Police Department affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.

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- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

335.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

335.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

335.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

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335.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteers

336.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Lenexa Police Department volunteers to supplement and assist department personnel in their duties. Trained volunteers are members who can augment department personnel and help complete various tasks.

336.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains,, interns, persons providing administrative and operational support, among others.

336.2 POLICY

The Lenexa Police Department shall ensure that volunteers are properly appointed, trained and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

336.3 ELIGIBILITY

Requirements for participation as a volunteer for the Department may include, but are not limited to:

- (a) Being at least 18 years of age for all positions.
- (b) Possession of a valid driver's license if the position requires vehicle operation.
- (c) Possession of liability insurance for any personally owned equipment or vehicles utilized during volunteer work.
- (d) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime related to impersonating a law enforcement officer.
- (e) No conviction of a Class A or Class B misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.
- (f) No mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.
- (g) Able to meet physical requirements reasonably appropriate to the assignment.
- (h) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.
- (i) Successful completion of the Lenexa Police Department Citizen's Police Academy and one day Volunteer Masters Class.

The Chief of Police may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

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336.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Lenexa Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

336.4.1 RECRUITMENT

Volunteers should be recruited on a periodic basis contingent upon the needs of the Department and consistent with department policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Typically, Volunteers are recruited from the graduates of the Department's Citizen's Police Academy. This ensures that the applicant has an enhanced understanding of the police department, its operations, and personnel. The requirement may be waived based upon specific need or special skill set possessed by the applicant.

Requests for volunteers should be submitted in writing by interested department members to the volunteer coordinator through the requester's immediate supervisor. A complete description of the volunteer's duties and a requested time frame should be included in the request. All department members should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The volunteer coordinator may withhold assignment of any volunteer until such time as the requester is prepared to make effective use of volunteer resources.

336.4.2 SELECTION

Volunteer candidates shall successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with the volunteer coordinator.
- (c) Successfully complete an appropriate-level background investigation.
- (d) An applicant may be required to successfully complete a polygraph examination for certain volunteer functions.

336.4.3 APPOINTMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment by the Chief of Police or the authorized designee. Notice may only be given by an authorized representative of the Department, who will normally be the volunteer coordinator.

No volunteer should begin any assignment until he/she has been officially accepted for that position and has completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork.

All volunteers should attend a one day training program and will receive a volunteer handbook. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

Volunteers serve at the discretion of the Chief of Police.

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336.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each volunteer. Identification symbols worn by volunteers shall be different and distinct from those worn by officers or other members of this department through the inclusion of "Volunteer" on the uniform.

Volunteers will be issued Lenexa Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Lenexa Police Department identification cards, with the exception that "Volunteer" will be indicated on the cards.

Volunteers should not wear department issued clothing, show identification or department issued badge (if applicable) unless actively engaged in official volunteer duties.

336.6 VOLUNTEER COORDINATOR

The Chief of Police shall delegate certain responsibilities to a volunteer coordinator. The coordinator shall be appointed by and directly responsible to the Support Services Division Commander, or the authorized designee.

The volunteer coordinator shall serve as the liaison between the volunteers and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist efforts to jointly provide more productive volunteer services. Under the general direction of the Chief of Police or the authorized designee, volunteers shall report to the volunteer coordinator.

The volunteer coordinator may appoint a senior volunteer or other designee to assist in the coordination of volunteers and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified volunteers.
- (b) Conducting volunteer meetings.
- (c) Establishing and maintaining a volunteer callout roster.
- (d) Maintaining records for each volunteer.
- (e) Tracking and evaluating the contribution of volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining a liaison with other volunteer-utilizing programs in the community programs that use volunteers and assisting in community-wide efforts to recognize and promote volunteering.
- (j) Maintaining volunteer orientation and training materials and outlining expectations, policies and responsibilities for all volunteers.

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An evaluation of the overall use of volunteers will be conducted on an annual basis by the coordinator.

336.7 DUTIES AND RESPONSIBILITIES

Volunteers assist department personnel as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, abilities, and the needs of the Department.

All volunteers will be assigned to duties by the volunteer coordinator or the authorized designee.

336.7.1 COMPLIANCE

Volunteers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this Policy Manual refers to regular department personnel, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required by this department to meet department-approved training requirements as applicable to their assignments.

336.7.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

336.8 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assigned duties. A volunteer's training should correspond to his/her assignment as determined by the volunteer coordinator.

Volunteers will be provided with an orientation program to acquaint them with the policies of the Department and law enforcement procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission infer that they are, officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

336.8.1 VOLUNTEER TRAINING MATERIALS

Each new volunteer will be issued volunteer training materials. The materials outline the subject matter and skills necessary to properly function as a volunteer with the Lenexa Police Department.

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The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

336.9 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assigned duties. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to members on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee of the Lenexa Police Department.

336.9.1 FITNESS FOR DUTY

No volunteer shall report for work or be at work when his/her judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

336.10 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of criminal histories, investigative files or information portals. Unless otherwise directed by a supervisor, the duties of the position or department policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized members shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential information will be required to have his/her fingerprints submitted to the Kansas Bureau of Investigation (KBI) to obtain clearance. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment

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with the Department. Subsequent unauthorized disclosure of any confidential information verbally, in writing or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

336.10.1 RADIO AND MOBILE DATA TERMINAL (MDT) USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using police radios or MDT's and shall comply with all related provisions. The volunteer coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

336.11 EQUIPMENT

Any property or equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

336.11.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer should receive training in safe driving and defensive driving. The specific training and course of study shall be determined by the volunteer coordinator.

Volunteers assigned to duties that require the use of a vehicle must first complete:

- (a) A driving safety briefing and department-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The coordinator should ensure that all volunteers receive safety briefing updates and license verification on a periodic basis.

When operating department vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked law enforcement vehicle unless specifically authorized to do so.

Volunteers are not authorized to operate department vehicles under emergency conditions (lights and siren).

336.12 LIMITS OF AUTHORITY

Volunteers have no police powers and may not detain or arrest any individual based upon their status as a police volunteer. Volunteers have no statutory authority to violate parking or traffic laws,

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or act in any way above and beyond the level of a regular citizen. Volunteers may not at any time portray themselves to be sworn police officers or paid members of the Lenexa Police Department.

336.13 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer has a personnel complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated in compliance with the Personnel Complaints Policy.

Volunteers are considered at-will and may be removed from service at the discretion of the Chief of Police, with or without cause. Volunteers shall have no property interest in their continued appointments.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

336.13.1 EXIT INTERVIEWS

The volunteer coordinator should conduct exit interviews, where possible. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

Off-Duty Law Enforcement Actions

337.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Lenexa Police Department with respect to taking law enforcement action while off-duty.

337.2 POLICY

It is the policy of the Lenexa Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

337.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed law enforcement officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. However, should an officer decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other law enforcement officers.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding law enforcement .
- (f) The lack of equipment, such as body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

337.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Lenexa Police Department until acknowledged. Official identification should also be displayed when possible.

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Off-Duty Law Enforcement Actions

337.4 CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

337.4.1 PROFESSIONAL STAFF RESPONSIBILITIES

Professional Staff members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

337.4.2 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

337.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Watch Commander regarding any law enforcement action taken while off-duty. The Watch Commander may send a supervisor to the location. The supervisor may request assistance from the Watch Commander, if deemed appropriate.

The Watch Commander shall determine whether a criminal or administrative report should be completed by the involved officer.

Community Relations

338.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Policy.
- Suspicious Activity Reporting Policy.

338.2 POLICY

It is the policy of the Lenexa Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

338.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

338.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Working with community groups, department members and other community resources to:

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1. Identify and solve public safety problems within the community.
 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (d) Working with the Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (f) Attending community meetings to obtain information on community relations needs.
- (g) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (h) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

338.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer and related programs.
- (e) Crime prevention programs.

338.6 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.
- (d) Community annual reports and/or other publications

Information should be regularly refreshed, to inform and engage community members continuously.

Community Relations

338.7 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

338.8 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

338.9 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should work with City leadership to establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.

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- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

Training will be provided for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

338.9.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

338.10 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officer, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

Police Facilities Security

339.1 PURPOSE

The purpose of this Directive is to establish procedures for accountability of persons and security of the Lenexa Police Facilities.

339.2 POLICY

The activities within the police facilities are considered to be confidential. While the Department mission includes identifying and arresting suspected criminals, their privacy is still a matter of concern. Accordingly, the police facilities are considered limited access buildings. It is the responsibility of every employee to ensure that the integrity of the buildings are maintained. If there is a doubt as to whether or not the instructions contained herein apply to a given situation, the matter shall be referred to a supervisor for resolution.

339.3 EXCEPTIONS

The only areas that are exempt from the provisions of this order are the facility lobbies and public restrooms (during normal working hours). The sally ports and detention areas are also exempt when officers from other agencies process or convey prisoners.

339.4 GENERAL SECURITY OF THE FACILITY

- (a) All exterior doors that allow access to secure portions of the building shall be kept closed and locked at all times, unless Department employees are physically present to monitor building access.
- (b) Personnel assigned to offices equipped with security monitors should watch the interior and exterior security cameras on a regular basis. Employees are responsible to report any abnormal activity viewed to an on-duty supervisor.
- (c) The security gates that allow access to the rear parking lot will remain closed except to authorized access unless inclement weather, gate malfunction or other special circumstances dictate they be locked open.
- (d) Employees who are assigned a personal locker shall secure their locker by shutting it when they are not in the locker room.

339.5 ACCESS BY NON-DEPARTMENT PERSONNEL

- (a) General Guidelines
 - 1. No visitor shall have free and unrestricted access to the Police facilities. The employee who is being visited or allows the visitor access shall be responsible for the accountability of the visitor.
 - 2. Department employees must wear either an official badge or identification card while in the Police Station or other secure City buildings.
 - 3. Any person who is not a Department employee who desires or requires access to the secure portion of the Police Station will check in with the Public Service Officer.

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4. The Public Service Officer will maintain a logbook of visitors and issue visitor badges. A green and gold lanyard will be issued to non-uniformed outside agency law enforcement officers. A red and white lanyard will be issued to all other visitors.
5. If not responding to a Lenexa Police facility detention area through a sally port to assume custody of a prisoner, all non-uniformed officers/agents from other law enforcement agencies are required to show their badge/identification of their agency. These officers, who are the responsibility of the visiting department member, will keep their badge and/or identification visible while in a Lenexa Police facility at all times.
6. Department employees must challenge any unknown visitor not wearing an identification badge.
7. Prisoner release should generally occur directly from the Detention area. Officers are encouraged to release all prisoners via the public pedestrian doors in Detention. Released prisoners awaiting transportation can either wait in a front parking lot, or be directed to a public lobby. Released prisoners may wait in a public lobby for a reasonable amount of time with a supervisor's approval. The prisoners demeanor and intoxication level will be considered during these situations.

(b) Requirements for Access

1. City personnel who require access for official business and are visibly wearing their City of Lenexa identification badge/lanyard do not need to log in. Their access to certain areas of the building will be controlled electronically. If they do not have a visible City identification card with them, a visitor's badge will be issued.
2. Individuals desiring access to see a Department employee during normal business hours will inform the Public Service Officer who they desire to see. The Public Service Officer will contact the employee who will then meet the visitor in the lobby. The Public Service Officer shall ensure the visitor is logged in, issued a visitors' badge, and is escorted at all times. The badge must be turned in prior to departure. The employee being visited will assume responsibility for the visitor once they are admitted into the building.
3. Individuals who require access to service machinery, equipment, or those who are sales representatives, etc. and are not employees of the City, shall inform the Public Service Officer the nature of their business and be issued a visitor's badge. They will be escorted to the area in which service is to be performed and will be monitored.
4. A visitor, service provider or Police Department retiree shall not be allowed unescorted access to the Armory, Dispatch, Report Writing Room, Records Unit, Property Room, or any other area of the Police Department where access is limited.
5. Individuals who are known as frequent service visitors to the Department, such as those who regularly service vending machines, may be given limited and

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short access, with an escort, to perform the service duty. The Commander of the Support Services Division (or designee) will determine which service providers are given this limited access. A background check will be conducted on these service providers. These service providers to the Department may gain access to the building during normal business hours via the Technical Support Unit or through the Public Service Officer. Any other service provider must sign a visitors log, be issued a visitors badge, and be escorted while in the Police Department.

6. Lenexa Police Department retirees may be granted limited and unescorted access to the Police Department. They must enter through the front door of the Police Department and a key card may be issued. Their access to the Police Department is limited to common areas.
7. Persons making deliveries that do not require access to a secure area of the building do not need to log in.
8. A member of an employee's family, not in the company of an employee, must enter through the front door of the station. Once in the secure portion of the building, family members must be escorted at all times. An employee's family may be allowed to wait in the lounge unescorted to await the department member.
9. Visitors attending training at the station will be treated no differently than any other visitor. It will be the responsibility of the employee who is coordinating the training to ensure visitors are accounted for after entering the secure area beyond the public lobby. The employee/coordinator will ensure that the trainees are escorted at all times, except as indicated below:
 - (a) If the training is being held in the second floor training room the employee/coordinator has the option of escorting trainees at all times, or ensuring that all trainees are thoroughly briefed on the secure areas of the building.
 - (b) The Investigations Unit, Administration Area, and the main stairwell are all posted to allow access to authorized employees only. The Records Unit and Dispatch access is controlled electronically.
 - (c) Trainees on breaks may be directed to the public lobby unescorted, or outside the public lobby, which is a designated smoking area.
10. Lenexa Police Department retirees engaging in official department business may be granted access to the back entrance and public areas of the Police Department when authorized by the Chief of Police or his/her designee.

339.6 SECURE DATA CENTER

- (a) The City's secure Data Center is located within the Police facility.
- (b) Access is restricted to select employees; all others must be escorted. The Police Video and Security Administrator is responsible for managing electronic access and video monitoring.

Court Security Officer

340.1 PURPOSE

To establish the position of Court Security Officer and to assign the responsibility of Lenexa Municipal Court security with the Lenexa Police Department. Appropriate levels of security should exist in the Court to protect the integrity of Court proceedings, protect the rights of individuals before the Court, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court and assure that the Court facilities are secure for all those who visit and work there.

340.2 POLICY

It is the policy of the Lenexa Police Department to provide a safe environment to employees and visitors of the Lenexa Municipal Court.

340.3 ORGANIZATION

The Court Security Officer shall be an employee of the Lenexa Police Department assigned to work under the daily supervision of the Municipal Court Manager. The Court Security Officer shall be trained in and adhere to the Use of Force Policy of the Lenexa Police Department and other policies that may be applicable to the position. The daily operational practice within the Court facility shall be set forth by the Lenexa Municipal Court Manager within the guidance of the Court Security Plan.

340.4 FUNCTIONS

The Court Security Officer is responsible for court security, including:

- (a) Opening and closing the Court to defendants, court participants, and visitors.
- (b) Observing and monitoring all persons in and around the Court.
- (c) Maintaining order and peace in the Court facility.
- (d) Removing and/or instructing any person as per the Judge's orders.
- (e) Detaining and/or arresting persons per the Judge's orders.
- (f) Conducting searches and/or pat downs of persons suspected of being in possession of a weapon or other illegal items.
- (g) Providing input to Police Department staff on Court security issues.
- (h) Adherence to the Court Security Plan.

340.5 PROCEDURES

- (a) Inter-Departmental Relations
 - 1. The Court Security Officer shall maintain open lines of communication with the Patrol Division Command Staff. This includes, but is not limited to: uses of force; leave notice; special circumstances which may require additional law

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enforcement presence at the Court facility; issues requiring equipment loss or malfunction; or training resources to fulfill the security mission.

2. A Police Department supervisor will be notified immediately in the event that the Court Security Officer has use of force. An administrative review of the event will be conducted according to the Use of Force policy.
3. The Court Security Officer shall report directly to the Lenexa Municipal Court Manager for assignments and duties relative to daily Court operations. The Court Manager is responsible for evaluating the performance of the Court Security Officer relating to these assignments and duties. The Police Department will provide any necessary input for the evaluation. The completed evaluation will be processed through the Police Department chain of command.
4. The Patrol Commander or designee shall be responsible for evaluating the performance of the Court Security Officer in adherence to Police Department policies and matters related specifically to vested law enforcement powers.
5. Lenexa Police officers may assume the duties of the Court Security Officer should the need arise due to illness or other qualified leave(s) however such coverage should be kept to a minimum.
6. The position of Court Security Officer is created within the Police Department solely to facilitate the safe and orderly proceedings of the Lenexa Municipal Court.

(b) Shift Assignment

1. The Court Security Officer shall be deployed as needed and requested by the Court Manager, according to the demands of the weekly court docket.

(c) Firearms

1. The Court Security Officer may only carry a Police Department issued sidearm traveling to, from and during the officer's assigned tour of duty.
2. The Court Security Officer must pass range qualification once annually with the Department issued sidearm according to the standards prescribed by the Kansas Commission on Peace Officers' Standards and Training.

(d) Training/Background

1. The Court Security Officer must pass a full background investigation, the same as is required of a commissioned police officer in the City of Lenexa.
2. The Court Security Officer must successfully complete annual re-certification training and tests of defensive tactics. Training for the Court Security Officer in use of force measures will be limited to those measures that are pertinent to the position.
3. The Court Security Officer is only authorized to utilize a defensive tactic instrument or technique which he/she is certified to use.
4. Kansas State statute 74-5602 defines "full-time" police officer as working at least 1,000 hours of law enforcement related work in a calendar year. A "part-time"

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police officer is defined as working less than 1,000 hours of law enforcement related work in a calendar year.

5. If the Court Security Officer is considered a "full-time" officer by state statute, they must complete 40 hours of annual training. All training must be submitted through the proper Lenexa Police Department chain of command and will be tracked by the Training Unit.
- (e) Limits of Authority, Arrest-The Court Security Officer is a law enforcement officer as defined by KSA 74-5602 and, as such, possesses the authority to arrest individuals based upon probable cause. Such authority is limited to the officer's duties in and around the Municipal Court facilities within the following framework:
 1. Arrest and Detention definitions:
 - (a) Arrest: is the taking of a person into custody in order that he/she may be forthcoming to answer for the commission of a crime.
 - (b) An arrest is made by an actual restraint of the person arrested or by his/her submission to custody. It can occur on any day and at any time of day or night. All necessary and reasonable force may be used to effect an entry into any building or property or part thereof to make an authorized arrest.
 - (c) Without making an arrest, an officer may stop any person whom the officer reasonably suspects is committing, has committed or is about to commit a crime and demand of that person his/her name, address and explanation of their actions (KSA 22-2402 (1)). A person may be detained for a reasonable length of time while the officer determines that a crime has or has not been committed. The officer may conduct a pat down or "Terry" search of such person for firearms or other dangerous weapons. Lawfully possessed dangerous items may be held by the officer until the completion of the questioning, at which time the item will be returned.
 - (d) Absent any articulated beliefs that a person is committing, has committed or is about to commit a crime, a person may not be arrested only for refusing to identify themselves to the officer.
 2. Jurisdiction
 - (a) The Court Security Officer only has jurisdiction as a law enforcement officer within the property of the Lenexa Municipal Complex.

School Resource Officer Unit

341.1 PURPOSE

To establish uniform guidelines for the function of the School Resource Officer Unit.

341.2 POLICY

It is the policy of the Lenexa Police Department to maintain a proactive community oriented School Resource Unit. It shall be the responsibility of all Department members to familiarize themselves with the school resource philosophy and programs of the Department and actively support these programs to ensure their successful operation.

341.3 ORGANIZATION AND RESPONSIBILITIES

- (a) It shall be the primary responsibility of the School Resource Unit to provide drug and alcohol resistance education, counseling services for children and young adults, investigate criminal activity, and enforce city ordinances and state statutes on school property.
- (b) Members of the School Resource Unit both supervise and present the Police Partnering With Students Program and the Lenexa Police Department Drug Free Education Program to students attending Lenexa schools.
 - 1. The Police Partnering With Students Program is a kindergarten through eighth grade curriculum, with a primary emphasis on the fifth and sixth grades. The lessons are taught by a uniformed officer and focus on teaching techniques for resisting peer pressure, making decisions and solving problems.
 - 2. The Lenexa Police Department Drug Free Education Program utilizes various videos and teaching aids in presenting the dangers of drug abuse. This program was designed as an enhancement to the Police Partnering With Students Program.
- (c) The School Resource Unit is a staff element within the Patrol Division.
- (d) Selection for transfer is based upon qualifications of applicants. Work performance including but not limited to: tenure, dependability, performance evaluations and substantiated complaints will be considered in the selection process. Probationary employees are not eligible for selection.
- (e) School Resource Officers must commit a minimum of two years to the program with a maximum of five years before reassignment. At the discretion of the Chief of Police, the maximum time in the School Resource Unit may be extended to accommodate the needs of the Department.

341.4 PROCEDURES

- (a) To accomplish the goals and objectives of the School Resource Unit, the following functions will be complied with:
 - 1. Maintain a liaison with interested school and community groups through correspondence and periodic meetings.

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2. Provide school administrators with updated information on changes in the laws and safety programs.
3. Participate with concerned citizens in forming special interest groups.
4. Attend appropriate school board, PTA, and public meetings which address any school related law enforcement concerns voiced by the community.
5. Attend selected school violence prevention workshops, seminars and training.
6. Develop educational crime prevention presentations relating to school crimes.
7. Attend and occasionally plan community policing events organized by both the Lenexa Police Department and the City of Lenexa.

341.5 RESPONSIBILITIES

- (a) The School Resource Unit shall be responsible for the implementation and annual review of the following programs:
 1. Police Partnering With Students Program
 2. Lenexa Police Department Drug Free Education Program
 3. Child safety talks to preschoolers

General Rules and Responsibilities

342.1 GENERAL RULES AND RESPONSIBILITIES

- (a) **Chain of Command:**
 - 1. Immediate supervisor
 - 2. Watch Commander
 - 3. Division Commander
 - 4. Deputy Chief of Police
 - 5. Chief of Police
- (b) **Residency:** there is no residency requirement for police department employees, however all employees must live within a 30 minute response time. New officers, living outside the prescribed parameters, will have one year to relocate from date of hire or as directed by the Chief of Police.
- (c) **Telephone service:** All employees shall maintain either a functioning home telephone or a cell phone. Any change of address or telephone number shall be immediately reported to the employee's supervisor, the Communications Unit, the Chief's Administrative Assistant, and the City's Human Resources Department.
- (d) **Dissemination of information:** Employees shall treat the official business of the Department as confidential. Any information, including reports, recordings or computer responses, shall not be disseminated to anyone other than those for which the information is intended.
- (e) **Gratuities:** Employees shall not solicit or accept any gift, tangible or intangible, for the benefit of the employee or the Department. Employees will not accept meals at no charge or reduced prices. Employees may participate in community acknowledgement promotions when approved by the Chief of Police.
- (f) **Public Address Requests:** All requests for public speeches, presentations or appearances shall be submitted in writing through the chain of command and routed to the affected Division commander for approval.
- (g) **Acting as Bailor:** Employees shall not act as bailors for anyone, with the exception that the employee may do so where a relative is involved.
- (h) **Court Appearances:** It is the individual employee's responsibility to respond to all scheduled court appearances.
- (i) **Civil Court Matters:** An employee shall not testify in civil actions unless served with a legal subpoena. This shall not apply to cases in which the employee is the plaintiff, defendant, or where the employee is related to the defendant by blood or marriage. Employees shall not enter into any financial agreement regarding appearances as witnesses in any civil action without prior approval from the Chief of Police. Any civil actions between or involving the Department shall be immediately brought to the attention of the Chief of Police through the chain of command.

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- (j) **Use of Department Equipment:** Employees shall utilize Department equipment only for its intended purpose in accordance with established Department policy. Refer to Directive 700 (Department Owned and Personal Property) for further guidance.
- (k) **Reports:** Officers shall submit all necessary reports in a timely manner. Reports shall be complete and accurate. No officer shall knowingly enter or cause to be entered any inaccurate, false, or improper information. Refer to Directive 322 (Report Preparation) for further guidance.
- (l) **Expectation of Privacy Within the Workplace:** The Supreme Court has concluded that employer searches of work areas exposed to public view require no justification, because no reasonable expectation of privacy exists. Employer searches of desks, lockers, file cabinets, etc. which are government (City) owned or controlled require neither a warrant nor probable cause if the search is:
 - 1. for a non-investigatory work related purpose;
 - 2. in connection with an investigation of any work related employee misconduct.
 - 3. Such searches are justified if reasonable suspicion exists. Inspections or inventories of desks, lockers, and similar areas are subject to this ruling.
- (m) **Traffic Accidents Involving City Owned Vehicles:** The Lenexa Police Department will investigate all accidents involving non-Police Department City owned vehicles that occur within the city limits. If the shift supervisor determines that there may be a conflict of interest, an outside agency may be requested to investigate the accident. All accidents involving Lenexa Police Department vehicles that also involve a second vehicle, injuries, or non-City owned property will be investigated by an outside agency.
- (n) **Overtime:**
 - 1. Overtime will be paid at one and one half times the regular rate of pay for any time worked in excess of the regularly scheduled shift.
 - 2. Personnel reporting to any court appearance will be paid a minimum of two hours of overtime.
 - 3. Personnel responding to any type of call out and who are disregarded within the first thirty minutes will be paid for thirty minutes of overtime.
 - 4. Personnel responding to call outs and who are disregarded after thirty minutes and up to two hours, will be paid a minimum of two hours overtime.
 - 5. Otherwise, overtime on call outs will be paid from time in service to time out of service.
 - 6. Employees shall be responsible for submitting time supplements through their respective supervisor for approval as appropriate.
- (o) **Commendations:**
 - 1. Commendations may be made by any supervisor of the Department regarding any other employee, providing the supervisor is of superior rank or is in charge of the employee that is to be commended.

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2. Investigating officers may commend uniformed officers for exceptional assistance in investigative functions.
 3. Recommendations for commendation of a private citizen may be initiated by any member of the Department who becomes aware of an act of assistance to the Department, which is believed to be exceptional.
 4. Recommendations shall be submitted to the employee's immediate supervisor and forwarded through the chain of command to the Chief of Police.
- (p) **Department Vehicles:** officers who are assigned a Department vehicle must leave that vehicle at the station available for use when they will not be available for duty for more than seven or more working days. K9 units and motorcycles are exempt. Refer to Directive 702 (Vehicle Use) for further guidance.
- (q) All sworn personnel will work under the 207 (k) exception for maximum hours of the Fair Labor Standards Act of 1938. The work period will be 14 days and coincide with the City's payroll period.
- (r) **Self Reporting Law Enforcement Contacts:** employees of the Lenexa Police Department shall report any off-duty contacts with an outside law enforcement agency to the employee's Division commander within 24 hours of the contact. Contacts include, but are not limited to:
1. Arrest
 2. Charge
 3. Indictment
 4. Conviction
 5. Diversion
 6. Any contact with an outside agency where enforcement action is taken or the contact itself may bring discredit to the employee or the agency.
 7. Refer to Directive 1003 (Reporting of Arrests, Convictions, and Court Orders for further guidance.

ADA Compliance

346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Lenexa Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

346.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Lenexa Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders department services, programs, or activities suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

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ADA Compliance

346.2 POLICY

It is the policy of the Lenexa Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

346.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Collaborating with the City ADA coordinator regarding the Lenexa Police Department's efforts to provide equal access to services, programs, and activities.
 - 1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- (b) Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:
 - 1. Inspection of current department facilities to identify access issues.
 - 2. Review of current department services, activities, and programs for access issues.
 - 3. Assessment and update, if necessary, of current compliance measures.
 - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 - 5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
 - 6. Recommendation of a schedule to implement needed improvements.
- (c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.
- (d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.
 - 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.
- (e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.
- (f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.
- (g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets.

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describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

- (h) Collaborating with other city departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- (i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).
- (j) Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- (k) Recommending amendments to this policy as needed.

346.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

346.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 - 1. A substantial alteration of the service, program, or activity.
 - 2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.

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3. A threat to or the destruction of the historic significance of a historic property.
 4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.
- (c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

346.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

346.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

346.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

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In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

346.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

346.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

346.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
- (c) Familiar with the use of text- and video-based communications products and systems.
- (d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

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Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

346.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

346.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

346.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

346.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be

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considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

346.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

346.6.1 STATE REQUIREMENTS

Prior to any interrogation or the taking of a statement of a person arrested who is a deaf, hard of hearing, or speech impaired, a qualified interpreter shall be made available to that person at public expense in accordance with the provisions of K.S.A. § 75-4351 to K.S.A. § 75-4354.

346.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

346.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

346.9 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

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346.10 TRAINING

Members should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy, related procedures, forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Sergeant should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

346.10.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
- (d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all Communications members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

Chapter 4 - Patrol Operations

Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Lenexa Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Lenexa. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Directing and controlling traffic.
- (h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (j) The application of resources to specific problems or situations within the community that may be improved or resolved by community-oriented policing and problem-solving strategies.

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400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all sections and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other shifts or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and sections.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Lenexa Police Department's commitment to policing that is fair and objective (K.S.A. § 22-4606 through K.S.A. § 22-4611).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include (K.S.A. § 22-4609):

Enforcement action - Any law enforcement act during a nonconsensual contact with an individual 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.
- (c) Determining the existence of probable cause to conduct a search of an individual or a conveyance.

Racial or bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Lenexa Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 RACIAL/BIAS-BASED POLICING PROHIBITED

Racial or bias-based policing is strictly prohibited.

This includes but is not limited to using the race, ethnicity, national origin, gender, or religion of a person (K.S.A. § 22-4610):

- (a) As a general indicator or predictor of criminal activity.
- (b) In the course of any law enforcement action unless an officer is seeking to detain, apprehend, or otherwise be on the lookout for a suspect sought in connection with a

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crime who has been identified or described in part by race, ethnicity, national origin, gender, or religion.

- (c) In the course of any reasonable action in connection with a status offense, such as runaways, child in need of care, missing persons, and other non-criminal caretaker functions unless the person is identified or described in part by race, ethnicity, national origin, gender, or religion.
- (d) As a motivating factor in making law enforcement decisions or actions unless the person is identified or described in part by race, ethnicity, national origin, gender, or religion.
- (e) As the basis for discretionary law enforcement (e.g., citation, arrest, warning, search, release, or treating a person with respect and dignity).
- (f) As the basis for any decision related to asset seizure or forfeiture efforts.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic and Parking Citations Policy.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.

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2. Recordings or data that capture a potential instance of racial or bias-based policing should be appropriately retained for administrative investigation purposes.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (c) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning racial or bias-based policing.

401.6 STATE REPORTING

The Chief of Police, or authorized designee shall submit an annual report to the Attorney General on or before July 31 for the preceding period of July 1 to June 30. The report shall consist of the number of racial or other biased-based policing complaints received and additional information as required by K.S.A. § 22-4610(d).

401.7 ADMINISTRATION

The Patrol Division Commander, or authorized designee should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the racial or bias-based policing report submitted to the Attorney General and the annual Department report and discuss the results with those they are assigned to supervise.

401.7.1 COMPLAINTS OF RACIAL OR OTHER BIASED-BASED POLICING

The Department shall conduct ongoing community outreach and communication efforts to inform the public of a person's right to file a complaint with this department and/or the Office of the Attorney General that includes the procedure for filing the complaint and the complaint process (K.S.A. § 22-4610(c)).

Any person who believes that he/she is the subject of racial or other bias-based policing may file a complaint in accordance with the Personnel Complaints Policy.

401.8 TRAINING

Annual training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant, or authorized designee. (K.S.A. § 22-4610(c)).

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Lenexa Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, it shall be maintained until the officer is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.

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Crime and Disaster Scene Integrity

Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, officers should seek consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

Tactical Team (TAC Team)

403.1 PURPOSE AND SCOPE

This policy provides guidelines for the specialized support of the Tactical Team (TAC Team) (TAC) in handling critical field operations where special tactical deployment methods or intense negotiations are beyond the capacity of field officers.

403.1.1 DEFINITIONS

Definitions related to this policy include:

Crisis Negotiation Team - Designated officers, including those in a multijurisdictional team, who are specifically trained and equipped to provide skilled verbal communications to de-escalate or effect surrender in situations where suspects have taken hostages or barricaded themselves or who are suicidal.

Tactical Team - Designated officers, including those in a multijurisdictional team, who are specifically trained and equipped to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigators. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, a tactical team may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues necessitate such use.

403.2 POLICY

It shall be the policy of the Lenexa Police Department to maintain a TAC Team, either internally or through participation in a regional team, comprised of negotiation and tactical teams, and to provide the equipment, manpower and training necessary to maintain such teams. The TAC Team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

403.3 MANAGEMENT AND SUPERVISION

Under the direction of the Chief of Police, the TAC Team shall be managed by the appointed TAC Commander. The TAC Commander shall be selected by the Chief of Police.

403.3.1 TEAM SUPERVISORS

The negotiation team and tactical team will be under the direction of designated team supervisors, who shall be selected by the Chief of Police upon specific recommendation by the TAC Commander.

The primary responsibility of the team supervisors is to oversee the operation of their teams, which includes deployment, training, first-line supervisor participation and other duties as directed by the TAC Commander.

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Tactical Team (TAC Team)

403.4 READINESS

The Lenexa Tactical Team shall be maintained in a level of operational readiness which allows for the team and support elements to respond quickly and efficiently to resolve incidents within the City of Lenexa, and to assist outside entities as requested.

403.4.1 EQUIPMENT INSPECTIONS

The TAC Commander shall appoint a team supervisor to perform operational readiness inspections of all TAC equipment at least quarterly. The result of the inspection will be forwarded to the TAC Commander in writing. The inspections will include personal equipment issued to members of the TAC, operational equipment maintained in the TAC facility and equipment maintained or used in TAC vehicles.

403.4.2 MULTIJURISDICTIONAL OPERATIONS

The TAC Team, including any relevant specialized teams and supporting resources, should develop protocols, agreements, memorandums of understanding (MOUs) or working relationships to support multijurisdictional or regional responses.

- (a) If it is anticipated that multijurisdictional TAC Team operations will regularly be conducted, multi-agency and multidisciplinary joint training exercises should occur.
- (b) Members of the Lenexa Police Department TAC Team shall operate under the policies, procedures and command of the Lenexa Police Department when working in a multi-agency situation.

403.5 PROCEDURES

Situations that necessitate the need for a TAC Team response vary greatly from incident to incident and often demand on-scene evaluation. The guidelines allow for appropriate on-scene decision-making and development of organizational and operational procedures.

403.5.1 ORGANIZATIONAL PROCEDURES

The Department shall develop a separate written set of organizational procedures that should address, at a minimum:

- (a) Specific missions the TAC Team is capable of performing.
- (b) TAC Team organization and function.
- (c) Member selection, retention and termination criteria.
- (d) Training and required competencies including record production and retention.
- (e) Procedures for notification, activation, deactivation and deployment.
- (f) Command and control issues, including a clearly defined command structure and dedicated lines of communication.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

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Tactical Team (TAC Team)

403.5.2 OPERATIONAL PROCEDURES

The Department shall develop a separate written set of operational procedures using sound risk-reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's (NTOA) SWAT Standard for Law Enforcement Agencies. Because such procedures are specific to TAC Team members and outline negotiation, tactical and officer safety issues, they are not included within this policy.

The operational procedures should include, at a minimum:

- (a) Designation of members who are responsible for developing an operational or tactical plan prior to, and/or during TAC Team operations (time permitting).
 - 1. All TAC Team members should have an understanding of operational planning.
 - 2. TAC training should include planning for both spontaneous and planned events.
 - 3. TAC planning should incorporate medical emergency contingency plans as part of the TAC operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized teams, certified tactical dispatchers and other supporting personnel.
- (c) Protocols for a sustained operation to be developed that may include relief, rotation of members and augmentation of personnel and resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of the TAC.
- (e) A standard method of determining whether a warrant should be regarded as high risk.
- (f) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (g) Protocols for post-incident scene management, including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other sections.
 - 3. Debriefing after every deployment of the TAC Team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents, affords the opportunity for individual and team assessments, helps to identify training needs and reinforces sound risk management practices.
 - (b) When appropriate, debriefing should include specialized teams and supporting or assisting personnel.
- (h) A sound risk management analysis.
- (i) Standardization of equipment deployed.

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Tactical Team (TAC Team)

403.6 OPERATIONAL GUIDELINES

The following are guidelines for the operational deployment of the TAC Team. Generally, the tactical team and the Crisis Negotiation Team will be activated together. It is recognized, however, that the teams can be activated independently as circumstances dictate. The tactical team may be used in a situation not requiring the physical presence of the negotiation team, such as warrant service operations. The negotiation team may be used in a situation not requiring the physical presence of the tactical team, such as handling a suicidal person. Operational deployment of the specialized teams shall be at the discretion of the TAC Commander.

403.6.1 APPROPRIATE USE

Incidents that may result in the activation of the TAC include:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Individuals who are threatening suicide and have refused to surrender, if Patrol is unable to successfully resolve the situation.
- (d) Arrests of potentially armed or dangerous persons.
- (e) Any situation that could threaten or undermine the ability of the Department to preserve life, maintain social order and ensure the protection of persons or property.

Requests by field personnel for assistance from tactical teams from another agency must be approved by the Chief of Police. Deployment of the Lenexa Police Department TAC Team in response to requests by other agencies must be authorized by the Chief of Police.

403.6.2 ON-SCENE DETERMINATION AND NOTIFICATION

The on scene supervisor will make any requests for a Tac Team activation through the chain of command. The Chief of Police, or designee, is the final authority for activation and use of the Lenexa Tactical Team.

Notifications should include the following information, if known:

- (a) The type of crime involved.
- (b) The number of suspects, identity and criminal history.
- (c) The known weapons and resources available to the suspect.
- (d) If the suspect is in control of hostages and/or barricaded.
- (e) Whether contact has been made with the suspect and whether there have been demands.
- (f) If potential victims are still within the inner perimeter.
- (g) If the suspect has threatened or attempted suicide.
- (h) The location of the command post and a safe approach to it.
- (i) The extent of any inner or outer perimeter and the number of personnel involved.
- (j) Any other assets or resources at the scene including other involved agencies.

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Tactical Team (TAC Team)

- (k) Any other important facts critical to the immediate situation.

The TAC Commander or team supervisor shall then follow current callout procedures. A current mobilization list shall be maintained in Communications. Watch Commander Communications TAC

The Watch Commander will notify the Patrol Division Commander as soon as practicable.

403.7 UNIFORMS AND EQUIPMENT

TAC specialized teams from this department should wear uniforms that clearly identify them as law enforcement members. It is recognized that certain tactical conditions may require covert movement. Attire may be selected that is appropriate to the specific mission.

403.7.1 EQUIPMENT

TAC specialized teams from this department should be adequately equipped to meet the specific missions identified by the Department.

403.7.2 FIREARMS

Weapons and equipment used by the TAC specialized teams and any supporting resources shall be department-issued or approved, including any modifications, additions or attachments.

403.8 CRISIS NEGOTIATION TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory may be subject to dismissal from the team.

Ride-Alongs

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Lenexa Police Department. This policy provides the requirements, approval process, hours of operation and member responsibilities for ride-alongs.

404.2 POLICY

Ride-along opportunities will be provided to the members of the public, City employees and members of this department to observe and experience, first-hand, various functions of the Lenexa Police Department. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as Communications.

404.3 ELIGIBILITY

A ride-along is available to Lenexa residents and business owners, students currently attending class in Lenexa and those employed within the City of Lenexa. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to, the following:

- Persons under the age of 18 will not be allowed to participate in the program unless they are completing a school assignment. In that case, both the student and their guardian would be required to review and sign the ride along application and waiver form prior to approval.
- Prior criminal history
- Pending criminal action
- Pending lawsuit against this department or the City
- Denial by any supervisor

404.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the shift supervisor.

404.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the PSO Unit. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address and telephone number.

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Ride-Alongs

The PSO Ride Along Coordinator will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the PSO Unit as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

404.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Volunteers
- Chaplains
- Reserves
- Lenexa Police Department applicants
- Any others with approval of the Watch Commander
- Students enrolled in any department-approved dispatcher training course
- An officer's spouse, child, boyfriend or girlfriend may not ride with that officer. However, they will be allowed to ride with another officer on the same or different shift.

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

404.6.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the shift supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

404.6.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Kansas Criminal Justice Information System (KCJIS) check prior to approval of the ride-along.

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404.6.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Watch Commander. The Watch Commander or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

404.7 MEMBER RESPONSIBILITIES

The PSO Ride Along Coordinator will be responsible to see that the Waiver of Liability is completed properly, that a computer check has been conducted, and that the observer has been approved by a supervisor. The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
 - 1. If the participant is on a ride-along, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the communications operator that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The communications operator will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Watch Commander.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance which, by its nature, containment or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 POLICY

It is the policy of the Lenexa Police Department to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

405.3 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

405.4 CONSIDERATIONS

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Communications, appropriate supervisors, the appropriate fire department and hazardous response units.
 - 1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective gear, being cognizant that some hazardous material can be inhaled.

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Hazardous Material Response

- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
 - 1. Placards or use of an emergency response guidebook.
 - 2. Driver's statements or shipping documents from the person transporting the material.
 - 3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
 - (a) The type of material.
 - (b) How to secure and contain the material.
 - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.

405.5 REPORTING EXPOSURE

Department members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused by exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

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Hazardous Material Response

405.5.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

To ensure the safety of members, safety equipment is available from supervisors. Safety items not maintained by this department may be available through the appropriate fire department or emergency response team.

Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- Unlawfully held against his/her will under threat or actual use of force.

406.2 POLICY

It is the policy of the Lenexa Police Department to address hostage and barricade situations with due regard for the Priority of Lives and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

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Hostage and Barricade Incidents

406.3.1 EMERGENCY COMMUNICATIONS

Officers may intercept a wire, oral or electronic communication when authorized by an ex parte order issued by a judge in order to provide evidence of the commission of specific offenses (K.S.A. § 22-2515).

406.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt to obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

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- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

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- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting Tactical Team (TAC Team) response if appropriate and apprising the TAC Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized assignment members, additional department members, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or Communications.
- (i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

406.6 TAC RESPONSIBILITIES

It will be the TAC Commander's decision, with input from the Incident Commander, whether to deploy the TAC during a hostage or barricade situation. Once the TAC Commander authorizes deployment, the TAC Commander or the authorized designee will be responsible for the tactical response and negotiations. The Incident Commander shall continue to supervise the command post operation, outer perimeter security, evacuation and media access, and will support the TAC. The Incident Commander and the TAC Commander or the authorized designees shall maintain direct communications at all times.

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406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Lenexa Police Department in their initial response to incidents involving explosives or explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Lenexa Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the shift supervisor is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 LENEXA POLICE DEPARTMENT FACILITY

If the bomb threat is against the Lenexa Police Department facility, the shift supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Lenexa Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the shift supervisor deems appropriate.

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407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Lenexa, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied, and if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the shift supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The shift supervisor should be notified when police assistance is requested. The shift supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the shift supervisor determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the shift supervisor including:
 - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.
- (j) Be cautious due to possible secondary devices.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

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- Other government agencies, as appropriate

407.8 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

407.8.1 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be embedded in nearby structures or hanging in trees and bushes.

Crisis Intervention Incidents

408.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis – A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

408.2 POLICY

The Lenexa Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

408.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation or lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these signs should not be treated as proof of the presence or absence of a mental health issue or crisis.

408.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate individual to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who have lived with mental illness or who appear to be in a mental health crisis.

408.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that living with mental illness, mental health crises or unusual behavior are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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408.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm and courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (i.e., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

408.7 SUPERVISOR RESPONSIBILITIES

A supervisor may respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language (officers may observe and document specific behaviors and conditions, but should refrain from referencing specific clinical diagnoses).

Crisis Intervention Incidents

408.8 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

408.8.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Involuntary Civil Commitments Policy.

408.9 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff or clerical members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

408.10 EVALUATION

The individual designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually.

408.11 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

Emergency Detentions

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under an emergency detention for mental health reasons.

409.2 POLICY

It is the policy of the Lenexa Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

409.3 AUTHORITY

An officer who has a reasonable belief that a person is mentally ill and likely to cause harm to him/herself or others may take the person into custody without a warrant and transport them to a treatment facility or a crisis intervention center, if available, for examination. However, an officer shall not transport a person to a state psychiatric hospital for an examination unless the officer receives a written statement from a qualified mental health professional authorizing the transport (K.S.A. § 59-2953; K.S.A. § 65-536).

Generally, an officer will not have to file a petition order or application for emergency observation and treatment because these are handled through the Johnson County Mental Health Department. However, if an officer is required to do so, and after a determination by the examining physician or psychologist that a person should be emergently detained, the officer shall present an application for emergency observation and treatment as required by K.S.A. § 59-2954. Unless the person's parent or legal guardian agrees to do so, an officer shall also complete and file a petition seeking emergency detention with the district court in the time period required by K.S.A. § 59-2954.

An officer may also take a person into custody pursuant to a court order (K.S.A. § 59-2958; K.S.A. § 59-2959).

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for an emergency detention, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, the officer should proceed with the application for an emergency detention, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for emergency detention should consider, as time and circumstances reasonably permit:

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- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, shift supervisor approval is required before transport commences.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer will remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer should provide a verbal summary, and written if requested, to any evaluating staff member regarding the circumstances leading to the emergency detention.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody on an emergency detention should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.

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- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency detention.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for an emergency detention, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with a mental disability, emergency detentions, and crisis intervention.

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Lenexa Police Department with guidance on when to release adults who are suspected offenders on a citation/notice to appear in court for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

410.2 POLICY

The Lenexa Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation/notice to appear in court, when authorized to do so.

410.3 RELEASE

A suspected offender shall be released on issuance of a citation/notice to appear in court for the following:

- (a) Cigarette or tobacco infractions (K.S.A. § 79-3393; K.S.A. § 12-4212).
- (b) Traffic infractions.
- (c) City or municipal ordinance violations unless the violation involves the intentional infliction of bodily harm (K.S.A. § 12-4206; K.S.A. § 12-4212).
- (d) Misdemeanors not committed in the presence of the officer unless the officer has probable cause to believe that (K.S.A. § 22-2401):
 - (a) The person will not be apprehended or evidence of the crime will be irretrievably lost unless the person is immediately arrested.
 - (b) The person may cause injury to self or others or damage to property unless immediately arrested.
 - (c) The person has intentionally inflicted bodily harm to another person.

410.3.1 DISCRETIONARY RELEASES

A suspected offender may be released on issuance of a citation/notice to appear in court for:

- (a) Misdemeanors.
- (b) City or municipal ordinance violations involving the intentional infliction of bodily harm (K.S.A. § 12-4206; K.S.A. § 12-4212).
- (c) Wildlife and parks violations (K.S.A. § 32-1049).

410.4 PROHIBITIONS

The release of a suspected offender on a citation/notice to appear in court is not permitted for:

- (a) Felonies (K.S.A. § 22-2401).
- (b) A warrant for the person's arrest or a court order requiring the person to be taken into custody is issued.

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410.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider (K.S.A. § 12-4212):

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Lenexa Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Lenexa Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll-free at 866-217-2089, or at another current telephone number, and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
 - 4. Honorary consular officers

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

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411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Lenexa Police Department relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the Lenexa Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Kansas constitutions.

412.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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Immigration Violations

412.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

412.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

412.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

412.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Immigration Violations

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Chief of Police to oversee the handling of any related case. The Chief of Police should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

Utility Service Emergencies

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are directed to the Police Department.

413.2 POLICY

It is the policy of the Lenexa Police Department to appropriately respond to City emergency utility service requests received by this department.

413.3 UTILITY SERVICE EMERGENCY

A current contact list of City personnel to be notified in the event of a utility service emergency should be available in Communications.

413.3.1 WATER LINES

The City's responsibility for water lines ends at the water meter; any break or malfunction in the water system from the water meter to a residence or business is the responsibility of the customer.

If a water line break occurs on the City side of the water meter, Water One personnel should be notified as soon as practicable.

413.3.2 ELECTRICAL LINES

When a power line poses a hazard, a member of this department should be dispatched to the reported location to protect against personal injury or property damage that might be caused by the power line. The fire department, electric company and/or the public works department should be promptly notified, as appropriate.

413.3.3 RESERVOIRS, PUMPS, WELLS

In the event of flooding or equipment malfunctions involving City reservoirs, pumps or wells, the public works department should be contacted as soon as practicable.

413.3.4 NATURAL GAS LINES

All reports of a possible leak of natural gas or damage to a natural gas line shall promptly be referred to the fire department and the local entity responsible for gas lines. A member of this department should be dispatched to the reported location if it appears that assistance such as traffic control or evacuation is needed.

413.3.5 TRAFFIC SIGNALS

A member of this department should be dispatched upon report of a damaged or malfunctioning traffic signal in order to protect against personal injury or property damage that might occur as the result of the damaged or malfunctioning signal. The member will advise Communications of the problem with the traffic signal. The communications operator should notify the Municipal Services Duty Officer soon as practicable.

Aircraft Accidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

414.2 POLICY

It is the policy of the Lenexa Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

414.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

414.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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414.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

414.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

414.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

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- Pressure vessels, compressed gas bottles, accumulators and tires.
- Fluids, batteries, flares and igniters.
- Evacuation chutes, ballistic parachute systems and composite materials.

414.8 DOCUMENTATION

All aircraft accidents occurring within the City of Lenexa shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of LPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

414.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

414.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

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414.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training

415.1 PURPOSE AND SCOPE

This policy provides guidelines for field training that ensure standardized training and evaluation; facilitate the transition from the academic setting to the actual performance of general law enforcement duties; and introduce the policies, procedures and operations of the Lenexa Police Department. The policy addresses the administration of field training and the selection, supervision, training and responsibilities of the Field Training Officer (FTO).

415.2 POLICY

It is the policy of the Lenexa Police Department that all newly hired or appointed officer trainees will participate in field training that is staffed and supervised by trained and qualified FTOs.

415.3 FIELD TRAINING

The Department shall establish minimum standards for field training, which should be of sufficient duration to prepare officer trainees for law enforcement duties and is in compliance with state-specific KS-CPOST requirements. The field training is designed to prepare trainees for a patrol assignment and ensure they acquire the skills needed to operate in a safe, productive and professional manner, in accordance with the general law enforcement duties of this department.

To the extent practicable, field training should include procedures for:

- (a) Issuance of training materials to each trainee at the beginning of his/her field training.
- (b) Daily and other regular evaluation and documentation of the trainee's performance.
- (c) A multiphase structure that includes:
 - 1. A formal evaluation progress report completed by the FTOs involved with the trainee and submitted through the FTO training database.
 - 2. Assignment of the trainee to a variety of shifts and geographical areas.
 - 3. Assignment of the trainee to a rotation of FTOs in order to provide for an objective evaluation of the trainee's performance.
- (d) The trainee's confidential evaluation of his/her assigned FTOs and the field training process.
- (e) Retention of all field training documentation in the officer trainee's training file including:
 - 1. All performance evaluations.
 - 2. Completed Training Tasks
 - 3. Academy documentation (if applicable)
 - 4. Any other pertinent reports and journaling done by the trainee

Field Training

415.4 FTO COORDINATOR

The Chief of Police shall delegate certain responsibilities to an FTO coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Commander, or the authorized designee.

An FTO sergeant(s) or other designee will be appointed to assist in the coordination of FTOs and their activities, along with the day-to-day activities of the FTO unit.

The responsibilities of the FTO Sergeant include, but are not limited to:

- (a) Assignment of trainees to FTOs.
- (b) Conducting FTO meetings.
- (c) Maintaining and ensuring FTO and trainee performance evaluations are completed.
- (d) Maintaining, updating and issuing department training materials to each FTO and trainee.
- (e) Developing ongoing training for FTOs.
- (f) Mentoring and supervising individual FTO performance.
- (g) Monitoring the overall performance of field training.
- (h) Keeping the FTO Coordinator informed through regular communication about the trainees' progress.
- (i) Maintaining a liaison with police academy staff on recruit officer performance during academy attendance.

415.5 FTO SELECTION, TRAINING, AND RESPONSIBILITIES

415.5.1 SELECTION PROCESS

The selection of an FTO will be at the discretion of the Chief of Police or the authorized designee. Selection will be based on the officer's:

- (a) Desire to be an FTO.
- (b) Experience, which shall include a minimum of two years of patrol experience.
- (c) Demonstrated ability as a positive role model.
- (d) Successful completion of an internal selection process.
- (e) Evaluation by supervisors and current FTOs.

An FTO must remain in good standing and may be relieved from FTO duties due to discipline, inappropriate conduct or poor performance.

415.5.2 TRAINING

An officer selected as an FTO shall successfully complete the department-approved FTO course prior to being assigned as an FTO.

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415.5.3 TRAINING MATERIALS

The FTO shall receive training materials outlining the requirements, expectations and objectives of the FTO position. FTOs should refer to their training materials, the FTO sergeant, or the FTO coordinator regarding specific questions related to FTO or field training.

415.5.4 RESPONSIBILITIES

The responsibilities of the FTO include, but are not limited to:

- (a) Issuing his/her assigned trainee field training materials in accordance with the Training Policy.
 - 1. The FTO shall ensure that the trainee has the opportunity to become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.
 - 2. The FTO shall sign off on all completed topics contained in the training materials.
- (b) Completing and reviewing daily performance evaluations with the trainee.
- (c) Provide consistent and pertinent communication regarding the progress of the trainee to the FTO sergeant.
- (d) Completing an end-of-phase memo with a synopsis of the trainee's strengths and weaknesses, and whether the trainee is ready to move to the next phase of training.

Contacts and Temporary Detentions

416.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and Terry frisks, and the taking and disposition of photographs.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Terry Frisk - A type of technique used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of the outer clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

416.2 POLICY

The Lenexa Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, Terry Frisk or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations and constitutional safeguards.

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Contacts and Temporary Detentions

416.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Positive citizen contacts are encouraged by the Lenexa Police Department to strengthen community involvement, community awareness and problem identification.

416.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

416.4 TERRY FRISKS

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk (K.S.A. § 22-2402). The purpose of this technique is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a Terry Frisk include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a Terry Frisk should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the frisk.

416.5 FIELD PHOTOGRAPHS

416.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent.

416.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted and retained in compliance with standard department procedure.

416.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and uploaded to Axon DEMS with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

416.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

416.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the

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seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

417.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Lenexa Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

417.2 POLICY

The Lenexa Police Department recognizes that certain criminal activities, including, but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

417.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

417.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records. Any supporting

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documentation for an entry shall be retained by the Records in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

417.4 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the designated or responsible supervisor to train members to identify information that may be particularly relevant for inclusion.

417.5 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

417.6 CRIMINAL STREET GANGS

The Gang Unit supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above-average familiarity with identification of criminal street gangs, criminal street gang members, criminal street gang associates and patterns of criminal gang activity as defined in K.S.A. § 21-6313.
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

417.7 TRAINING

The Training Sergeant, or designee should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multi-agency criminal intelligence system.

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- (c) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Mobile (MVR) and Wearable (WVR) Video Recorders

418.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines for officers utilizing mobile in-car (MVR) and wearable video/audio (WVR) recording equipment.

418.2 POLICY

The Lenexa Police Department recognizes the value of video/audio recordings initiated by officers for the purpose of documenting criminal activity and protecting officers and the Department from unsubstantiated claims.

418.3 CONFIDENTIALITY

All recording media, images, and audio are property of the Lenexa Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the express written consent of the Chief of Police. Under no circumstances will any member of the Lenexa Police Department make a personal copy of any recorded event without prior written permission of the Chief of Police.

418.4 OPERATING PROCEDURES

- (a) MVR and WVR Video/audio equipment will be operated according to manufacturer's recommendations and Departmental training. Training will be provided by personnel with experience and knowledge of the selected video system. Personnel will use only those MVR's and WVR's issued or approved by the Department.
- (b) Officers should test the equipment to ensure that it is in good working order and the video camera is properly positioned at the beginning of their shift. Any problems should be promptly reported to the Technical Support Unit/Video Network Technician and shift supervisor.
- (c) Officers will ensure that their WVR is fully charged prior to their shift.
- (d) Officers should ensure that the MVR and WVR have sufficient capacity to record during their shift.
- (e) Officers should activate the MVR and WVR to record during each citizen encounter related to a call for service, enforcement action, traffic stop, and/or police service.

418.5 CONTROL AND MANAGEMENT OF RECORDINGS

- (a) Officers should upload video to the server upon indication that the device is nearing capacity.
- (b) If an officer has reason to believe a complaint or problem may arise from a vehicle stop or other incident the officer will create a case in the Department approved Digital Evidence Management System (DEMS). The incident should be documented in DEMS under the CAD incident number or CRN case number and ticket number if applicable. All other video and audio recordings associated with the incident should be added to

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the DEMS case. It is the officers' responsibility to make any necessary entries in the Property Report.

- (c) If the video recorded is evidence for a case it should be documented in DEMS under the CRN case number. All other video and audio recordings associated with the incident should be added to the DEMS case with the original recording(s). It is the officer's responsibility to make the appropriate entries in the Property Report.
- (d) Video or audio evidence that is recorded on removable media will be uploaded to DEMS or placed into the property room per standard property procedures. When the video or audio is no longer needed for evidentiary purposes, it shall be erased and destroyed. Notification of this process will be made by the Property Officer to the reporting officer.
- (e) The retention of the digital media on DEMS is only available on the server for a period of 90 days. After 90 days, any recording on the DEMS server will become obsolete, if it was not previously attached to a case in DEMS.

418.6 ADMINISTRATIVE RESPONSIBILITIES

- (a) It is incumbent on supervisors to ensure officers utilize MVR's and WVR's according to policy and training guidelines.
- (b) Supervisors and administrators may review officers' MVR's and WVR's recordings at any time or, if the recording is not in DEMS, may ask for and receive an officer's video recording at any time for the purpose of reviewing a recorded incident.
- (c) Requests for copies of videos for administrative or supervisory review, training purposes or an order of a court of competent jurisdiction will be made to the Police Evidence Group. If the request is deemed appropriate, the Property Officer or designee will produce and distribute the copy. No other copies of Department issued MVR or WVR will be produced and any questions regarding a request for video distribution should be forwarded to the appropriate Division Commander.

418.7 SURREPTITIOUS RECORDING

No member of this Department may surreptitiously record a conversation of any other member of the Department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

Mobile Data Use

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of Department owned computers and devices, such as laptops, cellular telephones, other mobile devices, and any related electronic messaging systems associated with Department owned computers in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Communications. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

419.2 POLICY

The availability and use of Department owned computers within the work environment have provided many opportunities for enhancements of productivity and effectiveness. These technologies also provide for the opportunity for transfer and distribution of sensitive information that could prove damaging to this agency, its members, the citizens, and others associated with the sensitive information if not managed properly. Therefore, it shall be the policy of this agency that all members abide by the guidelines contained herein concerning the use of mobile data computers, Department owned computers, other electronic messaging devices and the sensitive information that can be obtained through their use.

419.3 PROCEDURES-GENERAL

- (a) Transmission of electronic messages and information on communications media provided for employees of this agency shall be treated with the same degree of proprietary, professionalism, and confidentiality as official written correspondence.
- (b) This agency encourages authorized and trained personnel with access to mobile data computers, Department owned computers and other electronic messaging devices, to utilize these devices and applications whenever necessary. However, use of any of these devices is a privilege that is subject to revocation.
- (c) The mobile data terminal has access to the agency's computer systems, electronic mail system and other sensitive information. In order to avoid a breach of security, members shall secure the police vehicle and close the mobile data terminal, or deactivate the display to avoid information being viewed from outside the vehicle, when the vehicle is left unattended, unless prohibited by emergency.

419.4 PRIVACY EXPECTATION

- (a) Members are advised that they do not maintain any right to privacy on mobile data computers, Department owned computers, Department issued electronic messaging devices, or their contents. This would include any software found on the device.
 - 1. This agency reserves the right to access any information contained on the mobile data computers, Department owned computers, and/or Department owned

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Mobile Data Use

electronic messaging devices and may require members to provide passwords to files that have been encrypted or password protected.

2. This agency reserves the right to access, for business needs, quality control purposes and/or for violations of this policy, any electronic transmission of its members conducting the business of this agency.
- (b) Confidential, proprietary, or sensitive information may be disseminated only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to, the following:
1. Criminal History Information and identification files, or related information.
 2. Intelligence files and information containing sensitive tactical information.
 3. Mug shots or other identifying photographic materials.
 4. License Plate Reader (LPR) data and associated files.

419.5 RESTRICTED ACCESS AND USE

Use of Department owned computers and devices are subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access these systems if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of these systems by another member to their supervisors or Watch Commanders.

Use of these systems to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Members shall not download or install software on any Department owned computer or device (including sound and video files and files attached to email messages), or any software or other material from the internet or other external sources, without Integrated Services approval. Any hardware enhancements or additions to agency owned equipment must be approved by Integrated Services.

Intentionally obtaining or transmitting derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on these systems is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to these systems unless directed to do so by a supervisor. Members are required to log off Department owned computers and devices or secure when left unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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Mobile Data Use

419.5.1 ADDITIONAL RESTRICTION

Only department members authorized to access Kansas Criminal Justice Information System sensitive material should access Department owned computers and devices.

419.6 MOBILE DATA COMPUTERS AND SAFE VEHICLE OPERATION

- (a) The use of the mobile data computer while the police vehicle is in motion creates a potential risk to the officer because of the change of focus from driving to operating a mobile data computer.
- (b) The Department recognizes that discretion must be used by employees when viewing or entering information into the mobile data computer while driving. When doing so, employees are not absolved of their responsibilities as they relate to the safe operation of their Department vehicles.
- (c) If there is a compromise of safety in a particular situation related to the use of the mobile data computer, the officer is expected to use the radio.

419.7 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a communications operator should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a communications operator.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

419.7.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC.

419.7.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member.

Members should ensure a field supervisor and the Watch Commander is notified of the incident without delay.

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Mobile Data Use

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are handling a different emergency.

419.8 EQUIPMENT CONSIDERATIONS

419.8.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Communications.

419.8.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Public Recording of Law Enforcement Activity

420.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

420.2 POLICY

The Lenexa Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

420.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officer, him/herself or others.

420.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For

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example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

420.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of department members, such as how and where to file a complaint.

420.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property Room Policy.

Bicycle Patrol

421.1 PURPOSE AND SCOPE

This policy establishes guidelines for the Lenexa Police Department to safely and effectively use bicycle patrol for the purpose of enhancing field patrol efforts in the community.

421.2 POLICY

It is the policy of the Lenexa Police Department that patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize officer mobility and department visibility in the community.

421.3 OPERATIONS

Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas, and the quiet operation of the patrol bicycle can facilitate a tactical approach to crimes in progress. Patrol bicycles may be deployed to any area, at any hour of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Unit supervisor or the Special Operations Commander.

421.4 BICYCLE PATROL SUPERVISOR

The Chief of Police shall delegate certain responsibilities to a bicycle patrol coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The coordinator may appoint a senior bicycle patrol officer or other designee to assist in the coordination of bicycle patrol officers and their activities.

The responsibilities of the coordinator include, but are not limited to:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining an inventory of patrol bicycles and program equipment.
- (c) Inspecting, no less than every three months, bicycles that are not in active service and documenting that they are in serviceable condition.
- (d) Scheduling maintenance and repairs.
- (e) Evaluating the performance of bicycle patrol officers.
- (f) Coordinating activities with the Patrol Division.
- (g) Other activities as required to maintain the efficient operation of bicycle patrol.

421.5 PATROL BICYCLE

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421.5.1 TRANSPORTING THE PATROL BICYCLE

The patrol bicycle should be transported using a vehicle bicycle rack. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a law enforcement vehicle push-bumper is discouraged.

421.5.2 MAINTENANCE

- (a) Bicycle patrol officers shall conduct an inspection of the patrol bicycle and equipment prior to use to ensure proper working order of the equipment.
- (b) Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
 - 1. Each patrol bicycle will have scheduled maintenance annually to be performed by a repair shop or technician approved by the Department.
- (c) Officers shall not modify the patrol bicycle or remove, modify or add components to the patrol bicycle except with the express approval of the Bicycle Unit supervisor, or in the event of an emergency.
- (d) If a needed repair is beyond the ability of the bicycle patrol officer, the Bicycle Unit supervisor will coordinate the repairs to be completed by a repair shop..
- (e) Patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty.
 - 1. During prolonged periods of non-use, each bicycle patrol officer assigned a patrol bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.
- (f) At the end of a patrol bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

421.6 UNIFORMS AND EQUIPMENT

Officers shall wear uniforms and safety equipment in accordance with the Uniforms and Civilian Attire Policy.

The uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt, with Lenexa Police Department badge and patches, and department-approved bicycle patrol pants or shorts. Optional attire may include, but is not limited to, a jacket in colder weather and turtleneck shirts or sweaters when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on their duty belts and/or Patrol over vests as they would on regular patrol assignments. Assignment-specific safety equipment should include, but is not limited to, department-approved helmet, a radio headset and microphone, riding gloves, protective eyewear and approved footwear.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

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421.7 TRAINING

Officers must complete an initial department-approved bicycle-training course prior to assignment to bicycle patrol. Thereafter, bicycle patrol officers should receive annual in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- (a) Bicycle patrol strategies
- (b) Bicycle safety and accident prevention
- (c) Operational tactics and techniques using bicycles

Automated License Plate Readers (ALPRs)

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

422.2 POLICY

The policy of the Lenexa Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it may not be open to public review.

422.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Lenexa Police Department to convert data associated with vehicle license plates for official law enforcement purposes.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the assigned or appropriate Division Commander. The assigned or appropriate Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

422.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access confidential department, state, or federal data unless authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

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Automated License Plate Readers (ALPRs)

422.5 DATA COLLECTION AND RETENTION

The assigned or appropriate Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. ALPR data is automatically and securely transferred from the ALPR systems to the department's designated storage locations in accordance with established procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be attached to the appropriate case through the case file, electronic evidence storage, or booked into evidence.

422.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Lenexa Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action and shall include an explanation of the legitimate law enforcement purpose such as case or event number, type of event, or requesting agency.
- (c) ALPR system audits should be conducted on a regular basis.

422.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The other law enforcement or prosecutorial agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the assigned or appropriate Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

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Automated License Plate Readers (ALPRs)

This section does not apply to sharing of such data pursuant to official sharing agreements between LPD and outside law enforcement agencies. In those situations, the agreement will govern sharing procedures.

Homeless Persons

423.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department members understand the needs and rights of the homeless, and to establish procedures to guide them during all contacts with the homeless, whether consensual or for enforcement purposes.

This policy establishes a liaison to the homeless community, addresses the responsibilities of the department member appointed to act as a liaison to the homeless, and details the need for special protection and services for homeless persons.

423.2 POLICY

It is the policy of the Lenexa Police Department to protect the rights, dignity and private property of all members of the community, including people who are homeless. Abuse of authority to harass any member of the community will not be permitted. The Lenexa Police Department will address the needs of homeless persons in balance with the overall mission of this department.

Homelessness is not a crime and members will not use homelessness as the sole basis for detention or law enforcement action.

423.3 LIAISON TO THE HOMELESS COMMUNITY

The Chief of Police shall delegate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the liaison include, but are not limited to:

- (a) Maintaining and making available to all department members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this department that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including personal property rights.
- (e) Being present during any clean-up operation conducted by this department that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.

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Homeless Persons

423.4 FIELD CONTACTS

Officers are encouraged to contact a homeless person to render aid, offer assistance or to check on the person's welfare. Officers also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of an arrest and criminal charges.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

423.4.1 CONSIDERATIONS

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness or suspect is homeless can, however, require special consideration for a successful investigation and prosecution. When handling investigations involving victims, witnesses or suspects who are homeless, officers should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (f) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates that he/she does not desire prosecution.
- (g) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.

423.5 MENTAL HEALTH ISSUES

When mental health issues are evident, officers should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Officers should consider detaining the person under involuntary commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Involuntary Commitments Policy).

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Homeless Persons

423.6 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the community. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, it should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure it. It will be the supervisor's responsibility to coordinate its removal and safekeeping.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the homeless liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the liaison.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

423.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or City departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Medical Aid and Response

424.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

424.2 POLICY

It is the policy of the Lenexa Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

424.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Communications and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Infectious Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Communications with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex, and age, if known.
 - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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Medical Aid and Response

424.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

424.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision, and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with an emergency detention in accordance with the Emergency Detention Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment, or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

424.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems

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Medical Aid and Response

or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

424.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Electronic Control Device policies.

424.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested.

424.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after the member has received appropriate training.

424.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant, or designee, who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Communications as soon as possible and request response by EMS.

424.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

424.9.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training is provided to members authorized to use an AED (K.S.A. § 65-6149a).

The Training Sergeant, or designee, is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

424.10 ADMINISTRATION OF EMERGENCY OPIOID ANTAGONIST MEDICATION

Members may administer emergency opioid antagonist medication in accordance with protocol specified by the physician medical director who prescribed it, the licensed pharmacist who dispensed the medication for use by the member, or when obtained over the counter (K.S.A. § 65-16,127; K.A.R. 68-7-23).

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424.10.1 EMERGENCY OPIOID ANTAGONIST MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer emergency opioid antagonist medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shifts to ensure that the equipment is serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers an emergency opioid antagonist should contact Communications as soon as possible and request response by EMS. The member shall provide any information related to the administration of the opioid antagonist to the responding EMS personnel or treating physician (K.A.R. 68-7-23).

424.10.2 NOTIFICATION

Notification to the department physician medical director shall be made within 24 hours of administration of an opioid overdose medication, if required by law (K.A.R. 68-7-23).

424.10.3 EMERGENCY OPIOID ANTAGONIST MEDICATION REPORTING

Any member administering an emergency opioid antagonist should detail its use in an appropriate report.

424.10.4 EMERGENCY OPIOID ANTAGONIST MEDICATION TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer emergency opioid antagonist medication. The training shall include, at minimum, the following (K.S.A. § 65-16,127; K.A.R. 68-7-23):

- (a) Techniques to recognize signs of an opioid overdose
- (b) Standards and procedures to store and administer an emergency opioid antagonist
- (c) Emergency follow-up procedures, including the requirement to summon EMS either immediately before or immediately after administering an emergency opioid antagonist
- (d) Inventory requirements and reporting the administration of an emergency opioid antagonist to a healthcare provider
- (e) Proper disposal of emergency opioid antagonist

When applicable, the Training Sergeant shall coordinate the training with the prescribing physician medical director or the licensed pharmacist who dispensed the medication. The physician medical director or pharmacist shall also be utilized to coordinate agency activities with EMS and medical directors for quality assurance (K.S.A. § 65-16,127).

424.11 FIRST AID TRAINING

Subject to available resources, the Training Sergeant should ensure officers receive periodic first aid training appropriate for their position.

First Amendment Assemblies

425.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

425.2 POLICY

The Lenexa Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

425.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential.

The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace and to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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425.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

425.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets, or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Communications, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

425.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

425.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

425.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

- (a) Command assignments, chain of command structure, roles and responsibilities
- (b) Staffing and resource allocation
- (c) Management of criminal investigations
- (d) Designation of uniform of the day and related safety equipment (helmets, shields, etc.)
- (e) Deployment of specialized resources
- (f) Event communications and interoperability in a multijurisdictional event
- (g) An established liaison with demonstration leaders and external agencies
- (h) An established liaison with City government and legal staff
- (i) Media relations
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation
- (k) Traffic management plans
- (l) First aid and emergency medical service provider availability
- (m) Prisoner transport and detention
- (n) Review of policies regarding public assemblies and use of force in crowd control
- (o) Parameters for declaring an unlawful assembly
- (p) Arrest protocol, including management of mass arrests
- (q) Protocol for recording information flow and decisions

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- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
- (s) Protocol for handling complaints during the event
- (t) Parameters for the use of body-worn cameras and other portable recording devices

425.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

425.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear, standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

425.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices, and Electronic Control Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to

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harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

425.8 ARRESTS

The Lenexa Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been or reasonably appear likely to be unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking, and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail, and courts (see the Citation Releases Policy).

425.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media, to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

425.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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425.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Communications records/tapes
- (g) Media accounts (print and broadcast media)

425.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, to include the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests, costs)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

425.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Suspicious Activity Reporting

426.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

426.2 POLICY

The Lenexa Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

426.3 RESPONSIBILITIES

The Support Services Division Commander and the authorized designees will manage SAR activities. Authorized designees are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Support Services Division include, but are not limited to:

- (a) Remaining familiar with those databases available to the department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

426.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any professional staff member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about the involved parties and the circumstances of the incident. If, during any investigation an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report.

The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

426.5 HANDLING INFORMATION

A written report will be entered into the Records Management System. The report will be routed through the standard dissemination process.

Civil Disputes

427.1 PURPOSE AND SCOPE

This policy provides members of the Lenexa Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence and Stalking Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Kansas law.

427.2 POLICY

The Lenexa Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

427.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts are longer than warranted.

427.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

427.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

427.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

427.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Body-Worn Cameras

433.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

433.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

433.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

433.3 RESPONSIBILITIES

433.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include:

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- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
 - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
 - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- (g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (h) Coordinating with the community relations coordinator to (see the Community Relations Policy):
 - 1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).
 - 2. Gain insight into community expectations regarding BWC use.
- (i) Coordinating with the Records Supervisor to (see the Records and Records Maintenance and Release policies):
 - 1. Determine and apply proper retention periods to BWC media.
 - 2. Develop procedures for the appropriate release of BWC media.
- (j) Coordinating with the Property Room to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property Room Policy).

433.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

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Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

433.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Chief of Police or the authorized designee.
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of department-issued BWCs shall be strictly limited to department-related activities.
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

433.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.
- (f) Interactions with undercover officers or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

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433.5 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

433.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

433.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officer.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

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433.5.3 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

433.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

433.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.
- (d) An event that has attracted or is likely to attract significant media attention.

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Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

433.7 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

433.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media for department-related purposes.
- (c) Investigators may review BWC media pertaining to their assigned cases.
- (d) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (e) Supervisors are permitted to access and view BWC media of their subordinates.
 - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 - 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
 - 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.

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- (f) The Training Sergeant is permitted to access and view BWC media for training purposes.
 - 1. The Training Sergeant should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
 - 2. The Training Sergeant may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Sergeant should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.
- (g) The Records Supervisor may access BWC media when necessary to conduct department-related duties.
- (h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

433.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

- (a) A private residence.
- (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) A school building.
- (d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Records Supervisor should review BWC media before public release.

433.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws.

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

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433.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property Room Policy).

433.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.
- (d) Proper use of the BWC media systems, including uploading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

Chapter 5 - Traffic Operations

Traffic

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Lenexa Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents based on citizen complaints, traffic volume, traffic conditions and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation, timed to events, seasons, past traffic problems or locations and, whenever practicable, preceded by enforcement activities.

Several factors will be considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include, but are not limited to, the following:

- Location
- Time
- Day
- Violation factors
- Requests from the public
- Construction zones
- School zones
- Special events

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall also participate as directed in the Data Driven Approach to Crime and Traffic Safety program (DDACTS). This program identifies zones as needed to stop violators in an effort to reduce crime and traffic collisions through high visibility contacts and enforcement actions.

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500.4 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member overall performance.

Several methods are effective in the reduction of traffic accidents. These methods include warnings, citations, and physical arrests.

500.4.1 WARNINGS

Warnings are a non-punitive option that may be considered at the discretion of the issuing officer when circumstances warrant, for example when a minor violation was inadvertent.

500.4.2 CITATIONS

Citations should be issued when a member believes it is appropriate. Citations issued for a traffic violation must meet the notice to appear requirements of K.S.A. § 8-2106. At a minimum, motorists shall be provided with a form that includes (K.S.A. § 8-2106):

- (a) The identification of the violations or charges.
- (b) The court appearance procedure, including the person's right to appear and right to a trial.
- (c) A notice of the person's right to pay the appropriate fine and court costs prior to the appearance date.
- (d) The address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest, and payment of fine and court costs shall be mailed.

500.5 SUSPENDED OR REVOKED LICENSES

If an officer contacts a traffic violator who is also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

500.6 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members, who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn when increased visibility would improve the safety of the department member or when the member will be exposed to the hazards of passing traffic, maneuvering or operating vehicles, machinery and equipment.

Examples of when high-visibility vests should be worn include traffic control duties, traffic accident investigations, lane closures and disaster scenes.

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When emergency conditions preclude the immediate donning of the vest, members should retrieve and wear the vest as soon as conditions reasonably permit.

Use of the vests shall also be mandatory when directed by a supervisor.

Vehicle Towing

501.1 PURPOSE AND SCOPE

This policy provides guidance related to vehicle towing.

501.2 POLICY

The Lenexa Police Department will tow vehicles when appropriate and in accordance with the law.

501.3 REMOVAL OF VEHICLES DUE TO HAZARD

When a vehicle should be towed because it presents a hazard, the owner or operator should arrange for the towing. Department members may assist by communicating requests through Communications to expedite the process.

If the owner or operator is unable to arrange for towing and the vehicle presents a hazard, the vehicle may be towed at the direction of the department member, per the owner's request (K.S.A. § 8-1102; K.S.A. § 8-15,107; K.S.A. § 8-1570).

Vehicles that are not the property of the City should not be driven by department members unless it is necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or comply with posted signs.

501.4 ARREST SCENES

Whenever the owner or operator of a vehicle is arrested, the arresting officer should provide reasonable safekeeping by leaving the vehicle secured and lawfully parked at the scene or when appropriate, by having the vehicle towed, such as when the vehicle presents a traffic hazard or the vehicle would be in jeopardy of theft or damage if left at the scene.

Officers are not required to investigate whether alternatives to towing a vehicle exist after an arrest. However, a vehicle should not be towed if reasonable alternatives exist. When considering whether to leave a vehicle at the scene, officers should take into consideration public safety as well as the reasonable safety of the vehicle and its contents.

All vehicles successfully seized by the use of the Grappler shall be towed from the scene. Prior to releasing the vehicle to the towing company, the deploying officer shall affix the Grappler warning sticker in a conspicuous place inside the vehicle.

The following are examples of situations where a vehicle should not be towed:

- The vehicle is legally parked, left in a reasonably secure and safe location and is not needed as evidence.
- The vehicle is legally parked on private property, on which the arrestee or owner is legally residing, or the property owner does not object to the vehicle being parked at that location.
- The arrestee or owner of the vehicle requests that it be released to a person who is present, willing and able to legally take control of the vehicle.

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- The vehicle is legally parked and the arrestee or owner requests that it be left at the scene. In such cases the requester should be informed that the Department will not be responsible for theft or damages.

501.5 VEHICLES RELATED TO CRIMINAL INVESTIGATIONS

Officers should tow vehicles that are needed for the furtherance of an investigation or prosecution of a case, or that are otherwise appropriate for seizure as evidence. Officers should make reasonable efforts to return a recovered stolen vehicle to its owner rather than have it towed, so long as the vehicle is not needed for evidence.

501.6 RECORDS

Dispatchers shall ensure that pertinent data regarding a towed vehicle is promptly entered into the appropriate database.

501.6.1 VEHICLE STORAGE REPORT

Department members towing a vehicle shall complete a vehicle tow report. The report should be submitted to the PSO's as soon as practicable after the vehicle is towed.

501.6.2 NOTICE OF TOW

Within 30 days of a vehicle being towed, the PSO's shall request verification of registration from the Kansas Division of Vehicles of the last registered owner and any lienholders. Within 10 days of receipt of verification, the PSO's shall send a notice of tow to all registered owners and others having a recorded interest in the vehicle. Notice shall be sent to all such individuals by certified mail. The notice shall include:

- (a) The name, address and telephone number of the Lenexa Police Department.
- (b) The location where the vehicle is stored.
- (c) A description of the vehicle, including the following:
 1. Color
 2. Manufacturer year
 3. Make and model
 4. License plate number and/or Vehicle Identification Number (VIN)
- (d) The authority and purpose for the removal of the vehicle.
- (e) An explanation of the procedure for release of the vehicle and for obtaining a vehicle tow hearing.
- (f) A statement that the vehicle will be sold at public auction to the highest bidder for cash if the owner or lienholder does not claim the vehicle and pay removal and storage charges within 15 days from the date of mailing the notice (K.S.A. § 8-1102(a)(2)).

501.7 TOWING SERVICES

Members shall not show preference among towing services that have been authorized for use by the Department. Members should follow the established rotational tow list.

Vehicle Towing

501.8 VEHICLE INVENTORY

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the agency against claims of lost, stolen or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of this law enforcement agency to safeguard the above property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

A. Legal Authority to Inventory

1. An officer of this agency will conduct a motor vehicle inventory without a warrant or probable cause when:
 - a. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; after towing the vehicle for violations, or for related enforcement or safety reasons as defined by state law, and
 - b. Officers conduct the inventory within the scope of this policy as an administrative procedure.
2. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by applicable law and training practices when searching motor vehicles.

B. Scope of the Inventory

1. The contents of all motor vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with the provisions of section 502.8 A (above).
2. The vehicle should not be towed unless all reasonable alternatives have been eliminated. The owner of the vehicle may release the vehicle to another person if that person has a valid driver's license.
3. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.
4. The owner or operator of the vehicle shall be asked to identify, if possible, any valuable property in the vehicle prior to inventory. If such items cannot be removed, they shall be inventoried before the vehicle is towed. The owner/operator shall be requested to verify the completeness of the inventory by signature.
5. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk, glove compartment and engine compartment.

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6. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open, but shall be logged on the impound report as such. If a key or lock combination is available, locked containers may be opened and inventoried.

C. Property Control

1. All cash and currency shall be itemized on this agency's inventory form.
2. All items deemed to be of \$100 or more in value shall be itemized on this agency's inventory form.
3. Control and safekeeping of hazardous materials shall be the responsibility of this agency's designated authority.
4. Contraband and evidence discovered during the course of a motor vehicle inventory shall be deposited with the evidence custodian in accordance with procedures for control of criminal evidence.

501.9 SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

Members who become aware that a vehicle may have been towed by the Department in error should promptly advise a supervisor. Supervisors, in coordination with the PSO tow coordinator, should approve, when appropriate, the release of the vehicle without requiring the owner or his/her agent to request a hearing to contest the tow.

Impaired Driving

502.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

502.2 POLICY

The Lenexa Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Kansas impaired driving laws (K.S.A. § 8-1567; K.S.A. § 8-1567a; K.S.A. § 8-2,144).

502.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Kansas or another jurisdiction.

502.4 FIELD TESTS

Officers should utilize the Standardized Field Sobriety Testing (SFST) from the National Highway Traffic Safety Administration (NHTSA) while investigating violations of DUI laws. Alternate tests may be used in conjunction with SFST's.

502.4.1 PRELIMINARY SCREENING TEST

Trained officers may use a preliminary oral fluid screening test using a device approved by the Director of the Kansas Bureau of Investigation to determine probable cause to arrest and grounds for additional testing pursuant to K.S.A § 8-1001 (K.S.A. § 75-712h; K.A.R. 10-25-2).

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502.5 CHEMICAL TESTS

A person implies consent under Kansas law to a chemical test or tests, and to providing the associated chemical sample under any of the following:

- (a) When the person is under arrest or involved in a vehicle accident resulting in property damage, personal injury or death and the officer has probable cause to believe the person was (K.S.A. § 8-1001):
 - 1. Operating or attempting to operate a vehicle while under the influence of alcohol or drugs, or both.
 - 2. Driving a commercial vehicle while having alcohol or other drugs in his/her system.
 - 3. Under the age of 21 and operating or attempting to operate a vehicle while having alcohol or other drugs in his/her system.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

502.5.1 STATUTORY NOTIFICATIONS

Before a chemical test or tests are administered:

- (a) When a test requested is for breath, the officer shall give the person oral and written notice that (K.S.A. § 8-1001(c)):
 - 1. There is no right to consult with an attorney regarding whether to submit to testing, but, after the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing.
 - 2. If the person refuses to submit to and complete the test or tests, the person's driving privileges will be suspended for a period of one year.
 - 3. If the person fails the test, the person's driving privileges will be suspended for a period of either 30 days or one year.
 - 4. Refusal to submit to testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.
 - 5. The results of the testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.
- (b) When the test requested is for blood or urine, the officer shall give the person oral and written notice that (K.S.A. § 8-1001(d)):
 - 1. If the person refuses to submit to and complete the test or tests, the person's driving privileges will be suspended for a period of one year.
 - 2. If a person fails a test, the person's driving privileges will be suspended for a period of either 30 days or one year.

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3. The results of the testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.
 4. After the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing.
- (c) If the person is under 21 years of age, the officer shall provide additional written and oral notices that (K.S.A. § 8-1567a(b)):
1. It is unlawful for any person under 21 years of age to operate or attempt to operate a vehicle in this state with a breath or blood alcohol content of .02 or greater.
 2. If test results show an alcohol concentration of .02 or greater but less than .08 on the person's first occurrence, the person's driving privileges will be suspended for 30 days. On the person's second or subsequent occurrence, the person's driving privileges shall be suspended for one year.
- (d) If the person is driving a commercial vehicle, the officer shall provide additional written and oral notices that the person will be disqualified from driving a commercial motor vehicle for at least one year (K.S.A. § 8-2,145(a)):
1. If the officer has reasonable grounds to believe a person has been driving a commercial motor vehicle while having alcohol or other drugs in the person's system and the person either:
 - (a) Refuses to submit to and complete a test or tests requested by the officer.
 - (b) Submits to and completes a test requested by the officer that determines that the person's alcohol concentration is .04 or greater.

502.5.2 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained as required by the Department of Health and Environment (K.A.R. 28-32-9 et seq.).

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

502.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (K.S.A. § 8-1001(h)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

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The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, a blood test shall not be performed. Such inability to take a blood test shall not be considered a refusal. However, the officer may request the arrestee submit to another available and viable test.

502.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer of the same sex as the individual giving the sample or by appropriate medical personnel. The arrestee shall be allowed sufficient privacy to maintain his/her dignity, to the extent possible, and out of view of others while still ensuring the accuracy of the sample (K.S.A. § 8-1001(k)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If the person is medically unable to provide a urine sample due to injuries or treatment of injuries, the same authorization and procedure as used for the collection of blood shall apply to the collection of a urine sample (K.S.A. § 8-1001(k)).

502.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers shall:

- (a) Advise the arrestee of the notices found in K.S.A. § 8-1001.
- (b) Audio- and/or video-record the notice and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

502.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon a person's refusal to submit to a chemical test, officers shall serve the notice of suspension of driving privileges upon the person. The notice shall include (K.S.A. § 8-1002):

- (a) The person's name, driver's license number and current address.
- (b) The reason and statutory grounds for the suspension.
- (c) The date the notice was served and a statement that the effective date of the suspension shall be the 30th day after the date of service.
- (d) The right of the person to request an administrative hearing and the procedure the person must follow to request such hearing.
- (e) A statement that all correspondence will be mailed to the address contained in the notice unless the person notifies the Division of Vehicles (DMV) in writing of a different address.

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502.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist (K.S.A. § 8-1001(g)):

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

502.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to providing such a sample without physical resistance.
 - 1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. If handcuffing or similar restraint methods are not sufficient, use of the Restraint Chair, consistent with Department training and guidance, is a permissible method to secure a resistive subject for a forced blood sample. The use of the Restraint Chair is considered a use of force, and the proper protocols should be followed to document its use.
 - 3. In misdemeanor cases, if the arrestee becomes violent or more resistant, and use of the Restraint Chair is not believed to be a reasonable alternative for obtaining a forced blood sample, a refusal should be noted in the report and no additional force used to obtain the sample.
 - 4. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

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- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

502.7 ARREST AND INVESTIGATION

502.7.1 ADDITIONAL TESTING AND RESULTS

After completion of chemical testing, the person may secure additional testing, which should be done as soon as possible, if available from a medical facility willing to conduct the testing (K.S.A. § 8-1004).

An officer shall make the results of any test available to the person submitting to a chemical test upon request (K.S.A. § 8-1001(t)).

502.7.2 CHEMICAL TEST FAILURES

Whenever a person fails a test or refuses to complete a test, the officer shall complete and sign the certification required by K.S.A. § 8-1002.

When the officer determines that a person has failed a test and the person is still in custody, the officer shall serve upon the person notice of suspension of driving privileges pursuant to K.S.A. § 8-1014 (K.S.A. § 8-1002(c)).

In cases where a test failure is established by a subsequent analysis of a breath, blood or urine sample, the officer shall serve notice of such suspension in person or another officer shall serve the notice in person or by mailing it to the person at the address provided at the time of the test (K.S.A. § 8-1002(c)).

502.7.3 TEMPORARY LICENSE

If a person refuses a test or if a person is still in custody when it is determined that the person has failed a test, the officer shall take any license in the possession of the person and, if the license is not expired, suspended, revoked or canceled, issue a temporary license. If the test failure is established by a subsequent analysis of a breath or blood sample, the temporary license shall be served together with the copy of the officer's certification and notice of suspension (K.S.A. § 8-1002(e)).

502.8 RECORDS RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office. This includes forwarding the certification and notice of suspension to the DMV within seven days (K.S.A. § 8-1002).

502.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the DMV (K.S.A. § 8-1002(e)).

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Any paperwork given to the officer after an administrative license suspension hearing should be turned into Records and added to the police report.

Traffic and Parking Citations

503.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding and dismissing traffic and parking citations.

503.2 POLICY

It is the policy of the Lenexa Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic citation, parking citation, or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

503.3 RESPONSIBILITIES

The Records Unit shall be responsible for the supply and accounting of all traffic and parking citations issued to members of this department. Members will sign for the citation books when issued and return any unused citations.

Members of the Lenexa Police Department shall only use department-approved traffic and parking citation forms that meet statutory requirements (K.S.A. § 8-2106).

503.4 TRAFFIC CITATIONS

503.4.1 CORRECTION

If a correction on a citation is needed officers should notify Courts via the Court/PSO Advisory email. The officer's immediate supervisor and watch commander should also be notified with an explanation of the need for correction. Courts will determine if a new citation needs to be issued or whether the citation can be amended.

503.4.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. The citation and copies shall then be forwarded to the Records Unit.

503.4.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to the City Prosecutor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). The request should be sent via the Court/PSO Advisory email, the officer's immediate supervisor(s), and the officer's watch commander.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation.

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503.4.4 DISPOSITION

The citation copies shall be filed with the Records Unit.

Upon separation from appointment or employment with this department, all members who were issued traffic citation books shall return any unused citations to the Records Unit.

503.4.5 DATA COLLECTION

Any traffic stop data collected by the Department shall be in compliance with Kansas law. Racial or other bias-based policing data shall be reported as required by the Bias-Based Policing Policy (K.S.A. § 22-4610; K.S.A. § 22-4611a).

503.6 PARKING CITATION APPEALS

Parking citations shall be contested in Municipal Court on the court date assigned on the citation at the time of issuance.

Accident Review Board

504.1 PURPOSE

The purpose of this policy is to establish guidelines to be followed in the case of all traffic accidents or incidents involving Department vehicles.

504.2 POLICY

The Accident Review Board shall be convened in the event of any accident involving a Police Department vehicle. The Accident Review Board is to conduct a fair and accurate review of the accident or incident, and to allow the Department member an opportunity to relate their version of events.

504.3 PROCEDURES

- (a) Membership
 - 1. The Board shall convene when the need arises. The Board will consist of a Traffic Safety Unit Sergeant, or a Patrol Sergeant appointed by the Chief of Police, or designee, who will oversee the Board while in session. The Sergeant will in turn appoint two Corporals and/or Officers to serve on the Board on a case-by-case basis.
- (b) The Division Commander of the unit to which the vehicle is assigned will notify the Traffic Safety Unit Sergeant or the Patrol Sergeant in charge of the Board when an accident or incident occurs. The Board will be activated within ten administrative working days from the date of the accident or incident.
- (c) When the Board convenes, it shall interview the driver of the police vehicle, and at its discretion, any witnesses to the accident.
- (d) The actual amount of vehicle damage shall not be considered a factor in the finding of responsibility or fault on the part of the driver.
- (e) The findings of the Board shall include, but not be limited to, any violation of traffic laws, Department policy, or negligence on the part of the driver, as well as any unusual contributing circumstances.
- (f) The Board will report its findings in writing, through the chain of command to the Chief of Police. The Board will make no recommendations concerning disciplinary action. Disciplinary action will be determined by the Chief of Police, or designee.
- (g) Waiver of Accident Review Board
 - 1. Any employee involved in the accident or incident may waive his or her testimony to the Accident Review Board. In that case, the employee accepts the finding of the Chief of Police, or designee. The Chief of Police, or designee, will determine the appropriate disciplinary action.
- (h) Once the disciplinary action has been determined, it will be implemented by the appropriate Division Commander.

Safe Driver Award

505.1 PURPOSE

The Safe Driver Award is designed to reward employees who demonstrate the ability to operate their assigned City owned vehicle in a safe manner over a specified period of time.

505.2 POLICY

It is the policy of the Lenexa Police Department that employees will endeavor to operate their assigned motor vehicles in a safe and prudent manner at all times.

505.3 DEFINITIONS

Award Period: For the purpose of this policy, the operational period is 260 working days.

Vehicle Accident: Any incident that involves the operation of a City vehicle by an eligible employee that results in damage to a vehicle or property that is determined to be the fault of the employee.

Qualifying Leave: Leave taken by an employee that is not considered when determining eligibility for a Safe Driving Award. This includes Compensatory, Holiday, Vacation, Personal Holiday, Wellness, Safe Driving, and Funeral leave.

Disqualifying Leave: Leave taken or administered that is considered decreasing eligibility for a Safe Driving Award. This includes Suspension, Light Duty, Sick, Military, and Administrative leave.

City Vehicle: Any vehicle owned or secured for use by the City of Lenexa, not limited to rental, leased, or multi-jurisdictional vehicles.

505.4 AWARD AND ELIGIBILITY

- (a) Safe Driver Award-the Safe Driver Award is open only to employees in which driving comprises at least 50 percent of the assigned job duty and involves the operation of a City vehicle. The Chief of Police or designee will determine employees within this category on a yearly basis.
 - 1. Employees meeting the criteria set forth in this policy shall be eligible for one (1) paid day off for the year the award is earned. The day must be taken before the end of the year awarded and does not carry over beyond that year.
 - 2. Award periods will run from January 1st through December 31st of each year.
 - 3. To be eligible, employees must be assigned for an eligible assignment for the below listed time frames within the award period:
 - (a) 184 days of the year (6 months, 1 day)
 - 1. January 1st to July 3rd
 - 2. July 1st to December 31st
 - (b) Any officer completing Field Training by July 1st will be eligible for the year they complete FTO.

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- (c) Any officer completing Field Training after July 1st will not be eligible until the following year.
- 4. Employees who have sustained extended time off due to disqualifying leave, in excess of 60 days (cumulative within an award period) will be considered ineligible for the Safe Driver Award for that year.
- 5. An employee who separates from employment will lose all unused Safe Driver Award leave.
- 6. Employees are required to report all vehicular accidents or damage to their supervisor, regardless of severity of the accident. The supervisor must report all incidents they determine to meet the definition of a vehicular accident.
- 7. Failure to report a vehicular incident or injury/property damage accident may result in the employee being declared ineligible for that award period, and may result in disciplinary action up to and including termination.
- 8. Transfers and temporary duty assignments will be reviewed on a case-by-case basis and will take into account the effective date of transfer, assigned job duties, and award period eligibility.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and dispositions of criminal investigations.

600.2 POLICY

It is the policy of the Lenexa Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary and what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

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600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed a homicide or felony sex offense shall be recorded (audio or video with audio as available) in its entirety when conducted at the Lenexa Police Department, jail, or any other law enforcement facility unless (K.S.A. § 22-4620):

- (a) There is an equipment malfunction and replacement equipment is not immediately available.
- (b) There are multiple interrogations exceeding the available recording equipment.
- (c) The suspect refuses to make a statement while being recorded.
- (d) Exigent circumstances exist.

If an individual chooses to make or sign a written statement during a custodial interrogation concerning a homicide or a felony sex offense, the making and signing of the statement shall be electronically recorded (K.S.A. § 22-4620).

Any custodial interrogation of any other violent felony offense should also be recorded in its entirety. Regardless of where the interrogation occurs, reasonable efforts should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

Recordings should be maintained as provided in the established records retention schedule (K.S.A. § 22-4620).

600.4.2 EXCEPTIONS

Officers are not expected to record statements made (K.S.A. § 22-4620):

- (a) Spontaneously and not in response to an interrogation question.
- (b) Any time when the officer is unaware of the type of offense involved or person's involvement in a homicide or felony sex offense.
- (c) In response to standard booking questions.

Nothing in this policy is intended to require the making or maintenance of any recording when (K.S.A. § 22-4620):

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- An officer, in good faith, fails to record the interrogation because the officer inadvertently fails to operate the recording equipment properly.
- The recording equipment malfunctions or stops recording without the officer's knowledge.
- The recording is damaged or destroyed, without bad faith on the part of any person or entity in control of the recording.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, there is no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor; charges have been filed; further investigation is not reasonable, warranted or requested; and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence and Stalking, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers may request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner

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is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

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600.8 IDENTITY THEFT

A report shall be taken any time a person living within the jurisdiction of the Lenexa Police Department reports that he/she has been a victim of identity theft. This includes (K.S.A. § 50-723(j)):

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined.
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Department members should encourage the individual to review the material and should assist with any questions.
- (c) Providing the victim with a copy of the report.
- (d) Referring the victim to a law enforcement agency in a different jurisdiction, as appropriate.

A report should also be taken if a person living outside department jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Lenexa to facilitate the crime).

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in K.S.A. Chapter 21, Article 55 (Sex Offenses).

Sexual Assault Response Team (SART) - A multidisciplinary team generally composed of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Lenexa Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call the victim makes to Communications, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether a case is unfounded should be included in a report.

Victims shall not be asked or required to take a polygraph examination or similar truth verification device as a condition for proceeding with an investigation (34 USC § 10451; K.S.A. § 22-4614).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing (New Section 1).

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (K.S.A. § 65-448; New Section 1):

- (a) Obtain written consent from the victim for the evidence collection.

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- (b) Use an evidence collection kit provided or approved by the Kansas Bureau of Investigation.
- (c) Submit sexual assault evidence collection kits to an accredited forensic laboratory within 30 business days of collection.
- (d) Maintain regular communication with the laboratory to facilitate timely notification of the sexual assault collection kit results.

Additional guidance regarding evidence retention and destruction is found in the Property Room Policy.

601.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

Members should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted the victim's original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Investigations Unit supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

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601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - (a) Initial response to sexual assaults.
 - (b) Legal issues.
 - (c) Victim advocacy.
 - (d) Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART or multidisciplinary response team.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Lenexa Police Department seizes property for forfeiture or when the Lenexa Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the forfeiture counsel.

Property subject to forfeiture - The following property may be subject to forfeiture if related to specific conduct and offenses specified in K.S.A. § 60-4104 (K.S.A. § 60-4105):

- (a) Property described in a Kansas statute authorizing forfeiture
- (b) Property, of every kind, including but not limited to cash, negotiable instruments and real property that is either:
 - 1. Furnished or intended to be furnished by any person in an exchange that constitutes conduct giving rise to forfeiture.
 - 2. Used or intended to be used in any manner to facilitate conduct giving rise to forfeiture, including, but not limited to, any electronic device, computer, computer system, computer network or any software or data owned by the defendant which is used during the commission of an offense listed in K.S.A. § 60-4104.
- (c) Proceeds of any conduct giving rise to forfeiture
- (d) Property of every kind, including but not limited to, cash and negotiable instruments derived from or realized through any proceeds which were obtained directly or indirectly from the commission of an offense listed in K.S.A. § 60-4104
- (e) Weapons possessed, used or available for use in any manner to facilitate conduct giving rise to forfeiture
- (f) Ownership or interest in real property that is a homestead, to the extent the homestead was acquired with proceeds from conduct giving rise to forfeiture
- (g) Property (contraband) that is illegal for someone to possess (K.S.A. § 60-4102)

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- (h) Controlled substances, raw materials, controlled substance analogs, counterfeit substances or imitation controlled substances that have been manufactured, distributed, dispensed, possessed or acquired in violation of Kansas laws
- (i) Items bearing a counterfeit mark

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Lenexa Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Lenexa Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

602.3 ASSET SEIZURE

The following property may be seized for forfeiture as provided in this policy:

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following property may be seized upon review and approval of a supervisor and in conjunction with the forfeiture reviewer (K.S.A. § 60-4107):

- (a) Property identified as subject to seizure through a court order
- (b) Property for which there is probable cause to believe is subject to forfeiture and the property is legally accessible

The least intrusive means, such as filing of a notice of lis pendens, should be used unless there is an immediate need to preserve the property for forfeiture and protect the public.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds
- (b) Conveyances when the underlying offense or conduct was not a felony (K.S.A. § 60-4106)

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- (c) When there is reason to suspect an owner or interest holder did not know and could not have reasonably known of the act or omission or that it was likely to occur, or acted reasonably to prevent the conduct giving rise to forfeiture (an “innocent owner”) (K.S.A. § 60-4106)

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Property Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

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- (e) Forfeitable property is retained until such time as its use as evidence is no longer required.

602.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly the Kansas Standard Asset Seizure and Forfeiture Act (K.S.A. § 60-4101 et seq.) and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
 - 1. A written request for forfeiture is required to be sent to the forfeiture counsel within 14 days of seizure under the Kansas Standard Asset Seizure and Forfeiture Act. The request shall include a statement of facts and circumstances of the seizure, the estimated value of the property, the owner and lienholder of the property, the amount of any lien, and a summary of the facts relied on for forfeiture. The forfeiture counsel has 14 days to accept or decline the request (K.S.A. § 60-4107).
 - 2. Upon the expiration of the forfeiture counsel's time to respond or receipt of notification that the forfeiture counsel has declined the request, whichever occurs first, the Department then has 14 days to request a state law enforcement agency adopt the forfeiture or engage approved legal counsel to handle forfeiture proceedings for the Department (K.S.A. § 60-4107).
 - 3. If the state law enforcement agency fails to adopt the forfeiture or the Department has not engaged approved legal counsel within the specified time period, property seized in the forfeiture should be returned to the owner or interest holder within 30 days, subject to exceptions under the law (K.S.A. § 60-4107).
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.

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2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 3. A space for the signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
 - (a) A place for an estimate of the property value shall be included (K.S.A. § 60-4108).
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
 - (a) Notice is required within 30 days of seizure under the Kansas standard asset seizure and forfeiture act (K.S.A. § 60-4107).
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
- (i) Ensuring that current minimum forfeiture thresholds are communicated appropriately to officers.
- (j) Ensuring that this policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (k) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement personnel and attorneys who may assist in these matters is available.

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- (l) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.
- (m) Upon completion of any forfeiture process, ensuring that no property is retained by the Lenexa Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
- (n) Ensuring that any state or regulatory taxes are processed as required.
- (o) If the Lenexa Police Department participates in the federal Equitable Sharing Program, establishing procedures for the submittal of the Equitable Sharing Agreement and Certification within two months after the end of the fiscal year.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures shall be completed every year by February 1st in the manner prescribed by the law and City financial directives (K.S.A. § 60-4127; K.A.R. 10-23-1 et seq.).

602.7 DISPOSITION OF FORFEITED PROPERTY

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction or request of, or by agreement with, the Lenexa Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Lenexa Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Lenexa Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

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Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Directed Patrol Unit supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Lenexa Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Directed Patrol Unit supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Directed Patrol Unit supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

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Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Directed Patrol Unit. The Directed Patrol Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Division or Unit Captain, Directed Patrol Unit supervisor or their authorized designees.

The Patrol Division Commander should arrange for an audit using a representative sample of randomly selected active informant files on a periodic basis, but no less than one time per year. If the Directed Patrol Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth

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- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Directed Patrol Unit supervisor will discuss the above factors with the Patrol Division Special Operations Commander and recommend the type and level of payment, subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments may be paid in cash from a Directed Patrol Unit buy/expense fund.
 - 1. The Directed Patrol Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.
 - (a) A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - (b) The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.

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- (c) Authorization signature from the Chief of Police is required for disbursement of funds over \$500.
- (b) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 - 1. The cash transfer form shall include:
 - (a) Date.
 - (b) Payment amount.
 - (c) Lenexa Police Department case number.
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
 - 2. The cash transfer form shall be signed by the informant.
 - 3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

603.6.3 AUDIT OF PAYMENTS

The Directed Patrol Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law. An audit of cash funds will be conducted at the discretion of the City Finance Department and in accordance with City policy.

Eyewitness Identification

604.1 PURPOSE AND SCOPE

To establish a policy and procedure for utilizing eyewitness identifications by members of the Lenexa Police Department.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field lineup - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

Sequential Presentation- Presentation of photos during a photographic lineup to the witness one at a time rather than simultaneously.

604.2 POLICY

Eyewitness identifications of suspects are an important part of the investigative process and when used properly will aid in the identification of suspects and exonerate those who are innocent. It is the belief of the Lenexa Police Department that the establishment of guidelines for obtaining eyewitness identifications, whether live or photographic, will maximize the reliability of identifications and minimize erroneous identifications.

604.3 PROCEDURE

- (a) Field Lineups should be avoided, except in those circumstances where the prompt display of a suspect to a witness is necessary, and only after taking into consideration the witness' opportunity to view the criminal at the time of the crime. If a field lineup is required, officers should avoid any communication or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator. When a field lineup is utilized, the following guidelines should be followed to minimize the potential for identification errors by witnesses.
 - 1. A complete description of the suspect should be obtained from the witness prior to the field lineup.
 - 2. Field lineups should only be conducted when the suspect is detained within a reasonably short time frame after the commission of the crime and a reasonable distance from the crime scene.

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3. Field lineups should not be utilized when probable cause already exists to arrest the suspect for the crime in question.
 4. When feasible, officers should bring the witness to the location of the suspect, rather than transporting the suspect to the witness.
 5. Field lineups should not be conducted when the suspect is in a patrol car, handcuffed, or being physically restrained by officers, unless necessary for the witness' and officers' safety.
 6. A witness should not be shown the same suspect more than once.
 7. In the case of multiple suspects, witnesses should be shown the suspects one at a time.
 8. An individual in a field lineup should never be required to put on clothing worn by the suspect, speak words uttered by a suspect, or perform any actions mimicking those of the suspect.
 9. Once an eyewitness positively identifies a suspect, officers should conduct no further field lineups involving that suspect and additional witnesses. In that circumstance, photographic lineups should be utilized for additional witnesses.
 10. If a positive identification is made by the witness, officers should elicit a "confidence statement", in the witness' own words, regarding the level of certainty of their identification.
 11. Witnesses should be reminded not to discuss the field lineup or identification with other witnesses unless approved by police or prosecutors.
 12. The field lineup should be documented on body-worn or in-car video when possible.
- (b) Photographic Lineups are a preferred investigative technique to obtain an eyewitness identification of a suspect. When a photographic lineup is utilized, officers should avoid any communication or conduct of any type that may suggest to the witness that an individual photograph may be the perpetrator. When a photographic lineup is utilized, the following guidelines should be followed to minimize the potential for identification errors by witnesses.
1. The photographic lineup should ideally consist of a minimum of six photographs. Five filler photographs should be used together with only one suspect photograph. In the event that the suspect description includes highly unique or unusual identifiers, such as an uncommon or rare hair style, five photographs may be used consisting of four filler photographs and one suspect photograph. All photographs should be numbered.
 2. Contemporary photographs should be used of individuals of the same race and sex who are reasonably similar in age, size, and general appearance to the suspect description.
 3. Photographs of the same size and basic composition should be used, never mixing color and black and white photos. Booking photographs of suspects

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should only be used with other booking photographs, not with other types of photographs.

4. Any identifying information on suspect photographs should be covered. Filler photographs should then be similarly covered.
5. When practicable, the officer presenting the photographic lineup should not know which photograph is the suspect.
6. When possible, the photographic lineup procedure should be recorded on video or audio.
7. The photographic lineup should be shown to only one witness at a time. Separate witnesses so they will be unaware of the responses of other witnesses. Remind witnesses not to discuss the photographic lineup or identification with other witnesses unless approved by the prosecutor or police.
8. Prior to presenting the photographic lineup, the officer shall provide the witness with a copy of the "Witness Instructions for Sequential Photographic Lineup" and read it aloud to them. [See attachment: Witness Instructions for Sequential Photographic Lineup \(002\).pdf](#)
9. The officer will present the witness with one photograph at a time, allowing the witness to take as much time as needed to look at the image.
10. All photographs will be shown to the witness whether or not they make an identification.
11. If the witness does not recognize the individual they will hand the photograph back to the officer.
12. A witness or victim may be allowed to view the entire lineup additional times if requested.
13. There may be times when it is not possible to have an officer conduct the photographic lineup who does not know which photograph is the suspect. In that circumstance, each photograph shall be placed in its own individual folder. The folders will then be shuffled prior to handing them to the witness one at a time. The officer administering the lineup will position themselves so that they cannot see the photographs as the witness views them.
14. If the witness does identify an individual in a photograph as the suspect, they will be asked to explain how and from where they recognize the person, and how confident they are of their identification. If the witness makes an identification, they will be asked to write their initials on the photograph of the suspect.
15. The witness will be asked to sign the "Witness Instructions for Sequential Photographic Lineup" form, whether or not an identification is made.
16. Upon completion of the photographic lineup, the signed "Witness Instructions for Sequential Photographic Lineup" form will be scanned into the case file. The original form, along with the photographs used in the lineup, will then be booked into the property room per normal evidence handling procedures.

Unmanned Aerial System

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Drone as a First Responder (DFR): Program to increase law enforcement efficiency and productivity through the integration of UAS technology with the traditional patrol function. DFR provides law enforcement personnel a real time operating picture enabling faster decision making and rapid resource deployment.

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

UAS Program Coordinator - The officer responsible for all FAA reporting and administrative responsibilities associated with the operation of the UAS per FAA guidelines.

UAS Operator - Member trained to operate a UAS that is directly responsible for and has final authority over the UAS and its operation while acting as the Operator. Additionally responsible for any sensor/payload operations within the UAS.

Visual Observer - Member that serves as the UAS Operator's second set of visuals on the UAS during flight. The Visual Observer is to check for obstacles and oncoming aerial traffic.

605.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

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605.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required visual observers have completed all required FAA and department approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
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- Developing operational protocols governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements.
 - Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

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605.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

UAS operations should only be conducted in compliance with the Lenexa Police Department's approved Certificate of Authorization issued by the FAA.

Deployment of a UAS may be requested by any Lenexa Police Department officer at any time of the day. Any request to call out a UAS operator should be through the on duty Patrol supervisor.

The decision to deploy the UAS is the responsibility of the UAS operator based on their assessment of the situation and knowledge of the equipment capabilities.

Prior to any deployment, the UAS operator and Visual Observer should try to be aware of and consider possible surrounding hazards, including:

- The risk of harm to bystanders and other police officers from the UAS;
- Location of the deployment and proximity to any airports or aircraft;
- Environmental and terrain conditions; and
- Any surrounding safety concerns for the public or any officers on scene.
- The UAS may be deployed for the following purposes:
 - Search and Rescue: To assist in missing person investigations, Amber Alerts, Silver Alerts, missing swimmers, suicidal persons, lost persons, and other search and rescue missions.
 - Situational Awareness: To assist officials in understanding the nature, scale, and scope of the incident, and for the planning and coordinating of an effective response.
 - Tactical Deployment: To support the tactical deployment of law enforcement personnel and equipment in emergencies (e.g., incidents involving hostages and barricades, support for large scale tactical operations, and perimeter situations).
 - Visual Perspective: To provide an aerial visual perspective to assist law enforcement personnel in traffic incident management, crowd control, temporary perimeter security, assessing suspicious packages or other unusual circumstances.
 - Fleeing/Hiding Suspects: To assist with locating fleeing or hiding suspects in wooded areas or other public areas.
 - Scene Documentation: To document a crime scene, a crash scene, fire scene, natural disaster scene, or other incidents.
 - Aerial Photography: To obtain still photography or video when appropriate to be used for agency press releases or social media posts or other purposes as directed by the Chief of Police or his/her designee.

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- Routine Safety Deployment: To assist with an aerial visual perspective of densely populated pedestrian areas (e.g., river trail, waterfront, marina, and parks) or to make public safety announcements.
- Medical Calls: To assist medical personnel with situational awareness.
- Other Incidents: Any other incident approved by the Chief of Police, Chief of Fire, or his/her designee that would benefit the public safety objective by providing an aerial visual perspective.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

605.6 DRONE AS A FIRST RESPONDER

The DFR program has been established to be deployed inside the criteria listed in section 605.5 of this policy. The DFR equipment should be utilized to respond on both emergent and non-emergent calls for service to supply real time information while capturing video evidence. This will additionally allow for more appropriate asset/resource allocation to a scene. Operators will have the latitude to deploy the DFR as needed under the listed purposes for deployment. Supervisors may request the deployment of the drone as necessary, but the ultimate responsibility of the deployment will rest on the operator.

605.7 ASSIST OUTSIDE AGENCIES

Requests by outside agencies shall be made to the on-duty Patrol supervisor.

If the request is approved, the on-duty Patrol supervisor will coordinate the UAS operator's response to the requested location.

The UAS operator will evaluate the situation and determine if the agency's request complies with this policy and the UAS' capabilities.

605.8 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

606.2 POLICY

It is the policy of the Lenexa Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the the warrant affidavit and submit it to the appropriate supervisor.

606.4 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should confer with the appropriate supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the supervisor. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

606.5 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

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- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

606.6 HIGH-RISK WARRANT SERVICE

The appropriate command staff member, or designee, shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.

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- (i) The condition of the property is documented with video recording or photographs after the search.

606.7 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.8 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.9 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The appropriate supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the appropriate supervisor. The supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The supervisor should ensure that members of the Lenexa Police Department are utilized appropriately. Any concerns regarding the requested use of Lenexa Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the supervisor is unavailable, the Watch Commander should assume this role.

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If officers intend to serve a warrant outside Lenexa Police Department jurisdiction, the supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Lenexa Police Department when assisting outside agencies or serving a warrant outside Lenexa Police Department jurisdiction.

606.10 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.11 NO-KNOCK ENTRIES

No-knock entries are only authorized if a warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

606.12 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and other operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, subjects known to be armed, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the Lenexa Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS DIRECTOR

The unit sergeant or his/her designee, in coordination with the unit captain, will serve as the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment.

The officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

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The officer should gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment and other relevant documents (such as copies of search warrants, affidavits, and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. Tactical Team
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation

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7. Additional surveillance
 8. Canines
 9. Property Room or analytical personnel to assist with cataloguing seizures
 10. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The operations director, or his/her designee, should ensure that a written operations plan is developed for all high-risk operations.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

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3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment by attaching a completed copy in the operational plan.
 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 1. When applicable, an adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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Operations Planning and Deconfliction

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that Communications is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by Communications, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 TAC PARTICIPATION

If the operations director determines that TAC participation is appropriate, the director and the TAC supervisor shall work together to develop a written plan. The TAC supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the TAC supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

607.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

607.11 TRAINING

The Training Sergeant should ensure officers and TAC team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.2 POLICY

Members of the Lenexa Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced. Members' personal property that becomes damaged during the performance of assigned duties will be reimbursed in accordance with this policy.

700.3 DEPARTMENT-ISSUED PROPERTY

Property and equipment issued by the Department shall be documented on the appropriate form, if applicable. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor, the Equipment Technician, or member of the Training Unit.

700.3.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
 - 1. A supervisor receiving such a report may, depending on the circumstances, conduct an investigation and direct a memo to the appropriate Watch Commander, detailing the incident and whether misconduct or negligence caused the loss, damage or unserviceable condition.
 - 2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

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- (e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a member.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the appropriate Division Commander. The member should submit a request that includes a description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair costly items (e.g., jewelry, expensive watches, exotic equipment) that are not reasonably required as part of work.

700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made through the chain of command. A memo should be submitted to the member's immediate supervisor. The supervisor may require a separate written report, or City Incident Form, if applicable.

The supervisor receiving such a report shall investigate and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police,.

700.5 DAMAGE TO PROPERTY OF ANOTHER

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through his/her chain of command.

The supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

700.5.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Any member of the Lenexa Police Department who becomes aware of damage caused to the real or personal property of the City of Lenexa, or of another person, by a member of an outside agency shall notify a supervisor as soon as possible. The supervisor shall submit a memo to the appropriate Watch Commander with details of the incident.

Vehicle Maintenance

701.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that department vehicles are appropriately maintained.

701.2 POLICY

The Lenexa Police Department will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

701.3 GENERAL DUTIES

Members are responsible for assisting in maintaining department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

701.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the member who becomes aware of the defective condition and forwarded for action.

701.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable. Members who discover or cause damage to a vehicle shall promptly report the damage to a supervisor.

701.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

701.4.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

701.5 VEHICLE REFUELING

Absent emergency conditions Patrol vehicles should not be retired at the end of shift with less than one-quarter tank of fuel.

701.6 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the Department.

Members shall ensure the interior is clean and remove any trash or debris at the end of their shifts.

Vehicle Use

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Lenexa to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

702.2 POLICY

The Lenexa Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

702.3 USE OF VEHICLES

702.3.1 SHIFT ASSIGNED VEHICLES

If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented in CAD.

702.3.2 OTHER USE OF VEHICLES

Members utilizing a marked vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) should first notify Communications.

This subsection does not apply to those who are assigned to transport vehicles to and from Municipal Services or another routine vehicle maintenance or repair facility.

702.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

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702.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key or key fob should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

702.3.5 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall log on verbally with Communications. Use of the MDC is governed by the Mobile Data Computer Policy.

702.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

Access to historical system data by personnel will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

702.3.7 KEYS

Members who are assigned a specific vehicle should be issued keys/key fobs for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

Keys for Patrol vehicles and other vehicles available for general use are kept on assigned key boards. Members shall return keys to the designated location at the end of their shift/assignment to ensure the vehicle is available for others to use.

702.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

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702.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

702.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

702.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without express permission from the Fleet Coordinator.

702.3.12 PROFESSIONAL STAFF MEMBER USE

Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

702.3.13 VEHICLE CONDITION AND APPEARANCE

Members should make every reasonable effort to ensure the vehicle is returned fully fueled at the end of their shift/assignment, and an appropriate level of fuel is maintained throughout their shift.

A clean fleet promotes a positive public image. Members should make a reasonable effort to ensure their assigned vehicle has been washed and the interior is clean, absent inclement weather or prolonged conditions that may prevent that (i.e. rainy or snowy conditions).

702.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

702.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

702.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.

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- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 45-minute drive time) of the Lenexa City limits.
- (d) The vehicle will be locked when not attended.
- (e) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage, or the weapons are properly secured in an approved and locked container.

702.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Lenexa is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Lenexa may be required to secure the vehicle at a designated location or at the Department at the discretion of the Chief of Police.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or appropriate Division Commander.
 - 4. When the vehicle is being used by the Chief of Police, Division Commander or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC/MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.

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1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence or the weapons are properly secured in an approved and locked container (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be brought to the station and secured when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

702.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Lenexa Police Department or while off-duty, an officer should coordinate with the appropriate outside agency to initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed and appropriately attired and shall carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

702.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

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- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete the appropriate protocol for downing a vehicle.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

702.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various sections and their use is restricted to the respective section and the assigned member, unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the section to which the vehicle is assigned shall require permission from a supervisor.

Per Lenexa City Policy: travel to training by City vehicle is the preferred method. Vehicles can be reserved through the Outlook calendar, and the City purchasing card may be used to purchase fuel while traveling. Family members are not covered under the City's insurance and should not travel in a City vehicle.

The use of personal vehicles to travel to out of town training must be approved by a supervisor. With prior approval, the City will reimburse for mileage at the established IRS rate. Fuel purchases will be at the employee's expense.

702.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered and documented in memorandum format, which shall be forwarded through the chain of command. An administrative investigation should be initiated.

702.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

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- (b) Members passing through a toll plaza or booth during a response to an emergency shall use emergency equipment as required and slow down as may be necessary for both safe operation and also the pickup or return of toll cards (K.S.A. § 8-1506).
- (c) Members shall notify, in writing, the appropriate Division Commander as soon as practicable explaining the circumstances of the incident.

702.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash Handling, Security and Management

703.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property Room and Informants policies.

703.2 POLICY

It is the policy of the Lenexa Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

703.3 PUBLIC SERVICE OFFICER (PSO) / RECORDS UNIT

The PSO/Records Unit receives funds under a variety of circumstances. The PSO area contains one cash register and credit card terminals, as well as a credit card machine in detention for bond. All PSO's are involved in the receiving of funds and conduct cash register transactions. Payments are received in the form of cash, check and credit card being presented either in person, online, or via US mail.

703.3.1 RECEIPT OF FUNDS

Monetary transactions are processed at the main PSO counter, which is the same area in which the cash register and credit card terminals are located. Transaction data are entered into MUNIS, with the exception of bond payments, including:

- Type of transaction
- Customer name
- Date
- Associated case number
- Number of copies requested
- Amount received
- Officer's badge number

For in-person transactions involving a personal check, a valid state or federal identification must be provided. The PSO receiving the funds will verify the person's identity and initial the check to indicate it has been reviewed and approved.

The Police Department PSO's all access the same cash drawer. In order to mitigate this control, the PSO's cash register area is monitored by cameras at all times.

For in-person transactions involving other forms of payment, a valid state or federal identification may be required. All routinely received cash and checks are kept in the cash register drawer.

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Large cash deposits and bonds are kept in the safe located near the front of the PSO counter.

703.3.2 BI-WEEKLY RECONCILIATION

A PSO will perform reconciliation of the cash register twice per week for any transactions processed. Any cash, checks or credit card receipts will be reconciled against the MUNIS Settlement Report. Once the report is complete, and if there are no discrepancies, the PSO will sign or initial the Settlement Report and make two copies. The original Settlement Report will be placed in the PSO Transaction Log, and one copy will be scanned and saved on the City's Finance server. The Police Department reconciles its cash drawer on a bi-weekly basis due to low volume of transactions, should the volume increase significantly then this process will be reevaluated.

A deposit slip will be placed inside a sealed bag, which will contain:

- Checks
- Cash

The sealed bag and contents will be handed to a Lenexa Municipal Court Clerk, who will turn it over to the armored truck driver.

703.3.3 DISCOVERY AND OPEN RECORDS REQUESTS

Items such as police reports, audios, videos, and photographs are often requested for discovery or open records purposes. JustFOIA is used to track the receipt, processing, and dissemination of these materials. JustFOIA requires the requestor's name, contact information, date of request, associated case number(s) if applicable, and a description of the items(s) being requested. JustFOIA also details any incurred costs. When the transaction is complete, a copy of the relevant form will be scanned into the Department's tracking system. When payment for requested materials is received, it shall be entered into MUNIS using the procedure described above, and the transaction will be included in the daily Settlement Report.

703.3.4 FINGERPRINTING SERVICES

The Lenexa Police Department provides fingerprinting services for Lenexa residents only. A fee will be charged for two cards of prints per the City of Lenexa Master List of Fees and Charges. These transactions will be included in the Bi-weekly MUNIS Settlement Report.

703.3.5 RESEARCH

At times requests for data or materials may require more than a typical amount of time and effort to retrieve, assemble, collate, and put into a deliverable format. In such cases an additional fee may be added to the list of applicable fees. The cost for this research fee is documented in the City of Lenexa Master List of Fees and Charges.

703.3.6 BONDS

Payments for arrest bonds may be completed by any PSO on any shift. The receiving PSO will complete the two-part, pre-numbered receipt. The receipt will be signed by the person making the payment, and the yellow copy will be given to that person. The white copy of the receipt will be

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placed, along with the cash or credit card receipt, in a sealed envelope. The envelope will have written on the outside:

- Defendant's name
- Bond receipt number
- Amount of bond

The PSO will write their name or initials across the seal of the envelope to ensure the integrity of the contents. Any other information that is necessary to ensure the proper processing of the bond may be written on the envelope. This sealed envelope will be placed in the safe in the PSO area, and the information outlined above will be noted in the PSO Bond Book. All bonds collected will be retrieved by Lenexa Municipal Court staff the following business day.

Upon retrieval, Municipal Court staff shall verify the bond amount and ensure that it matches what is recorded in the Bond Book and what is recorded on the envelope.

Municipal Court staff will initial the entry in the Bond Book to signify his/her concurrence with the data entered. Municipal Court staff will also verify the sequence of the pre-numbered receipts to ensure that none have been missed or skipped.

Officers in the field have the ability to accept electronic payment for warrant bond payments in the field via "AllPaid". Officers will have the ability to use the AllPaid system when presented with a defendant who has been arrested on a Lenexa Warrant and that defendant has the means to utilize electronic payment to post their bond. When the officer determines it is appropriate to use the AllPaid system they should provide the defendant with a copy of their warrant number, bond amount, and the means to access the AllPaid system which can be done via webpage access or phone number. After the payment has been processed the officer will be notified by a Lenexa Public Service Officer that the payment was successful.

703.3.7 CASH REGISTER CONTROL

Cash register passwords will be changed when anyone leaves the Lenexa Police Department Public Service Office. The Unit commander will notify Information Technology and Finance to remove access to the MUNIS cash receipt system as soon as possible.

703.4 PROPERTY ROOM

The Police Department Property Room is responsible for receiving, storing and disposing of cash seized as evidence in a criminal case or which is recovered for safekeeping. Strict controls are placed on the handling of these items.

703.4.1 SEIZURE/RECOVERY

Cash may be recovered or seized by an officer of the Department. This cash shall be counted and placed in a sealed cash evidence bag by the involved officer. Data included on the outside of the envelope should include:

- Name of the booking officer

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- Date
- Associated case number
- Type of incident
- Name of victim and/or suspect
- Location of recovery
- Detailed breakdown of the cash, including denominations and totals

The envelope shall be sealed using tamper resistant evidence tape and then placed in a secure evidence locker to await processing by the Property Officer. A corresponding entry into the RMS Property Report shall be made by the booking officer. All cash bookings are stored in a safe in the evidence vault area of the Property Room. The Property Officer will assign a storage location within the evidence vault and make a corresponding entry into the RMS.

703.4.2 DEPOSITS

All cash bookings are to be deposited with the exception of cases where the physical cash itself holds evidentiary value. Prior to all deposits, the cash is run through the money counter and the images captured by the counter are attached to the police report. A supervisor, property clerk, and a witness must be present during the deposit process. The property clerk will identify the appropriate account in which the money should be deposited and will notify, by email, the Finance Department informing them of the deposit and the disposition of the money.

703.4.3 AUDITS AND INVENTORIES

Cash being held in the safe shall be inventoried and evidence seals inspected for tampering, annually by the property clerks. To maintain the integrity of the evidence, envelopes of cash not being deposited due to evidentiary value are not to be opened until the legal disposition has been received by the police department.

703.5 ADMINISTRATIVE FUNDS

The Lenexa Police Department shall have funds available for use in the form of petty cash and an Indigent Fund.

703.5.1 PETTY CASH

The Executive Assistant to the Chief of Police shall maintain and reconcile \$300 of petty cash on hand for use by the Police Department. This cash may be used for reimbursement for small, routine purchases. Employees of the Lenexa Police Department shall be required to fill out a petty cash slip containing the following information:

- Amount of the purchase
- Date
- General ledger code (if known)
- Description of purchase

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The member shall sign the petty cash slip to acknowledge receipt of the funds.

Any non-routine cash transactions shall be pre-approved by a Division Commander, who will initial the slip to acknowledge the transaction has been approved.

The Executive Assistant will request any additional cash for the Petty Cash Fund from the City of Lenexa Finance Department.

703.5.2 INDIGENT FUND

An Indigent Fund is available to assist citizens who are in dire need of food, housing, or other essentials. This money shall be used to purchase the necessary items but shall never be given directly to the citizen. All withdrawals from this fund must be approved by a member of Command Staff. The following procedure shall be used for withdrawal from the Indigent Fund:

- (a) All withdrawals must be noted on a receipt
- (b) All withdrawals must be witnessed by another employee of supervisory rank
- (c) The withdrawal and remaining balance of the fund shall be noted on the log sheet
- (d) A written memo detailing the amount of, and reason for, the withdrawal shall be sent through the chain of command
- (e) Receipts for any goods or services provided should be obtained by the employee(s) assisting the citizen at the time of purchase
- (f) Receipts from vendors, the logbook receipt, and the withdrawal memo shall be attached and placed inside the logbook
- (g) Electronic copies of the above items should be emailed to the Chief of Police

703.6 INVESTIGATION FUNDS

The Chief of Police is the custodian of money used for drug buys, undercover surveillance purchases, and informant payoffs. This money is stored in a safe in the locked closet in the Chief's private office. Only the Chief of Police shall have access to this closet and the combination to the safe. Cash from this safe shall be issued to the Deputy Chief, the Division Commanders, or their designee(s).

703.6.1 REQUEST FOR FUNDS

To request money, the Deputy Chief, Division Commander, or designee shall complete a written memo containing the following information:

- Unit requesting the funds
- Date of request
- Associated case number(s), if known
- Amount of cash requested
- Blank signature blocks for all of those involved in the transaction

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This memo shall be delivered directly to the Chief of Police. If approved, the cash will be disbursed to the Deputy Chief, Division Commander, or designee, along with a signed copy of the memo. The Chief of Police shall maintain the request memo in his/her personal files and shall record the transaction in the Chief's Buy Money Ledger.

The Deputy Chief, Division Commander, or designee shall disburse the cash to the appropriate investigative personnel.

703.6.2 DIRECTED PATROL UNIT FUND

Buy money is maintained and available for use by the Directed Patrol Unit (DPU). Any member or supervisor of DPU can receive buy money from the supervisor or designee. This money is kept secured in a safe inside the DPU office.

The investigator receiving the money shall record the transaction in the DPU Buy Money Ledger. Each time money is deposited into or withdrawn from the DPU safe, the balance shall be reconciled between the ledger and the actual cash on hand. The ledger entry shall include:

- The reason for withdrawal
- Any associated case number(s)

Two people should witness the reconciliation, and both should initial the ledger.

Any drug buys in excess of \$500 shall require prior approval by a DPU or other supervisor. Investigators assigned to DPU are allowed to carry up to \$500 cash in buy money on their person at any time. These funds must have been previously recorded in the DPU safe ledger and signed for. These funds are to be used to facilitate spontaneous drug buys, stolen property purchases, prostitution stings, or other situations that may arise.

Each investigator assigned to DPU will also keep a personal ledger detailing all buy money, along with any money withdrawn by the investigator from the DPU safe. These ledgers are designed to detail all deposits and money spent in relation to a specific investigation and/or situation that resulted in the expenditure. If possible, a receipt should be acquired and retained with the ledger for any expenditure that does not involve a drug buy.

Any time buy money is used the transaction will be recorded in at least two separate records. In all instances, the transaction will be recorded in the individual investigators' buy money ledger. In most other situations the transaction will also be recorded in an official police report as an investigative narrative under the relevant case number(s). In rare instances, sensitive intelligence information and the associated use of buy money may be recorded in an official confidential memo only.

All drug buy transactions where the money is not immediately thereafter recovered will be recorded a third time on the official police Drug Buy Money Used report, found in the RMS.

At least two law enforcement individuals will witness any informant payoffs. The informant will be required to affirm receipt of the cash, preferably in writing, however it is recognized that there may be situations where only a verbal or non-verbal agreement is possible.

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When the balance of the buy money drops below \$1000, or there is an anticipated large payout pending, the Chief of Police will send a check request to the City of Lenexa Finance Department to obtain additional funds.

In some instances, buy money requested may end up not being used and the Division Commander may elect to return the cash to the Chief of Police. In these circumstances the Division Commander will fill out a reverse memo to document the return of the funds. This memo, and the surplus cash, will be given to the Chief of Police. The Chief and a supervisor at the sergeant rank or above will witness this transaction, and both will sign the memo. A copy of the signed reverse memo will be provided to the Division Commander. The Chief of Police will maintain a copy of the reverse memo and record the transaction in his/her buy money ledger.

A quarterly internal audit shall be conducted on these funds by a Division Commander, or their designee.

703.7 DIVISION COMMANDER FUNDS

A Division Commander may also elect to keep some cash on hand in their private office safe. This cash may be used to facilitate special investigations (i.e. Metro Squad or Officer Involved Shooting investigations), or be used in other situations that occur without notice. The procedures for deposits and withdrawals from the Division Commander's safe are the same as outlined above.

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Lenexa Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges (29 CFR 1910.95).

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

704.6 RESPIRATORY PROTECTION

The Training Sergeant is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.132):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

704.6.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations, or Tactical Team members for operating in a CBERNE environment).

Respiratory PPE may be worn when authorized by a shift supervisor/team leader, who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Shift supervisors/team leaders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress.

704.6.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

704.6.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134).

A supervisor may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a

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vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

704.6.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

704.6.5 RESPIRATOR FIT TESTING

No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134).

704.7 RECORDS

The Training Sergeant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 29 CFR 1910.1020.

704.8 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132).

Chapter 8 - Support Services

Crime Analysis

800.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing crime analysis to support the overall law enforcement efforts of the Lenexa Police Department. It addresses the collection and dissemination of crime analysis data that is useful to long-range planning and that can assist in identifying enforcement priorities, strategies and tactics.

800.2 POLICY

It is the policy of the Lenexa Police Department to utilize crime analysis as a tool in crime control and prevention efforts. This entails gathering, analyzing and correlating data to effectively deploy the resources of this department. Additional responsibilities include: pre-hire assistance (OSINT Reports), investigation support (Cellular Record Analysis, OSINT, Administration and statistical projects), and intelligence related projects.

800.3 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to, the following:

- Crime reports
- Field Interview (FI) cards
- Parole and probation records
- Activity records from Communications
- Kansas Adult Supervised Population Electronic Repository (KASPER)
- Kansas Criminal Justice Information System (KCJIS)

800.4 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

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800.5 CRIME ANALYSIS DISSEMINATION

Information developed through crime analysis should be disseminated to the appropriate sections or members on a timely basis. Information that is relevant to the operational or tactical plans of specific line members should be sent directly to them. Information relevant to the development of department strategic plans should be provided to the appropriate command staff members.

When information pertains to tactical and strategic plans, it should be provided to all affected members.

Communications

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Communications. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the Lenexa Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Communications and department members in the field.

801.3 COMMUNICATIONS SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Communications, its members and its equipment must be a high priority.

801.4 RESPONSIBILITIES

801.4.1 COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the Communications Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Communications in coordination with other supervisors.
- (b) Scheduling and maintaining communications operator time records.
- (c) Supervising, training and evaluating communications operators.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Communications information for release.
- (f) Maintaining Communications database systems.
- (g) Maintaining and updating Communications procedures manual.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

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Communications

801.4.2 DISPATCHERS

The responsibilities of the communications operator include, but are not limited to:

- (a) Receipt and handling of all incoming and transmitted communications, including:
 - 1. Emergency 9-1-1 lines.
 - 2. Business telephone lines.
 - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 - 4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 - 5. Other electronic sources of information (e.g., text messages, digital photographs, video, traffic cameras, license plate readers).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Communications, department and other law enforcement database systems (KASPER, KCJIS, DMV, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits.
 - 3. Assignment of emergency response.

Dispatchers report to the Communications Supervisor.

801.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the communications operator will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority.

If the communications operator determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

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If the communications operator determines that the caller is a Limited English Proficiency (LEP) individual, the communications operator should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available, the communications operator should immediately connect the LEP caller to the Language Line.

If no authorized interpreter is available or the communications operator is unable to identify the caller's language, the communications operator will contact the contracted telephonic interpretation service and establish a three-party call connecting the communications operator, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

801.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold unless absolutely necessary (i.e. multiple 9-1-1 calls involving the same incident) until the communications operator has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The shift supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

801.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the communications operator to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the communications operator returning to the telephone line or when there will be a delay in the response for service.

801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by communications operators to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the communications operator with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the communications operator advised of their status and location.
- (d) Member and communications operator acknowledgements shall be concise and without further comment unless additional information is needed.

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The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Lenexa Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the communications operator. The use of the call sign allows for a brief pause so that the communications operator can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

801.7 CONFIDENTIALITY

Information that becomes available through Communications may be confidential or sensitive in nature. All Communications members shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Revenue, Division of Vehicles records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel.

Property Room

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

802.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property Room, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has not been taken as evidence and items taken for safekeeping under authority of law.

802.2 POLICY

It is the policy of the Lenexa Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

802.3 PROPERTY ROOM SECURITY

The Property Room shall maintain secure storage and control of all property in the custody of this department. A property officer shall be appointed by and will be directly responsible to the Division Commander or the authorized designee. The property officer is responsible for the security of the Property Room.

802.3.1 REFUSAL OF PROPERTY

The property officer has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the property officer refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer of the reason for refusal and the action required for acceptance into the Property Room.

802.3.2 KEY CONTROL

Property Room keys should be maintained by the property officer and members assigned to the Property Room. Property Room keys shall not be loaned to anyone and shall be maintained in a secure manner. If a Property Room key is lost, all access points shall be re-keyed and new keys issued as necessary.

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802.3.3 ACCESS

Only authorized members assigned to the Property Room shall have access to property storage areas. Any individual who needs to enter a property storage area (e.g., maintenance or repair contractors) must be accompanied by the property officer. Each individual must sign the Property Room access log and indicate:

- (a) The date and time of entry and exit.
- (b) The purpose for access, including the specific case or property number.

Each access log entry shall be initialed by the accompanying department member.

802.4 PROPERTY HANDLING

The officer who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the property officer and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

802.4.1 PROCESSING AND PACKAGING

All property must be processed by the responsible officer prior to the officer going off-duty, unless otherwise approved by a supervisor. Officers shall process and package property as follows:

- (a) A property report shall be completed within the RMS describing each item. List all known information, including:
 - 1. Serial number.
 - 2. Owner's name.
 - 3. Finder's name.
 - 4. Other identifying information or marking.
- (b) Each item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.
- (c) Property shall be packaged in a container suitable for its size.
- (d) The case number shall be indicated on the property packaging.
- (e) Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry.

802.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

Bicycles - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the cage.

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Biological and related items - Evidence that may contain biological samples shall be indicated as such on the packaging as well as within the property report.

Prior to processing, property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet).

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property report or item.

Items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination.

US Currency - Currency shall be counted in the presence of another officer. All US currency must be placed in a currency envelope and the evidence seal initialed by the submitting officer. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary.

Explosives and fireworks - Explosives will not be retained in the police facility.

The property officer is responsible for property disposal, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

Firearms and other weapons - Firearms shall be made safe by ensuring the chamber is clear and the magazine is removed. If possible, the firearm shall be locked open and secured to the appropriate packaging using zip ties. Any magazines removed from the firearm shall be packaged alongside the firearm, secured to the packaging with zip ties and any ammunition it contained should remain within the magazine. Any ammunition or firearm accessories that were not within or attached to the firearm should be packaged separately. Knife boxes should be used to package knives.

Government property - License plates that have not been reported stolen or are of no evidentiary value should be labeled for destruction in accordance with procedure.

City property that is of no evidentiary value should be released directly to the appropriate City department. No formal property processing is required.

If no responsible City personnel can be located, the property should be held for safekeeping.

Sharps - Syringe tubes should be used to package all syringes and needles.

802.4.3 CONTROLLED SUBSTANCE

- (a) Controlled substances shall not be packaged with other property, but shall be processed separately using the appropriate packaging and creating an entry for it within the property report.
- (b) The officer processing controlled substances shall retain such property in his/her possession until it is weighed, packaged, and placed in an evidence locker.

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- (c) Prior to packaging, if the quantity allows and it is safe and practical, a presumptive test should be made on all suspected controlled substances. If conducted, the result of the test shall be included in the crime report.
- (a) The officer shall package controlled substances as follows:
 - (a) With the exception of syringes, which should always be packaged within a tube, maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.
 - (b) Seal and initial the seal of the property envelope.

802.5 RECORDING OF PROPERTY

The property officer receiving custody of the property shall ensure a property report has been created within the RMS and each item is listed correctly.

A unique property number for each item or group of items is automatically generated by the RMS. This number shall be recorded on the property tag. The property tag shall document the following:

- (a) Case number
- (b) Property tag number
- (c) Item description
- (d) Item storage location

Any change in the location of property held by the Lenexa Police Department shall be noted within the RMS.

802.6 PROPERTY CONTROL

The property officer temporarily relinquishing custody of property to another person shall record within the RMS the date, time, reason and officer receiving the property.

Any member receiving property shall be responsible for such property until it is returned to the Property Room or released to another authorized person or entity.

The return of the property to the Property Room should be recorded within the RMS, indicating the date, the time, and the name of the person to whom the property was returned.

802.6.1 EVIDENCE

Every time evidence is released or received, an appropriate entry within the RMS shall be completed to maintain the chain of custody. No evidence is to be released without first receiving authorization from the Investigations Unit supervisor, investigator, or submitting officer.

The temporary release of evidence to members for investigative purposes or for court proceedings shall be noted within the property report, stating the date, time and to whom it was released. Requests for items of evidence needed for court proceedings shall be submitted to the property officer at least one day prior to the court date.

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Requests for laboratory analysis shall be completed on the appropriate lab form and submitted to the property officer. This request may be submitted any time after the property has been processed.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The property officer releasing items of evidence for laboratory analysis must complete the required information. The transporting member will acknowledge receipt of the evidence by indicating the date and time within the RMS, utilizing the evidence continuity function. The lab form will be transported with the evidence to the examining laboratory. The original copy of the lab form will be scanned into the report by the property officer.

802.6.3 UNCLAIMED MONEY

Pursuant to City ordinance Section 1-10-A3: if an owner is unknown and cannot be contacted after 30 days the money will be considered abandoned and unclaimed and will be deposited into the General Fund. Unclaimed collector coins will be auctioned, and the proceeds will be deposited into the General Fund.

802.7 RELEASE OF PROPERTY

The Investigations Unit, submitting officer, or applicable supervisor shall authorize the release of all property coming into the care and custody of the Department.

Authorization of release shall be documented within the RMS and must contain the authorizing person, the date and time of approval for release and to whom the property is to be released.

All reasonable attempts shall be made to identify the rightful owner of found property and items held for safekeeping.

Found property and property held for safekeeping shall be retained for the period of time required by law. During such period, Property Room members shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented within the RMS.

After receiving approval for release, a property officer shall release such property when the owner presents proper identification. The signature of the person receiving the property shall be recorded on the property receipt.

802.7.1 DISPUTED CLAIMS TO PROPERTY

Occasionally, more than one party may claim an interest in property being held by this department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or establishes an undisputed right to the property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for this department should be contacted.

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802.7.2 RELEASE OF WEAPONS

Upon receipt of a property disposition from the prosecutor's office, property room members should make reasonable efforts to determine the owner of the weapon(s) taken as evidence in the case. They shall notify any identified owner that the weapon may be released.

If it is determined that the identified owner may not lawfully possess the weapon(s) and they were found guilty of the charge for which the weapon(s) were taken, a disqualification notification shall be sent to the owner and indicate the disqualifying reasons. The weapon(s) shall be retained by the department for at least 60 days after the notice is mailed to allow time for the owner to challenge the decision. After 60 days, the weapon(s) may be processed for disposal in accordance with applicable law and department procedures (K.S.A. 22-2512).

802.8 DESTRUCTION OR DISPOSAL OF PROPERTY

An authorized investigator, officer, or supervisor shall approve the destruction or disposal of all property held by this department.

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization. The disposition of all property shall be documented within the RMS.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices declared by law to be illegal to possess
- Controlled substances declared by law to be illegal to possess without a legal prescription

802.8.1 BIOLOGICAL EVIDENCE

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever period is greater. Biological evidence related to a homicide or sexual assault shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable district attorney's office.

802.9 INSPECTION OF THE PROPERTY ROOM

The Division Commander shall ensure that periodic, unannounced audits of the Property Room operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The Division Commander also shall ensure that an inventory is conducted annually, or as directed by the Chief of Police. Audits and inventories shall be conducted by a member of this department who is not routinely or directly connected with the Property Room operations.

Whenever there is a change of assignment for any member with authorized access to the Property Room, an inventory of all property shall be conducted. This is to ensure that all property is accounted for and the records are correct.

Records

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Lenexa Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

803.2 POLICY

It is the policy of the Lenexa Police Department to maintain department records securely, professionally and efficiently.

803.3 RESPONSIBILITIES

803.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Support Services Division Commander, or the authorized designee.

The responsibilities of the Records Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Unit.
- (b) Scheduling and maintaining Records Unit time records.
- (c) Supervising, training and evaluating Records Unit staff.
- (d) Maintaining and updating a Records Unit procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 - 1. Homicides
 - 2. Cases involving department members or public officials
 - 3. Any case where restricted access is prudent

803.3.2 RECORDS

The responsibilities of the Records Unit include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.

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- (c) Entering protection orders immediately into the National Crime Information Center (NCIC) and other appropriate databases after all mandatory identifiers are available. If the order is a foreign protection order, the department shall contact the issuing jurisdiction to verify the order and request that such jurisdiction enter the order into the NCIC and other appropriate databases. All emergency and temporary orders that have been entered into the national criminal information center file shall be canceled or cleared pursuant to K.S.A. § 60-3112.
- (d) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (e) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (f) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

803.4 FILE ACCESS AND SECURITY

The Records Supervisor will also maintain secure access for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.5 CONFIDENTIALITY

Records staff has access to information that may be confidential or sensitive in nature. Records staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records procedure manual.

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The Lenexa Police Department is committed to providing public access to records in a manner that is consistent with the Kansas Open Records Act (K.S.A. § 45-215 et seq.).

804.3 OFFICIAL CUSTODIAN

The Chief of Police shall designate an Official Custodian. The Official Custodian is the official custodian pursuant to K.S.A. § 45-217. The responsibilities of the Official Custodian or the custodian assigned include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule, including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department section responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records as provided by K.S.A. § 45-220.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law (K.S.A. § 45-218; K.S.A. § 45-219).
- (g) Ensuring a brochure on public records is available to the public that contains a description of the basic rights of a person who requests public information, the responsibilities of the Department, and the procedures and costs for inspecting or obtaining a copy of the public record (K.S.A. § 45-227).
- (h) Developing and maintaining reasonable written procedures and practices to protect personal information, as defined by K.S.A. § 50-7a01, from unauthorized access, use, modification, or disclosure. Procedures should include how members are to be trained to protect personal information (K.S.A. § 50-6,139b).

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Official Custodian or the custodian assigned. If the person to whom the request is directed determines the Lenexa Police Department is not the custodian of the requested record, the

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requester shall be notified and provided the name and location of the custodian of the public record, if known or readily ascertainable (K.S.A. § 45-218).

804.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (K.S.A. § 45-218; K.S.A. § 45-219):

- (a) All requests for records shall be made in writing.
 - 1. A request will not be returned, delayed, or denied because of any technicality unless it is impossible to determine the records requested (K.S.A. § 45-220).
- (b) The Department is not required to create records that do not exist.
- (c) Copies of radio or recording tapes or discs, video tapes, or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices shall not be provided unless such items were shown or played at a public meeting.
 - 1. If a record is copyrighted by a person other than the Department, the record shall not be copied.
- (d) Requesters shall not make copies of public records electronically by inserting, connecting, or otherwise attaching an electronic device to any computer or other electronic device of the Department.
- (e) When a record contains both material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (K.S.A. § 45-221(d)).
 - (a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system to document the release and the reasons for the redacted portions.
- (f) Each request for a record shall be acted upon as soon as possible, but no later than the end of the third business day after receipt of the request.
- (g) If access to a record request is not granted immediately, the requester shall be provided a detailed explanation of the cause for the delay and notified of the place and earliest time and date the record will be available for inspection.
- (h) Payment of any associated fees is required prior to the release of records.
- (i) If fulfilling a request will require staff time of more than five hours or the estimated actual cost for staff time is over \$200, the Official Custodian or the authorized designee shall make reasonable efforts to contact the requester to discuss ways to reduce costs (K.S.A. § 45-219).

804.4.2 DENIALS

When a record request is denied, the requester shall be provided a written statement of the grounds for denial, upon request, no later than the end of the third business day after receipt of

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the request. The statement shall include the citation to the specific provision of law that denies access (K.S.A. § 45-218).

The Official Custodian may refuse to provide access to a public record or to permit inspection if the request places an unreasonable burden on the Department to produce the records or there is reason to believe repeated requests are intended to disrupt other essential department functions. A refusal must be supported by a preponderance of evidence (K.S.A. § 45-218).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include but are not limited to (K.S.A. § 45-221):

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification number; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; K.S.A. § 75-3520).
- (b) Personnel records, performance ratings, or individually identifiable records pertaining to members or applicants for employment, except for names, positions, salaries, or actual compensation employment contracts/agreements and length of service.
 - 1. Unless an exception applies (under a binding settlement agreement), officer files requested pursuant to a written waiver must be released within 21 days (K.S.A. § 75-4379).
- (c) Information that would reveal the identity of an undercover agent or informant reporting a specific violation of law.
- (d) Records that represent the work product of an attorney.
- (e) Records of emergency or security information or procedures of the Department if disclosure would jeopardize public safety (K.S.A. § 45-221).
- (f) Information that would reveal the location of a shelter, safe house, or similar place where persons are provided protection from abuse, or the name, address, location, or other contact information of alleged victims of stalking, domestic violence, or sexual assault.
- (g) Victim information, except as allowed by law (K.S.A. § 38-2310).
- (h) Records related to children in need of care, except as allowed by law (K.S.A. § 38-2213).
- (i) Records that would reveal the location of a victim of domestic violence, sexual assault, human trafficking, or stalking who is enrolled in the Kansas Secretary of State's Safe at Home Address Confidentiality Program (K.S.A. § 75-451).
- (j) Juvenile law enforcement records (K.S.A. § 38-2310).
- (k) Criminal investigation records, including audio or video recordings taken with body-worn or in-car cameras, unless ordered by a court or allowed for by K.S.A. § 45-254.

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- (l) Records that are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.
- (m) Records containing information of a personal nature where the public disclosure would constitute a clearly unwarranted invasion of personal privacy.
- (n) An individual's email address, cellular telephone number, and other contact information that has been given to the Department for the purpose of department notifications or communications that are widely distributed to the public.
- (o) Records that would disclose the name, home address, zip code, email address, telephone number, or cellular telephone number, or other contact information for any person who is licensed to carry concealed handguns, has enrolled in or completed any weapons training in order to be licensed, or has made application for such license under the Personal and Family Protection Act, unless allowed by law.
- (p) Recordings or statements made during a custodial interrogation related to a homicide or felony sex offense (K.S.A. § 22-4620).
- (q) Captured license plate data or records that pertain to the location of an automated license plate recognition system as defined in K.S.A. § 45-217.
- (r) Any other information that may be appropriately denied by K.S.A. § 45-221 and Kansas law.

804.5.1 REQUIRED RELEASE

Upon request, the Official Custodian shall allow the following individuals to review recordings captured by a body-worn device or in-car camera within 20 days of the request (K.S.A. § 45-254):

- (a) A person who is a subject of the recording.
- (b) Any parent or legal guardian of a person under 18 who is a subject of the recording.
- (c) An heir at law as defined by K.S.A. § 45-254, when a decedent is a subject of the recording.
- (d) An attorney for any of the above described individuals.

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Official Custodian for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) may be referred to the District Attorney, City Attorney, or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

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804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

804.8 SECURITY BREACHES

Members who become aware that any Lenexa Police Department system containing personal information may have been breached should notify the Support Services Commander as soon as practicable.

The Support Services Commander shall conduct a prompt investigation to determine the likelihood that personal information has been or will be misused (K.S.A. § 50-7a02).

The Support Services Commander shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been misused or where there is a reasonable likelihood that the information will be misused (K.S.A. § 50-7a02).

Notice shall be given in the most expedient time possible and without unreasonable delay consistent with the legitimate needs of the Lenexa Police Department and consistent with any measures necessary to determine the scope of the breach or to restore the reasonable integrity of the agency data system. Notice may be delayed if notification will impede a criminal investigation (K.S.A. § 50-7a02).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (K.S.A. § 50-7a01):

- (a) Social Security number
- (b) Driver's license number or Kansas identification card number
- (c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Support Services Commander should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

804.8.1 CYBERSECURITY BREACHES

The Records Supervisor should ensure that any cybersecurity incident is reported to the Kansas Information Security Office within 12 hours after discovery of the breach (K.S.A. § 75-7244).

804.9 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Official Custodian. The Official Custodian shall expunge such records as ordered by the court.

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Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once expunged, members shall respond to any inquiry as though the record did not exist.

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Lenexa Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Lenexa Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the Lenexa Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police, or designee, shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Revenue, Division of Motor Vehicles (DMV) records and Kansas Criminal Justice Information System (KCJIS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Lenexa Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through Records to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

805.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police, or designee, will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended

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table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 POLICY

It is the policy of the Lenexa Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.

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3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including, but not limited to, any offense listed in K.S.A. § 21-6412. Minimally:

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care of protection from acts of cruelty.

A member who responds or assists with animal-related calls for service may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty. The member may inspect, care for or treat the animal, or place it in the care of an incorporated humane society or licensed veterinarian for treatment, boarding or other care (K.S.A. § 21-6412(e)).

806.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

806.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the shift supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

Members may seize any dangerous animal pursuant to K.S.A. § 32-1307.

806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

806.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

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Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member, if applicable. If not, Communications should be notified so the proper entity can be alerted.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

Officers may take charge of any livestock or other domestic animal found injured or diseased (K.S.A. § 47-1803):

- (a) Upon public property.
- (b) Upon private property when the animal appears likely to injure a person or property.

806.11.1 VETERINARY CARE

After taking charge of an injured or diseased animal, an officer may transport it to a licensed veterinarian or an incorporated humane society, animal shelter or other appropriate facility for treatment (K.S.A. § 47-1803).

806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

An officer may kill an animal that is injured or diseased beyond recovery or appears likely to injure any person or property pursuant to K.S.A. § 47-1803.

806.13 RECORD OF TAKING CUSTODY

When a member takes custody of an animal, he/she shall immediately make a record that includes (K.S.A. § 47-1711):

- (a) The color, breed, sex, approximate weight and other description of the animal.
- (b) The reason and the location of the seizure.
- (c) The owner's name and address, if known.
- (d) The animal license number and any other identification number.
- (e) Complete information relating to the disposition of the animal. The disposition shall be added immediately following the disposition of the animal.

Upon request, the Records Supervisor shall make records related to taking custody of an animal available to the Kansas Department of Agriculture.

Evidence and Property Control

807.1 PURPOSE

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody.

807.2 POLICY

It is the policy of the Lenexa Police Department to ensure that evidence in departmental custody is properly secured and stored and can be readily retrieved, and that any changes in custody are properly and fully documented.

807.3 DEFINITIONS

Chain of Custody: The continuity of the custody of physical evidence from time of original collection to final disposal which may be introduced in a judicial proceeding.

Digital Evidence: Any data of a digital nature which is replicated, downloaded or stored for evidentiary purposes.

Impounding Officer: The officer who initially receives the evidence and initiates the chain of custody.

Physical Evidence: Any tangible substance or material found or recovered in connection with a criminal investigation and being held for evidentiary purposes.

Property Clerk: A member of the Public Service Officer Unit accountable for control and maintenance of all evidence and recovered property accepted by or stored in the department's Property Room.

Property Room: Facilities utilized by the Lenexa Police Department to securely store evidence and recovered property.

Recovered Property: Any tangible substance or material, or any data of a digital nature, placed into secure storage pursuant to some need or imperative other than a criminal investigation.

807.4 PROCESSING EVIDENCE

(a) Processing Evidence

1. Any member of this department who has evidence or property to be placed in the property room shall complete a property report. The report shall include the following information for all items of evidence or recovered property:
 - (a) Description of the item (including make, model number, serial number, or owner applied number if any) and quantity or value;
 - (b) Location of recovery;
 - (c) Impounding officer's name;
 - (d) Associated case number;

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- (e) Date of recovery
- 2. The impounding officer shall properly handle, mark and package all evidence or recovered property, and transport all physical evidence to the evidence lockers, or other authorized secure location as soon as practical. All drugs should be weighed and monies counted by the booking officer and recorded on the property report. Evidence is not to be stored in personal lockers or left unattended. The chain of custody must be maintained at all times.
- 3. Evidence or recovered property of a hazardous nature shall be appropriately packaged and stored in accordance with established department policies and procedures and, in certain situations only after consultation with the Property Clerk. Such substances include but are not limited to:
 - (a) Items which may have been exposed to or been contaminated by infectious diseases;
 - (b) hazardous chemicals or waste products;
 - (c) explosives or highly combustible products.
- (b) Storage of Evidence
 - 1. The Property Clerk shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence and recovered property in compliance with established department policy.
 - 2. The Property Clerk shall assign a storage location to each item of evidence or recovered property and record this information in the appropriate location(s) within the Records Management System.
 - 3. Evidence or recovered property requiring added security, to include money, precious metals, jewelry, weapons, narcotics, and dangerous drugs shall be stored in a separate area of the Property Room with heightened security measures.
 - 4. Perishable items shall be stored in a refrigerator or other suitable container.
 - 5. Items of a hazardous nature such as those described in section 807.4 (a3) may require special handling, including storage outside of the Property Room. The Property Clerk shall ensure the safe storage of these materials while at the same time maintaining the integrity of the evidence and the chain of custody.
- (c) Access to the Property Room
 - 1. Access to the Property Room and the Property Office is restricted and controlled via electronic means. Only members of this department authorized by the Chief of Police or designee may be granted access to these areas.
 - 2. Any person, other than those authorized for access to the Property Room must sign a visitor's log stating their name and purpose, along with entry and exit times. These logs shall be maintained in the Property Office for a minimum period of one year. They will then be transferred to the Administrative

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Records Vault, where they shall be kept indefinitely. Visitors must be escorted by authorized personnel at all times while in the property storage area.

(d) Inspections of the Property Room

1. The supervisor of the Property Clerk shall make periodic inspections, both scheduled and unscheduled, of the Property Room to ensure adherence to appropriate policies and procedures.
2. Property bookings consisting of firearms, drugs, or money will be subject to three audits and one full inventory each calendar year.
3. A complete inventory of the Property Room shall be conducted every other year.
4. Records audits shall be kept on file by the Staff Services Sergeant or designee.

(e) Transfers of Custody

1. The Property Clerk shall be responsible for the ongoing documentation of all transfers of custody involving evidence or recovered property with the Records Management System. These entries shall accurately reflect the current location of all items and the history of any transfers.
2. Members of this department who assume custody of evidence or recovered property from the Property Room bear full responsibility for ensuring its security, proper storage, maintenance, and for the ready retrieval of such evidence upon demand. They are also responsible for ensuring that all items transferred to their custody are returned to the Property Room at the earliest possible opportunity. If items of evidence or recovered property are left in the care and custody of another person or entity, such as an officer from another agency, District or Municipal Court personnel, etc, a Property Receipt must be completed and signed by both the officer/employee involved and the recipient. A copy of the completed Property Receipt should be returned to the Property Clerk.

(f) Firearms

1. All firearms seized by officers as evidence in a criminal matter shall be sent to the Johnson County Criminalistics Laboratory for test firing.
2. Any firearm taken with the owner's permission for safekeeping only will not be sent to the Crime Lab for test firing. These weapons should be returned to their owner upon request, provided there is no overriding safety concern regarding the return of the weapon. In the event of a safety concern all reasonable efforts should be made to complete the return in as safe and prudent a manner as possible. Options for returning a weapon where a safety concern exists include, but are not limited to:
 - (a) Returning the weapon(s) to an appropriate and agreed-upon third party;
 - (b) The requirement of a letter from a certified professional (physician, psychiatrist, psychologist, other mental health professional, social worker, counselor, or other appropriate resource) indicating that the person receiving the weapon(s) is not a danger to themselves or others;

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- (c) The requirement that the recipient sign a form releasing the City of Lenexa, the Lenexa Police Department and its officers, employees or agents from liability resulting from any subsequent harmful use of such weapon(s).
- 3. Disposition of firearms and/or ammunition
 - (a) Kansas statute prohibits the destruction of firearms or ammunition by law enforcement with the following exceptions:
 - 1. The weapon is in such poor condition as to be rendered inoperable;
 - 2. The weapon was used in a murder;
 - 3. The weapon is illegal on its face (i.e. defaced serial number, illegally sawed off, etc)
 - (b) Upon receiving a disposition order from the court, the Lenexa Police Department shall dispose of any seized weapons and/or ammunition in one of the following ways:
 - 1. Forfeiture to the Lenexa Police Department for use;
 - 2. Sale to a licensed firearms dealer;
 - 3. Forfeiture to the Kansas Bureau of Investigation Lab;
 - 4. Forfeiture to a local county-operated forensics lab;
 - 5. Forfeiture to the Kansas Department of Wildlife, Parks and Tourism for use in firearms training;
 - (c) All weapons seized during the investigation of a criminal case must be returned to the person from whom they were seized if that person is not convicted of the crime, unless:
 - 1. The person is prohibited from possessing such a weapon, or;
 - 2. The weapon is stolen.
 - (d) The Lenexa Police Department shall provide written notice to the person the weapon is to be released to within 30 days of the declination of applicable charges or final disposition is received from the court.
 - (e) Any money received by the Lenexa Police Department from the sale of seized weapons must go to the appropriate asset seizure and forfeiture fund of this department.
- 4. Procedure
 - (a) Upon receipt of notice from the court that a weapon seized in a criminal case may be disposed of other than by release to the weapon's owner, the Property Officer shall notify the Lenexa Police Department Training Unit.
 - (b) Members of the Training Unit shall check the listed weapon(s) out of Property for evaluation and identify which weapons will be suitable for retention by the police department, which may be disposed of in one of the above listed ways, and which may be destroyed.

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- (c) Weapons identified for destruction shall be returned to the Property Room, where the proper procedure for destroying them shall be followed:
 - 1. On the date of destruction, firearms shall be monitored continuously from the loading of items to be destroyed, to accompanying the items to the destruction site and observing the entire destruction process.
 - 2. After completion of the destruction process, a report will be prepared to include the following:
 - (a) date
 - (b) time
 - (c) location of destruction
 - (d) inventory of the items destroyed
 - (e) list of those present at the destruction
 - 3. The Chief of Police will sign a letter indicating the disposition of the remaining weapons as listed above.

(g) Disposal of Evidence

- 1. When it is determined that items of evidence or recovered property may be disposed of, the item(s) shall be returned to the lawful owner unless title to the evidence is transferred to the jurisdiction by court order, or the lawful owner fails to claim the evidence. This excludes firearms that have been forfeited via court order, probation order, diversion order, or by lawful order of any other appropriate authority, and items of contraband that are illegal on their face. In cases not involving firearms or contraband, and as permitted under state law and City policy, the evidence or recovered property may be:
 - (a) Destroyed
 - (b) Disposed of by public auction
 - (c) Retained for use by the department
 - (d) Donated to a recognized charity.
- 2. After completion of the destruction process, a report will be prepared to include the following:
 - (a) The date, time, and location of the destruction.
 - (b) An inventory of the items destroyed.
 - (c) A list of those present at the destruction.

Support Services Division Operations

808.1 PURPOSE

To establish the Support Services support function within the Police Department and to establish procedures for its organization and operation.

808.2 POLICY

The mission of the Lenexa Police Department is to provide the highest quality police services to the citizens of Lenexa and to those whom its members come into contact. Pursuant to that mission, the Support Services Division is designed as a support entity for the Patrol Division as well as other departments throughout the City of Lenexa. The overriding goal of the division is to provide the highest level of support and assistance to these entities and to provide professional customer service to the citizens of Lenexa and all who are in need of its services.

808.3 RESPONSIBILITY

The Support Services Division operates under the guidance of the Support Services Division Commander. The Division Commander answers directly to the Chief of Police and is assisted by the Support Services Captain, who oversees the daily operation of the various units within the Division. Units within the Division may have a supervisor who has direct responsibility for the daily operation of that specific unit and who answers directly to the Support Services Captain. Those units, or individuals, that do not have a supervisor will report directly to the Support Services Captain, or designee.

808.4 ORGANIZATION

The Support Services Division consists of several distinct units. Uniformed shift work may be a requirement for some units.

- (a) Communications
 - 1. Communications Sergeant
 - 2. Communications Supervisors
 - 3. Dispatcher III
 - 4. Dispatcher II
 - 5. Dispatcher I
- (b) Police Department Information Technology
 - 1. Police Information Systems and Data Administrator
 - 2. Video Network Technician
 - 3. Police Information Technology Specialist
- (c) Public Service Officer
 - 1. Public Service Officer Sergeant
 - 2. Public Service Officer Supervisor

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- 3. Public Service Officer III
- 4. Public Service Officer II
- 5. Public Service Officer I
- (d) Technical Services Unit
 - 1. Technical Services Manager
 - 2. Technical Services Supervisor
 - 3. Tech III
 - 4. Tech II
 - 5. Tech I
 - 6. Custodian III
 - 7. Custodian II
 - 8. Custodian I
- (e) Crime Analyst Unit
 - 1. Crime Analyst III
 - 2. Crime Analyst II
 - 3. Crime Analyst I
- (f) Investigations
 - 1. Investigations Sergeant
 - 2. Investigations Corporal
 - 3. Detective
- (g) Citizen Volunteers
 - 1. Public Service Officer Sergeant
 - 2. Public Service Officer Supervisor
 - 3. Citizen Volunteer

808.5 FUNCTIONS

The duties of the various Support Services personnel shall include, but not be limited to, the following:

- (a) Communications Unit
 - 1. Answer emergency and non-emergency calls for service and dispatch appropriate police units to the location where assistance is needed.
 - 2. Record and monitor the activity of police units that self-initiate police actions.
 - 3. Retrieve and relay relevant information from outside agencies and various computerized resources to field units.

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4. Provide accurate information to citizens and outside entities regarding police actions, proper resources, and other activities.
5. Monitor and relay important weather related information to field units and citizens.
6. Monitor camera systems that provide live feed information from various locations throughout the city.
7. Record and archive dispatch and patrol activities and assist in the retrieval of information pertinent to court orders, subpoenas, and requests for discovery.
8. Input information into the Records Management System (RMS) regarding certain police actions.

(b) Police Department Information Technology

1. Assist all members of the department, as well as other City of Lenexa departments and external entities by providing the highest quality technological support possible.
2. Develop and maintain computer systems, applications and databases and develop and maintain the City's video network that assists in the functioning of the department and its employees.
3. Ensure compliance with state and federal guidelines regarding data submission and integrity.
4. Cultivate an environment of technological innovation and cooperation to keep the Police Department, and the City of Lenexa, on the leading edge of technology.

(c) Public Service Officers

1. Provide high quality services to persons in need by taking police reports, providing directions and/or resource information to citizens, disseminating copies of police reports as requested, conducting child safety seat inspections, and other community support actions.
2. Assist in the processing of prisoners and the service of arrest warrants.
3. Provide for the organized storage and maintenance of specific incident/offense reports, accidents, and arrest/citation reports.
4. Conduct direct data entry of information into the RMS.
5. Process open records and discovery requests.
6. Conduct scheduled and unscheduled transfers of data to outside agencies such as the Kansas Bureau of Investigations, Federal Bureau of Investigations, and others as necessary pursuant to state and federal guidelines.
7. Responsible for the proper storage, transportation, and disposal of all evidence or recovered property gathered by the Police Department through investigation or other means.
8. Maintain accurate records of all transfers and movement of evidence.

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9. Provide necessary equipment for the proper packaging and storage of recovered items.
 10. Assist in the retrieval and copying of electronic data pursuant to court orders, subpoenas, and requests for discovery.
 11. Provide ongoing training to Department personnel regarding proper evidence handling procedures.
- (d) Technical Support Unit
1. Support all members of the Department, as well as other City of Lenexa departments and outside agencies with the highest quality technical assistance in the development, maintenance, and operation of vital systems.
 2. Design and facilitate all needed installations and upgrades to Department fleet vehicles as well as those of external entities, as requested.
 3. Provide an internal source for building and project needs as well as routine building maintenance.
- (e) Crime Analyst Unit
1. Support officers and detectives with the investigation of past and current criminal activity by collecting, categorizing, and analyzing qualitative and quantitative data.
 2. Unit members will prepare and disseminate reports using various illustrative and statistical methods.
 3. Make recommendations pertaining to existing and anticipated criminal activity as well as aid administration in researching projects on the Department's efforts and growth.
- (f) Investigations
1. Investigate criminal activity to the maximum extent, working with all members of the Department.
 2. Gather, analyze, and disseminate information regarding criminal conduct.
- (g) Citizen Volunteers
1. Supplement the part time and full time employees of the Department by assisting in various unpaid, volunteer activities such as parking enforcement, sign abatement, traffic studies, municipal court hosting, warrant resolution, tour guiding, armory/range assistance, clerical support, and other duties as assigned.

808.6 PROCEDURES

- (a) Intra-Departmental Relations
1. All Department divisions shall coordinate their activities and maintain open lines of communication.
 2. The Support Services Division procedural updates and revisions will be disseminated to all members of the Department.

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3. Members of the Support Services Division, especially professional staff, are encouraged to cultivate a detailed and insightful understanding of the procedures and processes, as well as the unique challenges, under which sworn officers operate in order to provide them with the highest level of support possible.
- (b) Shift Assignment
 1. For shift assigned personnel, there may be a variety of shifts available, based on the needs of the Department and their specific unit, and as established by their unit supervisor.
 2. Each unit within the Division shall establish a minimum deployment as agreed upon by the unit supervisor, the Division Commander, and the Chief of Police.
 3. In order to maintain sufficient manpower, the unit supervisor may:
 - (a) Ask for volunteers to work overtime;
 - (b) Assign overtime;
 - (c) Work below the minimum.
 4. Personnel in each unit within the Division will bid for shifts as decided by the unit supervisor with the agreement of the Division Commander and the Chief of Police.
 5. Every effort will be made to provide maximum available manpower coverage.

808.7 SUPERVISION

- (a) Each unit within the Division will be staffed with a first line supervisor, either civilian or commissioned. If the unit does not have a first line supervisor they will report directly to the Support Services Captain.
- (b) Employees assigned to a unit will be accountable to the unit supervisor.
- (c) In the absence of a unit supervisor an employee may be given supervisory responsibilities with the approval of the Division Commander.

808.8 OPERATIONS

- (a) Roll Call
 1. Available dispatchers and PSO's will assemble in the Squad Room for roll call prior to the beginning of their tour of duty.
 2. Personnel shall report to roll call in uniform (if required) and with all necessary equipment.
 3. Roll calls are scheduled as follows:
 - (a) Midnight Shift: 2245
 - (b) Day Shift: 0645
 - (c) Evening Shift: 1445

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4. Personnel required to attend roll call will receive 15 minutes of overtime for each scheduled roll call that is attended.
- (b) Meal Breaks
1. Each employee is entitled to a 30 minute meal period during an eight hour shift. Those employees assigned to a specific shift (dispatchers and PSO's) may be required to eat at their workstations depending on work load and manpower considerations. The 30 minute meal break is considered part of the eight hour tour of duty. While on meal break all employees are liable to be called upon to return to duty as needed.
- (c) Shift Change
1. Personnel coming on duty at the beginning of a shift will relieve the off going personnel as soon as possible.
 2. All reports and work assignments are to be completed and submitted to the proper recipient prior to leaving for the day, if possible. Special circumstances or problems can be addressed by the shift supervisor.
 3. For most employees any hours worked over their normal assigned shift/workday will be paid at the overtime rate of 1.5 times normal salary, regardless of any other unrelated previous or subsequent leave accrued during the pay period. Specified employees may be required to work a minimum of 40 hours of regular duty per week before being eligible for overtime pay. It is each supervisor's responsibility to monitor the overtime in their unit.
- (d) Sick Leave
1. When an employee is unable to report for duty because of an illness, injury, or funeral leave he/she shall:
 - (a) Notify his/her supervisor, or designee, at the earliest opportunity by:
 1. Direct (in person or by phone) contact at least 1/2 hour prior to the beginning of their shift, barring extraordinary circumstances.
 2. If the employee is unable to make contact with his/her supervisor or designee a message will be left with the on-duty Patrol supervisor.
 - (b) Upon making contact the employee will advise the reason for absence, an estimate of time off, and location where he/she can be reached if not at home.
 - (c) Under no circumstances will a voicemail, text message, email, or notification to a co-worker (non-supervisor designee) alone suffice as an acceptable notification.
 2. When an on-duty shift supervisor is advised of an employee's absence, he/she will:
 - (a) Attempt to notify the affected supervisor by phone or pager and make certain that the affected supervisor is made aware of the situation.

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3. If an employee is absent from work for an extended (more than 2 working days) period, he/she will notify their immediate supervisor as soon as possible and provide the following information:
 - (a) Nature of absence
 - (b) Approximate duration of leave (doctor's estimate if applicable)
 - (c) Continue to update the supervisor of any changes concerning duration of leave, doctor's appointments, or reasons for being away from work.
 4. If requesting an extended leave of absence in excess of 3 working days, or time off coincides with days off, the employee may be requested to provide medical documentation of his/her absence from a licensed physician.
 5. If an employee is injured while on duty, he/she will immediately notify the on-duty supervisor.
 - (a) The on-duty supervisor will:
 1. Request medical attention (if needed) either by ambulance or taking the employee to the hospital, doctor's office, or other medical facility;
 2. Then determine or initiate an investigation to determine cause of injury;
 3. Notify the Division Commander;
 4. If necessary, notify the family of the employee;
 5. Prepare written reports for the Department and Human Resources;
 6. Make any manpower adjustments necessary.
 - (b) The employee will:
 1. Continue to advise the affected supervisor of:
 - (a) Location where the employee may be contacted if not at home (only if for an extended period of time).
 - (b) Any medical appointments and prognosis.
 2. Consult with Human Resources concerning any issues, to include Worker's Compensation.
- (e) Vacation Leave
1. Vacation: for the purposes of this policy, a vacation will be any period of five (5) consecutive days off, excluding regularly scheduled days off, including any holidays or compensatory days (i.e. 3 vacation days, plus 2 holidays equals a "vacation.") Vacation time taken at intervals of less than a week during the calendar year, totaling 40 hours, is considered one "vacation."
 2. Request: a first request simply refers to the first vacation taken by the employee in the calendar year. The employee may make a second and subsequent vacation request. A request does not affect an employee until the vacation itself is actually taken.

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3. Professional staff and officers of the Support Services Division shall accrue vacation time according to the City of Lenexa Policy Manual.
 4. An employee may carry a maximum of 240 hours of Vacation leave into the next calendar year per City policy.
 5. Employees must take a minimum of five (5) vacation days per calendar year per City policy.
 6. A vacation will be granted only when enough personnel are available to adequately provide sufficient services. It will be granted as follows:
 - (a) If two or more employees request vacations during the same time frame and all requests cannot be honored, the vacation will be granted to:
 1. Senior employees if all requests are each employee's first;
 2. A request will be granted over that of a second request regardless of any other criteria (also second request or third, etc.);
 3. If both are second requests, the vacation will be granted to the senior employee.
 - (b) If a Division member submits a request for a distant date and later submits a request for another vacation that takes place prior to the original request, then the most recent request will be regarded as the first request.
 7. When employees working bid shifts submit vacation requests that fall in future deployments, then can obtain vacation approval, however the employee:
 - (a) May have to bid a shift that allows him/her to take the vacation (in case of multiple requests);
 - (b) or alter vacation to accommodate scheduling conflicts.
 8. Vacation hours in excess of 240 hours will not be treated in any special manner. It shall be up to the employee to make certain he/she will be able to use vacation hours in excess of 240 prior to the end of the calendar year. Special consideration may be given for vacations involving airline or motel reservations or planned out of town trips but it may at times necessitate special efforts on behalf of the employee.
 9. Only under exigent circumstances may vacations be granted where the manpower would fall below minimum deployment and only with the approval of the Division Commander.
 10. Vacations should be submitted as directed by each employee's direct supervisor.
- (f) Evaluation Process
1. Once off of new hire probation, all Support Services Division employees will be evaluated twice per year by their immediate supervisor. Employees on performance probation may be evaluated more frequently. Employees who fail to meet objective standards on their evaluation may be subject to remedial training.

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Employees who continue to fail to improve their job performance may be subject to discipline, up to and including termination.

(g) Non-Uniform Dress Code

1. Employees in the Support Services Division who are not uniformed shall dress appropriately for the job functions they perform according to guidelines established by their specific unit supervisor in consultation with the Division Commander.

CJIS Access, Maintenance, and Security

809.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access, process, store, or transmit Criminal Justice Information.

809.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

809.2 POLICY

It is the policy of the Lenexa Police Department to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

809.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Lenexa Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

809.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

- (a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the Kansas Bureau of Investigation.
- (b) Managing member accounts with access to CJI, including:
 - 1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
 - 2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts, validating new passwords against known compromised or commonly used passwords).
 - 3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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- (c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:
 - 1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
 - 2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
 - 3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
 - 4. Maintaining records for all system maintenance and diagnostic activities.
- (d) Configuring remote access systems and devices only with the explicit authorization of the Chief of Police or the authorized designee, including:
 - 1. Routing through authorized and managed access control points (e.g. firewalls, secure gateways).
 - 2. Mandatory multi-factor authentication for users.
 - 3. Use of automated mechanisms to monitor and control remote access methods.
 - 4. Mandatory encryption (e.g. VPN, Transport Layer Security).
 - 5. Required logging of all remote access activity.
- (e) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
- (f) Providing for the security of hardware that includes provisions for the following:
 - 1. How hardware is to be brought into and taken out of department facilities.
 - 2. Physical security of hardware within department facilities.
 - 3. Physical security of areas containing network connections and transmission lines, including monitored access.
- (g) Implementing and carrying out the department Incident Response Plan, including:
 - 1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
 - 2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
 - 3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).

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4. Providing information on security incidents to any third-party software developers or vendors as appropriate.
- (h) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.
- (i) Developing and updating department information security and privacy literacy training and incident response training as required by policy.
- (j) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.
- (k) Managing the development, documentation, and dissemination of procedures for the following:
 1. Awareness and training
 2. Incident response
 3. Audit and accountability
 4. Access control
 5. Identification and authentication
 6. Configuration management
 7. Media protection
 8. Physical and environmental protection
 9. System and communications protection
 10. System and information integrity
 11. Maintenance
 12. Security and privacy planning
 13. Contingency planning
 14. Risk assessment
- (l) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

809.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

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809.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

809.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

- (a) The account has expired.
- (b) The account is no longer associated with a member.
- (c) The account is found to be in violation of this policy.
- (d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

809.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

- (a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.
- (b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
- (c) Non-privileged members shall not be allowed to execute privileged functions.

809.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

809.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

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Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

809.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

809.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

- (a) Flaw remediation.
- (b) System monitoring.
- (c) Security alerts, advisories, and directives.
- (d) Software, firmware, and information integrity controls.
- (e) Spam protection.

809.9 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

809.10 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary

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or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Lenexa Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The period an adult is in custody at the Lenexa Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Lenexa Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Lenexa Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.

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- (d) Individuals who are a suspected suicide risk (see the Emergency Detention Policy).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

If the Watch Commander authorizes access to an area where a person is held in custody, the person's presence should not violate the reasonable expectation of privacy of any detainee or impede facility operations. In an emergency situation, any individual who is not essential to facility security or operations should be prohibited from accessing the area.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

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900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others.

The officer should promptly notify the supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or another facility.

900.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members, as well as a list of foreign embassy and consulate telephone and fax numbers and standardized notification forms that can be transmitted and then retained for documentation.

If deemed necessary by the Patrol Division Commander, Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

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900.5.1 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

900.5.2 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.3 TELEPHONE CALLS

Individuals in temporary custody may be allowed to make a reasonable number of completed telephone calls as soon as practical.

900.5.4 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.5 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

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900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Lenexa Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in temporary custody should only be secured to a fixed object if the object is designed and intended for such use.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed unless the individual requests a different disposition. For example, an individual may request property (e.g., cash, car or house keys, medications) be released to another person. Release of a detainee's property to another requires consent and the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt.

The supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The supervisor shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy) and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

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- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Lenexa Police Department. The procedures should include:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Watch Commander, Chief of Police and Investigation Division Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Medical Examiner.
- (g) Evidence preservation.

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Lenexa Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
 - (a) The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier.

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If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.11 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

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901.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Lenexa Police Department (34 USC § 11133).

901.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for their own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for their protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. It also includes any juvenile less than 10 years of age (K.S.A. § 38-2202).

Juvenile offender - A juvenile 10 to 17 years old who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (K.S.A. § 38-2302). It also includes an offense for underage possession of a handgun (28 CFR 31.303; K.S.A. § 21-6301).

Non-secure custody - When a juvenile is held in the presence of an officer or other department member at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

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- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender (K.S.A. § 38-2202). Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

901.2 POLICY

The Lenexa Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

901.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Lenexa Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Emergency Detention Policy).
 - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

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901.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Lenexa Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable (K.S.A. § 38-2232). In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Department (34 USC § 11133; K.S.A. § 38-2332).

The officer shall furnish to the District Attorney all information in the possession of the officer pertaining to the child, the child's parents or other interested persons, and all other facts and circumstances which caused the child to be taken into custody (K.S.A. § 38-2232; K.S.A. § 38-2330).

901.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Lenexa Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

901.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers shall take a status offender into custody when required by K.S.A. § 38-2231. In addition, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

901.4.3 PLACEMENT OF NON-OFFENDERS AND STATUS OFFENDERS

Generally, juvenile non-offenders and juvenile status offenders should be released to a parent or other custodian. However, if an officer has reasonable grounds to believe it is not in the juvenile's best interest to be delivered to a parent or other custodian, the officer shall deliver a juvenile non-offender or juvenile status offender to a designated facility or location in accordance with K.S.A. § 38-2232.

901.4.4 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Lenexa Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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Juvenile offenders may be taken into custody under the following circumstances (K.S.A. § 38-2330):

- (a) The officer has a court order.
- (b) The officer has witnessed the commission of an offense.
- (c) The officer has probable cause to believe the juvenile has committed an act which, if committed by an adult, would constitute one of the following:
 - 1. A felony.
 - 2. A misdemeanor and the juvenile will not be apprehended or evidence will be irretrievably lost unless the juvenile is immediately taken into custody.
 - 3. A misdemeanor and the juvenile may cause injury to him/herself or others, damage to property or may be injured unless immediately taken into custody.
- (d) The officer has probable cause to believe that the juvenile has violated an order for electronic monitoring as a term of probation.
- (e) The officer has received a statement from a person authorized to supervise a juvenile that the juvenile has violated a condition of release.

The officer shall release a juvenile to a parent or guardian after appropriate processing or the issuance of a notice to appear as soon as practicable. The officer shall notify the court or the juvenile intake and assessment worker immediately when a juvenile offender has been taken into custody to determine the appropriate placement or disposition when a release may not be in the best interests of the child or would pose a risk to public safety or property. A complaint should be filed with the juvenile intake and assessment worker without unnecessary delay after a juvenile offender is released on a notice to appear (K.S.A. § 38-2330).

901.4.5 KANSAS LAW ENFORCEMENT PROTOCOL FOR JUVENILE HUMAN TRAFFICKING/COMMERCIAL SEXUAL EXPLOITATION CRIMES

Identifying victims of human trafficking is of the utmost importance for law enforcement. Kansas is considered an originating state for human trafficking by the U.S. Department of Justice. Human trafficking has been discovered in all corners of our state, in both rural and urban areas. The majority of human trafficking victims are children and more than 80% of all trafficking victims in Kansas are domestic victims. In recent years Kansas has adopted new laws to protect and rescue victims from this heinous crime.

Law enforcement officers have additional duties under our law when it comes to juvenile victims of trafficking.

Kansas law requires certain actions for juveniles who are subjected to any form of commercial sexual exploitation, human trafficking or aggravated human trafficking (KSA 21-6422, 21-5246). The law provides that those juveniles be treated as victims whenever possible rather than juvenile offenders (KSA 38-2231). Discretion should be used in the initial placement of juveniles who are human trafficking victims, and who have not committed a serious offense, to provide them

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placement in the staff secure facility or other appropriate placement. The following protocol will ensure law enforcement complies with these laws:

- (a) A law enforcement officer who reasonably believes that a juvenile is a victim of commercial sexual exploitation, human trafficking or aggravated human trafficking (CSE/HT) shall take the victim into police protective custody.
 - 1. A Kansas law enforcement officer who places a juvenile into police protective custody, who they believe to be a victim of CSE/HT, and the child is not placed at a staff secure facility, shall contact the **Kansas Protection and Reporting Center (KPRC) at 1-800-922-5330 (24/7)** and follow the prompts to facilitate a Department for Children and Families (DCF) Immediate Response Assessment (IRA) to determine safety, placement, and treatment needs for the child. Law enforcement agencies needing investigative assistance may contact the Kansas Bureau of Investigation to request assistance.
 - 2. The Department for Children and Families Protection Report Center (DCF Hotline) shall be notified as soon as practical by calling 1-800-922-5330 (24/7) to make a report in all cases where the officer reasonably believes the juvenile is a victim of CSE/HT crimes.
 - 3. Work with juvenile intake through the normal juvenile intake processes.
 - 4. Initiate collection of evidence and investigation of the related crimes including a Sexual Assault Nurse Exam and other medical examination of the victim as the case dictates.
- (b) When the juvenile is in police protective custody as a Human Trafficking/Commercial Sexual Exploitation (CSE/HT) victim and there is no existing court-ordered custody, warrant, probation violation order, or new criminal offense accusation:
 - 1. Work with juvenile intake and the DCF contact to determine the proper placement of the juvenile. Law enforcement may take the juvenile to a licensed staff-secure facility if this is feasible and if space is available. Ensure DCF is advised of the placement location of the child.
 - 2. Law enforcement may not place the juvenile into a detention facility or other secure facility if the sole reason for custody is that the juvenile was a victim of CSE/HT crimes.
- (c) When the juvenile is in police protective custody as a CSE/HT victim, and there exists a court-ordered custody, warrant, probation violation order, or new criminal offense accusation:
 - 1. The standard juvenile intake procedure will be followed for criminal offenses or other CINC issues.
 - 2. The priorities for placement decisions are: 1) court orders; 2) DCF already has court-ordered custody of the juvenile (DCF retains custody and placement decisions); 3) criminal offender detention; and 4) CINC or Human Trafficking/Commercial Sexual Exploitation Victimization.
 - 3. If priority 3 applies and the juvenile is not placed in a detention center as a public safety risk, follow the protocol outlined above in section "b".

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- (d) Transportation: law enforcement is responsible for transporting the juvenile to the selected placement unless an arrangement with juvenile intake dictates otherwise, or the juvenile is under court ordered custody of the DCF. DCF is prohibited by statute from transporting juveniles without court-ordered DCF custody.

901.5 JUVENILE CUSTODY LOGS

Any time a juvenile is in temporary custody at the Lenexa Police Department, the custody shall be promptly and properly documented in the department RMS.

901.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Lenexa Police Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

901.7 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

901.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Lenexa Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

901.8.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

901.9 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

901.10 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody.

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Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

901.10.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the locked enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to department members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.

901.10.2 ACCREDITATION-RELATED REQUIREMENT

Males and females shall be separated by sight and sound while in locked enclosures.

901.11 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any juvenile held at the Lenexa Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate

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- (b) Immediate notification of the Watch Commander, Chief of Police, and Investigation Division Commander
- (c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Medical Examiner
- (g) Notification of the juvenile court
- (h) Evidence preservation

901.12 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation. If the juvenile is under the age of 14, no interrogation should occur until there has been a consultation with the juvenile's attorney or parent, provided the parent is not an alleged victim or codefendant (K.S.A. § 38-2333).

901.12.1 CUSTODIAL INTERROGATION PROCEDURES

Officers conducting interrogations of juveniles in temporary custody shall adhere to the following guidelines:

- (a) When practicable, officers should make reasonable efforts to confer with the parent, guardian, or custodian of a juvenile prior to questioning.
 - 1. Officers shall comply with the provisions of K.S.A. § 38-2333 for juveniles under the age of 14.
- (b) Interrogations should be limited to a reasonable duration, taking into consideration the juvenile's age, experience, maturity level, knowledge, and sophistication.
- (c) Any juvenile being interrogated should be provided with information on department and juvenile justice system procedures.

901.13 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

A juvenile offender may only be photographed or fingerprinted (K.S.A. § 38-2313):

- (a) Pursuant to a court order.
- (b) If the juvenile has been taken into custody for a felony, a class A or B misdemeanor, or an assault.

The fingerprints and photographs of juveniles may be kept in the same manner as those of adults but must be indexed separately (K.S.A. § 38-2313).

901.14 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Lenexa Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include (K.S.A. § 22-2520):

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include touching or a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

Searches should be captured on an officer's body worn and/or in car camera.

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902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Lenexa Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not reasonably available, a witnessing member should be present during the search.

Custody searches should also be conducted any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be secured until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be placed into Property for safekeeping.

Arrestees that will be lodged at the county jail shall have their personal property inventoried by objective description. The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the date and member's Lenexa Police Department identification number. Members should provide information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory.

902.5 STRIP SEARCHES

No individual in temporary custody at any Lenexa Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Probable cause to believe the individual is concealing a weapon or a controlled substance is required if the individual is detained or arrested for a violation of a statute, resolution or ordinance involving a traffic, regulatory, or nonviolent misdemeanor offense (K.S.A. § 22-2521).

Factors to be considered in determining reasonable suspicion and probable cause include but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

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1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Lenexa Police Department facilities shall be conducted as follows (28 CFR 115.115; K.S.A. § 22-2521):

- (a) The shift supervisor shall authorize any strip search prior to the search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) A second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 1. The facts that led to the decision to perform a strip search.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The written authorization for the search, obtained from the shift supervisor.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.

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10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with shift supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (K.S.A. § 22-2522):

- (a) No individual shall be subjected to a physical body cavity search without approval of the Watch Commander and only upon an issued search warrant.
- (b) Only a licensed physician or registered nurse may conduct a physical body cavity search.
- (c) Except for the licensed physician or registered nurse conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 2. The reasons less intrusive methods of searching were not used or were insufficient.
 3. The Watch Commander's approval.

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4. A copy of the search warrant.
 5. The time, date and location of the search.
 6. The medical personnel present.
 7. The names, sex and roles of any department members present.
 8. Any contraband or weapons discovered by the search.
- (f) A copy of the search warrant shall be retained and made available to the individual who was searched or other authorized representative upon request.

902.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

902.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- (a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- (b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Transporting Persons in Custody

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Lenexa Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

903.2 POLICY

It is the policy of the Lenexa Police Department to provide safe, secure, and humane transportation for all persons in custody.

903.3 PATROL DIVISION COMMANDER RESPONSIBILITIES

The Patrol Division Commander should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.
- Detainee identification confirmation.

903.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

- (a) Provide Communications with any required notifications (e.g., start time, mileage, end time).
- (b) Properly secure all property.
- (c) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio Video and Body-Worn Cameras policies for additional guidance).
- (d) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.
- (e) Make a verbal welfare check with a person in custody on a regular basis. Provide sufficient visual observation and audio communication during the transport of:
 1. Individuals in auxiliary restraints.
 2. Individuals in leg restraints.
 3. Individuals wearing a spit hood.
 4. Individuals who are a suspected suicide risk.
- (f) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.

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- (g) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
 - 1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

903.4.1 ADDITIONAL RESPONSIBILITIES

Officers transporting persons in custody shall:

- (a) Search all areas of the vehicle accessible to a person in custody at the beginning of each shift, and before and after each transport.
- (b) Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
 - 1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.

903.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

- (a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
 - 1. Juveniles and adults shall not be transported together.
 - 2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
 - 3. Persons of different genders should not be transported together.
- (b) If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

903.6 TRANSPORT VANS

An officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer should assist persons getting into and out of the transport van to avoid falls.

903.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

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Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

903.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Any person in custody suspected of having an infectious disease should be transported in compliance with the exposure control plan in the Infectious Disease Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

903.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

903.10 EMERGENCY DETENTION TRANSPORTS

When transporting any individual for an emergency detention, the transporting officer should request that Communications notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, a supervisor should be notified.

See the Emergency Detention Policy for additional guidance.

903.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Communications and request an appropriate response.

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903.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

903.13 PROHIBITIONS

When transporting a person in custody, officers should not:

- (a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
- (b) Handcuff a person to any part of a vehicle.
- (c) Leave the vehicle unattended with the person in custody in the vehicle.
- (d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- (e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
- (f) Stop to conduct any personal activities.
- (g) Engage in a pursuit.

903.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise Communications and other units of the escape, provide a description of the escapee, notify the shift supervisor, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

If the escape occurs outside the jurisdiction of the Lenexa Police Department, Communications should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

903.15 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. The circumstances and causation (if known) of the injury should be properly documented in the report. Any visible or reported injuries should be photographed and included with the report.

903.16 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

903.17 TRAINING

The Training Unit should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The Lenexa Police Department seeks to hire and retain only the most capable and qualified applicants for all positions within the Police Department. A fair and equitable hiring process, in compliance with all applicable hiring laws to include the Americans with Disabilities Act, Veterans Preference laws, and the Kansas Law Enforcement Training Act, is in keeping with this directive.

1000.2 POLICY

The Lenexa Police Department will identify and select qualified candidates for employment in a fair and impartial manner, without regard to race, sex, religion, ethnicity, national origin, gender identity, or other protected status, by employing a nondiscriminatory selection process based upon job related duties and functions. The qualifications, steps of the process, and automatic disqualifiers shall be made available to applicants. The City Manager, or designee, authorizes the filling of vacancies within the Police Department. The Chief of Police has the final authority on which applicant fills a vacancy.

1000.3 RECRUITMENT

The Lenexa Police Department, in coordination with the City of Lenexa, should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

Recruitment and screening methods shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 MINIMUM REQUIREMENTS

In accordance with the Kansas Law Enforcement Training Act, applicants for the position of police officer shall meet the following minimum requirements:

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- (a) Be a United States citizen;
- (b) Be at least 21 years of age;
- (c) 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 which reflects on the honesty, trustworthiness, integrity, or competence of the applicant.
- (d) Possess a high school diploma or equivalent degree;
- (e) Be of good moral character sufficient to warrant the public trust;
- (f) Possess a valid drivers license and have a good driving record;
- (g) Have completed a psychological test approved by the Kansas Commission on Peace Officers' Standards and Training (KS CPOST) to determine that the candidate does not have a mental or personality disorder that would adversely affect the ability to perform the essential functions of a law enforcement officer;
- (h) Be free of any physical or mental condition which adversely affects the ability to perform the essential functions of a law enforcement officer with reasonable skill, safety, and judgment; and
- (i) Has been fingerprinted and a search of local, state, and national fingerprint files has been made to determine whether the candidate has a criminal record.

1000.4.1 WAIVERS

Applicants must sign a waiver to allow for a criminal history check, credit check, and other records checks to continue in the hiring process. Applicants who refuse to execute the waiver shall not be considered for employment (K.S.A. § 75-4379).

1000.5 AUTOMATIC DISQUALIFIERS

The Lenexa Police Department will automatically disqualify any individual for the position who:

- (a) General Conduct
 1. Has been convicted of, or taken part in, a felony or any offense that would be constituted as a felony within the State of Kansas or the United States.
 2. Has been convicted of, or taken part in, the commission of a Class A or B misdemeanor within the past 5 years, subject to review.
 3. Has been convicted of, or taken part in, any crime of a sexual nature.
 4. Has been dishonorably discharged from any branch of the United States Armed Forces.
 5. Has had a state law enforcement certification denied, suspended, or revoked.
 6. Falsified or lied about any information requested on a questionnaire or application as a part of the hiring process.
 7. Has exhibited conduct or a pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize the public trust.
- (b) Drug and Alcohol Use

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1. Any marijuana, THC, or like-substance will be subject to review.
 2. Illegal intravenous drug use.
 3. Other illegal drug use, to include illegal use of prescription medication within the past 5 years; usage outside of 5 years will be subject to review.
 4. Manufacture, sales, or distribution of illegal drugs.
 5. Established pattern of illegal drug use or prescription medication abuse.
 6. Established pattern of alcohol abuse.
- (c) Driving
1. Driving Under the Influence conviction/diversion as an adult within the past 3 years. Two or more DUI convictions/diversions in a lifetime.
 2. Pattern of traffic law violations that indicate disrespect for traffic law or disregard for public safety.
 3. Three or more chargeable or at-fault accidents within the past 3 years.
 4. Suspended or revoked drivers license within the past 3 years subject to review.
 5. Does not currently possess a valid state issued drivers license.
- (d) General Considerations-performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:
1. Age at the time the behavior in question occurred
 2. Passage of time
 3. Patterns of past behavior
 4. Severity of the behavior
 5. Probable consequences if the past behavior is repeated or is made public
 6. Likelihood of recurrence
 7. Relevance of past behavior to public safety employment
 8. Aggravating and mitigating factors
 9. Other relevant considerations
- (e) A candidate's qualifications will be assessed on a case-by-case basis, taking into consideration the totality of the circumstances.

1000.6 PROCESS

All applicants shall successfully complete the following steps of the hiring process prior to being employed with the Lenexa Police Department. Certain steps may be combined or abbreviated due to circumstances (i.e. out of town applicants, time constraints, etc.) and the steps may be completed in different order as the needs of the Department dictate. The individual steps of the hiring process are pass/fail and any applicant who does not successfully complete a step of the

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process will not move on to other subsequent steps and/or employment. Any testing, evaluations, and examinations conducted as part of the hiring process shall be done at the expense of the City of Lenexa and shall be done by City and Department approved providers. If additional interviews or contact with an applicant are necessary, those steps shall be scheduled by hiring staff or investigators. Regardless of a candidate's performance on the previous steps, the Chief of Police, or designee, retains the right to otherwise disqualify a candidate during the hiring process who does not appear reasonably able to pass the remaining steps or fit the Department's needs.

(a) Sworn Police Officer

1. On-line Questionnaire: Applicants shall complete this questionnaire and submit it to the City of Lenexa Human Resources Department.
2. Personal History Statement (PHS): All applicants shall complete this comprehensive application for employment. The PHS will be reviewed for completeness and any automatic disqualifiers should be addressed with the applicant at that time.
3. Preliminary Background Investigation: A records check shall be conducted on all applicants who submit a PHS with a signed waiver to check for criminal records and wants/warrants. Records checked include, but are not limited to: department of motor vehicles, NCIC, REJIS, III, National Decertification Index, and Lenexa and other local records management systems.
4. Written Test: a standardized written test will be administered by Lenexa Police staff.
5. Oral Board Interview: A panel interview conducted by Police supervisors and officers.
6. Physical Fitness Test (PFT): The PFT is not pass/fail, but merely a gauge of an applicant's physical fitness level. The components of the PFT are job related and mirror the quarterly PFT required of officers. The applicant PFT will be monitored by a member of the Wellness Committee.
7. Polygraph Examination: Applicants must successfully complete a polygraph examination conducted by a certified polygraph examiner.
8. Ride-Along: a 4 hour (minimum) ride along with a Patrol officer on shift. A written assessment will be completed by the applicant as directed by hiring staff.
9. Comprehensive Background Check: A background investigation shall be completed by a member of the Investigations Division, or designee. The assigned investigator shall follow up on the information provided by the applicant in the PHS and any other records deemed pertinent (i.e. reference checks, open source information, financial reports, etc.).
10. Chief's Interview: the Chief of Police, or designee, will meet with the applicant and a conditional offer of employment may be extended.
11. Conditional Job Offer: The Chief of Police, or designee, may extend a conditional offer of employment pending the applicant successfully completing

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a psychological evaluation and a medical examination, along with any other remaining steps of the hiring process.

12. Psychological Evaluation: Pursuant to KSA 74-5605 all applicants must successfully complete a psychological evaluation by a licensed psychologist.
 13. Medical Examination: Human Resources or hiring staff will schedule the applicant to complete a medical screen and physical by a City-approved health care provider.
- (b) Non-sworn Professional Staff-Due to the nature and levels of access to the secure Police facilities and sensitive information therein, professional staff shall undergo largely the same hiring and screening process as sworn police officers. Each individual unit may include separate elements of the hiring process that pertain to the essential job duties of that position. Professional Staff positions include the following: Police Dispatcher, Public Service Officer, Animal Control Officer, Crime Analyst, Technical Services, Police Department IT, Equipment Technician, Police Investigative Specialist, Administrative Assistant, internship program members, and Custodian. At minimum, a Professional Staff hiring process should include the following elements:
1. On Line Questionnaire
 2. Personal History Statement
 3. Preliminary Background Investigation
 4. Oral Board Interview: by Division staff and designees
 5. Polygraph Examination
 6. Comprehensive Background Investigation
 7. Chief's Interview
 8. Conditional Offer
 9. Psychological Evaluation
 10. Medical Examination
- (c) Eligibility for Re-application: Applicants who are eliminated from any hiring process with the Lenexa Police Department are subject to the following limitations:
1. Applicants who are eliminated prior to the Oral Board Phase of the hiring process may be eligible to re-apply for the next hiring process for the same position. Applicants with an automatic disqualifier are subject to the limitations of the disqualifier(s).
 2. Applicants who are eliminated at the Oral Board phase of the hiring process or later (i.e. polygraph, background, psychological, etc.) must wait one year from the date of elimination to re-apply for the same position.
 3. Police Department hiring staff shall have discretion on inviting candidates, if qualified to apply, to testing based upon a comprehensive review of an applicant's PHS and performance in previous or other Department hiring processes.

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1000.7 APPLICATION RETENTION

- (a) Pursuant to the City of Lenexa Records Retention Schedule, the Lenexa Police Department shall keep Personal History Statements and other documents pertaining to the hiring process, with the exception of psychological and medical examination results, on file for three years for any applicants who are not selected to fill positions. Those documents shall be maintained securely at the Lenexa Police Department.
 - 1. Psychological Evaluation: The Chief of Police shall securely maintain the results of any psychological evaluation. These records shall be destroyed pursuant to the Police Department Records Retention Schedule.
 - 2. Medical Examination: The Human Resources Department maintains results of medical examinations performed during the course of the hiring process per Human Resources policy.
- (b) Application information for employees shall be kept securely on file for the duration of employment and for five years after separation (seven years for employees who separate prior to or during field training or initial unit training).
- (c) After the designated retention period has expired, all information contained in the application packet shall be destroyed.

1000.8 VETERAN PREFERENCE

United States military veterans who qualify will be afforded Veteran Preference pursuant to the terms of KSA 73-201.

1000.9 NEW HIRE TRIAL PERIOD STATUS

- (a) Sworn officers hired by the Lenexa Police Department will be on a Trial Period status of twelve months from the completion of initial field training. The duration of this status allows the Department to evaluate the employee's actual performance after basic academy training, post-academy in-house training, and field training.
- (b) Sworn officers who have been re-hired by the Lenexa Police Department, and who previously completed the New Hire Trial Period may, at the discretion of the Chief of Police, complete a twelve month Trial Period from date of hire.
- (c) All non-sworn professional staff hired by the Lenexa Police Department will be on a Trial Period of twelve months from date of hire.
- (d) An employee's release from Trial Period status is dependent upon his/her successful completion of applicable initial new hire training. This training includes, but is not limited to:
 - 1. Basic police academy training
 - 2. Post-academy in-house training
 - 3. Field training; and/or
 - 4. Initial unit or field training for professional staff positions
- (e) Police Department staff retains the discretion to extend an employee's Trial Period as appropriate for documented performance based issues or concerns.

Promotions and Transfers

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making transfers within the Lenexa Police Department.

1001.2 POLICY

The Lenexa Police Department determines promotions and transfers in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Promotions and transfers are at the discretion of the Chief of Police.

1001.3 DEFINITIONS

Significant Disciplinary Action: Any disciplinary action which results in three or more suspension days as a result of a single incident.

Effective or Highly Effective rating:

- (a) **Patrol Division:** An officer will have ratings of effective or highly effective in the following objectives as set forth in the evaluation form:
 - 1. Job Knowledge and Fundamentals
 - 2. Professionalism and Service
 - 3. Investigative Skills and Productivity
 - 4. Problem Solving and Initiative
 - 5. Dependability and Teamwork
 - 6. Corporals and above: Corporals and above will further be evaluated in the additional electives of supervision/leadership, and task management/collateral duties
- (b) **Support Services Division;** A detective will have ratings of effective or highly effective in the following objectives as set forth in the evaluation form:
 - 1. Job Knowledge and Fundamentals
 - 2. Professionalism and Service
 - 3. Investigative Skills and Productivity
 - 4. Problem Solving and Initiative
 - 5. Dependability and Teamwork
 - 6. Other Professional Staff employees will have ratings which are effective or highly effective in the objectives as set forth in the individual unit expectation evaluation forms.

1001.4 TRANSFER POSITIONS

The following positions are considered transfers and not promotions:

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- (a) Detective
- (b) Directed Patrol Unit
- (c) K-9 Unit
- (d) School Resource Officer
- (e) Traffic Unit
- (f) Bicycle Unit
- (g) Training Unit
- (h) Court Security Officer
- (i) Warrant Officer
- (j) Community Policing Unit

1001.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a transfer:

- (a) Relevant experience
- (b) Non-probationary employment status
- (c) Ratings in the previous two annual evaluations that demonstrate the candidate is Effective or Highly Effective in job performance.
- (d) Skills, experience or abilities related to the assignment

1001.4.2 TRANSFER CRITERIA

The following criteria will be used in evaluating candidates for a transfer:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to department goals and objectives in a positive manner

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1001.4.3 SELECTION PROCESS

The selection process for transfers will include a formal selection process as determined by the Chief of Police, or designee, to include:

- (a) The process will be opened as the needs for each position arise. The announcement will be posted fourteen days in advance of the filing deadline and will include directions for filing, details of the process, and a list of pertinent materials.
- (b) Review System:
 - 1. An administrative review of each candidate, covering results of previous performance appraisals, factual indications of the candidates' traits relevant to the assignment, and content of their Professional Development Portfolio.
 - 2. An oral interview conducted by an interview panel to gauge certain opinions, values, and behaviors relevant to the assignment and past job performance.
 - 3. Supervisor recommendations: Depending upon the assignment, supervisors may be solicited for their recommendation regarding the candidate's transfer.
 - 4. Command Staff review: Depending upon the assignment, Command Staff members may render a recommendation regarding the candidate's transfer.
- (c) Assignment by the Chief of Police.

The selection process for all transfer positions may be waived for temporary assignments, emergency situations, training and at the discretion of the Chief of Police, based upon the needs of the organization.

1001.5 PROMOTIONAL REQUIREMENTS

The following procedures are the requirements for sworn Police Officer promotions and Professional Staff promotions.

1001.5.1 SWORN PERSONNEL

- (a) Master Police Officer (MPO)
 - 1. The basic job responsibilities are the same as that of a patrol officer. Those selected for this position shall be highly motivated, veteran officers, who are performing at the highest level of their position and have specific skills and responsibilities for their specialized field.
 - 2. Eligibility- to be considered for the rank of Master Police Officer, officers must meet the following criteria:
 - (a) Five years of service as a full-time, commissioned police officer. A minimum of three years with the Lenexa Police Department.
 - (b) Rating in the immediate last two annual evaluations which indicate the candidate is effective or highly effective in job expectations.
 - (c) No significant disciplinary actions during the last two years
 - (d) Candidate cannot be on probation

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3. Selection Process

- (a) The selection process will be opened bi-annually or as dictated by the needs of the department. When the selection process is opened, the announcement will be posted fourteen days in advance of the filing deadline and will include directions for filing, details of the process, and a list of pertinent materials.
- (b) Review Board: The Review Board shall be appointed by the Patrol Commander and should consist of one Captain, one Sergeant, and appointees who currently hold the rank of MPO.
- (c) Review System: Elements considered during the selection process shall include, but not be limited to:
 - 1. A written assessment covering points of law, situational control, and operational policy and procedure.
 - 2. An administrative review conducted by the Review Board. This is an appraisal of each candidate, covering results of previous performance appraisals, factual indications of the traits listed above and content of their Professional Development Portfolio.
 - 3. An oral interview conducted by an interview panel to gauge certain opinions, values and behaviors and to offer an opportunity to ask questions regarding material from the written assessment.

4. Selection

- (a) At the conclusion of the process, the Review Board will meet to review all of the information. This board will compile a consensus list of those who have met all of the standards for selection and are recommended for the rank of Master Police Officer.
- (b) This list will be forwarded to the Chief of Police for formal action.

(b) Corporal

- 1. The basic job requirements as the same as that of a Master Police Officer. Master Police Officers will be promoted to the rank of Corporal if their specialized field or past job performance identifies leadership and management potential.
- 2. Corporals will assume the duties of a supervisor in the absence of a Sergeant. Corporals may also be tasked with supervising specific projects or special events.
- 3. Candidates for this position shall be highly motivated police officers, who are performing at the highest level of their position and have expressed interest in future promotion to a supervisory rank.
- 4. Those selected for the Corporal position will have the authority and responsibilities delegated to them by a Sergeant or Command Staff member.
- 5. Eligibility-to be considered for the rank of Corporal, officers must meet the following criteria:

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- (a) The candidate must hold the rank of Master Police Officer for at least one year.
- (b) Six years of service as a full-time, commissioned police officer with a minimum of four years with the Lenexa Police Department.
- (c) A rating in the immediate last two annual evaluations indicating the candidate is effective or highly effective at job expectations.
- (d) No significant disciplinary actions during the last two years.
- (e) Candidate cannot be on probation.
- (f) 60 college credit hours in related field or Associates degree preferred, or any equivalent combination of training and experience which provides the required knowledge, skills, and abilities.

6. Selection Process

- (a) The selection process will be opened bi-annually or as dictated by the needs of the department. When the selection process is opened, the announcement will be posted fourteen days in advance of the filing deadline and will include directions for filing, details of the process, and a list of pertinent materials.
- (b) Review Board: The Review Board shall be appointed by the Patrol Commander and should consist of one Captain, one Sergeant, and appointees who currently hold the rank of Corporal.
- (c) Review System: Elements considered during the selection process shall include, but not be limited to:
 - 1. An oral interview conducted by an interview panel to gauge certain opinions, values and behaviors and to offer an opportunity to ask questions regarding material from the written assessment.
 - 2. An administrative review conducted by the Review Board. This is an appraisal of each candidate, covering results of previous performance appraisals, factual indications of the traits listed above and content of their Professional Development Portfolio.
 - 3. A written assessment covering points of law, situational control, and operational policy and procedure.

7. Selection

- (a) At the conclusion of the process, the Review Board will meet to review all the information. They will compile a consensus list of those who have met all of the standards for selection and are recommended for the rank of Corporal.
- (b) This list will be forwarded to the Chief of Police for formal action.
- (c) Sergeant
 - 1. Eligibility

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- (a) A minimum of seven years of service as a sworn law enforcement officer, five of which must be with the Lenexa Police Department.
 - (b) Must currently hold the rank of Corporal.
 - (c) A rating in the immediate last two annual evaluations indicating the candidate is effective or highly effective at job expectations.
 - (d) No significant disciplinary actions during the last two years.
 - (e) Non-probationary employment status.
 - (f) 60 college credit hours or Associates degree in a related field preferred, or any equivalent combination of training and experience which provides the required knowledge, skills, and abilities.
2. Selection Process
- (a) The selection process will be initiated and announced by the Chief of Police as department need arises. When the selection process is opened, the announcement will be posted a minimum of fourteen days prior to the filing deadline. The announcement will provide directions for filing applications, a summarization of the selection process, as well as any study materials or references.
 - (b) Review Board: The Review Board shall be appointed by the Chief of Police and will consist of the Watch Commander overseeing the process and appointees who currently hold the rank of Sergeant.
 - (c) Review System: Elements considered during the promotional process shall include, but not be limited to:
 - 1. Results of the written examination
 - 2. Administrative review of performance appraisals and leadership indicators
 - 3. Oral interview
 - 4. Education
 - (d) Written Examination: will consist of a number of questions covering law, policy, and procedures.
 - (e) Administrative Review: The Review Board will prepare an appraisal of each candidate, taking into account information from previous performance appraisals, content of their Professional Development Portfolio, and information pertaining to specific leadership indicators or demonstrated supervisory skills.
 - (f) Oral Interview: The oral interview will be conducted by at least three members of the Command Staff. This interview is designed to gauge certain opinions, values, and behaviors that cannot be assessed in a written test.

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- (g) Education: at the onset of the process, each candidate shall provide the board with transcripts documenting any college credit hours or degrees.

3. Selection

- (a) At the completion of the process, the Review Board will meet to review all of the information gathered, and compile a list of those recommended for promotion. This list will be forwarded to the Chief of Police. Successful candidates on this list will undergo a psychological assessment by a licensed psychologist and the results will be forwarded directly to the Chief of Police.
- (b) The final selection will be made by the Chief of Police from the list provided by the Review Board. Candidates who were successful in the process, but not promoted, will be placed on an eligibility list. The list will remain active for one year from the date of announcement.
- (c) Newly promoted Sergeants may be assigned to any division at the discretion of the Chief of Police.
- (d) The seniority of the Sergeant will be based on the date of promotion to Sergeant. If more than one officer is promoted to Sergeant, the seniority will be based on the date of promotion/transfer to Corporal, Master Police Officer, or date of hire, in that order.

(d) Captain/Major/Deputy Chief

1. Eligibility

- (a) A minimum of seven years of service as a sworn law enforcement officer, five of which must be with the Lenexa Police Department.
- (b) Education: Bachelors degree from an accredited university in related field preferred, or any combination of training and experience which provides the required knowledge, skills and abilities.
- (c) Candidates for the promotion to the rank of Captain must hold the rank of Sergeant.
- (d) Candidates for promotion to the rank of Major must hold the rank of Captain.
- (e) Candidates for promotion to the rank of Deputy Chief must hold the rank of Major.
- (f) A rating in the immediate last two annual evaluations which indicate the candidate is effective or highly effective at job expectations.
- (g) No significant disciplinary actions during the last two years.
- (h) Candidate cannot be on probation.

2. Appointment Process

- (a) Promotions to Captain, Major, and Deputy Chief are at the discretion of the Chief of Police.

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1001.5.2 PROFESSIONAL STAFF

- (a) Dispatcher II / Public Service Officer II / Technical Specialist II / Animal Control Officer II
 - 1. The basic job requirements for Dispatcher II, PSO II, Tech II, and ACO II are the same as the requirements for their respective entry level positions. Those selected for these positions shall be highly motivated, experienced employees who are performing at the highest level of their positions and have specific skills and responsibilities for their specialized fields.
 - 2. Eligibility-Dispatcher II/Public Service Officer II/Technical Specialist II
 - (a) Minimum of three years of total service at a full-time position which is respective to their current assignment. A minimum of two years with the Lenexa Police Department within their respective unit.
 - (b) Performance appraisal scores for the prior two years which indicate the candidate is effective or highly effective at job expectations.
 - (c) An established history of performing extra assignments for their respective unit, division, or the Lenexa Police Department.
 - (d) No significant disciplinary action during the last two evaluation years.
 - (e) Successfully complete the selection process for their respective unit.
 - (f) Candidate cannot be on probation.
 - 3. Eligibility-Animal Control Officer II
 - (a) Minimum of three years of total service at a full-time position which is respective to their current assignment. A minimum of two years with the Lenexa Police Department as an Animal Control Officer I.
 - (b) Performance appraisal scores for the prior two years which indicate the candidate is effective or highly effective at job expectations.
 - (c) Current certification in the National Animal Control Association (NACA) and have completed NACA Level I and Level II courses.
 - (d) Have an established history of performing extra assignments for the Animal Control Unit and/or Lenexa Police Department.
 - (e) No significant disciplinary action within the previous two evaluation years.
 - (f) Successfully complete the Animal Control Officer II selection process.
 - (g) Candidate cannot be on probation.
 - 4. Selection Process
 - (a) The selection process will be opened annually or as special circumstances arise. When the process is opened, the announcement will be posted fourteen days in advance of the filing deadline and will include directions for filing, details of the process and a list of pertinent materials.

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- (b) Review Board: the Review Board will consist of division supervisors and personnel from the respective units, or as needed.
 - (c) Review System: Elements considered during the selection process shall include but not be limited to:
 - 1. A written assessment covering general job knowledge, policy, and procedure.
 - 2. An administrative review conducted by the Review Board. This is an appraisal of each candidate, covering results of previous performance appraisals, factual indications of the traits listed above and content of the candidate's Professional Development Portfolio.
 - 3. An oral board interview conducted to gauge certain opinions, values and behaviors, and to offer an opportunity to ask questions pertaining to material from the candidate's written assessment.
- 5. Selection
 - (a) At the conclusion of the process, the Review Board will meet to review all of the information. The board will compile a consensus list of those who have met all of the standards of selection and are recommended for promotion within their respective units.
 - (b) The list will be forwarded to the Chief of Police for formal action.
- (b) Crime Analyst II
 - 1. The basic job requirements for the Crime Analyst II are the same as the entry level position. In addition, the Crime Analyst II will demonstrate the ability to mentor, train, and guide the Crime Analysis Unit members. Candidates for Crime Analyst II will meet the following additional requirements:
 - 2. Eligibility-Crime Analyst II
 - (a) Bachelors degree in a related field; have a minimum of three years of total service at a full-time position which is respective to their current assignment. A minimum of two years with the Lenexa Police Department within their respective unit, or any combination of training and experience which provides the required knowledge, skills, and abilities.
 - (b) Possess a crime analyst certification through an accredited agency such as Certified Law Enforcement Analysts (CLEA) through the International Association of Crime Analysts.
 - (c) An established history of performing extra assignments for the Crime Analysis Unit and/or the Lenexa Police Department (if applicable).
 - (d) No significant disciplinary action within the previous two annual review periods (if applicable).
 - (e) Candidate cannot be on probation.

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- (f) Successful completion of the Crime Analyst II promotion process, or successful completion of the Lenexa Police Department hiring process for the Crime Analyst II position.
- 3. Selection Process
 - (a) The selection process will be opened annually or as special circumstances arise. When the process is opened, the announcement will be posted fourteen days in advance of the filing deadline and will include directions for filing, details of the process, and a list of pertinent materials.
 - (b) Review Board: the Review Board will consist of division supervisors and personnel from the Crime Analyst Unit, or as needed.
 - (c) Review System: Elements considered during the selection process shall include, but not be limited to:
 - 1. A written assessment and/or digital media presentation covering general job knowledge, policy, and procedure.
 - 2. An administrative review conducted by the Review Board. This is an appraisal of each candidate covering results of previous performance appraisals, factual indications of the traits listed above, and contents of the candidate's Professional Development Portfolio (if applicable).
 - 3. An oral board interview conducted to gauge certain opinions, values and behaviors, and to offer an opportunity to ask questions pertaining to material from the candidate's written assessment.
- 4. Selection
 - (a) At the conclusion of the process, the Review Board will meet to review all of the information. The board will compile a consensus list of those who have met all of the standards for selection and are recommended for promotion.
 - (b) The list will be forwarded to the Chief of Police for formal action.
- (c) Dispatcher III, Public Service Officer III, Technical Specialist III, Crime Analyst III, and Animal Control Officer III.
 - 1. The basic job requirements for Dispatcher III, PSO III, Tech III, Crime Analyst III, and ACO III are the same as the requirements for their respective entry level positions. Those selected for these positions shall be highly motivated, experienced employees who are performing at the highest level of their positions and have specific skills and responsibilities for their specialized fields.
 - 2. Basic training of new employees and line level supervisory tasks will be required, as necessary.
 - 3. Eligibility:
 - (a) Must currently hold the rank of level II in their current position.
 - (b) Minimum of 8 years of total service at a full-time position which is respective to their current assignment, and;

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- (c) Minimum of 5 years with the Lenexa Police Department within their respective unit.
- (d) An established history of performing extra assignments and currently hold specialized skills and knowledge within their assigned unit.
- (e) No significant disciplinary action within the previous two annual review periods (if applicable).
- (f) Candidate cannot be on probation.
- (g) Performance appraisal scores for the prior two annual evaluation periods which indicate the candidate is effective or highly effective at job expectations.

4. Selection Process

- (a) Review System: Elements considered during the selection process shall include, but not be limited to:
 - 1. An administrative review conducted by the Review Board. This is an appraisal of each candidate covering results of previous performance appraisals, factual indications of the traits listed above, and contents of the candidate's Professional Development Portfolio (if applicable).
 - 2. An oral board interview conducted to gauge certain opinions, values and behaviors, and to offer an opportunity to ask questions pertaining to material from the candidate's written assessment.
- (b) Review Board: the Review Board will consist of division supervisors and personnel from the respective unit, or as needed.
- (c) The selection process will be opened annually or as special circumstances arise. When the process is opened, the announcement will be posted fourteen days in advance of the filing deadline and will include directions for filing, details of the process, and a list of pertinent materials.

5. Selection

- (a) At the conclusion of the process, the Review Board will meet to review all of the information. The board will compile a consensus list of those who have met all of the standards for selection and are recommended for promotion.
 - (b) The list will be forwarded to the Chief of Police for formal action.
- (d) Police Communications Supervisor / Public Service Officer Supervisor / Technical Services Supervisor
- 1. Eligibility
 - (a) Currently hold the rank of Dispatcher II/PSO II/Tech II for their respective field.
 - (b) Rating in the previous two annual evaluations which indicate the candidate is effective or highly effective at job expectations.

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- (c) No significant disciplinary action during the last two years.
 - (d) Candidate cannot be on probation.
- 2. Selection Process
 - (a) The selection process will be initiated and announced by the Chief of Police or designee as the Department need arises. When the process is opened the announcement will be posted a minimum of fourteen days prior to the filing deadline. The announcement will provide directions for filing applications, a summarization of the selection process, as well as any study materials or references.
 - (b) Review Board: the Review Board shall be appointed by the Chief of Police or designee and will consist of the Support Services Commander and/or Captain, and other appointees.
 - (c) Review System: elements considered during the promotional process include, but are not limited to:
 - 1. Results of written assessment
 - 2. An administrative review conducted by the Review Board. This is an appraisal of each candidate, covering results of previous performance appraisals, factual indications of the traits listed above and content of the candidate's Professional Development Portfolio.
 - 3. Oral board interview.
- 3. Selection
 - (a) At the conclusion of the process, the Review Board will meet to review all of the information. The board will compile a consensus list of those who have met all of the standards for selection and are recommended for promotion within their respective units.
 - (b) The list will be forwarded to the Chief of Police for formal action.
- (e) Professional Staff Manager
 - 1. Eligibility
 - (a) 60 college credit hours or Associates degree in a related field preferred, or any equivalent combination of training and experience which provides the required knowledge, skills and abilities.
 - (b) Two years' experience in a related field and experience in a managerial or leadership role required.
 - (c) In addition to the minimum education requirements, candidates must possess and demonstrate a combination of training and experience which provides the following knowledge, skills and abilities:
 - 1. Ability to communicate effectively, both orally and in writing
 - 2. Ability to think and act quickly and decisively while utilizing sound judgment and reasoning

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3. Ability to establish and maintain effective working relationships with subordinates, peers, supervisors, and other personnel both within and outside of the Police Department
 4. Ability to plan, assign, coordinate, manage, review, and evaluate the work of subordinates
 5. Ability to maintain required records and prepare necessary reports
 6. Knowledge of the proper procedures, techniques, equipment and regulations governing the overall operation and management of the respective unit
 - (d) Candidates will undergo a psychological assessment by a licensed psychologist and the results will be forwarded directly to the Chief of Police.
2. Selection Process
 - (a) These positions, as civilian personnel, may be filled by candidates from within the Police Department or outside the department. Candidates from outside the Police Department will be subject to the normal hiring process as administered by the Lenexa Police Department.
 - (b) The selection process will be announced by the Chief of Police or designee as department need arises. When the selection process is opened the announcement will be posted a minimum of fourteen days prior to the filing deadline. The announcement will provide directions for filing applications, a summarization of the selection process, as well as any study materials or references.
 - (c) Review Board: shall be appointed by the Chief of Police or designee and will consist of the Support Services Commander and/or Captain, and other appointees.
 - (d) Review System: elements considered during the promotional process shall include, but are not limited to:
 1. Results of any written assessment
 2. An administrative review conducted by the Review Board. This is an appraisal of each candidate, covering results of previous performance appraisals, factual indications of the traits listed above and content of the candidate's Professional Development Portfolio or resume, if applicable.
 3. Oral board interview
 4. Education: at the onset of the process, each candidate shall provide the board with transcripts documenting any college credit hours, relevant training, or degrees.
3. Selection
 - (a) At the conclusion of the process, the Review Board will meet to review all of the information. The board will compile a consensus list of those

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who have met all of the standards for selection and are recommended for promotion within their respective units. This list will be forwarded to the Chief of Police.

- (b) Candidates on this list will undergo a psychological assessment by a licensed psychologist and the results will be forwarded directly to the Chief of Police.
- (c) The Chief of Police will make the final selection for the position.

1001.6 TRANSFERS TO FILL VACANCIES

- (a) The available positions will be announced by the Chief of Police, or designee, as department need arises. When the selection process is opened, the announcement will be posted a minimum of fourteen days prior to the filing deadline. The announcement will provide directions for filing applications and a summarization of the requirements.
- (b) Assignments to investigative duties within the Support Services Division are considered lateral in nature and are not promotions in rank.
- (c) Probationary employees and those who are on New Hire Trial Period status are not eligible for transfers.
- (d) Selection for transfer is based upon qualifications of applicants. Work performance including, but not limited to: tenure, safety, dependability, performance evaluations and substantiated complaints will be considered in the selection process.
- (e) All transfers must be approved by the appropriate division commander and the Chief of Police.
- (f) Temporary assignments to specialized tasks or units are exempt from this policy.
- (g) Nothing in this policy restricts the Chief of Police from assigning or transferring any employee to a duty assignment that is deemed to be in the best interest of the Police Department.

Anti-Retaliation

1002.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or employment agreement.

1002.2 POLICY

The Lenexa Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1002.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1002.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police, the City Human Resources Director, or authorized designee.

This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency or the City's Employee Speak Up Hotline. The hotline can be accessed via telephone (855-806-7345) or online (reportlineweb.com/Lenexa).

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1002.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodically following up with the complainant to ensure that retaliation is not continuing.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1002.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1002.7 WHISTLE-BLOWING

State law protects employees from retaliation for reporting unlawful employment practices and other protected activities. Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Watch Commander for investigation pursuant to the Personnel Complaints Policy (K.S.A. § 12-16,223; K.S.A. § 39-1403(b); K.S.A. § 39-1432(b); K.S.A. § 44-636(f); K.S.A. § 44-1009; K.S.A. § 44-1113; K.S.A. § 65-4928; K.S.A. § 75-7506).

1002.8 RECORDS RETENTION AND RELEASE

The Records Supervisor, or authorized designee shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1002.9 TRAINING

This policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Arrests, Convictions and Court Orders

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions and court orders restrict their ability to perform the official duties and responsibilities of the Lenexa Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction or court order disqualifies them from possessing a firearm.

1003.2 POLICY

The Lenexa Police Department requires disclosure of member arrests, convictions and certain court orders to maintain the high standards, ethics and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

1003.3 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and Kansas law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; K.S.A. § 74-5605; K.S.A. § 74-5616).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1003.4 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Certification as a law enforcement officer may be suspended or revoked by the Kansas Commission on Peace Officers' Standards and Training (KS-CPOST) for (K.S.A. § 74-5616):

- (a) Failing to meet and maintain the requirements of K.S.A. § 74-5605 or K.S.A. § 74-5607a.
- (b) Knowingly submitting false or misleading documents, or willfully failing to obtain any certification under the Kansas Law Enforcement Training Act.
- (c) Providing false information or otherwise not cooperating in a commission investigation to determine a person's continued suitability for law enforcement certification.
- (d) Failing to complete the annual continuing education required by K.S.A. § 74-5607a or otherwise failing to comply with the requirements of the Kansas Law Enforcement Training Act.
- (e) Engaging in conduct which, if charged as a crime, would constitute:
 - 1. A felony.

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2. A misdemeanor crime of domestic violence as defined in the Kansas Law Enforcement Training Act at the time the conduct occurred.
 3. A misdemeanor crime that KS-CPOST determines reflects on the honesty, trustworthiness, integrity or competence of the applicant as defined by rules and regulations of the commission.
- (f) Using racial or other biased-based policing prohibited by K.S.A. § 22-4609.
- (g) Engaging in unprofessional conduct as defined by the rules and regulations of KS-CPOST (K.A.R. 106-2-3).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1003.5 REPORTING

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing of any past or current criminal detention, arrest, charge or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with identification cards issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable KS-CPOST certification.

Any member whose criminal arrest, conviction or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes, but is not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Weapons Policy).

1003.5.1 NOTIFICATION REQUIREMENTS

The Chief of Police, or designee, shall also submit in a timely manner a notice to KS-CPOST or any other certification or licensing organization of any appointment, termination, reinstatement, name change or status change regarding any officer, reserve officer, communications operator or Records supervisor, or other required employee that is employed by this department.

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Drug- and Alcohol-Free Workplace

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace. This policy mirrors the City of Lenexa Drug and Alcohol policy.

The Lenexa Police Department has the public trust to provide a variety of services to the community in the most efficient and effective manner possible. The Department has an obligation to ensure public safety and to provide a safe working environment for all employees. In order to achieve these goals, it is imperative that the Police Department ensure that all employees have the physical stamina and emotional stability to perform their assigned duties. To be considered for employment, an individual must be free from drug or alcohol dependence, illegal drug use, and/or drug/alcohol abuse.

1004.2 POLICY

The illegal use of drugs and the improper use of alcohol can impair an employee's performance and pose a threat to the health and safety of other employees and the general public. Therefore, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace or while conducting City business. In addition, except as specifically authorized herein, the possession, use, consumption or impairment by alcohol is prohibited in the workplace or while conducting City business. This policy applies to all City employees and all applicants for employment for all employment positions with the City of Lenexa.

1004.3 VOLUNTARY ADMISSION

Employees with a drug or alcohol use or dependency problem are encouraged to voluntarily seek assistance through the City's Employee Assistance Program (EAP) or other available resources. Employees will not be subject to corrective action solely for voluntarily acknowledging a drug/alcohol problem. Such an acknowledgement will not excuse violations of City policy which have previously occurred, and appropriate corrective action will be administered up to and including termination.

1004.4 MEMBER RESPONSIBILITIES-PERMITTED WORKPLACE ALCOHOL USE

City employees are permitted to consume alcohol in moderation in the performance of official duties while attending city-sanctioned functions. Sworn police officers working in a plain-clothes or undercover capacity are permitted to consume alcohol in limited moderation when the circumstances of the officer's situation required the consumption of alcohol for the officer to "blend in" and not reveal the officer's identity and current activity. "Limited moderation" for this purpose means the officer should consume the smallest amount of alcohol necessary to effectively conceal the officer's official purpose and under no circumstances will the officer consume an excessive amount of alcohol. Any officer who consumes alcohol on duty shall report the need for, type and amount of alcohol consumed to the officer's immediate supervisor as soon as reasonably possible after such consumption.

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1004.5 TESTING

1. Types of Tests: All applicants for employment with and employees of the City of Lenexa will be subject to drug and/or alcohol testing as follows:

a. Pre-Employment: All prospective employees will be drug tested as part of the pre-employment physical examination.

b. Post-Accident: Employees are subject to drug and/or alcohol testing when they cause or contribute to an accident that seriously damages a City of Lenexa vehicle, or piece of machinery or equipment, or other City property, or results in a death, or an injury to the employee or other person that requires off-site medical attention. The determination of whether the employee caused or contributed to the accident and, if so, whether the damage was serious shall be made as soon as practicable by the employee's immediate supervisor or other available supervisor, with approval by the appropriate Management Team member. If ordered hereunder, any drug/alcohol test shall be coordinated through the Human Resources Director and administered as soon as practicable, and for alcohol, no later than four hours following the accident, and for drugs, no later than 24 hours following the accident.

c. Reasonable Suspicion: Any employee whose conduct, behavior, or performance leads to a reasonable suspicion by a supervisor that the employee may be under the influence of alcohol and/or drugs will be tested. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs and/or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. Direct observation of drug or alcohol use; and/or
4. Presence of the physical symptoms of drug or alcohol use (e.g. glassy or bloodshot eyes, alcohol odor on breath, odor of drugs on the employee's body or clothes, slurred speech, poor coordination and/or reflexes, etc).

Whether a drug or alcohol test is warranted shall be determined by the employee's immediate supervisor or other available supervisor, with approval by the appropriate Management Team member and shall be coordinated through the Human Resources Director.

d. Post-Treatment or Rehabilitation: Any employee who has been sent by the City to and/or completed a substance abuse treatment or rehabilitation program will be subject to random testing for a period of up to one year following the successful completion of the program and return to work. The testing dates will be arranged by the Human Resources Department in consultation with the employee's department.

2. Costs of Tests: The City shall pay the laboratory cost of all drug and alcohol tests required or provided for in this policy. In addition, the City shall compensate all employees for the time spent

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providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the reasonable suspicion, post-accident, or post-treatment or rehabilitation testing required by this policy.

3. Substances Tested For: The tests required under this policy are administered to detect the presence of:

1. Alcohol (ethyl)
2. Marijuana
3. Cocaine
4. Amphetamines
5. Opioids
6. Phencyclidine (PCP)
7. Barbiturate
8. Benzodiazepines
9. Methadone
10. Propoxyphene
11. Methaqualone
12. And drugs covered by the Uniform Controlled Substances Act (KSA 65-4101 et seq.)

1004.6 COLLECTION PROCEDURES

1. Consent: Before administering a drug or alcohol test, applicants and employees will be asked to sign a consent form authorizing the test and permitting release of test results to the City (all minors must have a consent form signed by a parent or guardian).

2. Alcohol Testing: Alcohol testing will be conducted by breathalyzer. All samples will be taken at and tested in facilities approved by Human Resources. The test results will be provided to the Human Resources Director.

3. Drug Testing: When drug testing is required under this policy, a urine sample will be collected at a collection site, medical facility, or laboratory designated and approved by Human Resources. Personnel at the collection site will use appropriate procedures to positively identify the applicant or employee selected for testing, ensure the integrity and identity of the specimen collected, initiate the appropriate chain of custody documents, and transmit the specimen to a laboratory for analysis. The initial drug screening shall be conducted using enzyme-multiplied immunoassay technology (EMIT). The test results will be provided to Human Resources for inclusion in the employee's medical file. If the initial screening is positive, a confirmatory test will be conducted using gas chromatography/mass spectrometry (GC/MS) techniques. All confirmed positive test results will be sent to the approved Medical Review Officer (MRO) for further examination, interpretation, and explanation.

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If the MRO determines that there is a legitimate medical explanation for the positive test result and that the result is consistent with the lawful use of a drug, then the test result shall be reported to the Human Resources Director as negative. If it is determined that the test result is not consistent with the lawful use of a drug, then the test result shall be reported to the Human Resources Director as positive. Employees who have a positive drug test result may, at their own expense, have the same sample tested at a NIDA certified laboratory of their choice.

1004.7 PROHIBITED CONDUCT

1. Applicants for Employment: Persons applying for employment with the City of Lenexa violate this policy if they:

- a. Fail to consent or submit to a drug test as directed by Human Resources.
- b. Test positive for illegal drugs.
- c. Tamper or in any way interfere with the testing process.

2. Employees: City employees violate this policy if they:

a. Report to work under the influence of alcohol or with drugs illegally present in their bodies in any detectable amount; or if they illegally manufacture, distribute, dispense, possess or use alcohol or drugs in the workplace or while conducting City business (except as provided in the Permitted Workplace Alcohol Use section herein). City employees who are subject to call back must adhere to department policies addressing drug and alcohol use during times when they may be called in to work.

b. Use a prescription medicine contrary to instructions or which is not presently prescribed to the employee.

c. Refuse to consent or submit to a drug or alcohol test as directed by Human Resources or a supervisor pursuant to this policy.

d. Tamper or in any way interfere with the testing process.

e. Fail to notify the City, in writing, within five days of a conviction of a criminal drug violation in the workplace.

f. Refuse to obtain, or fail to successfully complete, required counseling and rehabilitation after a positive test hereunder.

1004.8 EMPLOYEE OBLIGATIONS

Compliance with this policy requires that City employees:

1. Notify a supervisor when aware of evidence or reasonable suspicion of drug and/or alcohol use by another employee.

2. Cooperate in any investigation related to conduct prohibited by this policy.

3. Notify the employee's supervisor or Human Resources immediately of the use of any medication that has impaired the employee's ability to perform.

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4. Notify a supervisor immediately upon arrest for an alcohol or drug violation.
5. Notify the employee's supervisor or Human Resources, in writing, within five calendar days, if the employee is convicted of violating a criminal drug statute which occurs in the workplace.

1004.9 CONSEQUENCES FOR VIOLATIONS

1. Applicants for Employment: An applicant for employment who violates this policy will have any contingent offer of employment withdrawn and cease to be eligible for employment with the City of Lenexa for a minimum of one year.

2. Employees: Employees who violate this policy will be subject to corrective action up to and including termination. Employees in violation may be referred to a Substance Abuse Professional (SAP) for an assessment and may be required to obtain appropriate counseling and rehabilitation through the City's Employee Assistance Program (EAP) or other program sanctioned by the City. Employees who successfully complete an approved rehabilitation program may be reinstated to the employee's employment position subject to any conditions or restrictions the City deems appropriate. The City may hold an employee's position open for a period of time determined by the Human Resources Director and Management Team member based on the needs of the City and applicable policies. The decision to reinstate shall be based on the employee's work history, length of employment, current job performance, the public health and safety responsibilities of the employees' position, and other factors deemed relevant by the City.

Any time off from work taken to obtain counseling and rehabilitation will be charged to sick leave, if applicable, and vacation leave. If the employee is eligible for FMLA leave, such time may also qualify for, and will be designated and counted, as FMLA leave. If the employee's applicable paid leave balances are not sufficient, the time will be leave without pay. If disciplinary action of suspension (without pay) is implemented, the time off will be considered part of that suspension.

1004.10 OVER THE COUNTER OR PRESCRIPTION MEDICATION

Employees who take over-the-counter or prescribed medication are responsible for being aware of any effect the medication may have on the performance of the employees' duties and must promptly report to the employees' supervisor or Human Resource any impairment caused by the use of any medication. The supervisor, upon learning of such impairment, will immediately contact the Human Resources Department to discuss the situation.

1004.11 CONFIDENTIALITY OF TEST RESULTS

Except as otherwise required by law, all information from an applicant's or employee's drug or alcohol test shall be held as confidential, and only the employee and those persons with the City of Lenexa who need to know for corrective action or personnel reasons will be informed of the test results. All information related to the drug or alcohol test of an employee will be maintained in the employee's confidential medical file in Human Resources. Anyone disclosing drug test results, in violation of this policy, will be subject to corrective action. Disclosures without employee consent may also occur when:

1. The information is compelled by law or by judicial order or administrative process.

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2. The information has been placed at issue in a formal dispute between the employer and employee.
3. The information is to to be used in administering an employee benefit plan (group statistics only).
4. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

1004.12 TRAINING

The Human Resources Department will develop a program for training supervisory personnel in identifying alcohol and drug use by employees. Such training will be directed toward helping supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of drug use and alcohol abuse. The Human Resources Department will also develop a program for relevant training of CDL holders and supervisors as required by law.

Sick Leave

1005.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

1005.2 POLICY

It is the policy of the Lenexa Police Department to provide eligible employees with guidance regarding the proper use of Sick Leave and the notification process for taking Sick Leave in accordance with the City of Lenexa Leave policy.

1005.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness .

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1005.3.1 NOTIFICATION

All members should notify their supervisor as soon as they are aware that they will not be able to report to work and no less than one half hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact their supervisor, the member should contact the on-duty supervisor.

Voicemails, text messages, or emails are not considered appropriate notification without a response from the supervisor being notified.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with reasonable notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1005.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1005.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence may qualify as family medical leave and consulting with Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Infectious Diseases

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures to be followed when a member of the department is exposed to an infectious disease with a risk of major illness or death and to establish procedures for handling of evidence or property that may be contaminated.

1006.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Designated Infection Control Officer (DICO): Member or members of the Police Department, not of command staff rank, who have received specialized training in infection control and exposure reporting and administration. The DICO is responsible for educating other members of the Police Department about methods of infection control and exposure. The DICO will respond to any reports of infectious disease exposure for members of the Police Department and will provide counseling to the employee(s) regarding whether or not an exposure occurred and any potential course(s) of action/remediation. The DICO will be the primary liaison between the affected employee and Police Department Administration.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Lenexa Police Department.

Infectious Disease - any disease or illness caused by a pathogen which is easily transmitted in various ways, including but not limited to: physical contact, bodily fluids, airborne inhalation, or other means.

Other Potentially Infectious Material (OPIM): Other bodily fluids which could carry infectious disease, such as:

- Cerebral Spinal Fluid (CSF)
- Synovial Fluid (joint fluids)
- Amniotic Fluid (fluid from amniotic sac of a pregnant female)
- Peritoneal Fluid (liquid in the abdominal cavity and pelvic cavity)
- Any fluid containing visible blood
- **NOTE: Saliva alone will not transmit disease and is not considered OPIM**

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Pandemic - an epidemic is an outbreak of a disease that spreads quickly and affects many individuals at the same time. A pandemic is a kind of epidemic: one which is spread across a wider geographic range than an epidemic, and which has affected a significant portion of the population.

1006.2 POLICY

Police Department employees and other public-safety personnel routinely come into contact with members of the public. At some point it is predictable that employees will come into contact with a person who has an infectious disease. As a result, extreme caution should be exercised by employees and the following procedures shall be utilized when dealing with blood, bodily fluids, any items stained with blood or bodily fluids, and persons of high risk groups.

The Department acknowledges that the area of infectious diseases is ever changing. It is incumbent upon all employees to realize that what is standard practice today may change in the future. With this understanding, all employees should be aware that the safeguards and procedures set forth within this policy are the current requirements and do not preclude additional safety measures. These requirements are set forth in an effort to make employees aware of the dangers that infectious diseases present to their safety and to establish guidelines to follow when encountering potential hazards.

1006.3 PROCEDURES

(a) Infectious Disease Precautions

1. Discretion is to be used by officers to limit their exposure to infectious diseases.
2. Protective disposable gloves and other infectious disease control materials are to be used by officers to prevent transmission of contagious diseases. Direct contact with blood and other bodily fluids is to be avoided whenever possible. Officers are required to carry issued protective disposable gloves, and germicidal disinfectant while on their tour of duty.
3. Officers shall not eat, drink or smoke at crime scenes where bodily fluids are present or other contagious factors exist.
4. Employees are to be aware that certain prescribed medications, such as steroids and asthma medications, suppress their immune systems and make them more susceptible to infectious disease. Employees should consult with their personal physician if they are taking prescription drugs.
5. Pregnant employees are advised to report to their physician any direct contact with bodily fluids in the line of duty, as infectious diseases can cause severe problems in newborns.
6. In the instance of an especially infectious disease, epidemic, or a disease that rises to the level of a pandemic (ex. COVID 19), normal practices and infection control may not be sufficient. In these instances, the Department will coordinate with other City leaders and County health officials. Extra measures may be put in place to prevent and/or limit exposure. What constitutes and "exposure" may also be modified specific to a particular event.

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(b) Infectious Disease Training

1. The DICO shall be responsible for disseminating updated information and coordinating any additional employee training.

(c) Supplies

1. The Support Services Division shall ensure that adequate supplies for infectious disease control are available.
2. The Support Services Division will be responsible for the inventory of supplies for infectious disease control and will also initiate reordering procedures before supplies become depleted. Supervisors are responsible for distribution of these supplies to all employees.
3. All employees and supervisors will have access to supplies and equipment and are responsible for replacing that equipment after it has been used. Protective gloves, disinfecting materials, and other supplies will be made readily available at all times.
4. Supplies will include:
 - (a) Masks-N95 particulate and surgical
 - (b) Protective disposable gloves
 - (c) Coveralls
 - (d) Eye protection
 - (e) Plastic bags and sealing ties; or sealable plastic bags
 - (f) Germicidal cleaner
 - (g) Disposable hand wipes (70% isopropyl alcohol)
 - (h) Absorbent material, such as sponges, mop head, etc.
 - (i) Infectious Disease Contamination Do Not Enter placards.

(d) Custody Procedures

1. Persons of high risk groups are to be treated with caution. According to the Center for Disease Control, these groups include, but are not limited to: intravenous drug users, prostitutes, and certain homosexual groups (gay and bisexual men). Extreme caution is to be used during the search of suspected drug users or dealers to prevent accidental skin punctures by needles. Extreme caution must also be used when reaching into areas that are not visible, such as under car seats.
2. After the completion of the task or search where protective disposable gloves were utilized, they are to be removed with caution, placed in a plastic bag and securely sealed. The employee shall place the sealed bag into a designated Infectious Waste container.
3. Whenever it is necessary to transport a subject who has blood or other bodily fluids present on his/her person or clothing, the supervisor shall be notified.

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An ambulance should be summoned when transport to a health care facility is necessary.

4. Subjects with blood or bodily fluids present on their persons should be transported separately from other subjects when possible. Officers will inform communications when a subject should be transported alone. Communications personnel will notify the responding car when solo transportation is required.
5. Officers have an obligation to inform other support personnel (firefighters, paramedics, other agency's personnel, etc.) whenever change or transfer of custody occurs and the subject has blood or bodily fluids present on his/her person, or if the subject has made any voluntary statements that he/she has an infectious disease.
6. Subjects taken into custody with blood or bodily fluids on their persons shall be taken directly to and placed in the designated holding area for processing. An Infectious Disease Contamination - D Not Enter sign shall be posted.
7. Officers are to indicate on the appropriate arrest forms when a subject taken into custody makes a voluntary statement that he/she has an infectious disease; verbatim narratives also should be included when preparing offense reports. Additionally, a notation should be made when a subject has blood or bodily fluids present on his/her person or clothing (i.e., "Bodily fluids present").

(e) Vehicle Decontamination

1. Decontamination procedures shall be enacted when a police vehicle requires maintenance after blood or other bodily fluid is present.
2. A supervisor shall be notified and the vehicle shall be taken out of service to be decontaminated. The vehicle will be properly marked with an Infectious Disease Contamination sign. The supervisor will evaluate the extent of contamination and the proper methods for clean up.
3. Support Services Division personnel will conduct decontamination procedures. A shift supervisor may delegate the cleanup and decontamination of a minor contamination area to a Patrol officer. The officer shall use all precautions contained in this directive to safely and completely clean the affected area(s) and the supervisor shall inspect the areas before the vehicle/area is returned to normal service.
4. Recommended decontamination procedures are as follows:
 - (a) Affected vehicles shall be immediately designated by posting an Infectious Disease Contamination sign upon arrival at the station and while awaiting decontamination.
 - (b) The shift supervisor or designee will submit a request for decontamination/cleanup through PD-Help. A separate email will be sent to Police Department- All Personnel indicating the vehicle is contaminated and out of service.
 - (c) Protective equipment such as disposable gloves will be worn during all phases of disinfection. Employees are to make certain the protective

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equipment is serviceable and intact before attempting to begin any phase of the decontamination /cleanup process.

- (d) Any excess of blood or bodily fluids is to first be wiped up with a disposable absorbent material. The absorbent material is to be immediately placed in a plastic bag designated "Infectious Waste."
- (e) Employees shall use an approved cleaning solution such as bleach, Decon7, or approved disinfectant wipes. The manufacturers' recommended guidelines and specifications shall be followed during the decontamination process.
- (f) All disposable contaminated cleaning items shall be placed in plastic bags designated "Infectious Waste."
- (g) Employees shall be careful not to contaminate themselves during this cleaning regimen or when taking off their disposable protective equipment.
- (h) After cleaning of the police vehicle, the Infectious Disease Contamination sign shall be placed in the designated Infectious Waste receptacle.
- (i) Upon completion of any decontamination procedures the personnel responsible for cleanup shall notify the shift supervisor and other department personnel the vehicle/area has been decontaminated and is back in service.

(f) Cell Decontamination

- 1. An Infectious Disease Contamination - Do Not Enter sign shall be immediately posted on the cell.
- 2. The supervisor will be responsible for ensuring that the cell will be properly decontaminated and/or sealed off pending decontamination.
- 3. Recommended decontamination procedures to be followed are the same as for vehicle decontamination procedures above.

(g) Handling and Storage of Property and Evidence

- 1. Evidence containing suspected blood or other bodily fluids is to be handled with protective gloves. If the stain or sample is dry, it shall be placed in a paper evidence bag and properly marked. A special biohazard label is to be affixed to the outside of the package. If the evidence consists of a syringe and needle, the needle will be placed in a syringe evidence container and placed in an evidence bag. Liquid samples either should be collected as a liquid and stored in a liquid sample container or, if located on clothing or similar materials, should be air-dried and packaged as described above.
- 2. Employees should always wash thoroughly with soap and water after handling any item suspected of being contaminated with blood or other bodily fluids, even if gloves were worn while handling items.
- 3. Persons working in areas for extended periods of time where blood or other bodily fluids have been shed (for example, crime scene personnel working for

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protracted periods of time at homicide scenes) are to wear appropriate masks, eye protection and gloves.

4. Property section personnel will adhere to a precise regimen when handling, processing, and storing potentially infectious disease-contaminated evidence/property.
5. All bloody clothing will be treated as if it is contaminated. Clothing of evidentiary value which is contaminated with wet bodily fluids should be dried according to proper procedure (drying cabinet, hung in secure room, etc.) before being placed into evidence.
6. All bloody clothing or evidence, and sacks containing the clothing or evidence, will be handled with protective disposable gloves.
7. Property section personnel will furnish protective disposable gloves to officers, detectives, DA's or others handling bloody clothing while in the Property section.
8. Property section personnel are required to wear disposable gloves and take any other necessary precautions before handling any clothing or other items, known or suspected to be contaminated with any infectious disease.
9. All property for disposal will be kept in sealed plastic bags and placed in the infectious disease receptacle in the Property section.

(h) Disposal of Contaminated Materials

1. Contaminated materials or materials suspected to be contaminated are to be placed in the red plastic bag denoting infectious disease waste. These materials include any waste generated from a clean up procedure, bloody clothing or property, and most other types of contaminated evidence or property that may be incinerated. Syringes must be placed in a sharps container prior to disposal.
2. All contaminated materials placed in the hazardous materials bag will be picked up by the appropriate service contracted by the Police Department.

(i) Line of Duty Exposure to Infectious Disease or Contaminated Materials

1. The DICO shall be notified and administrative reports will be prepared when employees have cause to believe they have been exposed to an infectious disease during line of duty activity. Examples of exposure are:
 - (a) The handling of bloody material or items soaked with OPIM, where exposed skin contact is made and scratches, cuts or open sores are noticed on the area of contact.
 - (b) Direct mouth-to-mouth resuscitation (CPR), only if open sores or blood is present. Saliva alone will not transmit disease.
 - (c) Exposure Types:
 1. Bloodborne Pathogen Exposure
 - (a) Contaminated needlestick injury
 - (b) Blood/OPIM contact with the surface of the eye, nose, or inner surface of the mouth

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- (c) Blood/OPIM in contact with an area of the skin containing open cuts or sores
 - (d) Cuts from objects covered in blood/OPIM
 - (e) Human bites where blood is drawn
- 2. Airborne Disease Exposure
 - (a) Chicken Pox
 - (b) Tuberculosis (pulmonary)
 - (c) Rubeola (measles)
- 3. Droplet Disease Exposure
 - (a) Rubella (German measles)
 - (b) Mumps (Infectious Parotiditis)
 - (c) Meningitis (Neisseria Meningitides)
 - (d) Bordetella Pertussis
 - (e) H1N1 Influenza
 - (f) Diphtheria
 - (g) Novel Influenza Viruses
 - (h) Plague
 - (i) SARS
 - (j) Ebola
- 2. The following forms will be completed when an on-duty infectious disease exposure occurs:
 - (a) Infectious Disease Exposure Report: this report is to be completed by the DICO and maintained in the DICO's infectious disease control files. The Human Resources Department must be notified and sent a copy of this report when an employee has a confirmed exposure.
 - (b) Not all exposures involve physical injury to an employee but if applicable, the On-the-Job Injury Report shall also be completed (if an injury occurred during the exposure). This report is to be completed by the injured person's supervisor within 24 hours of the injury and returned to Human Resources.
- 3. Officers will be evaluated clinically and serologically for evidence of infection, at a hospital-recommended laboratory of the City's choice, and the City will assume any cost for this evaluation. All test results will remain confidential.
- 4. In accordance with the Ryan White Law, any person responsible for potentially exposing an employee to blood-borne pathogens shall be required to undergo testing to determine whether the person has an infectious disease.

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5. If source testing can be conducted (the source patient is in custody or otherwise immediately available for testing) and the exposure is blood borne or OPIM in nature the DICO will coordinate with the exposed individual and the health care facility to determine the need for any baseline testing and/or follow up treatment.

1006.4 CONFIDENTIALITY OF REPORTS

Confidentiality of information concerning test results is very important. The victim has the right to privacy in employer maintained information about his or her health. This Department views a breach of confidentiality as a serious issue which may result in discipline, up to and including termination of employment.

1006.5 JOB PERFORMANCE

Infected employees shall continue working as long as they maintain acceptable performance and do not pose a safety or health threat to themselves or others.

Where feasible, an employee who has medical complications from an infectious disease may be reassigned to another job so that he or she can remain employed. Medical documentation shall support requests for job reassignment.

The Department may require an employee to be examined by an authorized physician to determine if he or she is able to perform his or her duties without hazard to him/herself or others.

1006.6 FEDERAL LAW

A medical standard that is not job related constitutes a prohibited personnel practice. Employees with an infectious disease are generally protected by the Federal Rehabilitation Act of 1973, and the Americans with Disabilities Act.

1006.7 DISCRIMINATION

This Department will consider appropriate corrective or disciplinary action against an employee who threatens or refuses to work with an infected employee or who disrupts the Department's mission.

Smoking and Tobacco Use

1007.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Lenexa Police Department facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1007.2 POLICY

The Lenexa Police Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

1007.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited any time members are in public view representing the Lenexa Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

All guests and visitors are to use the designated smoking areas identified at least 10 feet from entry and exit doors of the police department buildings.

On rare occasions, a designated interview room will be a smoking area for witnesses, if the interviewing officer deems it helpful to an investigation. This also applies to the conference room in Detention.

1007.4 ADDITIONAL PROHIBITIONS

Pursuant to the Kansas Indoor Clean Air Act (K.S.A. § 21-6110 through K.S.A. § 21-6116):

- (a) Members are prohibited from smoking in an enclosed area or at a public meeting including, but not limited to:
 - (a) Public places.
 - (b) Taxicabs and limousines.
 - (c) Restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities.
 - (d) Restrooms, lobbies and other common areas in hotels and motels and in at least 80 percent of the sleeping quarters within a hotel or motel that may be rented to guests.

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- (e) Access points within a 10-foot radius outside of any doorway, open window or air intake leading into a building or facility of all buildings and facilities unless exempt.
- (f) Any place of employment.
- (b) The Chief of Police or the authorized designee shall ensure that no smoking signs displaying the international no smoking symbol and clearly stating that smoking is prohibited by state law are posted in a conspicuous place.
- (c) No member of this department shall retaliate against any person for reporting or attempting to prosecute a violation of Kansas laws prohibiting smoking.

Personnel Complaints

1008.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Lenexa Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1008.2 POLICY

The Lenexa Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law and municipal and county rules and the requirements of any employment agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1008.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1008.3.1 COMPLAINT TYPES

Personnel complaints shall be classified in one of the following types:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by the Watch Commander or higher rank, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Watch Commander, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1008.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate an investigation based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1008.3.3 COMPLAINT CATEGORIES

Personnel complaints shall be categorized as follows:

- (a) Conduct and Attitude
- (b) Policy and Procedure
- (c) Force
- (d) Discrimination
- (e) Criminal

1008.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1008.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1008.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form if applicable.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

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1008.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints should also be documented in the Department's complaint database (IA Pro). On an annual basis, the Department should audit the complaint database and send an audit report to the Chief of Police or the authorized designee.

1008.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1008.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Watch Commander, Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made as soon as practicable Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander is notified via the chain of command as soon as practicable.

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- (e) Promptly contacting the Watch Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation
- (g) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (h) Ensuring that the procedural rights of the accused member are followed.
- (i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1008.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Lenexa Police Department or other reasonable and appropriate place.
- (c) Prior to any interview, an employee should be informed of the nature of the investigation unless there is an articulable reason not to give the employee notice.
- (d) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (e) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (f) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

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- (g) The interviewer may record all interviews of employees and witnesses.
- (h) All employees shall provide complete and truthful responses to questions posed during interviews.
- (i) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1008.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1008.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 30 days from the date of discovery by an individual authorized to initiate an investigation.

1008.6.5 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1008.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched at any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1008.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

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- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1008.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator may be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Lenexa Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1008.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1008.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

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1008.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed.

1008.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1008.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1008.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal the following disciplinary actions:

- suspension
- involuntary demotion
- termination

Verbal warnings, written reprimands, and the imposition of probation are not subject to review.

The employee requesting review of a disciplinary action must submit a completed and signed City of Lenexa Disciplinary Review form to the Human Resources Director within five working days of the date the employee received written notification of the disciplinary action. This form is available as an electronic fillable form or can be printed and completed by hand. Further details of the City's disciplinary appeals process are located on line in the City of Lenexa Personnel Policies and Procedures Manual.

1008.13 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Safety Belts

1009.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

1009.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

1009.2 POLICY

It is the policy of the Lenexa Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1009.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in situations where, due to tactical circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1009.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with K.S.A. § 8-1343.

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. If this is not possible, members should arrange alternate transportation when feasible.

1009.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by safety belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

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1009.6 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1009.7 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1009.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1010.2 POLICY

It is the policy of the Lenexa Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1010.3 ISSUANCE

The Training Unit Commander, or designee, shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Lenexa Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised, or it has expired.

The Chief of Police may authorize issuance of body armor to uniformed, professional staff members whose jobs may make wearing of body armor advisable.

1010.3.1 USE

Generally, the required use of body armor is subject to the following:

- (a) Members shall only wear department-approved body armor.
- (b) Members shall wear body armor any time they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Members shall wear body armor when working in uniform or taking part in department range training.
- (d) Members are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (e) Officers may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
 1. In those instances when body armor is not worn, officers should have reasonable access to their body armor.

1010.3.2 INSPECTION

Supervisors should ensure through routine observation and periodic documented inspections that body armor is worn and maintained in accordance with this policy.

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1010.3.3 CARE AND MAINTENANCE

The required care and maintenance of body armor is subject to the following:

- (a) Members are responsible for inspecting their body armor for signs of damage, wear and cleanliness at the start of each shift.
 - 1. Unserviceable body armor shall be reported to the supervisor.
- (b) Members are responsible for the proper storage of their body armor.
 - 1. Body armor should not be stored for an extended period of time in an area where environmental conditions (e.g., temperature, light, humidity) could potentially degrade its effectiveness.
- (c) Members are responsible for the care and cleaning of their body armor pursuant to the manufacturer's care instructions.
 - 1. Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.
 - 2. Failure to follow manufacturer's care instructions may damage the ballistic performance capabilities of the body armor. If care instructions for the body armor cannot be located, the manufacturer should be contacted to request the instructions.
- (d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule, or when its effectiveness or functionality has been compromised.

1010.4 TRAINING UNIT RESPONSIBILITIES

The responsibilities of the Training Unit include, but are not limited to:

- (a) Monitoring technological advances in the body armor industry for any appropriate changes to department-approved body armor.
- (b) Assessing the level of weapons and ammunition currently utilized by the public and the suitability of approved body armor to protect against those threats.
- (c) Educating officers about the safety benefits of wearing body armor.

Personnel Records

1011.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1011.2 POLICY

It is the policy of this department to maintain certain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Kansas. Nothing in this policy supersedes the City of Lenexa policy on Records Retention.

1011.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, in the form of the Emergency Contact Packet, pay and promotion records, and the members' past performance evaluations.

1011.4 PERSONNEL FILE

Personnel files contain a member's hiring process documents and state law enforcement certification records (if applicable). These files will be kept securely in the locked administration vault. A member's Personnel File will be retained in accordance with the Records Retention Schedule.

1011.5 TRAINING FILE

An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1011.6 INTERNAL AFFAIRS RECORDS

Internal affairs files shall be maintained in the IA Pro database. Access to these files is controlled by the permissions set in IA Pro.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition.

Records in IA Pro will be maintained for 2 years and purged. Field Notes in IA Pro will be maintained for 1 year and then purged. An investigation that results in disciplinary action equal to

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or greater than a Letter of Reprimand shall be forwarded to Human Resources and maintained as part of the member's permanent personnel record.

1011.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1011.7.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1011.8 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.

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- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for Department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1011.9 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Fitness for Duty

1012.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

1012.2 POLICY

The Lenexa Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1012.3 MEMBER RESPONSIBILITIES

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1012.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1012.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Watch Commander or the member's Division Commander.

1012.4.2 DUTY STATUS

In conjunction with the Watch Commander or the member's Division Commander, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of his/her job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Watch Commander or the member's Division Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1012.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1012.5.1 PROCESS

The Chief of Police, in cooperation with Human Resources, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

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Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with Human Resources.

1012.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members may work no more than sixteen (16) hours per day (no member may work more than eight (8) hours duty time consecutively) and may only work a total of 24 hours off-duty in a seven day period if working a normal five day work week. If a member is on vacation leave, holiday, or compensatory days off, an exception will be made to the 24 hours rule. For each eight hour block of additional time off the member will be eligible for an additional eight hours of off-duty employment that week.

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods (no less than 6 hours) and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

Meal Periods and Breaks

1013.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the availability of meal periods and breaks.

1013.2 POLICY

It is the policy of the Lenexa Police Department to provide guidance on the use of meal periods and breaks to members of this department.

1013.3 MEAL PERIODS

Officers and communications operators shall remain on-duty subject to call during meal periods. All other members are not on-call during meal periods unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the communications operator prior to taking a meal period. Uniformed officers shall take their meal breaks near the City limits (if outside the City of Lenexa) and monitor the police radio, unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed. An officer will normally not be dispatched during this time unless an emergency arises or there are no other cars available to respond to a call that demands immediate service. The 30 minute paid break is considered part of their tour of duty, which is 8 hours or longer.

Lactation Breaks

1014.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1014.2 POLICY

It is the policy of the Lenexa Police Department to provide, in compliance with federal law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

1014.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the communications operator or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1014.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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1014.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Records

1015.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1015.2 POLICY

The Lenexa Police Department maintains timely and accurate payroll records.

1015.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1015.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1015.5 RECORDS

Accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Off Duty Employment

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines for employees when working off-duty employment either in the area of police/security or other types of non-police type work.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Off-Duty Employment: refers to any employment where the employee is expected to utilize his/her law enforcement powers.

Extra Employment: This refers to extra employment where no police powers are needed or expected from the employer.

Off-Duty/Extra Duty Approval Form: Department form submitted through the chain of command for approval of off-duty employment. All employees desiring to work the particular off-duty/extra duty job will have signed the approval form prior to actually working. [See attachment: Off Duty Employment Approval Form Letterhead.pdf](#)

1016.2 POLICY

The Department recognizes the need of employees to occasionally supplement their normal pay with off-duty employment. The policy of the Department is to allow such employment but with established procedures that safeguard the efficient operation and welfare of the Department, protection and best interest of the public, and the welfare and interests of the officer.

1016.3 PROCEDURES

- (a) Off-duty employment: Employees may participate if the following criteria are met:
 - 1. The employee must be a sworn police officer and have completed the Field Training Officer Program. Employees on probation due to a disciplinary action or work performance issue will not be eligible for off-duty work.
 - 2. Unless special circumstances exist (see section C) no officer shall appear outside the Lenexa City limits in a Lenexa Police Department uniform for the purpose of working an off-duty job.
 - 3. An officer working outside the city limits out of uniform must advise the potential employer that he/she (officer) is working as an employee of that employer and not as a police officer with the City of Lenexa. This must also be communicated to any person the officer has contact with while working for that employer. That employer will be made aware that they are responsible for any actions taken by the officer as that of their employee.
 - 4. The off-duty work must be submitted on an approval form and sent through the chain of command. This form must be approved by the immediate supervisor, Division Commander and the Chief of Police.

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5. The officer must be in good standing with the Department. An officer's inability to successfully carry out his/her Department duties could hinder approval for off-duty employment.
 6. An off-duty job must not cause undue hardship on the officer to the point that it affects his or her on-duty performance. Proper rest (no less than 6 hours) will be taken into account when approvals are granted or denied.
 7. Tardiness because of off-duty employment will not be tolerated and if an officer is called back to regular duty assignments the off-duty employment shall not interfere.
 8. Reporting absent from duty for reason of illness automatically voids any off-duty work for that day. An officer will not be eligible for off-duty work if he/she is on any kind of extended leave due to illness or injury, or is collecting workman's compensatory pay for an on-duty injury, or is serving suspension time.
 9. An officer may work no more than 16 hours per day (no officer may work more than 8 hours off-duty prior to the normal 8 hours duty time consecutively) and may only work a total of 24 hours off-duty in a seven day period if working a normal five day work week. If an officer is on vacation leave, holiday, or compensatory days off, an exception will be made to the 24 hour rule. For each eight hour block of additional time off the officer will be eligible for an additional eight hours of off-duty employment that week.
 10. When working off-duty the officer will adhere to all Department policies and procedures and all laws that relate to their actions as a police officer, as well as all applicable Federal and State laws regarding the reporting of income earned from off-duty employment. They will also ensure that the employer is aware of such limitations.
 11. A sworn police officer may not work at an establishment or an event where alcoholic beverages are served or where activities or general nature of work could bring discredit to the officer or the Department. Exceptions are official City events where alcohol waivers have been issued or private events that occur at a city owned facility (i.e. Community Center, Senior Citizen Center, parks). Other events where alcohol will be served, other than drinking establishments, may be approved on a case-by-case basis, based on the nature of the event.
 12. If an officer is injured while working an off-duty job he/she is eligible for sick and disability benefits provided by the City. If any worker's compensation is received through the other employer, adjustments will be made up to a maximum of the employee's actual salary. If an employee is unable to return to normal duty, a decision as to further employment will be made by the Chief of Police. The off-duty employer will be advised of their responsibility should an officer receive an incapacitating injury.
- (b) Extra-duty employment: Any employee may participate (sworn or civilian) in extra duty employment. All procedures listed above shall apply with the below listed exceptions:

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1. An employee on probation may apply for extra-duty employment. A decision shall be based on the standing of the employee as to his/her on-duty performance as well as other already listed provisions.
 2. An employee serving suspension time may seek extra-duty employment as long as such employment does not interfere with a return to duty or other administrative requirements.
 3. Extra duty employment is not restricted to the City of Lenexa providing that no police functions are performed and no uniform worn.
 4. A civilian employee may work at an establishment that serves alcohol. An employee may not work at an establishment or an event where activities or general nature of work could bring discredit to the employee or the Department. The character of the establishment and job description will be reviewed and approval is at the discretion of the Chief of Police or designee.
- (c) Any extra duty that is performed for the Department (parades, festivals, or other such events sponsored by the City) where the officer is compensated by the City will not be subject to the above listed criteria.

Work-Related Illness and Injury Reporting

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related injuries and occupational illnesses.

1017.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related illness or injury - The personal injury of an employee causing damage or harm to the body due to an accident, repetitive trauma or occupational disease that arose out of and in the course of employment (K.S.A. § 44-508).

1017.2 POLICY

The Lenexa Police Department will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers compensation requirements (K.S.A. § 44-501b et seq.) in accordance with the City of Lenexa Policy regarding On the Job Injury or Illness.

1017.3 RESPONSIBILITIES

1017.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event immediately, or as soon as practicable, to a supervisor, and shall seek medical care when appropriate (K.S.A. § 44-520).

1017.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate.

Supervisors shall ensure that the On the Job Injury Report is completed and forwarded by the end of the shift.

Supervisors shall notify their Watch Commander of the injury.

1017.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Watch Commander who receives a report of an occupational illness or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the designated Safety Committee representative, Chief of Police, and the City's risk management entity to ensure any required Kansas Department of Labor reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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1017.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1017.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated On the Job Injury report, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Watch Commander through the chain of command.

The On the Job Injury report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1017.5 SETTLEMENT OFFERS

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

Conflict of Interest

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to assist members in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the Lenexa Police Department.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived or potential conflict in which it reasonably appears that a member's action, inaction or decisions are or may be influenced by a personal or business relationship.

1020.2 POLICY

Members of the Lenexa Police Department are expected to conduct themselves with the utmost professional integrity and objectivity. Members will guard against actual or perceived conflicts of interest in order to ensure the fair and equitable treatment of department members and the public, and thereby maintain the trust of the public and department members.

1020.3 PROHIBITIONS

In addition to the City of Lenexa Personnel Policies and Procedures for Nepotism and Personal Relationships, the Department prohibits the following types of personal or business relationships among members:

- (a) Members are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other member who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved member to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any member to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Members are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting a member who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, field training officers (FTOs) and other trainers will not be assigned to train relatives. Department FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any member they

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are assigned to train until such time as the training has been successfully completed and the person is off probation.

1020.4 CONFLICTS IN CONTRACTING DECISIONS

Members shall not participate in the making of a contract with any person or business the member has an employment or substantial interest with, unless the contract is awarded after a competitive bidding process or the contract is for property or services with a price fixed by law (K.S.A. § 75-4304).

1020.5 MEMBER RESPONSIBILITIES

Members shall avoid situations that create a conflict of interest. Members should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved member).

Whenever any member is placed in circumstances that would require him/her to take enforcement action or to provide official information or services to any relative or individual with whom the member is involved in a personal or business relationship, that member shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the communications operator to have another uninvolved member either relieve the involved member or, minimally, remain present to witness the action.

1020.6 SUPERVISOR RESPONSIBILITIES

Upon being notified of, or otherwise becoming aware of, any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Badges, Patches and Identification

1021.1 PURPOSE AND SCOPE

The Lenexa Police Department (LPD) badge, patch and identification card, as well as the likeness of these items and the name of the Department, are property of the Department. Their use shall be restricted as set forth in this policy.

1021.2 POLICY

Members of the Department will use the LPD badge, patch and identification card, as well as the likeness of these items, appropriately and professionally.

1021.3 UNAUTHORIZED USE

The LPD badge, patch and identification card shall not be displayed or used by any member except when acting in an official or authorized capacity.

Department members shall not:

- (a) Display or use the LPD badge, patch or identification card for personal gain or benefit.
- (b) Loan the LPD badge, patch or identification card to others or permit these items to be reproduced or duplicated.
- (c) Use images of the LPD badge, patch or identification card, or the likeness thereof, or the Lenexa Police Department name, for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as email, blogs, or social networking or websites.

1021.3.1 LOST BADGE, PATCH OR IDENTIFICATION CARD

Department members shall promptly notify their supervisors whenever their LPD badges, patches or identification cards are lost, damaged or are otherwise removed from their control.

1021.4 BADGES

The Chief of Police shall determine the form of badges authorized for use by department members. No other badges may be used, carried, worn or displayed.

Only badges issued by this department are authorized to be used, displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

Members, with the written approval of the Chief of Police, may purchase at their own expense a second badge or flat badge that can be carried in a wallet.

1021.5 IDENTIFICATION CARDS

All members will be issued an official LPD identification card bearing the member's name, full-face photograph, member identification number, and the official seal of the Department. All members shall be in possession of their department-issued identification cards at all times while on-duty or in department facilities.

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- (a) Whenever on-duty or acting in an official capacity representing the Department, members shall display their department-issued identification cards in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers or other members working specialized assignments may be excused from the possession and display requirements when directed by their Division Commanders.

Speech, Expression and Social Networking

1022.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Lenexa Police Department.

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech and use of all Internet services, including the Web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1022.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Lenexa Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1022.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Lenexa Police Department members, such as posting personal information in a public forum or posting a photograph taken with a GPS-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.

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- Otherwise disclosing where another officer can be located off-duty.

1022.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust needs of the Lenexa Police Department, the following are prohibited unless the speech is otherwise protected (for example, a member speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation or professionalism of the Department or its members. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting statements or expressions to a website that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape).
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Lenexa Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

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1022.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or employee groups, members may not represent the Lenexa Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative
- (b) Endorse, support, oppose or contradict any social issue, cause or religion
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video or public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Lenexa Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1022.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1022.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

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- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1022.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression and use of social networking to all members of the Department.

Line-of-Duty Deaths

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Lenexa Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

Members should also reference the Funeral Protocol Procedure in the Procedure Manual.

1023.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1023.2 POLICY

It is the policy of the Lenexa Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1023.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and Communications.
- (a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
 - (a) Restricted information should include, but may not be limited to: CAD notes, non-encrypted radio channels, etc.
- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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- (c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1023.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes. The following general guidelines should be adhered to:

- (a) Notifications must always be made in person and never alone. The Chief of Police and/or designee will accompany the notifying officer.
- (b) Notifications should not be delayed for an extended period of time. If the opportunity exists to get the family to the hospital prior to the demise of the officer, do not wait for the appropriate delegation to gather. If the officer has died, relay that information. Do not give the family a false sense of hope.
- (c) The family should be transported to the hospital via Department vehicle. It is highly recommended that the family not drive themselves to the hospital. Should there be serious resistance and a family member insists on driving, have an officer accompany them in the vehicle. Arrangements may need to be made if there are young children in the home.
- (d) Due to the nature of potential radio transmissions, the transporting officer should notify the Officer in Charge at the hospital and Communications that the family is en route.
- (e) Surviving parents will be afforded this same courtesy of personal notification and transportation if they live in the same geographic area.

The Chief of Police, the Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain and/or a supervisor.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

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- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network such as a direct phone call or encrypted radio channel that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Lenexa Police Department members may be apprised that survivor notifications are complete.

1023.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

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- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1023.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident. This includes text messages to friends and family, posts on personal social media, etc.

1023.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Family Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.
- (i) Trial Support Officer
- (j) Transportation Officer

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

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Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1023.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1023.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - (a) The survivors and others whose presence is requested by the survivors.
 - (b) Department members and friends of the deceased member.
 - (c) Media personnel.
 - (d) Ensure officers gather in a designated area, and should make every effort to keep separated from family to avoid overhearing unintentional conversations, etc.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Lenexa Police Department members (except for members who may be guarding the suspect).

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- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Obtain a casket flag to cover the officer at the hospital.
- Documenting his/her actions at the conclusion of his/her duties.

1023.6.3 FAMILY SUPPORT LIAISON

The Family Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Family Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Family Support Liaison include, but are not limited to:

- (a) Ensure the family's needs regarding the funeral come before the needs of the Department.

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- (b) Meet with the family and explain his/her responsibilities to them.
- (c) Assist the family with funeral arrangements. The family should always be made aware of what the Department can offer in the way of assistance if the family decides to have a Line of Duty Death funeral.
- (d) Be able to answer questions concerning the death and the continuing criminal investigation.
- (e) Assist with and oversee arrangements for travel and lodging for out of town family members.
- (f) See that the surviving parents are afforded recognition and have proper placement arranged for them during the funeral and procession.
- (g) Be available to the family when needed.
- (h) See that the family is briefed on the funeral procedure: (i.e. 21 gun salute, flag presentation, playing of taps, etc.)
- (i) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (j) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (k) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (l) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (m) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 - 1. Items should not be delivered to the survivors until they are ready to receive the items.
 - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (n) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (o) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (p) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors

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with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

- (q) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.
- (r) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (s) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (t) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (u) Inviting survivors to department activities, memorial services or other functions as appropriate.

Family Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Family Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Family Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1023.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

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- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1023.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 - 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 - 2. Bagpipers/bugler
 - 3. Uniform for burial
 - 4. Flag presentation
 - 5. Fly-over
 - 6. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1023.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.

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- (b) Area coverage so that as many Lenexa Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1023.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - (a) Public Safety Officers' Educational Assistance (PSOEA) Program.
 - (b) Social Security Administration.
 - (c) Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Surviving spouse retirement benefits (K.S.A. § 74-4958; K.S.A. § 74-4958a)
 - 2. Death benefits (K.S.A. § 74-4959)
 - 3. Disability benefits (K.S.A. § 74-4960; K.S.A. § 74-4960a)
 - 4. Pension benefits (K.S.A. § 13-14a07; K.S.A. § 14-10a07)
 - 5. Insurance benefits (K.S.A. § 40-2140)
 - 6. Educational benefits (K.S.A. § 75-4364)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

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- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1023.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1023.6.9 TRIAL LIAISON

- (a) The Trial Support Officer will act as a liaison between the family and the District Attorney's Office. The family and fellow officers should be kept current with the statutes of the legal proceedings.
- (b) The family should never hear of court or parole proceedings through the media.
- (c) The family is entitled to know how the incident happened. At the earliest opportunity following the trial, investigators should sit down with the family and answer all their questions.
- (d) The District Attorney's Office, Victim Assistance Unit may be utilized to assist the survivors during the legal proceedings.
- (e) The Trial Support Officer should encourage the family to attend the trial and act as a support person during the proceedings. The family should be prepared for what they may see or hear. They may wish to leave the courtroom during certain portions of the proceedings.
- (f) The Department should show support for the fallen officer and the surviving family by having as many co-workers as possible attend. This support should come from all segments of the Department; administration, supervisors, line officers, and friends from other departments.

1023.6.10 TRANSPORTATION LIAISON

- (a) The Traffic Sergeant will serve as the Transportation Liaison.
- (b) This officer will coordinate with the Funeral Contact to arrange for the transportation of the deceased officer, the officer's family, police command staff, and the Honor Guard.

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- (c) The Transportation Liaison will also coordinate the funeral escort and procession, such as motorcycles and emergency vehicles.

1023.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1023.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.

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- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1023.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1023.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1023.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

See attachment: [LODD APPENDIX A.pdf](#)

Tattoos and Branding of the Body

1024.1 PURPOSE AND SCOPE

This policy provides guidelines regarding tattoos and branding for all members of the Lenexa Police Department.

1024.2 POLICY

The Lenexa Police Department has the responsibility of ensuring public safety and maintaining order. To achieve these goals members shall maintain their appearance to project a professional image that is appropriate for this department and for their assignments. Misinterpretation of visible tattoos and brands worn by Department members while on duty can cause members of the public to question a member's and the Department's allegiance to the safety and welfare of the community, and can detract from the Department's professional appearance. This can damage the public's trust and respect that is necessary for the Department to ensure public safety and maintain order.

These tattoo and branding standards are primarily based on safety requirements, City and Department values, appearance conformity, and the social norms of the community served, while considering matters important to members of the Department.

1024.3 TATTOOS AND BRANDING

Members shall not have any tattoos or brands, whether visible to the public or not, that exhibit or advocate:

- a. Discrimination against any sex, race, religion, ethnicity, national origin, sexual orientation, physical or mental disability, gender identity, medical condition, or marital status, or any other protected class;
- b. Gang, supremacist, or extremist group affiliation;
- c. Drug or alcohol abuse;
- d. Violence;
- e. Sexually explicit or suggestive acts;
- f. Profane words or phrases;
- g. Lawlessness;
- h. Language or depictions that may impair or disrupt the operations of the Department, or is inconsistent with the mission of the Department; or
- i. Other obscene matters.

This is not an exhaustive list of prohibited tattoos or brands.

Employees are solely responsible for the appropriateness of any tattoos or brands they elect to receive.

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Tattoos and Branding of the Body

1024.3.1 TATTOOS OR BRANDS ON HEAD, FACE, NECK AND HANDS

For sworn members, tattoos or brands on the head, face, neck or hands are not permitted. The only exceptions are that sworn members may have one band ring tattoo on one finger of each hand.

For non-sworn personnel, tattoos or brands on the head, neck, or hands must be approved by the Chief of Police.

1024.3.2 TATTOOS OR BRANDS ELSEWHERE ON THE BODY

Members are not required to seek approval for tattoos or brands located on areas other than the head, face, neck or hands. However, if the Chief of Police becomes aware that a member has a tattoo or brand that is prohibited under the terms of this Policy, the member will be asked to cover the tattoo at all times while on duty and/or be subject to disciplinary action, up to and including, termination.

The Chief of Police shall, at his/her sole discretion, make the determination of suitability and will notify the member in writing of his/her decision. If a member is in disagreement with the Chief of Police's decision on this matter, the member may, within five (5) calendar days of receipt of the decision, notify the Chief of Police in writing that he/she desires to appeal the decision. The appeal will be decided by a three-person panel made up of a Sergeant and two members of Command Staff. The panel will render a final decision regarding the appropriateness of the tattoo or brand.

1024.3.3 COVERING TATTOOS OR BRANDS

Tattoos and brands will be covered at all times when a member attends, in an official capacity, judicial hearings, trials, etc., and at any other event as directed by the Chief of Police.

Wellness and Peer Support Program

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1025.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Defusing – a process of group meetings or discussions about a traumatic event. The meetings are held within a few hours of the incident.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

Peer support counseling session – Any session conducted by a peer support member that is called or requested in response to a critical incident or traumatic event involving members of the Department (K.S.A. § 60-473).

Peer support member – A member designated by the Department who has received training in counseling and providing emotional and moral support to members involved in critical incidents and traumatic events (K.S.A. § 60-473).

1025.2 POLICY

It is the policy of the Lenexa Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

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Wellness and Peer Support Program

1025.3 PEER SUPPORT COORDINATOR

The Chief of Police should appoint a peer support coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers).
 - 1. Selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
 - 1. Peer support member selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support members and those seeking service.
 - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

1025.4 PEER SUPPORT PROGRAM

The Lenexa Police Department recognizes that law enforcement professionals are occasionally subjected to traumatic events which may overwhelm an individual's coping mechanisms. Police personnel are members of a high-risk occupational group which is commonly affected by these events. Peer Support groups have been shown to be highly effective at mitigating the negative impact of acute stress on law enforcement personnel. By educating and providing an opportunity to discuss what occurred, the harmful effects of stress may be reduced and/or controlled.

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Wellness and Peer Support Program

1025.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

Following a formal selection process, the selection of a peer support member will be at the recommendation of the Peer Support Coordinator. Final selection is at the discretion of the Chief of Police. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

Peer Support members shall not hold a rank higher than Sergeant.

1025.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide awareness.
 - 3. An overview of the Peer Support Team
- (c) Providing referrals to resources such as the Employee Assistance Program or to licensed psychotherapists and other resources, where appropriate.
 - 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support specialist's training.

1025.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member shall complete department-approved training prior to being assigned (K.S.A. § 60-473).

1025.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

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Wellness and Peer Support Program

1025.5.1 PEER SUPPORT SPECIALIST COMMUNICATIONS

Communications with a peer support specialist will be considered privileged to the extent provided in K.S.A. § 60-473. A peer support specialist is a person who is designated by the Department to lead, moderate, or assist in a peer support counseling session, and who has received training in counseling and providing emotional and moral support to members involved in critical incidents and traumatic events by reason of their employment (K.S.A. § 60-473).

1025.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

1025.7 WELLNESS AND PEER SUPPORT PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1025.8 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide awareness.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance abuse awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.

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Wellness and Peer Support Program

- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

Physical Fitness

1026.1 PURPOSE AND SCOPE

To establish a physical fitness program for Police Department employees and to prescribe policies and procedures for its implementation.

1026.2 POLICY

Police professionals have a duty to the public to maintain an acceptable level of general health and physical fitness regardless of age, rank or duty assignment. Such fitness is beneficial to the day-to-day effectiveness and readiness of the Lenexa Police Department. Physical fitness helps employees to meet the stress and rigors of a challenging job, while at the same time providing long-term health benefits. Accordingly, all police officers shall participate in the Department physical fitness program as set forth in this policy, and all non-sworn employees may, at their own choosing, participate in the program.

1026.3 OBJECTIVES

The objectives of the Lenexa Police Department Physical Fitness Program are:

- (a) To develop in employees a reserve level of physical fitness that will enhance their abilities to successfully handle any job tasks.
- (b) To provide a medium for developing the self-confidence of the individual employee and thereby enhance overall discipline, esprit-de-corps, team efficiency and the desire to excel within the Department.
- (c) To contribute to the health and well-being of each officer through regular exercise and health education.

1026.4 GENERAL INFORMATION

- (a) A Police Department employee's health and well-being are of prime importance to the employee, the employee's family, colleagues, police administrators, government officials, and to the citizens of the community. The Department's commitment to physical fitness is based on three factors:
 - 1. A physically fit employee can best meet the physical challenges he/she may face without notice.
 - 2. Improved health reduces emotional and nervous tension and allows individuals to perform their assigned duties with greater ease.
 - 3. A physically fit employee is less susceptible to common injuries and, if injured, recovers more rapidly.
- (b) The goal therefore is to improve, maintain and support good physical fitness among all employees of the Department.

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Physical Fitness

1026.5 GUIDELINES

- (a) Commissioned officers employed by the Lenexa Police Department are required to participate in quarterly physical fitness tests as outlined in the procedures section of this policy.
- (b) Civilian employees may participate in the quarterly physical fitness test at their own choosing.
- (c) For commissioned officers, unexcused failure to participate in the mandatory testing program may result in disciplinary action.

1026.6 PROCEDURES

In order to ensure the attainment and subsequent maintenance of the physical fitness program, the Department has established a physical fitness program consisting of the following components:

- (a) A Wellness Committee which may consist of sworn officers and professional staff. A Sergeant or Captain will oversee the program.
- (b) Wellness Committee members will be trained in different disciplines in order to provide information, advice and assistance on recommended exercise and wellness programs.
- (c) The Department will provide an exercise area with suitable training equipment for use by employees.
- (d) All commissioned officers will receive a Wellness Evaluation at the City's expense on a biennial basis.
- (e) Commissioned officers who have been placed on medical leave and/or light duty will be required to obtain documentation as to their inability to participate in the required quarterly physical fitness training. This documentation will be forwarded to the Wellness Committee Captain. Once an officer is released back to full duty, the officer will participate in the next applicable physical fitness test as coordinated with the Wellness Committee Captain. The Department realizes that immediately following the recovery from an injury, illness, or other temporary medical condition (e.g. pregnancy) an officer may need additional time to perform the physical fitness testing program. It will be the officer's responsibility to coordinate such schedule changes through the Wellness Committee Sergeant and/or Captain, and to keep his/her supervisor informed.
- (f) Sworn officers will be required to provide documentation for each quarterly test they miss.
- (g) All physical fitness tests will be completed in the presence of at least one Wellness Committee member, who will submit the results to the Wellness Committee Captain or his/her designee.
- (h) An officer must wait thirty (30) days from his/her last quarterly test to complete his/her next quarterly test.
- (i) Officers will only be paid overtime pay for the four mandatory tests taken each year if they are unable to schedule the test during their normal work hours. Professional staff will not receive overtime as the test is not mandatory for them. Officers should,

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and professional staff may, work with their supervisors to schedule and take the test on-duty when possible.

- (j) Officers will take a physical fitness test four times (quarterly) per calendar year (January 1 - December 31). The time taken to participate in the fitness test counts as fitness activity time towards achieving the City's Wellness activity points. Employees are responsible for reporting their own activity times through their wellness portal.

1026.7 PHYSICAL FITNESS TEST AND COMPONENTS

All participants will perform all test components in the same sequence:

- (a) Sworn Personnel-Each officer must obtain at least one point in each category to be eligible to "pass" the test. To obtain a passing score an officer must achieve a total of sixteen (16) points out of the possible thirty-two (32) points. Bonus points, up to a total of four (4), may be used to supplement the overall score. [See attachment: Exercise Point Totals and Scoring.pdf](#)
 - 1. Beep Test
 - 2. Dumbbell Bench Press
 - 3. Squats
 - 4. Plank
 - 5. Voluntary extra point components (push ups, pull ups, or burpees)
- (b) Professional Staff may elect to take either the Police Officer fitness test or the Cooper Institute fitness test. To obtain a passing score, Professional Staff must score at least 50% in each category per the Cooper Standards based on age and gender or the passing standard for the Police Officer test. The Cooper test components will be in the following order:
 - 1. Vertical jump: one repetition performed to measure absolute lower body strength.
 - 2. Sit ups: measured by the number of sit ups performed in one minute.
 - 3. Bench Press: one repetition performed to measure absolute upper body strength.
 - 4. Push ups: measured to exhaustion.
 - 5. 1.5 mile run, or 4 mile bike ride.

1026.8 INCENTIVES

- (a) Officers and civilians who pass all the required elements of each of the four quarterly standard tests at the minimum levels listed above and within a calendar year are eligible to receive one "wellness day" off with pay to be used the following year. Employees who receive a waiver of participation for one or more of the quarterly tests are ineligible for the wellness day off with pay. Other incentives for participation or fitness achievement may be authorized by the Chief of Police.

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- (b) The Chief of Police may offer additional or supplemental bonus tests or incentives as a means to encourage employees to maintain a high overall fitness level. Employees may be eligible for an additional "Wellness Day" upon successfully completing the test with a minimum score of 19. Employees are encouraged to maintain a high level of physical fitness to be prepared for these tests.

Disciplinary Action

1027.1 PURPOSE

The purpose of this directive is to establish policy and procedure concerning informal and formal disciplinary practices for all employees of the Lenexa Police Department.

1027.2 POLICY

It is the policy of this Department to impose disciplinary action fairly and impartially and to offer adequate review procedures to ensure that the rights of employees are protected.

Discipline is a process of imposing informal or formal sanctions, which will help train or develop an employee, preferably through constructive, rather than punitive, measures. Discipline in the Department involves training, counseling, and when necessary, punitive action.

This Department directive may not conflict in any way with the City Personnel Policies & Procedures, except to be more restrictive. In the event of a conflict, the City's Personnel Policies & Procedures supersede and control.

1027.3 TYPES OF DISCIPLINARY ACTION

(a) Counseling and Training

1. Counseling and training are most effective when a supervisor reasonably believes that the employee has an existing problem or is experiencing difficulty understanding or adjusting to job related tasks, personnel policies and procedures, interpersonal relationships and/or personal matters affecting the employee's work performance. Using encouragement, persuasion, and providing the employee with advice and guidance, this level of discipline is intended to inform the employee how to improve his/her performance.
2. A record of the counseling and training action should be documented by the supervisor for reference purposes (this may take the form of an email or a written document). The supervisor should reasonably believe that counseling an employee on matters will assist the employee in a supportive way, or otherwise have a positive impact on improving work performance.
3. This disciplinary action should be documented in IA Pro.

(b) Verbal Warning

1. Verbal warnings, while informal, shall be documented in writing.
2. The employee shall be admonished that their conduct does not conform to Department standards and there is a need for them to correct their behavior.
3. The supervisor shall prepare documentation of the Verbal Warning and the methods discussed to correct the behavior. The document should be signed by both parties, with a copy provided to the employee and a copy documented in IA Pro.

(c) Reprimand

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1. A reprimand, issued by the Division Commander, or designee, informs an employee of unacceptable behavior, and sets forth the corrected or modified behavior mandated by the Department.
2. Reprimands should be signed by the employee and the Division Commander, or designee. A copy of the reprimand will be personally delivered to the employee, and a copy documented in IA Pro.
3. The original document will be reviewed by the Chief of Police before it is sent to Human Resources, where it will be kept in the employee's permanent personnel file.

(d) Probation

1. The Chief of Police may place any employee on probation for a specified period of time without pay. The length of suspension will reflect the nature and severity of the offense and the employee's overall work record.
2. The employee will not be eligible for a merit review or salary increase during the probationary period.
3. Upon successful completion of the probationary period, the employee will receive his or her annual evaluation and any accompanying change in pay. However, any adjustment in pay is not retroactive.
4. An employee may be placed on probation in conjunction with another form of disciplinary action.
5. The specific length of the probationary period is not a guarantee of employment.
6. The notice of probation shall be provided to the employee, properly documented in IA Pro, and a copy sent to Human Resources to be kept in the employee's permanent personnel file.

(e) Suspension Without Pay

1. The Chief of Police may suspend any employee from duty for a specified period of time without pay. The length of suspension will reflect the nature and severity of the offense and the employee's overall work record.
2. Other than court appearances, an employee suspended from duty shall have no Department authority, nor shall he/she engage in any police or law enforcement functions.
3. An employee suspended from duty shall be liable for any violations of this manual except those which specifically apply to police functions while on duty.
4. While under suspension, an employee shall not be permitted to wear the uniform of the Department or utilize any Department issued items or equipment. The employee shall not be permitted access to the Police Department facility except for meetings related to the suspension. Authority to carry a Department issued weapon is withdrawn.

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5. If the suspended employee has been issued a Department vehicle, that vehicle will be surrendered to the Chief of Police, or designee, during the suspension period.
 6. During any suspension period the employee may be compelled to surrender the Department issued identification card, badge, and firearm to the Chief of Police, or designee. The authority to carry a concealed firearm as a police officer under the Law Enforcement Safety Officer Safety Act (LEOSA) is also suspended.
 7. Exempt employees are subject to suspension without pay in full-day increments, as provided by the FLSA.
 8. The notice of suspension shall be provided to the employee, properly documented in IA Pro, and a copy sent to Human Resources to be kept in the employee's permanent personnel file.
- (f) Demotion
1. The Chief of Police may demote any employee to a lower job classification.
 2. A demotion may be to any lower rank or position, and may include a pay reduction with that rank.
 3. An employee may be demoted in conjunction with another form of disciplinary action.
 4. The notice of demotion shall be provided to the employee, properly documented in IA Pro, and a copy sent to Human Resources to be kept in the employee's permanent personnel file.
- (g) Termination
1. The Chief of Police may terminate any employee.
 2. Upon termination, the Chief of Police, or designee, shall meet with the employee and discuss the reasons for termination and the effective date thereof.
 3. Immediately upon termination, all Department and City issued equipment will be surrendered to the Chief of Police, or designee.
 4. The notice of termination shall be provided to the employee, properly documented in IA Pro, and a copy sent to Human Resources to be kept in the employee's permanent personnel file.

1027.4 PROCEDURES

- (a) In order to provide a functional system for handling disciplinary situations, the Department has developed a corrective disciplinary action procedure. Any discipline applied shall be imposed only after an investigation of the incident(s) is complete. Any disciplinary action will be administered within thirty days from the date the investigation is complete. This thirty-day period may be extended at the discretion of the Chief of Police, if a situation or incident merits the extension.
- (b) Supervisors may place an employee on administrative leave pending an investigation. [See attachment: Admin Leave Letter.pdf](#)

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- (c) The disciplinary procedure may include any of the listed actions, which are not required to be implemented in a progressive manner. Supervisors will determine the appropriate disciplinary action for any conduct. Any disciplinary action may be employed by itself or in conjunction with any other disciplinary action, if deemed appropriate by the supervisor.
- (d) Review Procedure
 - 1. The following disciplinary actions are deemed final and may not be reviewed:
 - (a) Counseling and Training
 - (b) Verbal Warning
 - (c) Reprimand
 - (d) Probation
 - 2. An employee has the right to request a review of the following disciplinary actions:
 - (a) Suspension Without Pay
 - (b) Demotion
 - (c) Termination
 - 3. The employee requesting review of a disciplinary action must submit a completed and signed City of Lenexa Disciplinary Review form to the Human Resources Director within five (5) working days of the date the employee received written notification of the disciplinary action.
 - (a) This form is available as an electronic fillable form or can be printed and completed by hand. [See attachment: Disciplinary-Review-Form.pdf](#)
 - (b) The Human Resources Director shall provide a copy of the Disciplinary Review form to the Management Team member or designee making the disciplinary decision.

Department Uniforms and Equipment

1028.1 PURPOSE

The purpose of this policy is to establish policies for the proper wearing of apparel for uniformed and non-uniformed department employees.

1028.2 POLICY

It is the policy of the Lenexa Police Department that employees are placed in uniform so that they appear in the same neat, clean, and orderly clothing. The uniform represents both dignity and authority. Any ornamentation deemed necessary for this uniform will be described. Any additional articles intended to dress up the uniform will not be allowed or permitted except by the direct authorization of the Chief of Police.

1028.3 GENERAL

- (a) All personnel shall practice good grooming habits at all times. Their uniforms and equipment shall be maintained in a clean, serviceable condition and they shall by their appearance set an example of neatness and conformity with these regulations.
- (b) While wearing the police uniform, no clothing other than that which has been approved and/or issued by the Department shall be visible.
- (c) The ownership and title to all issued uniforms and equipment is vested in the City of Lenexa Police Department. Uniforms and equipment shall be replaced on an as-needed basis.
- (d) No item of uniform or equipment shall be transferred or exchanged by Department personnel without the approval of a supervisor.
- (e) It shall be the duty of each employee of the Department to produce any article(s) or item(s) of issued uniform or equipment or any other item worn upon the demand of a supervisor.
- (f) When an employee resigns, retires, is discharged, or is granted an extended leave of absence or in any way vacates his/her office, he/she shall surrender all issued items of uniform and equipment.
- (g) Department issued uniforms and civilian clothing will not be intermixed or worn together at any time.
- (h) Employees attending court shall either wear the regulation uniform or business attire. Uniforms or business casual attire may be worn for appearances with the prosecuting attorney, investigations, depositions, etc. T-shirts, shorts, sneakers and other casual wear are not acceptable.
- (i) Department personnel shall ensure that any weapon carried on their person while in plain clothes is properly secured or holstered with visible law enforcement identification, or otherwise concealed from view.

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- (j) Uniformed personnel shall not wear the uniform outside the City except while performing police duty, traveling to and from work, or with permission from the Chief of Police.

1028.4 PERSONAL APPEARANCE

(a) Male Officers

1. Grooming of hair: Hair must be neatly groomed and shall not extend below the top of the shirt collar or any portion of the ears. In all cases, the style of hair shall not be extreme in appearance or interfere with the normal wearing of standard Department issued headgear.
2. Sideburns: Sideburns shall be neatly trimmed. The base must be neatly trimmed. The base must be a clean shaven line and will not be flared more than 1/4 inch wider at the bottom than their natural width at the top, and may not exceed downward beyond the lower part of the ear orifice.
3. Facial hair: All sworn and uniformed personnel shall be clean shaven. Mustaches are permitted and shall be neatly trimmed and shall not extend beyond or below the corners of the mouth. Beards, goatees, or other growth of hair on the face are not permitted.
4. Earrings: male personnel are not permitted to wear earrings.
5. Special exceptions to these orders may be granted by the Chief of Police as required for individual assignments (i.e. undercover work detail, etc.).

(b) Female Officers

1. Grooming of hair: long hair must be worn in a stylish manner which permits the wearing of Department issued head gear. Conspicuous barrettes, pins, or combs are not permitted.
2. Ear piercings: Female officers are permitted to wear ear studs while on duty or in uniform as long as they are not obscene, offensive, distract from a professional appearance, or interfere with on-duty actions and responsibilities. Female officers shall not wear more than one set of ear studs while on duty.

(c) General Guidelines

1. Many factors influence the community's confidence in our Department. The image we present to the community must be one of professionalism. Our appearance is of utmost importance. It is a requirement of the Department that should personnel obtain any body piercing or body alteration, or tattoo, that it be located in an area which can be covered with a Department approved uniform or attire.
2. Body Piercing or Alterations: body piercing or alteration to any area of the body that is visible while in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Body piercing or alterations includes, but is not limited to:

- (a) Facial piercings other than earrings;

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- (b) Tongue splitting or piercings;
 - (c) Abnormal shaping of the ears, eyes, nose, or teeth;
 - (d) Branding or scarification.
- 3. Jewelry and other adornment: no visible jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except as authorized below:
 - (a) Jewelry, if worn around the neck, shall not be visible above the shirt collar;
 - (b) Wrist watch;
 - (c) Wedding rings, class ring, or other ring of tasteful design; a maximum of one ring/set may be worn on each hand;
 - (d) Medical alert bracelet.
- 4. Tattoos: Tattoos are covered under Directive 1024 (Tattoos and Branding of the Body).

1028.5 UNIFORM OF THE DAY

- (a) Uniform personnel: officers will only wear department issued or approved apparel as is practical for the existing weather conditions.
- (b) Non-uniform personnel: Generally, business attire is required for most investigative activities. The nature of some training and duty assignments may make less formal attire necessary or more practical.

1028.6 DESIGNATED UNIFORM - SWORN PERSONNEL

- (a) Class A Uniform: this uniform shall only be worn for formal occasions, or at the direction of the Chief of Police or designee. All uniforms and equipment worn as part of the Class A uniform shall be clean and in good repair. Leather gear and footwear shall be polished and in good condition. Formal occasions include, but are not limited to: special ceremonies, hiring boards, etc. The Class A uniform consists of:
 - 1. Long sleeve admin-style uniform shirt. Items worn on this uniform shirt include:
 - (a) Black neck tie
 - (b) Badge
 - (c) Name plate
 - (d) Service stars
 - (e) Whistle chain
 - (f) Specialized unit pin (limit one unit pin)
 - (g) Appropriate collar insignia for Command Staff members
 - (h) Personnel with dress jackets will wear it in the following configuration:
 - 1. Badge

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2. Name plate
 3. Service stars
 4. Appropriate collar insignia placed on the epaulet
 - (i) Admin-style uniform pants
 - (j) Black leather boots or other approved footwear
 - (k) Black leather magazine pouch, worn on support side in the vertical position
 - (l) Black leather handcuff case worn on support side hip
 - (m) Duty sidearm and holster
 - (n) Uniform cap, as worn at the direction of the Chief of Police or designee.
- (b) Class A Special Dress Uniform: certain special circumstances such as police funerals may require even more formality and uniformity of appearance for all members attending. In these instances the following guidelines will be adhered to at the direction of the Chief of Police or designee:
1. The normal Class A configuration without service stars or unit pins
 2. Personnel with dress jackets will wear it without service stars
 3. Uniform cap, as worn at the direction of the Chief of Police or designee
- (c) Class B Uniform: this uniform shall be worn for the day-to-day patrol operations and shall be the 5.11 style shirt and pants.
1. Officers shall not mix uniform style shirts and pants (i.e. an officer shall not wear admin-style shirt with 5.11 style pants).
 2. Approved duty leather gear and equipment, in good and serviceable condition, shall be worn with the Class B uniform. Placement of equipment on the duty belt shall be at the discretion of the individual officer and will be consistent with current Department training and practice.
 3. Approved duty boots or other approved footwear.
 4. Personnel assigned to uniformed administrative duties will wear the admin-style shirt and pants.
- (d) Overvests
1. The Department issued overvest with supplied undershirt may be worn in place of the Class B (5.11 style uniform) for day-to-day patrol duties.
 2. This vest configuration may be worn for City court, whether attending while on-duty or off-duty.
 3. The overvest may only be worn for District court appearances while on-duty. Other District court appearances while off-duty will require either the Class B (5.11 style) or formal attire.
 4. For any jury trial, the overvest is not approved attire. Officers must appear in either Class B (5.11 style) or dress attire.

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5. The only approved patches for the overvest are the "Lenexa Police" patch, worn at the top right, and the issued name tab, worn directly underneath. These patches should be right justified along the edge of the vest panel.

(e) Uniform Articles

1. Regulation uniform cap, navy blue, military, saucer-type, shall be worn during the appropriate circumstances:
 - (a) Funeral services
 - (b) Special direction of the Chief of Police
2. Winter head gear: officers may wear a black stocking cap or other department issued winter hat during periods of inclement weather.
3. Baseball cap: members may wear the Department issued baseball cap under the following circumstances:
 - (a) With the Class B uniform or uniform of the day for specialized units during inclement weather events, to include rain, snow, excessive sun exposure, and other hazardous conditions.
 - (b) Members shall not wear the baseball cap with the Class A uniform.
 - (c) To maintain a professional appearance after an inclement weather event.
 - (d) Special circumstances authorized by a Division commander or above.
 - (e) Members shall only wear the approved hat and maintain it in a professional manner.
 - (f) Members shall maintain a rounded bill of the hat so the desired eye protection can be provided. Flat bill and excessively curved style bills are not acceptable.
 - (g) Care and Maintenance:
 1. Care and maintenance is the sole responsibility of the individual member.
 2. The hat shall be soil-free, free of sweat marks, or other stains.
 3. Members needing new equipment due to age, loss, excessive stains, fading, or excess wear shall get approval from their supervisor to replace.
 4. Cleaning procedures:
 - (a) Fill a clean sink or basin with cool water.
 - (b) Add a drop of mild laundry detergent to the water and agitate to create suds.
 - (c) Let the cap soak for 5-10 minutes.
 - (d) Rinse the cap thoroughly with cool water, rinsing out all excess detergent.

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- (e) Gently squeeze out any excess water and avoid twisting the brim.
 - (f) Pat dry using a clean towel and reshape the brim before air drying.
- 4. Jackets: Only the issued jacket or personally owned Department authorized leather jacket will be worn with the uniform.
- 5. Shirts
 - (a) Winter Uniform Shirt, as issued by the Department, shall be long sleeved, to worn with a black turtle neck or Department issued necktie, depending on assignment.
 - (b) Uniform shirts for Professional Staff shall be approved by the appropriate Division commander.
- 6. Trousers: shall be tailored so as not to drag on the heel of the shoe and not touch the vamp of the shoe.
- 7. Socks: only black or navy blue socks are permitted with low quarter shoes.
- 8. Shoes/boots: Officers may wear either black low-quarter shoes or boots. Pointed toe boots are prohibited. Footwear will be kept clean and highly polished. During periods of inclement weather, officers may wear black overshoes to protect their shoes or boots.
- 9. Neckties: the Department issued necktie will be worn as part of the winter uniform for officers assigned to administrative duties, or as assigned.
- 10. Leather Gear: all leather items including the belt, holster, magazine pouches, and handcuff case will be of the same design. Only items issued or approved by the Department shall be carried on the duty belt or overvest.
- 11. Body Armor: as directed by Directive 1010 (Body Armor), all sworn personnel, while in uniform, shall wear the issued body armor. Personnel assigned to administrative duties are exempted. Personnel in specialized assignments may be exempted by the Chief of Police.
- 12. Gloves: When worn, gloves will be black or navy blue, except when other gloves are specifically indicated for special events. Mittens, fingerless gloves, or gloves with conspicuous detail, and/or any kind of weighted or sand-filled gloves are prohibited.
- 13. Shoulder Patches, chevrons, insignias, cap bands: All uniformed personnel will wear the official shoulder patch on both shoulders, centered on the sleeve of the shirt.
 - (a) Patrol Sergeants and Corporals shall wear the designated chevrons on both sleeves of the uniform shirt and jacket.
 - (b) Hat bands for uniformed officers shall be black. Hat bands for uniformed supervisors shall be gold.

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- (c) All uniformed members shall wear the regulation issued badge of their respective rank centered over the left breast pocket. The badge will be relocated to the outermost garment when required (i.e. winter jacket, rain gear, etc.).
 - (d) Officers in uniform shall wear the issued name plate centered over the right breast pocket. The bottom of the name plate shall touch the top seam of the pocket flap. The name plate is not to be worn on the pocket flap.
 - (e) Service stars shall be displayed above the name plate, 1/2 inch above the top of the name plate and centered on the shirt crease. The star shall be pinned so that a single ray of the star is pointing up.
 - (f) Whistle chains may be worn and shall be attached to the button of the right shoulder epaulet and lead to the upper right corner of the right breast pocket. Whistle chains must be worn with the Class A uniform.
 - (g) Unit pins may be worn centered above the service stars. No more than one unit pin may be displayed at any time.
 - (h) Mourning bands and memorial pins may be worn as directed by the Chief of Police.
- (f) Special Uniforms
- 1. Specialized units may wear the appropriate uniform or clothing approved by the appropriate Division commander.
 - 2. Certified motorcycle officers shall be issued specialized riding apparel in addition to their basic uniform.
 - 3. When not specifically assigned to a motorcycle detail, the officer will report for duty in his/her regular issue uniform.
- (g) Uniformed Professional Staff: Communications personnel, Public Service Officers, Animal Control Officers, Integrated Services personnel, and the Equipment Technician are designated as civilians and shall wear the appropriate uniform or clothing approved by the appropriate Division commander.
- (h) Damaged equipment: whenever City owned equipment is lost, stolen, or damaged to the point of being unserviceable, the employee should notify his/her supervisor and request repair or replacement as soon as practical. Notification should be in the form of a written memo or email outlining what occurred, and should be accompanied by a purchase order request for the new or replacement item.

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Attachments

Witness Instructions for Sequential Photographic Lineup (002).pdf



Witness Instructions for Sequential Photographic Lineup

1. A series of photographs will be presented to you one at a time.
2. Take as much time as needed to view each photo.
3. If you recognize an individual in a photo, explain to the officer why and from where you recognize them.
4. The officer will instruct you to write your initials on any photograph you have identified.
5. Should you make an identification, the officer is required to ask you how certain you are about the identification.
6. If you do not recognize the individual in the photo, hand it back to the officer.
7. All photos will be shown to you regardless of whether or not you select one.
8. You may view the entire lineup a second time if you wish.
9. Keep in mind that a person's appearance changes over time and they may not appear exactly as they did on the date you saw them.
10. The person you witnessed may or may not be shown.
11. It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.
12. The investigation will continue regardless of whether you identify someone.

Witness **did** _____ **did not** _____ make an identification

Photo# selected _____

Witness Name: _____

Witness Signature: _____

Date: _____

Location: _____

Case#: _____

Officer: _____ Badge#: _____

Disciplinary-Review-Form.pdf



City of Lenexa Disciplinary Review Form

This form is for use by any regular full or part-time City of Lenexa employee (except Management Team members) who has completed his/her new hire trial period. The disciplinary actions of Suspension (without pay), Demotion (for disciplinary/performance reasons), and Termination may be appealed. This form must be completed and signed and submitted to the Human Resources Director or his/her authorized designee within five working days of the date the employee received written notification of the disciplinary action being appealed. The City of Lenexa's disciplinary action review process is covered in the *Review of Disciplinary Action* subsection of the section entitled *Corrective Action Procedures* in the City's Personnel Policies and Procedures Manual (copy attached).

Employee's Name: <input type="text"/>	
Position: <input type="text"/>	Department: <input type="text"/>
Contact Address: <input type="text"/>	
Contact Telephone Number: <input type="text"/>	Contact Email Address: <input type="text"/>

Section 1: I am requesting review the disciplinary action of

(Management Team Members Name)

who on

(Date of Notice)

, provided me with written notice of his/her decision to (*check one*):

- ☐ Suspend me from employment without pay for days
- ☐ Demote me from my previous position of to the
position of for disciplinary/performance reasons
- ☐ Terminate my employment

I have attached a copy of the disciplinary notice to this appeal.

Section 2: In the space which follows, please state the basis for your request. Please reference any City or department policy, procedure or rule, or any law or statute, which you feel has been violated. If you dispute any of the facts contained in the disciplinary notice, please explain. If you believe additional facts should be known/considered, please state those facts or attach relevant documentation. Please be sure to give times, dates, names and all other details necessary to fully explain your position.

[Click here to enter text, or attach documentation.](#)

Additional documents related to this review may be attached.

Section 3: What remedy do you seek (check one):

- ☐ Revoke the entire suspension
- ☐ Reduce the suspension from days to days
- ☐ Revoke the demotion and reinstate me to my previous position
- ☐ Revoke the termination and reinstate me to my position

Please list all documents you have attached to this request:

[Click here to enter text, or attach documentation.](#)

This request must be signed, dated and submitted to the Human Resources Director or his authorized designee within five working days after you received the disciplinary notice.

_____	<input type="text"/>
Employee's Signature	Date
_____	<input type="text"/>
Signature of Human Resources Director or designee	Date

James N. Bowers, Human Resources Director
City of Lenexa Human Resources
Department
17101 W. 87th St. Pkwy
Lenexa, KS 66215
913-477-7571
jbowers@lenexa.com

Attachment: Corrective Action Procedures

Admin Leave Letter.pdf

Notice of Administrative Leave

Effective immediately, per City policy, you are being placed on paid administrative leave pending an administrative and/or criminal investigation relating to your employment. This action is not punitive or disciplinary in nature. While on paid administrative leave, you are not allowed on City property without permission from the Chief of Police or his designee. You are to make yourself available during normal business hours for administrative purposes. Additionally you may be required to surrender any City property in your possession. This includes, but is not limited to, commission and/or identification cards, keys (electronic and mechanical), weapons, portable radios, and vehicles. You are further directed to not discuss this investigation with your co-workers or any other employee involved in the investigation.

Date

Date

Off Duty Employment Approval Form Letterhead.pdf

DAWN M. LAYMAN · CHIEF OF POLICE



12500 WEST 87TH STREET PARKWAY
LENEXA, KANSAS 66215
OFFICE-913-477-7300
FAX-913-477-7249

OFF-DUTY EMPLOYMENT APPROVAL FORM

Employee Name _____ Present Assignment _____

Off-Duty Employer _____ Address _____

Prospective Supervisor _____ Business Phone _____

Start Date _____ New Request? ____ Annual Review? ____ Hours per Week ____

Describe the nature of the work to be performed (uniform or non-uniform)

Is the purpose of your prospective off-duty/extra duty private employment to utilize your police skills and expertise?

Yes ____ No ____

If so, I am aware that pursuant to Department and Workman's Compensatory policy, I will not be eligible for injury leave with pay (I am eligible for accrued sick leave) and that I must advise my prospective employer of policy and his/her potential responsibility if I receive an incapacitating injury.

If not, and in my prospective "extra-duty" employment, I find it necessary to exercise police action which results in an injury, I fully understand that I would then be eligible for injury leave. I realize this only applies as long as the police action I exercise occurs within the jurisdictional boundaries of the City of Lenexa.

I am also aware that if my “exta duty” employment is situated outside the corporate limits of the City of Lenexa, I will not represent myself as a Lenexa Police Officer during the performance of my duties. In addition, I accept the condition that I am not to use any City equipment nor utilize the facilities of our Records Unit in connection with my prospective employment.

Submitting Officer Date

Immediate Supervisor Date

Request is: Approved _____
 Denied _____

Division Commander Date

Chief of Police Date

LEOSA CCW Waiver 2022.pdf

CITY OF LENEXA, KANSAS
OFFICERS SEPARATED UNDER LEOSA FIREARMS QUALIFICATION WAIVER
AND RELEASE

Retiree Information

<hr/>	<hr/>	<hr/>	<hr/>
Last Name of Retiree	First	Middle Initial	Date of Birth
<hr/>			<hr/>
Home Address			Telephone

Qualifying Weapon

<hr/>	<hr/>	<hr/>	<hr/>
Make	Model	Caliber	Serial Number
<hr/>			
<hr/>	<hr/>	<hr/>	<hr/>
Make	Model	Caliber	Serial Number

Emergency Contact Information

<hr/>	
Name(s)	
<hr/>	
<hr/>	
<hr/>	<hr/>
Address	Telephone

Waiver and Release

WHEREAS, the undersigned desires that the City of Lenexa, Kansas (the "City") permit the above-named Retiree to participate in range qualification and training at a designated location.

NOW, THEREFORE, in consideration of allowing Retiree to participate in firearms qualification and training, to meet the standards required to carry a firearm pursuant to 18 U.S.C. 926C, Retiree agrees to the following.

1. The Retiree acknowledges and agrees that he or she is aware of the rules and regulations governing the KLETC State Qualification Course and that they will follow and abide by the same. Specifically the Retiree acknowledges and agrees that Retiree is required to follow all range safety rules and directions of the Range Instructors. Failure to do so may result in a dismissal from the range and a non-qualified to carry concealed designation on their Retired Officer Credential.

2. The Retiree assumes any and all risks associated with participating in the training or qualification, including without limitation the possibility of death, personal injury, or property damage of any kind or nature whatsoever and risks resulting from the condition of the range facility, all such risks being acknowledged and appreciated by the Retiree.

3. The Retiree, for him or herself and for his or her respective heirs, successors, assigns, executors or administrators or anyone else who might claim on behalf of the undersigned Retiree, covenants not to sue, covenants not to file any administrative claims, waives any action against, and releases, discharges and holds harmless, the City, its officers, agents, employees, insurers, and assigns, and anyone else acting for or on its behalf, from any and all claims, damages or liabilities, including without limitation those for death, personal injury, or property damage of any kind or nature whatsoever, arising, or alleged to have arisen, out of, or in the course of participating in this qualification or training. This Waiver and Release extends to all claims of every kind or nature whatsoever, foreseen or unforeseen, known or unknown at this time.

4. All Lenexa Retired Police Officer credentials issued by the Department are the property of the City of Lenexa and subject to revocation at the discretion of the Chief of Police or designee. Specifically, the Retiree understands that Lenexa Police Department reserves the right to revoke the credentials of any Retiree allowing them to carry a firearm pursuant to 18 U.S.C. 926C if there is probable cause to believe that a Retiree's mental or physical abilities are deteriorated to a point where he or she is unable to safely handle, manipulate or make sound decisions in the use of a firearm. In that event, the credentials will be revoked and the ID will be confiscated. A new Retired Officer Identification may be issued at a future date at the discretion of the Chief of Police or designee, contingent upon qualifying under the federal law.

5. The undersigned agrees to abide by all rules and restrictions as outlined in Lenexa Police Department Directive: Separated Under LEOSA. The undersigned also acknowledges they have received, read and understand the contents of the policy. They further understand under the terms of this policy they are limited to carry only the type of weapon(s), which the retiree qualifies with.

6. The undersigned understands and agrees to the Lenexa Police Department completing a background investigation to verify that the retiree is not prohibited by any state or federal law from receiving or possessing a firearm.

The undersigned states that he/she is competent to sign this Waiver and Release, that they understand that the terms herein are contractual and not a mere recital, and they have signed this document as their own free act and deed. The undersigned fully understands the contents of this Waiver and Release by acknowledging reading it before signing it. The undersigned also acknowledges they have received and reviewed the Lenexa Police Department Separated Law Enforcement Officer Concealed Carry Permit Policy and agree to abide by all of its terms.

IN WITNESS WHEREOF, the undersigned have executed this Waiver and Release on the ____ day of _____, 20____.

By: _____
Retiree Date

By: _____
Witness Date

By: _____
Certified Firearms Instructor Date

Pursuit Summary Report.pdf

DAWN M. LAYMAN-CHIEF OF POLICE



12500 WEST 87TH STREET PARKWAY
LENEXA, KANSAS 66215
OFFICE-913-477-7300
FAX-913-888-8690

PURSUIT SUMMARY

Officer:_____ Badge# _____ CRN:_____

Date of Pursuit:___/___/_____ Day of Week:_____

Time Initiated:_____Hrs. Time Terminated:_____Hrs.

Total Time:_____, Total Miles:_____, Max. Speed:_____, Unit #_____, Veh. Out of Service Y - N

Location Pursuit Initiated:_____

Location Pursuit Terminated:_____

Description of Suspect Vehicle

Color:_____/_____ Year:_____ Make:_____ Model:_____

License Number:_____ State of Issue:_____ Number of Occupants:_____

Pursuit Initiated by: () Lenexa Police Department
() Outside Agency:_____

Secondary Unit(s) () Lenexa Police Department
() Outside Agency:_____

Pursuit Assistance Requested by:_____

Reason Pursuit was Initiated: _____

Number of Other Units Involved:_____

<u>Agency</u>	<u>Radio #</u>	<u>Officer</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Watch Commander:_____ Time Notified:_____Hrs.

Patrol Supervisor:_____ Radio #:_____

Role During Pursuit

Exercise Point Totals and Scoring.pdf

Beep Test

Points	Level
1	3
2	4
3	5
4	6
5	7
6	8
7	9
8	10

Dumbbell Bench Press (40% body weight)

Points	Reps
1	7
2	12
3	17
4	22
5	27
6	32
7	37
8	42

Air Squats-max reps, no time limit, knees must go to 90 degrees

Points	Reps
1	31
2	35
3	39
4	43
5	47
6	51
7	55
8	59

Plank

Points	Time
1	0:30
2	1:00
3	1:30
4	2:00
5	2:30
6	3:00
7	3:30
8	4:00

BONUS EXERCISES

Pull Ups

Points	Reps
1	2
2	4
3	6
4	8

Burpees

Points	Reps
1	11
2	14
3	17
4	20

Push Ups

Points	Reps
1	20
2	30
3	40
4	50

LODD APPENDIX A.pdf

APPENDIX A
SUMMARY OF BENEFITS
AS OF August 14th, 2014

Kansas Workers Compensation

The Kansas workers compensation law requires employers or their insurance carriers to pay weekly benefits to surviving dependents of employees whose death results from a work related accident. Death benefits are equal to 0.6667 of the deceased worker's gross average weekly wage, but cannot exceed the maximum weekly benefit applicable on the date of death. The **minimum** weekly payment is paid at 50 percent of the state's average weekly wage at the time of the accident. Generally, benefits are payable to a maximum of \$300,000 depending on the continued eligibility of the surviving spouse and dependent children; \$40,000 of this amount is payable immediately in a lump sum. All medical and hospital expenses incurred are payable, as well as funeral expenses up to \$5,000. Where required, the employer shall pay the costs of a court-appointed conservator, not to exceed \$1,000.

If the accident occurred ***between July 1, 2000, and May 14, 2011***, weekly benefits are paid up to a maximum of \$250,000 depending on the continued eligibility of the surviving spouse and dependent children. Medical and funeral expenses are the same as noted in the paragraph above.

Children are considered dependent if unmarried and under the age of 18 on the date of the deceased's death. Children between the ages of 18 and 23 are considered dependent children if they are physically or mentally incapacitated, attending college or involved in vocational education. Dependent children can continue to receive compensation until age 18, even if the benefits exceed the statutory limit at the time of the accident.

If the deceased leaves only a surviving spouse, the surviving spouse receives the entire weekly benefit. If the deceased leaves a surviving spouse and dependent children, one half of the weekly benefit is paid to the spouse and one half to the children. If only children survive, the weekly benefit is divided equally among the children. If the deceased is unmarried and leaves no dependent children, then parents, grandparents, brothers or sisters who were wholly or partially dependent upon the deceased can receive compensation. However, spouses or dependent children take priority over all other dependent relatives.

If there is no surviving spouse or dependent, \$25,000 may be divided among legal heirs of the deceased. The \$25,000 is paid in a lump sum, one-time payment.

If you have any questions regarding your rights under the Kansas Workers Compensation Act, contact the ***Ombudsman/Claims Advisory Unit*** of the Division of Workers Compensation as listed below.

DIVISION OF WORKERS COMPENSATION
401 SW Topeka Blvd., Suite 2, Topeka, KS 66603-3105
Phone (785) 296-4000, (800) 332-0353
wc@dol.ks.gov

Kansas Police and Firemen's Retirement System

The surviving spouse of an active member who dies of service connected causes prior to retirement will be entitled to an annual benefit of 50% of the member's final average salary plus an additional 10% for each unmarried child under age 18, or up to the age of 23 if a full time student. The total benefit cannot exceed 75% of final average salary. This benefit is paid in on-going monthly payments.

The spouse's benefit continues until death or remarriage. The children's benefits continue until age 18, or up to age 23 if a full time student, or marriage. Benefits for minor children must be paid to a legally appointed conservator. Upon the spouse's death or remarriage, if there are remaining unmarried children under the age of 18, or up to the age of 23 if a full time student, the spouse's benefit is shared equally until the last child marries, reaches age 18, or up to age 23 if a full time student. If there is no spouse or unmarried children under age 18, or full time students under age 23, the beneficiary is paid the members accumulated contributions.

After five years of service, death due to heart disease or diseases of the respiratory tract is considered service connected.

Contact: KPERS, 611 S. Kansas Ave., Suite 100, Topeka, KS, 66603-3803; Phone: (888) 275-5737 or www.kpers.org

City of Lenexa Defined Benefit Pension Plan (if applicable)

Death benefits will be equal to the present value of the deceased's accrued benefit. If the deceased is married at the time of death the spouse will be the beneficiary unless the deceased elected otherwise in writing. Benefits will be payable to the beneficiary in the form of a survivor annuity, that is, periodic payments over the life of the beneficiary. The benefit may be distributed in an alternative method, such as a single lump sum or monthly payments with a ten year guarantee.

Contact: Human Resources Director, City of Lenexa

City of Lenexa Life Insurance Plan

The beneficiary will be eligible to receive the benefit of a life insurance policy paid for by the city. This benefit will equal the annual salary of the deceased, with a maximum payment of \$200,000 and a minimum payment of \$30,000. The benefit can be distributed in several different methods of payment.

Contact: Human Resources Director, City of Lenexa
City of Lenexa COBRA Extension of Health Care Coverage

Surviving spouses and their dependents are eligible to continue medical and dental coverage through the City of Lenexa for a period of thirty-six months. Persons seeking to extend benefits must complete the COBRA enrollment form and return it to the address on the form within sixty days from the date coverage ends or the date of notice, whichever is later.

Contact: Human Resources Director, City of Lenexa

**U.S. Department of Justice, Bureau of Justice Assistance
Public Safety Officers' Benefits Act**

As of October 1, 2013, the Public Safety Officers' Benefit Act provides a \$333,604.68 benefit to eligible survivors of a public safety officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty or certain eligible heart attacks or strokes. The benefit will be adjusted each October 1st by the percentage of change in the Consumer Price Index.

Contact: Public Safety Officers Benefit Program
810 7th Street NW, Fourth Floor
Washington, D.C. 20531
(202)307-0635
<http://home.doi.gov/flert/training/upload/PSOB01.pdf>

U.S. Department of Labor, Office of Workers' Compensation

The surviving spouse and dependents may be eligible for benefits if the deceased was killed in the line of duty while: engaged in the apprehension or attempted apprehension, of any person who has committed a crime against the United States; preventing a crime against the United States; or protecting a federal witness. The intent of this law is to provide compensation benefits for state and local officers, equivalent to those received by federal officers. Thus, if state and local benefits are less than federal benefits, the OWCP will pay the difference, subject to limitations by law. The law enforcement agency must initiate the claim.

Contact: Office of Worker's Compensation Programs, (202) 693-0040

Social Security

The benefit is a percentage of the deceased's basic Social Security benefit. The percentage depends on the survivor's age and type of benefit they are eligible for. There may be a special one time payment of \$255 to certain family members, if certain requirements are met.

Contact: Social Security Administration, (800) 772-1213, or at <http://ssa.gov/>

Surviving Spouse and Family Endowment Fund (SAFE)

Sponsored by the Kansas City Crime Commission, SAFE will provide an immediate lump sum payment of \$10,000 to the nearest surviving family member(s) of full time and volunteer law enforcement officers killed in the line of duty in the greater Kansas City area (including Johnson County Kansas). When available resources permit, SAFE leadership will consider other ways to provide financial assistance to the family of the deceased.

Contact: SAFE
3100 Main Street, Suite 226
Kansas City, MO, 64111
(816)960-6800
<http://www.survivingspouseandfamily.org/index.cfm>

Veterans Administration

The survivor may be eligible for a \$300 (national cemetery) or \$600 (private cemetery) burial benefit if the deceased was or would have been eligible to receive retirement pay from the military. Veterans discharged or separated from active duty conditions other than dishonorable, which have completed the required period of service, are eligible for burial in a Veterans Administration National Cemetery. The VA may also provide a headstone or marker whether the deceased veteran is buried in a national cemetery or elsewhere. The VA will issue an American flag to drape over the casket of an eligible veteran. A Presidential Memorial Certificate, signed by the President expressing the nation's grateful recognition of the veteran's service, may be issued to the survivor.

Contact: VA Regional Office
5500 E. Kellogg, Wichita, KS 67218
(800) 827-1000

Kansas Peace Officers Association

All Lenexa Police Department officers have a department paid membership to this organization. The KPOA offers a line of duty death benefit of \$2000.

Contact: KPOA Secretary / Treasurer, P.O. Box 2592, Wichita KS, 67201

Other Professional Organizations

Officers may belong to professional organizations, some of which may offer a line of duty death benefit. Membership of these organizations should be in the officer's Personal / Financial Diary.

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