

Parsons Police Matrix & Benchmark Chart



Proposed Federal Justice in Policing Act 2020 Use Of Force Project Kansas Bias Law 2015 IACP CRI-TAC Grant Policing Benchmarks (Prof Assns, case law, etc) IACP Policy Framework 6/10/20 Presidents Commission on 21st Century Policing Executive Order 13929 10/30/20 UN Code of Conduct for LE Officers Amnesty Int'l Best Practices Parsons Police

Community and Police Dept Demographics: Parsons Minority Population = 18.09% PPD = 19% Minority Employees; 23% female & 42% Protected Class (40+)

X-1 Total – In Compliance											73 = 53.3%
X-2 Total – In Substantive Compliance											9 = 6.6
X-3 Total – In Process											14 = 16.2%
X-4 Total – Support (Legislative Change)											36 = 26.3%
X-5 Total – Not in compliance											5 – 3.6%
GRAND TOTAL											137 - 100%
Total - (In Compliance, In Substantive Compliance, In Process, Support) = 95%											
Total – Not In Compliance 5%											
1. Participate in FBI Use of Force/Death Registry											X - 1
2. Prohibits federal, state, and local law enforcement from racial, religious and discriminatory profiling.											Support – 4
3. Mandates training on racial, religious, and discriminatory profiling for all law enforcement.											Support – 4
4. Requires law enforcement to collect data on all investigatory activities.											Support - 4
5. Bans chokeholds and carotid holds at the federal level and conditions law enforcement funding for state and local governments banning chokeholds.											X - 1
6. Bans no-knock warrants in drug cases at the federal level and conditions law enforcement funding for state and local governments banning no-knock warrants at the local and state level.											Support - 4
7. Requires that deadly force be used only as a last resort and requires officers to employ de-escalation techniques first. Changes the standard to evaluate whether law enforcement use of force was justified from whether the force was “reasonable” to whether the force was “necessary.” Condition grants on state and local law											Support - 4

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enforcement agencies' establishing the same use of force standard.											
8. Limits the transfer of military-grade equipment to state and local law enforcement.											Support - 4
9. Requires federal uniformed police officers to wear body cameras and requires state and local law enforcement to use existing federal funds to ensure the use of police body cameras.											Support - 4
10. Requires marked federal police vehicles to have dashboard cameras.											Support - 4
11. Makes it easier to prosecute offending officers by amending the federal criminal statute to prosecute police misconduct. The mens rea requirement in 18 U.S.C. Section 242 will be amended from "willfulness" to a "recklessness" standard.											Support - 4
12. Enables individuals to recover damages in civil court when law enforcement officers violate their constitutional rights by eliminating qualified immunity for law enforcement.											NO - 5
13. Improves the use of pattern and practice investigations at the federal level by granting the Department of Justice Civil Rights Division subpoena power and creates a grant program for state attorneys general to develop authority to conduct independent investigations into problematic police departments.											Support - 4
14. This bill reinvests in our communities by supporting critical community-based programs to change the culture of law enforcement and empower our communities to reimagine public safety in an equitable and just way.											Support - 4
15. It establishes public safety innovation grants for community-based organizations to create local											Support - 4

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commissions and task forces to help communities to re-imagine and develop concrete, just and equitable public safety approaches. These local commissions would operate similar to President Obama's Task Force on 21st Century Policing.													
16.	Requires the creation of law enforcement accreditation standard recommendations based on President Obama's Taskforce on 21st Century policing.												Support - 4
17.	Creates law enforcement development and training programs to develop best practices.												Support - 4
18.	Studies the impact of laws or rules that allow a law enforcement officer to delay answers to questions posed by investigators of law enforcement misconduct.												Support - 4
19.	Enhances funding for pattern and practice discrimination investigations and programs managed by the DOJ Community Relations Service.												Support - 4
20.	Requires the Attorney General to collect data on investigatory actions and detentions by federal law enforcement agencies; the racial distribution of drug charges; the use of deadly force by and against law enforcement officers; as well as traffic and pedestrian stops and detentions.												Support - 4
21.	Establishes a DOJ task force to coordinate the investigation, prosecution and enforcement efforts of federal, state and local governments in cases related to law enforcement misconduct.												Support - 4
22.	Creates a nationwide police misconduct registry to prevent problematic officers who are fired or leave one agency, from moving to another jurisdiction without any accountability.												Support - 4

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23. Mandates state and local law enforcement agencies to report use of force data, disaggregated by race, sex, disability, religion, age.											Support - 4
24. Makes it a federal crime to conspire to violate existing federal hate crimes laws, (federal anti-lynching law)											Support - 4
25. Use All Other Means Before Shooting (policy)											Lowest Level – X-1
26. Report All Use of Force (report)											X - 1
27. Have a Use of Force Continuum (policy)											X - 1
28. Require De-Escalation (policy)											X - 1
29. Duty to Intervene (policy)											X - 1
30. Restrict Shooting at Moving Cars (policy)											X - 1
31. Required Warning Before Shooting (policy)											If Possible-X-2
32. Policy to preempt racial / bias-based policing (policy)											X - 1
33. Policy to mandate discipline for racial or biased-based actions (policy)											X - 1
34. Citizen Advisory Board (policy, trng, outreach & communication ref related to racial and bias-based policing). Policy)											X - 2 Expanding in 2020
35. Public access to lodge complaints (City Hall, PD, on-line)											X - 2 Expanded in 2020
36. File Annual Report with AG to include: <ul style="list-style-type: none"> • # of racial or biased-based policing complaints • Date of each racial or other biased-based complaint filed. • Action taken for each racial or biased-based policing complaint. • Disposition of each racial or biased-based complaint. • Date each racial or biased-based complaint is closed. 											X - 1

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<ul style="list-style-type: none"> • Verification of agency officers receiving biased-based police trng • Policy prohibiting racial or biased-based policing. • Confirmation that discipline is mandated for sustained racial or biased-based policing. • Agency community advisory board. • Racial or biased-based policing comprehensive plan or if traffic or pedestrian stop data. 												
37.	Use Kansas CPOST Registry for Police Misconduct											X - 1
38.	Engage in Community Outreach & Transparency: <ul style="list-style-type: none"> • Community Outreach Meeting(s) • Detailed Annual Report • Rap Sheet Radio Show • Enhance Police Web Site • Continue 'Coffee With a Cop' 											X - 1
39.	Implement Employee Retention Program: <ul style="list-style-type: none"> • Longevity Program • Physical Fitness Incentive • Educational Incentive • Signing Bonus 											Proposed in 2019 and City Commission pushed to 2020 – X-5
40.	Maintain a Policing Strategic Plan											X - 1 Updating for 2021
41.	National Consensus Policy on Use of Force							IACP				SUPPORT - 4
42.	Mandatory Participation in the Nat'l Use of Force Database							IACP				SUPPORT - 4
43.	Nat'l Standards for Discipline/Termination							IACP				SUPPORT - 4
44.	Develop National Police Officer Decertification Database							IACP				SUPPORT - 4
45.	Enhance Police Leadership & Culture							IACP				SUPPORT - 4
46.	Implement Improved Recruiting/Hiring/Promotions							IACP				SUPPORT - 4

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47. Enhance implementing Effective Discipline						IACP					SUPPORT - 4
48. Changing the culture of policing—guardian versus warrior culture of policing (Academy/in-service trng)											X - 1
49. Role of policing in past injustices (Academy)											X - 1
50. Culture of transparency and accountability (policy)					X						X - 1
51. Procedural justice: internal legitimacy (policy)											X - 1
52. Positive nonenforcement activities (policy/CPO)											X - 3
53. Research crime-fighting strategies that undermine or build public trust (Whatworks.gov & CPO)											X - 3
54. Community Survey (CRI-TAC Grant)					X						2020 – X-3
55. Workforce Diversity (Continuing Effort)											X - 1
56. Decouple federal immigration enforcement from local policing (policy)											X - 1
57. Community input and involvement (on going)											X - 3
58. Use of force (policy/trng)											X - 1
59. Nonpunitive peer review of critical incidents (new)											2020 – X-3
60. Scientifically supported identification procedures											X - 3
61. Demographic data on all detentions											X - 2
62. Mass demonstration policies (policy)											X - 1
63. Local civilian oversight (Advisory Board)											X - 2
64. No quotas for tickets for revenue (policy/training)											X - 1
65. Consent and informed search and seizure (policy)											X - 1
66. Officer identification and reason for stops (policy)											X - 1
67. Prohibit profiling and discrimination, in particular as it relates to LGBT and gender nonconforming populations. (Policy)											X - 1
68. Encourage shared services between jurisdictions (MOU)											X - 1
69. New technology standards for compatibility and interoperability											Support - 4
70. Address human rights and privacy concerns											Support - 4

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71. Technology designed considering local needs and people with special needs (policy/trng)											Support - 4
72. Body-worn cameras and other emerging technologies (policy/equipment/training)					X		X				X - 1
73. Public records laws—update to keep up with emerging technologies (policy)											X - 1
74. Transparency and accessibility for the community through technology (web site)											X - 1
75. Develop new less than lethal technology											Support - 4
76. Community engagement in managing public safety											X - 3
77. Infuse community policing throughout law enforcement organizations (policy/training)											X - 1
78. Use multidisciplinary teams (DCF/KCAT/SRO/MH)											X - 1
79. Protect the dignity of all (policy/training)											X - 1
80. Neighborhood problem solving (assign CPO F/T)											Expand in 2020 - 3
81. Reduce aggressive law enforcement that stigmatizes youth (policy)											X - 1
82. Address the school-to-prison pipeline											Expand in 2020 - 3
83. Youth engagement (SRO) (Policy/CPO)											X - 3
84. High quality training and training innovation hubs											X - 3
85. Engage community members in trainings (Simulator)											X - 5
86. Leadership training for all officers											X - 3
87. National postgraduate program of policing for senior executives											X - 3
88. Incorporate the following in basic recruit and in-service trainings:											Support - 4
<ul style="list-style-type: none"> • Policing in a democratic society • Implicit bias and cultural responsiveness 											

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<ul style="list-style-type: none"> Social interaction skills and tactical skills Disease of addiction Crisis intervention teams (mental health) Reinforce policies on sexual misconduct and sexual harassment How to work with LGBT and gender nonconforming populations 											
89. Higher education for law enforcement officers (AA)											X - 2
90. Use of technology to improve access to and quality of training (PoliceOne)											X - 2
91. Improve field training officer programs											X - 2
92. Multifaceted officer safety and wellness initiative											X - 5
93. Promote officer wellness and safety at every level											X - 5
94. Scientifically supported shift lengths											X - 2
95. Tactical first aid kit and training (EMR/Medic)											Expand in 2021 - 3
96. Anti-ballistic vests for every officer											X - 1
97. Collect information on injuries and near misses as well as officer deaths											Support - X-4
98. Require officers to wear seat belts and bulletproof vests											X - 1
99. Pass peer review error management legislation											Support - X-4
100. Smart car technology to reduce accidents											Support - X-4
Presidential Executive Order - 13929											
101. Use of Force adheres to fed/state/local laws											X-1
102. Choke Holds prohibited except as deadly force											X-1
Optional Under Executive Order 13929:											
103. Adherence to Constitutional Standards (force policies)											X-1
104. Termination of use of force policy											X-1
105. Duty to Intervene policy											X-1
106. Training Protocols on use of force/de-escalation											X-1


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107. Appropriate medical care is offered by policy										X-1
108. Warning (if practical) before shooting policy										X-1
109. Shooting at or from a Moving Vehicle policy										X-1
110. Warning Shots policy										X-1 Suicide Bomber exception
111. No-Knock Warrant policy										X-1
112. Early Intervention Systems with Audits										X-1
113. Hiring of personnel (practices, policies, and training protocols to hire and promote to identify the best candidate).										X-1
114. Community Engagement Plan										X-3
United Nations Code of Conduct for LE agencies										
115. Serving the community and by protecting all persons against illegal acts.										X-1
116. Respect and protect human dignity and maintain and uphold the human rights of all persons.										X-1
117. Use force only when strictly necessary and to the extent required for the performance of their duty.										X-1
118. Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential unless the performance of duty or the needs of justice strictly require otherwise.										X-1
119. No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war.										X-1

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120. Shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.											X-1
121. Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.											X-1
122. Law enforcement officials shall respect the law they shall also, to the best of their capability, prevent and rigorously oppose any violations of the law.											X-1
Amnesty International Best Practices											
123. Facilitate Peaceful Assemblies (facilitate and not restrict peaceful public assembly.											X-1
124. Protect peaceful assemblies (don't use minor violations or small minority to turn an event into a violent one as a pretext to restrict or impede free speech and assembly.)											X-1
125. Deescalate tense or violent situations.											X-1
126. Decisions to disperse used only as a last resort to protect public order from risk of violence. . Orders are to be clearly communicated with sufficient time to disperse.											X-1
127. Use police powers only for lawful aims. Force should not be used to punish non-compliance with an order.											X-1
128. Minimize damage and use force only when necessary.											X-1
129. Be accountable to the public and the judiciary. LEO's should be identifiable; complaints impartially investigated; use of force during a public assembly should be subject to review.											X-1
#8 Can't Wait Campaign											
130. Requires De-escalation											X-1
131. Use of Force Continuum											X-1
132. Ban Chokeholds and Strangleholds											X-1

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133. Require Warning Before Shooting												X-1
134. Ban Shooting at Moving Vehicles												X-1 Suicide Bomber exception
135. Exhaust all Alternatives												X-1
136. Duty to Intervene												X-1
137. Comprehensive Reporting of Use of Force												X-1 Updating Form

Total - (In Compliance, In Substantive Compliance, In Process, Support) = [132] 96.4%
 Total – Not In Compliance [5] 3.6%

- #12. Removal of Qualified Immunity – Not Supported
- #39. Implement Employee Retention Program – Proposed in 2019 and pushed forward by City Commission to consider in 2020
- #85. Engage community members in trainings – Use of Force Simulator proposal with LCC & Citizens Academy temporarily suspended due to staffing.
- #92. Multifaceted officer safety and wellness initiative – Training, gym equipment (new public safety center), proposed fitness incentive in 2019 pushed forward for consideration by City Commission to 2020.
- #93. Promote officer wellness and safety at every level – Implementing Defensive Tactics Training Program, reviewing Early Alert App, No EAP Program available

MOVING FORWARD:

- A. Morph the Racial Profiling Committee into the Chief’s Public Safety Advisory Board
- B. Train Police Officers as Emergency Medical Responders (EMR) – tactical medics/man-made and natural disasters, care of persons in-custody)
- C. RUOK Telephone Reassurance Program (Seniors) – Waiting on hardware and AT&T to install phone line.
- D. Community Survey to be sent later in 2020 – developed as part of the CRI-TAC Grant with US Dept of Justice
- E. Assign full-time Community Policing Officer to work with neighborhoods (problem-oriented policing), speakers Bureau, home security surveys, bike/UTV, etc.
- F. Participate as the first agency in Kansas and the Mid-West with Early Alert – A new police wellness app (free).

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MISCONCEPTION ABOUT QUALIFIED IMMUNITY

NOTE: Qualified immunity is a type of legal immunity. “Qualified immunity balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.” *Pearson v. Callahan* .

Specifically, qualified immunity protects a government official from lawsuits alleging that the official violated a plaintiff's rights, only allowing suits where officials violated a “clearly established” statutory or constitutional right. When determining whether or not a right was “clearly established,” courts consider whether a hypothetical reasonable official would have known that the defendant’s conduct violated the plaintiff’s rights. Courts conducting this analysis apply the law that was in force at the time of the alleged violation, not the law in effect when the court considers the case.

Qualified immunity is not immunity from having to pay money damages, but rather immunity from having to go through the costs of a trial at all. Accordingly, courts must resolve qualified immunity issues as early in a case as possible, preferably before discovery.

Qualified immunity only applies to suits against government officials as individuals, not suits against the government for damages caused by the officials’ actions. Although qualified immunity frequently appears in cases involving police officers, it also applies to most other executive branch officials. **While judges, prosecutors, legislators, and some other government officials do not receive qualified immunity, most are protected by other immunity doctrines.**

Qualified immunity requires a police employee to act within the confines of their training, in accordance with agency policies and state law.

NOTE: The Fraternal Order of Police (FOP) has 35 Chapters in Kansas with 3,100 members. Nationwide FOP has 320,000 members. FOP can function either as a Union or as a fraternal organization. FOP offers its members a Legal Defense Fund (insurance) that costs about \$310 annually. Removal of qualified immunity will substantively increase FOP membership nationwide.

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22-4610. Same; law enforcement policies preempting profiling, requirements; annual training required; community advisory boards; annual reports of complaints. (a) All law enforcement agencies in this state shall adopt a detailed, written policy to preempt racial or other biased-based policing. Each agency's policy shall include the definition of racial or other biased-based policing found in K.S.A. [22-4606](#), and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

(2) The annual report shall include:

(A) The number of racial or other biased-based policing complaints received;

(B) the date each racial or other biased-based policing complaint is filed;

(C) action taken in response to each racial or other biased-based policing complaint;

(D) the disposition of each racial or other biased-based policing complaint;

(E) the date each racial or other biased-based policing complaint is closed;

(F) whether or not all agency law enforcement officers not exempted by Kansas commission on peace officers' standards and training received the training required in subsection (c)(2)(A);

(G) whether the agency has a policy prohibiting racial or other biased-based policing;

(H) whether the agency policy mandates specific discipline for sustained complaints of racial or other biased-based policing;

(I) whether the agency has a community advisory board; and

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

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

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

- (a) "Governmental unit" means the state, or any county, city or other political subdivision thereof, or any department, division, board or other agency of any of the foregoing, except governmental unit shall not include the board of education of any school district employing school security officers.
- (b) "Law enforcement agency" means the governmental unit employing the law enforcement officer.
- (c) "Law enforcement officer" has the meaning ascribed thereto in K.S.A. [74-5602](#), and amendments thereto, except law enforcement officer shall not include school security officers designated as school law enforcement officers pursuant to K.S.A. [72-6146](#), and amendments thereto.
- (d) "Racial or other biased-based policing" means the unreasonable use of race, ethnicity, national origin, gender or religion by a law enforcement officer in deciding to initiate an enforcement action. It is not racial or other biased-based policing when race, ethnicity, national origin, gender or religion is used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.
- (e) "Enforcement action" means any law enforcement act, as described in K.S.A. [22-4609](#), and amendments thereto, during a nonconsensual contact with an individual or individuals.
- (f) "Collection of data" means that information collected by Kansas law enforcement officers after each traffic stop.