



GOVERNOR'S COMMISSION
ON
RACIAL EQUITY & JUSTICE

INITIAL REPORT

DECEMBER 2020

**POLICING AND LAW ENFORCEMENT IN
KANSAS**

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FROM THE CO-CHAIRS

We would like to thank Governor Laura Kelly for giving us the honor of leading the Governor's Commission on Racial Equity and Justice. The Commission is an opportunity to bring together the voices of Kansans from every walk of life, engage in open and thought-provoking discussions, and address the issues of inequity that impact different institutions and segments of life. Following the deaths of George Floyd and Breonna Taylor, and the subsequent protests and mass organizing of people across the United States and the world, Governor Kelly felt it necessary to use the nation's energy to begin addressing systemic racism in Kansas.

Governor Kelly directed the Commission to focus our efforts first on law enforcement and submit an initial report to her by December 1, 2020. The governor appointed a diverse group of professionals from law enforcement, academia, public education, public health, local government, the justice system, and more to spearhead the Commission's work. Over the past five months, we have met with dozens of stakeholders across the state and collected input for our recommendations on improving law enforcement interactions with the communities they serve.

We are thankful for the hundreds of community members, law enforcement members, and all those who took the time to candidly and selflessly present their ideas and expertise to help lead us to become a more equitable state. Through the many hours of virtual meetings, we have learned how dedicated so many fellow Kansans are to do what it takes to create a safer, more trusting, and more inclusive environment for all. Our work was given deeper meaning and value through their participation and recommendations.

Further, we would want to thank all the Commissioners for their commitment to this undertaking. Each of the members has dedicated hours each week to attend commission meetings, learning sessions, and Commission work on top of their full-time jobs, families, and other commitments. They have navigated the challenges of working remotely and balancing the stress of the devastating COVID-19 pandemic.

Lastly, we would especially want to thank the staff that assisted the Commission with hosting Zoom meetings, organizing outreach with stakeholders, maintaining the documentation and recordings, collecting research, and more. Thank you to Kate Davis, Kyle Freese, and Lexi Bergeron of the Governor's staff, the National Governors Association, and the interpreters of Nexus Interpreting for ensuring our Commission could focus our energy on creating recommendations for the Governor.

This report does not mark the end of our job, and we know there is still much work to be done to address other areas of racial inequity and injustice in Kansas. We will soon begin our work to create reports for Governor on July 1, 2021, and another on January 1, 2022. This first semester of work has given us hope that the people of Kansas are committed to addressing the problems of our time and working with the Commission to create a strong foundation for our state—one that will be a model for states across the country in creating lasting change.

Dr. Tiffany Anderson
Co-Chair

Dr. Shannon Portillo
Co-Chair

ABOUT THE COMMISSION

The following is a list of the Commissioners appointed by Governor Laura Kelly. Governor Kelly appointed 15 members to the Commission from across Kansas representing a broad array of perspectives, backgrounds, and experiences.

CO-CHAIRS

Dr. Tiffany Anderson | Topeka | Superintendent, USD 501

Dr. Shannon Portillo | Lawrence | Associate Dean, University of Kansas

MEMBERS

Secretary DeAngela Burns-Wallace | Topeka | Kansas Department of Administration

Judge Monique Centeno | Wichita | District Court Judge, Div. 11 of Sedgwick County

Dr. Brandon Davis | Lawrence | Assistant Professor, University of Kansas

Ernestor De La Rosa | Dodge City | Assistant City Manager, City of Dodge City

Mark Dupree | Wyandotte | District Attorney, Wyandotte County

David Jordan | Hutchinson, President & CEO – United Methodist Health Ministry Fund

Dr. Anthony Lewis | Lawrence | Superintendent, USD 497 Lawrence

Mark McCormick | Johnson County, Director of Strategic Communications, Kansas ACLU

John Nave | Topeka | Executive Vice President, Kansas AFL-CIO

Chief Gordon Ramsay | Wichita | Chief of Police, Wichita Police Department

Elyse Towey | Lawrence | Treasurer, Iowa Tribe of Kansas and Nebraska

Catalina Velarde | Overland Park | Attorney and Adjunct Professor, UMKC School of Law

Jackson Winsett | Kansas City | Assistant Vice President – Federal Reserve Bank of Kansas City

BACKGROUND

In the wake of national calls for justice, accountability, and reforms to address racial disparities, following the deaths of George Floyd, Breonna Taylor, Ahmaud Arbery, and many others, Governor Laura Kelly signed Executive Order No. 20-48 to establish the Governor’s Commission on Racial Equity and Justice (“the Commission”).

The Commission is tasked with studying issues of racial equity and justice across systems in Kansas including, criminal justice, health and mental health, education, housing, and economic opportunity. Given the public urging from Kansans that state and local leaders make fundamental changes to how police interact with the communities they are empowered to protect, Governor Kelly charged the Commission to first examine policing and law enforcement. The purpose of the Commission is to develop and recommend actionable policy steps for consideration by Governor Kelly, the Legislature, and local governments to create meaningful and lasting change.

To better understand issues impacting communities of color, and the policies and practices surrounding racial equity and justice in Kansas, the Commission has convened regular meetings from July 2020 to January 2022. During this period, the Commission will develop a series of three reports (due: December 1, 2020, July 1, 2021, and January 1, 2022). The reports are informed by community and stakeholder learning sessions, presentations to the Commission, and research and analysis at the state and national levels. The reports will detail the Commission’s policy recommendations.



The killing of George Floyd, May 25, 2020, sparked an ongoing wave of protests and civil unrest across the county.

THE COMMISSION’S WORK

The Commissioners participated in bi-weekly meetings, as well as learning sessions with stakeholders. The public was encouraged to provide feedback and information to the Commission through a designated email address, phone number, and physical mail address. All Commission meeting agendas, materials, and recordings are available on the Commission website.

Bi-Weekly Commission Meetings

The Commission held 11 bi-weekly meetings on a virtual platform open to the public through a live stream on YouTube. Bi-weekly Commission meetings included presentations from relevant Kansas law enforcement entities and outside experts. Commission meetings also provided opportunities for Commissioners to discuss stakeholder feedback and information gathered during learning sessions.

Commission Meetings: Focus of Discussion	Date
Opening Remarks from Governor Kelly and Commissioner Introductions	7/9/2020
Presentation from the National Governors Association on Previous Federal and State Law Enforcement Reform Reports and Recommendations	7/23/2020
Presentation from Kansas Law Enforcement Training Center	8/6/2020
Co-chairs Facilitated Discussion to Begin Planning Final Report Recommendations	8/20/2020
Presentation on Tribal Issues and Law Enforcement	9/3/2020
Presentation from the Kansas Commission on Peace Officer Standards and Training	9/17/2020
Presentation from Judge Arnold-Burger on the Pre-Trial Justice Task Force Report	10/1/2020
Presentation from the State Board of Indigent Defense Services and Federal Public Defender’s Office on Public Defense	10/15/2020
Presentation from the Governor’s Grants Office and the Attorney General	10/29/2020
Discussion of Report Recommendations and Outreach	11/12/2020
Discussion of Report Recommendations and Outreach	11/19/2020

Learning Sessions

In addition to the public meetings, the Commission held 26 learning sessions with community members and other stakeholders. Learning sessions provided opportunities for a small number of Commissioners to hear directly from interested stakeholders. Commissioners then reported out the feedback they received from learning sessions to the full Commission.

Learning Session	Date
Community Session - Wichita	7/20/2020
State Board of Indigent Defense Services	7/21/2020
Kansas Association of Chiefs of Police, Kansas Sheriff's Association, and Kansas Peace Officers Association	7/29/2020
National Organization of Black Law Enforcement (NOBLE) – Kansas Chapter	8/11/2020
National Association of Women Law Enforcement Executives (NAWLEE) – Kansas Chapter	8/17/2020
Community Session – Dodge City	8/26/2020
Community Session - Hutchinson	8/27/2020
Community Session - Topeka	9/5/2020
Community Session - KCK	9/9/2020
Kansas Commission for the Deaf and Hard of Hearing	9/12/2020
Behavioral Health - Wichita/Sedgwick County	9/15/2020
Kansas Tribal Leadership	9/30/2020
Non-KLETC Training Academies	10/2/2020
Dr. Samuel Walker (History of policing and citizen accountability structures)	10/5/2020
Kansas Co-responder Program Leaders	10/6/2020
Dr. Marie Pryor, Center for Policing Equity	10/9/2020
University of Kansas Student Session	10/13/2020
Professor Joanna Schwartz (Qualified Immunity)	10/14/2020
American Civil Liberties Union of Kansas	10/16/2020
League of Kansas Municipalities (Session 1)	10/20/2020
League of Kansas Municipalities (Session 2)	10/22/2020
Dr. Aaron Kupchik (School Resource Officers)	11/5/2020
Juvenile Justice – Racial Disparities	11/9/2020
Juvenile Officers	11/10/2020
Fraternal Order of Police, Kansas Lodge	11/11/2020
Disrupting the School to Prison Pipeline	11/16/2020

UNDERSTANDING THE PROBLEM

Police are not immune to the biases that our nation has struggled with since before its founding, including racial bias. The existence of racial bias in policing and disparities in enforcement have been articulated through both anecdotal and scientific research. Black and Brown communities have shared individual experiences of bias in their interactions with law enforcement. Additionally, analyses of various datasets of documented law enforcement interactions have identified such problems and provided additional context and understanding of the challenges of racial bias in policing.

Racial disparities have been identified within multiple types of law enforcement and community interactions. Within police-initiated contact (compared to traffic accident or citizen-initiated contact), traffic stops are the most frequent type of interactions individuals will have with law enforcement.¹ One study analyzing national data from 95 million traffic stops found that police stop Black drivers more often than white drivers, with an annual per-capita stop rate for Black drivers at .10 compared to .07 for white drivers, among state patrol stops.² This study concluded that police stop and search decisions “suffer from persistent racial bias and point to the value of policy interventions to mitigate these disparities.”³ In an assessment of more than 2,300 Kansas City-area traffic stops, University of Kansas researchers found that young Black drivers were “five times more likely to have their vehicles searched.”⁴

Beyond increased frequency of contact for Black individuals, and more to the root of national calls for law enforcement reform, is the disparity in police use-of-force, more specifically, excessive use-of-force. A study published by the National Academy of Sciences evaluated the risk of being killed by police use-of-force across different racial and socio-economic groups. The study found that the risk of being killed by police is highest for Black men, who currently “face about a 1 in 1,000 chance of being killed by police over the course of their life.”⁵ This study found that Black men were about 2.5 times more likely to be killed by law enforcement over the course of their lifetimes than are white men.⁶ The disparity also exists for Black women, who are about 1.4 times more likely to be killed by police than are white women.⁷

Research has also shown that law enforcement officers’ perception of the impact of fatal encounters between Black individuals and police varies by the race of the officer⁸. 72% of white officers view fatal encounters with Black individuals as isolated incidents, compared to 43% of their Black colleagues. Further, 27% of white officers

¹ https://www.bjs.gov/content/pub/pdf/cpp15_sum.pdf

² Pierson, E., Simoiu, C., Overgoor, J. et al. A large-scale analysis of racial disparities in police stops across the United States. *Nat Hum Behav* 4, 736–745 (2020). <https://doi.org/10.1038/s41562-020-0858-1>.

³ Id.

⁴ <https://klcjournl.com/professors-find-frequent-traffic-stops-a-form-of-institutional-racism/>

⁵ Edwards, F., Lee, H., and Esposito, M., “Risk of being killed by police use-of-force in the U.S. by age, race/ethnicity, and sex”. *Proceedings of the National Academy of Sciences*. <https://www.pnas.org/cgi/doi/10.1073/pnas.1821204116>.

⁶ Id.

⁷ Id.

⁸ <https://www.pewsocialtrends.org/2017/01/11/behind-the-badge/>

believe that deaths of Black individuals during a police encounter is a sign of a broader problem, compared to 57% of their black colleagues.⁹

While there is a vast body of literature to understand racial disparities within the policing at the national level, to better understand the challenges in Kansas, the Commission held learning sessions and gathered information from residents across the state.

Through learning sessions with community members and stakeholder groups, Commissioners heard first-hand accounts and experiences of racial bias and the challenges unique to Kansas communities. These learning sessions provided opportunities for community members and stakeholders from across the state to share their personal experiences and perspectives with Commissioners. The communities and groups represented at learning sessions included members of law enforcement, public defenders, and groups in Wichita, Dodge City, Topeka, and many others (see learning sessions chart above).

The community members shared a diversity of perspectives with Commissioners as well as some common challenges. These groups highlighted a number of issues related to law enforcement including the following concerns:

- a lack of community trust in law enforcement,
- concerns regarding law enforcement training standards and a lack of cultural competency,
- challenges regarding traffic stops and the ability to obtain driver licenses,
- the desire for law enforcement officers to better reflect the diversity of the communities they serve, as well as many others.¹⁰

During bi-weekly Commission meetings, Commissioners reflected on the perspectives and insight shared by these stakeholders. Relevant law enforcement entities in Kansas also provided Commissioners additional detail and understanding of the policing context and unique challenges for Kansas law enforcement. Commission meetings provided opportunities for Commissioners to discuss the challenges raised and consider opportunities for reform.

Following these discussions, and taking these data and experiences into account, the Commission developed recommendations to promote racial equity and improve law enforcement in Kansas.

The recommendations span many topics and address items that may take place on the state/agency, legislative, or local level. The Commission hopes that the Governor, Legislature, and local governmental bodies will consider the recommendations that are applicable to them and take action.

⁹ Id.

¹⁰ See appendix for listening session notes

RECOMMENDATIONS BY SUBJECT

LAW ENFORCEMENT TRAINING

Law enforcement officer training standards are determined by the Kansas Commission on Peace Officer Standards and Training (CPOST),¹¹ which approves curriculum and requirements for all law enforcement training centers in the state. The Kansas Law Enforcement Training Center (KLETC) currently trains most law enforcement officers in the state, though some local agencies conduct their own training under the supervision of KLETC. KLETC is a unit of the University of Kansas, Lifelong and Professional Education program.¹² Improved training for law enforcement officers can help achieve better community-police interactions, ensure statewide standards are met, and bolster public trust. **The following are recommendations related to law enforcement training:**

Enhance ongoing social equity and anti-bias training curriculum.

LET.1 | STATE/AGENCY

KLETC should ensure that anti-bias training is robust and that agencies are providing opportunities for more complex training over time. These efforts should incorporate advocacy groups that represent the viewpoints of communities that have adversarial relationships with law enforcement.

Include instruction on history of policing, including racial elements of that history.

LET.2 | STATE/AGENCY

KLETC should ensure that instruction on the history of policing is required for all Kansas law enforcement officers, and that an understanding of that history and how it informs modern policing is one of the competencies that law enforcement officers demonstrate before graduating from the academy.

Explore further connections with KU and other Board of Regents institutions, including experts in diversity/inclusion.

LET.3 | STATE/AGENCY

KLETC should leverage relationships with Kansas Board of Regents institutions and others to expand the background and expertise of instructors engaged in training. By looking beyond former law enforcement professionals to experts in related and relevant topics, KLETC can help law enforcement officers to expand their view of policing and its effects on communities.

Increase racial and ethnic diversity in KLETC instructors.

LET.4 | STATE/AGENCY

KLETC should focus on increasing representation among instructors at the academy by actively identifying and recruiting potential candidates from Kansas law enforcement agencies and other entities.

¹¹ <https://www.kscpost.org/kscpost.html>.

¹² <https://kletc.org/about-kletc>.

Expand ongoing officer training requirements.

LET.5 | LEGISLATIVE

Add requirements for quarterly/ongoing training, including presentations, video modules, collaboration with other officers, and community learning sessions.

LET6: Increase transparency around training in non-KLETC academies.

LET.6 | LOCAL

KLETC and local, non-KLETC academies should be clear about training practices and how each entity fulfills requirements set by Kansas statute and the Kansas Commission on Peace Officer Standards and Training.

Create standards for ongoing officer training.

LET.7 | STATE/AGENCY

KLETC should create standards for which training courses are acceptable in fulfillment of the 40 hours of training required per year. KLETC should set standards as to what must be included in trainings, based on specific subject areas, such that the trainings will count towards the 40 hours required. These standards should be updated yearly and be made available to law enforcement by the beginning of the last month of the training year. KLETC should also include and require training equivalent to or with similar learning objectives as Active Bystander for Law Enforcement (ABLE) and basic mental health response training (see recommendation *BH.4*).

Create a law enforcement supervisor training program.

LET.8 | STATE/AGENCY

KLETC should create a supervisor training program or academy. All law enforcement officers promoted to a supervisory position should be required to attend the college within 6 months of promotion. The supervisors' academy should require 40 hours of continued education yearly, which may take the place of the standard ongoing training requirements and should be specific to leadership level. The supervisor training should focus on front line supervisors and mid-level supervisors and include topics of public administration, law and society, management, leadership, and ethics.

OFFICER CERTIFICATION AND STANDARDS

While there is no national standard for credentialing or licensing of law enforcement officers, most states require some type of certification, license, or meeting of a base standard of requirements to become an officer.¹³ In Kansas, the Kansas Commission on Peace Officer Standards and Training (CPOST) sets training standards and grants law enforcement officer certifications under their authority as set by the Kansas Law Enforcement Training Act.¹⁴ CPOST may suspend, condition, revoke, censure, reprimand, or deny an officer's certification for a number of reasons, including the use of racial or other biased based policing. There is also no national database of officer misconduct or decertification. The National Decertification Index collects decertification information, but participation is voluntary, and agencies are not required to consult the index prior to hiring.¹⁵ **The following are recommendations related to officer certification and standards:**

Prohibit fired officers from being hired at different law enforcement agencies.

OCS.1 | LEGISLATIVE

Require that an officer fired in one law enforcement agency for egregious offenses (as provided in K.S.A. 74-5616) cannot be hired in a different law enforcement agency. A law enforcement agency may choose to hire an officer fired from another law enforcement agency for offenses not included in the statute, as deemed appropriate and at the discretion of the hiring entity.

Mandate review of records during hiring process.

OCS.2 | LEGISLATIVE, LOCAL

Recommend law enforcement agencies be required to check an officer's record with CPOST before making a hiring decision. Additionally, if and when a national database is created, law enforcement agencies should also be required to check that national database.

Increase transparency around police disciplinary records.

OCS.3 | STATE/AGENCY, LEGISLATIVE, LOCAL

Law enforcement agencies should create a publicly accessible database to collect information on law enforcement officials with records of misconduct and disciplinary actions across the state of Kansas.

Require psychological testing of officers, performed by a licensed professional, before certification

OCS.4 | STATE/AGENCY, LEGISLATIVE

Current CPOST standards require psychological tests before certification, but not by an independent, licensed professional. Require licensed professional psychologists to perform testing on officers before certification.

¹³ <https://www.ncsl.org/research/labor-and-employment/policing-oversight-and-new-legislation.aspx>.

¹⁴ <https://www.kscpost.org/forms/trainingact%207-1-2018.pdf>.

¹⁵ <https://www.iadlest.org/our-services/ndi/about-ndi>

Require that officers have completed KLETC training before they are issued a firearm for use in the line of duty.

OCS.5 | LEGISLATIVE

A law enforcement agency should not be allowed to issue a firearm to a provisionally certified law enforcement officer for use in the line of duty or allow the officer to carry a firearm in the line of duty, until the officer has qualified on the Kansas Commission on Peace Officers' Standards and Training course of fire and received use of force training.

Ensure quality and compliance with anti-bias training and practices.

OCS.6 | STATE/AGENCY

CPOST should coordinate with the Attorney General's office to conduct a periodic officer certification process for officers every 2 years to ensure anti-bias and culturally responsive policing practices are being utilized by individual law enforcement officers.

Allow county and district attorneys to request and receive disciplinary records for law enforcement officers.

OCS.7 | LEGISLATIVE

District and County Attorneys are the Chief Law Enforcement Officials in their respective counties, and they work hand and hand with all law enforcement. The current system is structured to allow for an officer with an egregious disciplinary record to be kept within the department. In order to increase transparency and sharing of information, local prosecutor's offices in each jurisdiction should be permitted to request and receive disciplinary records of law enforcement officers from both CPOST and law enforcement agencies. Law enforcement officers with a history of concerning disciplinary actions which threatens the safety of the community should not be shielded from accountability.

Increase diversity on the Commission on Peace Officer Standards and Training.

OCS.8 | LEGISLATIVE

Current requirements in statute define CPOST membership narrowly. They should be updated to allow for more diversity (race, gender, and geographical) in appointments to the Commission. This may include adding qualified professionals in related fields outside of law enforcement and expanding law enforcement members to include Deputy Chiefs and Undersheriffs.

Expand CPOST investigation practices.

OCS.9 | STATE/AGENCY, LEGISLATIVE

The CPOST investigation committee, which reviews the work of staff, should include qualified members who are not law enforcement professionals in addition to law enforcement professionals.

Review CPOST structure and practices.

OCS.10 | STATE/AGENCY, LEGISLATIVE

A comprehensive study of CPOST should be commissioned to seek out models from other states or jurisdictions on best practices in peace officer standards and training, including investigation practices, POST makeup, and offenses that can result or must result in decertification of an officer.

Review and amend statutes that prohibit individuals with a previous low-level criminal offense from becoming police officers.

OCS.11 | LEGISLATIVE

There should be a comprehensive review of the current statute for law enforcement certification, which hinders law enforcement agencies' ability to hire candidates who may have a low-level offense that prohibits them from becoming a police officer. Consider allowing certain offenders to become law enforcement officers, depending on the severity of crime and time since conviction.

Create a list of complaints and firings.

OCS.12 | LEGISLATIVE

The state should improve transparency in law enforcement by creating a statewide list of officers who have been fired or had complaints against them including, but not limited to, use of force violations and racial bias. Such an effort should consider conditions required for the list, whether allegations have been substantiated, and whether the list should be made public. Require reporting and compliance.






The full Commission hears a presentation by the Kansas Commission on Peace Officer Standards and Training—September 17, 2020.

KLETc: A History

Established by the Kansas Legislature in 1968 as the central law enforcement training facility for our state, the Kansas Law Enforcement Training Center (KLETc) serves as the headquarters for all law enforcement training in Kansas.

KLETc directly trains the overwhelming majority of municipal, county and state law enforcement officers in Kansas, and oversees, supervises, and monitors the training of the remaining officers at seven authorized and certified academy programs operated by the:

- Johnson County Regional Police Academy,
- Kansas City, Kansas Police Department,
- Lawrence Police Department,
- Wichita Police Department,
- Sedgewick County Sheriff's Office,
- Topeka Police Department,
- Johnson County Sheriff's Office, and the
- Kansas Highway Patrol.



Darin Beck, Kansas Law Enforcement Training Center, delivers a presentation to the full Commission—August 6, 2020.

RECRUITMENT, RETENTION, AND PROMOTION

Recruiting and retaining law enforcement professionals of diverse backgrounds can increase language skills, improve cultural understanding, and help advance community-based policing efforts.¹⁶ An analysis of officer personnel data in police agencies across the country, including 5 agencies within Kansas, found that communities of color were underrepresented in the police force, particularly in the majority of larger local law enforcement agencies serving at least 100,000 residents.¹⁷ Local law enforcement agencies vary in the requirements for levels of education,¹⁸ fitness, citizenship, and residency, which has an impact on the individuals that qualify for, and join, the law enforcement workforce. Agencies may consider strategies from behavioral science research,¹⁹ and other fields, to recruit and retain officers aligned with state standards, national best practices, and community values. **The following are recommendations related to recruitment, retention, and promotion policies across Kansas law enforcement agencies:**

Create plans to recruit officers that reflect the communities being policed.

RRP.1 | LOCAL

Connection to the community and diversity in the force are values that help any law enforcement agency to serve more effectively. Law enforcement agencies that serve in a community should take steps to align their recruitment efforts to the demographics of the communities being served.

Encourage promotion and retention of underrepresented groups so that command structures represent the community being served.

RRP.2 | LOCAL

Encourage law enforcement agencies to not only hire but promote and retain traditionally underrepresented groups within the agency. Efforts to retain and promote these groups is integral in ensuring the department, at all levels of the command structure, is reflective of the community it serves and creates practices to reduce bias in policing.

Amend statute that requires citizenship for law enforcement officers. Align requirements with U.S. military standards for service.²⁰

RRP.3 | LEGISLATIVE

Kansas law (KSA 74-5605(b)(1)) prohibits law enforcement agencies from hiring non-citizens with legal status as law enforcement officers. This policy prevents agencies from taking advantage of legal

¹⁶ https://www.rand.org/content/dam/rand/pubs/occasional_papers/2012/RAND_OP370.pdf;
https://www.rand.org/pubs/research_briefs/RB9546.html

¹⁷ <http://images.centerdigitaled.com/documents/policediversityreport.pdf>

¹⁸ Matthew J. Carpenter, Police-Community Positive Relations: Officer Education vs. Officer Diversity, Law Enforcement Executive Forum (2019)

¹⁹ https://www.bi.team/wp-content/uploads/2019/01/BIT-Police-report_MKV5-WEB.pdf

²⁰ <https://dod.defense.gov/news/mavni-fact-sheet.pdf>

permanent residents (green card holders), DACA recipients, and other potential community members who may make high-quality and committed law enforcement officers. Kansas should align with the requirements to serve in the military.

Create exceptions to residency requirements under certain conditions – to encourage underrepresented communities.

RRP.4 | LOCAL

If a law enforcement agency or jurisdictional authority institutes a residency requirement, there should be an exception for demographics that are underrepresented in the agency to ensure that requirements don't prevent diverse candidates from being able to serve.

Create a position in state government to focus on diversity in law enforcement and assist in law enforcement efforts to increase diversity.

RRP.5 | STATE/AGENCY

The Governor's office should consider a position for an individual focused on diversity in law enforcement, who shall report annually to the Governor. This individual should be an experienced diversity leader to assist and collaborate with all law enforcement agencies, as well as CPOST and KLETC, on how to establish equity, diversity, & racial inclusion amongst all levels of the agency. This position will work directly with the Chief of Police or the head of each law enforcement agency to create strategies to implement and connect the dots between diversity and inclusion efforts across the State's law enforcement agencies. Each agency shall report their diversity hiring and recruitment plan and implementation of each plan will be reviewed and monitored on a quarterly basis by the individual.

Create an entity within the Governor's Office to address diversity, equity and inclusion.

RRP.6 | STATE/AGENCY

Additionally, the state should create as part of the Governor's Office an office that focuses on diversity, equity, and inclusion, whose purview would include law enforcement. *This is a topic of ongoing discussion with the Commission and may be included and expanded on in a future report.*

Explore options around increasing officer pay, including salary enhancements tied to degree attainment for law enforcement officers.

RRP.7 | LOCAL

Increased officer pay has a dual positive effect on law enforcement agencies: it helps engage more diverse and qualified applicants, and it improves the overall quality of officers and recruitment efforts. Additionally, studies have shown that law enforcement officers with higher levels of education are less likely to commit use of force violations.²¹ Law enforcement agencies should reward officers for attaining higher education degrees with salary enhancements and promote a general furthering of education within the department.

²¹ http://www.cjci.org/uploads/cjci/documents/jpj_education_use_of_force.pdf

ACCOUNTABILITY

Accountability for law enforcement officers may be employed through front-end policies and procedures as well as back-end review and oversight policies.²² Front-end accountability policies include the creation of citizen advisory boards and specific use of force and other guidelines for officers. This allows agencies to train to the standards and guide agency tactics and protocols. Back-end accountability mechanisms may include officer-worn body cameras,²³ databases to track misconduct or use of force, and civilian review boards.²⁴ **The following are recommendations related to accountability:**

Include accountability measures and follow up related to the enforcement of recommended changes.

ACC.1 | STATE/AGENCY, LEGISLATIVE, LOCAL

Any policy changes put in place should be paired with training, management, and accountability measures to ensure they are being implemented as intended.

Ensure that data collected is transparent, public, and easily accessible.

ACC.2 | LOCAL, STATE/AGENCY

Data collected related to law enforcement recruiting, promotion, pull-overs and use of force should be clear and readily available to members of the public.

Select a state entity to analyze and publish law enforcement data for public use.

ACC.3 | STATE/AGENCY

Identify a state agency or regent university to analyze all law enforcement data and use of force and racial bias complaint data to identify trends and make an annual report available publicly.

Review and revise policies and training on use of force.

ACC.4 | LOCAL

Review and revise policies and training on use of force to authorize only the minimal amount of force necessary to protect citizen and officer safety, that is proportional to the incident, that brings an unlawful situation safely and effectively under control, and that preserves the constitutional and human rights of the individual.

²²<https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/59dfa32aa803bb57bb93316c/1507828522861/Policing+Project+2-pager+8.21.17.pdf>

²³ Although studies have indicated that body cameras may not change officer or citizen behavior or interactions, these cameras may provide additional evidence or track records to be used in the general course of investigations, citizen grievance processes, or as part of disciplinary review. https://bwc.thelab.dc.gov/TheLabDC_MPD_BWC_Working_Paper_10.20.17.pdf

²⁴ <https://www.ncjrs.gov/pdffiles1/nij/184430.pdf>; <https://www.nacole.org/>

Review racial and bias-based policing policies and the complaints process for law enforcement on a state level.

ACC.5 | LEGISLATIVE

The Legislature should review the racial and bias-based policing policies there were updated in statute in 2011 and determine if they are serving the intended purpose. Specifically, the Legislature should address:

- The process for filing a complaint of racial or bias-based policing, or other complaints related to law enforcement such as use of force complaints, to ensure that the process is clear and accessible to Kansans;
- What entity is most appropriate to manage the process of filing those complaints, conducting an independent and thorough investigation, and ensuring accountability measures as appropriate; and
- The availability of data related to such complaints and responsive action taken.

Implement evidence-based practices related to the use of dashboard cameras and body-worn cameras.

ACC.6 | LOCAL

Law enforcement agencies should review and consider the Bureau of Justice Assistance's (BJA) Body Worn Camera Toolkit to assist in implementing BWCs.²⁵

Address clear and uniform labeling of law enforcement vehicles.

ACC.7 | LOCAL

When performing traffic enforcement, law enforcement vehicles should be uniformly labeled and clearly identifiable by members of the public, unless the law enforcement agency believes that marking the vehicle would be a danger or detriment to officer or community safety.

Adopt policies that improve transparency around contract negotiations.

ACC.8 | LEGISLATIVE, LOCAL

In order to improve transparency, the Legislature should research the role of contract negotiations with law enforcement agencies at the local level and provide recommendations on how to best engage in contract negotiations between local agencies and law enforcement. These efforts should be communicated with the public to increase transparency and public trust.

²⁵ <https://bj.a.ojp.gov/program/bwc>.

DATA COLLECTION

Collection of data related to law enforcement interactions, including use of force, traffic stops, and misconduct complaints, varies widely across states and agencies.²⁶ Improving the collection of law enforcement data can enable agencies and communities to evaluate the impact of policing practices and increase police accountability. **The following are recommendations related to data collection:**

Collect and publish recruitment (applicant and newly-hired) demographic data.

DAT.1 | STATE/AGENCY

KLETC or the appropriate agency should collect data on applicants and newly-hired personnel from all law enforcement agencies and maintain a publicly available database of recruit demographics including race/ethnicity and gender.

Collect and publish retention and promotion demographic data.

DAT.2 | STATE/AGENCY

KLETC or the appropriate agency should collect retention and promotion data for the state and maintain a publicly available database of current police officer demographics including race/ethnicity and gender. These data should be collected when CPOST reviews annual training requirements.

Implement a pull-over or stop data collection program.

DAT.3 | LEGISLATIVE

Funding should be allocated for the collection of pull-over or stop data from all law enforcement agencies within the state, similar to the program in place in North Carolina. Funding to go to development of a web-based data collection portal, so smaller agencies would not have to invest in new data collection software. A state agency should be identified to collect and analyze pull-over and stop data in addition to any citation data that is currently collected. See Appendix for detailed recommendations.

Commissioners and community members hold a learning session for the City of Hutchinson—August 27, 2020.



²⁶ <https://datasmart.ash.harvard.edu/news/article/how-can-data-increase-police-accountability>.

PUBLIC DEFENSE

The 6th Amendment to the U.S. Constitution guarantees that every person has a right to counsel in a criminal case.²⁷ The U.S. Supreme Court has held that the state is obligated to ensure all indigent defendants are provided with effective assistance of counsel.²⁸ Public defense in Kansas is provided primarily through the State Board of Indigent Defense, as well as through assigned counsel programs. Public defenders ensure that the rights of individuals charged with crimes are protected and play a key role in identifying policing practices, conduct, or actions impacting individual rights.²⁹ Concerns around a lack of statewide standards for the provision of defense services, along with high caseloads and limited resources, continue to pose challenges for indigent defense.³⁰ **The following are recommendations related to public defense:**

Expand public defender's offices.

PD.1 | STATE/AGENCY, LEGISLATIVE

Kansas should require a public defender's office in any county with a population greater than 100,000. Public defenders cost less than court-appointed attorneys, are available for first appearances, provide continuity in case coverage, and have more accountability within the criminal justice system. Having organized offices rather than contract attorneys also allows for training, mentorship, and professional development within the organization, similar to prosecutor's offices in the same jurisdiction.

Fund public defenders on par with local prosecutor's offices.

PD.2 | LEGISLATIVE

Kansas funds public defenders out of the State General Fund, but funds prosecutors on a county level. This leads to a disparity of funds provided to two Constitutionally-mandated offices.

Added funding for public defender's offices will help to alleviate high turnover, subpar representation, heavy caseloads, and public defender's offices struggling to operate due to lack of revenue.

²⁷ <https://sixthamendment.org/the-right-to-counsel/>.

²⁸ <https://sixthamendment.org/the-right-to-counsel/effective-assistance-at-critical-stages/>.

²⁹ ABA report evaluating three different public defense models

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_ind_exemplary_defense.pdf.

³⁰ABA 10 Principles of Public Defense

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_tenprinciplesbooklet.authcheckdam.pdf.

JUSTICE SYSTEM

Law enforcement officers establish an individual's initial contact with the criminal justice system. Due to racial disparities in policing practices, Black and Brown communities also have higher rates of representation within the criminal justice system.³¹ This disparate impact begins with policing and continues through pretrial detention, the trial process, sentencing, community supervision, and post-conviction collateral consequences.³² Interventions throughout the criminal justice system are needed to remedy the racially disparate impacts of involvement in the justice system. **The following are recommendations related to the criminal justice system:**

Adopt recommendations from the Pretrial Justice Reform Task Force.

JS.1 | LEGISLATIVE

Adopt recommendations from the Pretrial Justice Reform Task Force report to the Kansas Supreme Court (November 6, 2020) related to bail, bond, and other pretrial justice issues.

Require that defendants be fairly represented at bond hearings.

JS.2 | LEGISLATIVE

When appropriate, a defense attorney should be required when bond is set, so defendants have the proper representation and resources to ensure a fair bail bond.

Driver's licenses should not be suspended for failure to pay fines and fees.

JS.3 | LEGISLATIVE

The Legislature should continue work done in recent years to address driver's license suspensions that occur solely due to a failure to pay fines and fees.

Adopt recommendations from the proposed federal JUSTICE Act and/or Justice in Policing Act related to no-knock warrants.

JS.4 | LEGISLATIVE

The two pieces of federal legislation proposed in 2020 both addressed no-knock warrants. Kansas should adopt one or both recommendations from those bills:

- Require reporting on where and why no-knock warrants are used
- Ban no-knock warrants in drug cases at the local and state level.

³¹ <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>.

³² <https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/>.

The Legislature should continue to research and review civil asset forfeiture and recommend a process that builds public trust.

JS.5 | LEGISLATIVE

Policies such as 2018 HB 2459 have improved transparency around civil asset forfeiture and moved the state towards more public trust in law enforcement and the forfeiture process. These conversations should continue and engage both law enforcement and community members.

Study and address technical probation violations.

JS.6 | LEGISLATIVE

Technical probation violations, often related to drug use, are driving incarceration rates in the state of Kansas. The Legislature should work with the Kansas Sentencing Commission, the Kansas Criminal Justice Reform Commission, and other entities to study and address this area.

The legislature should look at model legislation related to qualified immunity and adopt similar policies for Kansas.

JS.7 | LEGISLATIVE

Several states have taken action to set policies on police accountability that work on a state level and improve citizen access to the legal system when a wrongful action has taken place. The Kansas legislature should review these actions and adopt policies that increase trust and accountability in the state. See Colorado HB 20-1287 as model legislation.³³

Prohibit practices that denote racial profiling in jury selection, such as striking a juror for clothing or attitude.

JS.8 | LEGISLATIVE

Enforce laws that a court cannot strike a juror based on race by prohibiting practices that imply racial bias (*Batson v. Kentucky*, 476 U.S. 79 (1986)), such as clothing or body language, to create a more diverse, representative, and balanced jury. See California 2020 AB 3070 as model legislation.³⁴

³³ <https://leg.colorado.gov/bills/hb20-1287>

³⁴ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3070

SCHOOL RESOURCE OFFICERS

The presence of school resource officers or law enforcement officers in schools varies among schools and communities, with approximately 68 percent of high school students across the U.S. experiencing the presence of a school resource officer.³⁵ Education, public safety, and human services officials may consider the impact of police presence in schools on the racial disparities in school discipline and referrals to the justice system. **The following includes recommendations related to School Resource Officers:**

Explore alternatives to SROs, such as counselors.

SRO.1 | LOCAL

School districts that choose to engage School Resource Officers should ensure that they are also utilizing counselors, social workers, and other professionals who can help intervene during times of mental health crisis or difficulty.

Revise training requirements for SROs to include implicit bias training and ongoing requirements.

SRO.2 | LEGISLATIVE

Kansas' 2016 SB 367 implemented training requirements for SROs or other law enforcement officers whose primary assignment is a school. These requirements should be updated to include implicit bias training specific to educational settings and continued training for officers serving in schools.

School districts should seek to implement alternative or complementary programs to address issues of student conflict and violence.

SRO.3 | LOCAL

Evidence-based programs, such as restorative justice practices, should be utilized along with or instead of SROs in school districts experiencing conflict.

SRO programs should include elements that demonstrate the school district's commitment to an inclusive and welcoming environment for its students.

SRO.4 | LOCAL

In order to ensure that SRO programs are positive for students and create an inclusive and productive educational environment, school districts should create programs with elements including, but not limited to:

- **A strong relationship** between officers and school personnel,
- **A policy requiring community meetings** and/or receptions to introduce the SROs to families and assure families that SROs are present to keep the children safe and build positive relationships with students and the community,
- **Clear agreements between school districts and police departments** that delineate the role of SROs, which should not include performing school discipline.

³⁵ <https://www.urban.org/urban-wire/prevalence-police-officers-us-schools>.

TRIBAL JURISDICTION

Tribal communities have unique concerns related to law enforcement jurisdiction and policing practices. The nature of criminal jurisdiction within Kansas allows a Native American tribal community member to be prosecuted by three different sovereigns, the federal government, the state government, and the tribal nation.³⁶ For law enforcement officers within the state, there is a need for better understanding of tribal jurisdictions and the unique needs of tribal communities within the state. **The following includes recommendations related to tribal jurisdiction:**

Commission a study through the Office of Native American Affairs on criminal justice and Native populations.

TJ.1 | LEGISLATIVE

The lack of data on Native Americans in the criminal justice system makes it difficult to know how Kansas is doing on the subject. The state should commission a study to collect data regarding law enforcement interactions with Native Americans: incarceration, deadly police encounters, profiling (based on appearance or tribal tags), traffic stops and searches, and/or a review of existing agreements between the tribes and local law enforcement agencies.

In coordination/consultation with Kansas Tribes, update/revise KLETC curriculum related to tribes and tribal sovereignty.

TJ.2 | STATE/AGENCY

While all certified law enforcement officers don't need to be experts in this complex area, KLETC should work with the tribes to develop a baseline standard for what all law enforcement officers in Kansas should be aware of when interacting with tribal members or near tribal land.

³⁶ https://washburnlaw.edu/profiles/faculty/activity/_fulltext/francis-john-2011-59kansaslalawreview949.pdf.

IMMIGRATION AND LAW ENFORCEMENT

Kansas immigrant communities have unique needs and concerns regarding police-community interactions, including traffic stops, crime reporting, and law enforcement involvement with federal agencies. One concern related to traffic stop enforcement is the inability of undocumented immigrants to obtain driver's licenses. As of October 2020, fifteen states and the District of Columbia have enacted laws to allow undocumented immigrants to obtain driver's licenses.³⁷ Building trust between law enforcement and immigrant communities through better communication and police practices can improve police-community interactions.³⁸ **The following are recommendations related to immigrant communities and law enforcement:**

Provide incentive pay for officers who speak languages other than English. Include proficiency testing.

IMM.1 | LOCAL

Kansas law enforcement departments should provide incentive pay for officers who speak languages other than English to improve officer-community interactions, increase accessibility for citizens, and create more representative departments to mirror the communities they police. Consider a partnership with a local community college to test and confirm language proficiency.

Adopt clear policy on immigration enforcement efforts.

IMM.2 | LOCAL

Adopt a clear and transparent policy on how, if at all, local law enforcement (counties, cities, and others) will treat immigration enforcement efforts, including providing resources and assistance to ICE. Develop the policy in conversation with community members, including immigrant communities, and invest in education on the policy.

Ensure law enforcement agencies aren't duplicating work.

IMM.3 | LOCAL

To maintain law enforcement focus on their primary duties, law enforcement agency collaboration with federal partners such as ICE should not duplicate the work of those federal partners.

Allow driver's licenses for non-citizens.

IMM.4 | LEGISLATIVE

Kansas should issue driver's licenses for non-citizens to increase driver safety, increase number of insured drivers, and alleviate processing time and work for officers stopping non-citizens.

³⁷ <https://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx>.

³⁸ <https://www.policeforum.org/assets/BuildingTrustImmigrantCommunities.pdf>.

Enforce/ensure police completion of certification of victimization in relation to non-citizen victims.

IMM.5 | LEGISLATIVE, LOCAL

In order to provide law enforcement with the tools to address crimes against non-citizens, ensure officers are aware of and complying with their responsibility under the law to complete a certification of victimization.



Commissioners meet virtually with members of the Kansas Sheriffs Association, Kansas Peace Officers Association, and Kansas Association of Chiefs of Police—July 7, 2020.

BEHAVIORAL HEALTH

Law enforcement, community members, and leaders agree that access to behavioral health care is a criminal justice issue. People with behavioral health conditions, including serious mental illness and substance use disorders are 3-6 times more likely to be represented in the criminal justice system.³⁹ Many law enforcement encounters are the result of substance use or mental health issues.⁴⁰ Additionally, data shows racial disparities in the impacts of behavioral health systems on communities of color. For example, despite reporting a lower prevalence of substance use disorder than their white counterparts, Black and Brown communities experience greater problems associated with substance use, such as legal issues, justice system involvement, and social consequences.^{41 42} **The following are recommendations related to behavioral health interventions in lieu of, or to supplement, law enforcement intervention:**

Expand Medicaid to provide mental health and other health care coverage to populations currently not covered.

BH.1 | LEGISLATIVE

Law enforcement, community members, and leaders agree access to behavioral health care is a criminal justice issue. Many law enforcement encounters are the result of substance use or mental health issues. Increasing access to early intervention options by expanding Medicaid in Kansas would result in improved policing outcomes. Expanding Medicaid would also reduce state general fund spending on law enforcement and behavioral health. Expanding Medicaid would also finance the costs of behavioral health care for 31.9% of Kansans,⁴³ approximately 25,663,⁴⁴ who suffer from mental health and substance use disorders who are uninsured and would gain coverage if the state expanded eligibility for Medicaid.

Support policies and enrollment efforts to reduce uninsurance rates of children as an evidence-based strategy to reduce involvement with criminal justice system.

BH.2 | LEGISLATIVE

Recent research highlights that access to insurance coverage for children reduces long-term interaction with the criminal justice system.⁴⁵ However, Kansas is one of the states with a growing number of uninsured children. In 2019, there were 9000 fewer Kansans children who had health coverage than in 2016. Kansas Black, Indigenous, and children of color are nearly twice as likely to be uninsured than white children (7.8% vs 4.2%).⁴⁶ Efforts to reduce the number of children who churn off of Medicaid for administrative reasons such as implementing continuous coverage for children 0-5 (legislative

³⁹ <https://csgjusticecenter.org/wp-content/uploads/2020/02/Police-Mental-Health-Collaborations-Framework.pdf>

⁴⁰ <https://www.sciencedirect.com/science/article/pii/S0749379716303841?via%3Dihub>.

⁴¹ <https://www.sciencedirect.com/science/article/abs/pii/S0376871619302443?via%3Dihub>

⁴² <https://www.vera.org/publications/for-the-record-unjust-burden>

⁴³ <https://aspe.hhs.gov/system/files/pdf/190506/BHMedicaidExpansion.pdf>

⁴⁴ <https://www.khi.org/policy/article/20-50>

⁴⁵ https://sethneller.github.io/papers/Medicaid_and_incarceration.pdf

⁴⁶ https://www.khi.org/assets/uploads/news/15034/khi_aiu2020-0820.pdf

intervention) and increased outreach and enrollment efforts (other – grant funding from federal government or philanthropy) would reduce rates of uninsurance and have positive impacts on the budget and decrease criminal justice involvement and costs.

Support and finance the use of mobile crisis response models, including co-responder and virtual co-responder models to assist law enforcement in responding to behavioral health calls and stops.

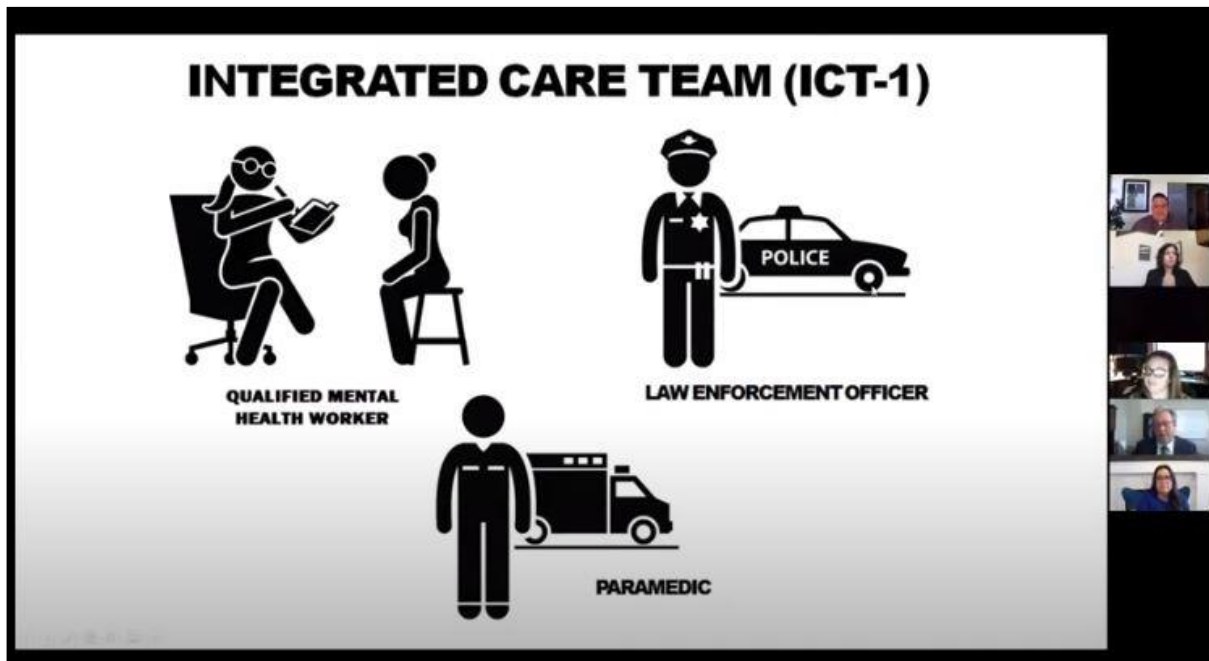
BH.3 | LEGISLATIVE, LOCAL

Mental health professionals who ride with and work alongside law enforcement officers can contribute to positive outcomes and promote treatment over incarceration for individuals experiencing mental health crisis. Kansas communities should implement appropriate co-responder programs where possible.

Increase use of Mental Health First Aid Training, Crisis Intervention Training and other behavioral health trainings for new and existing officers.

BH.4 | STATE/AGENCY, LOCAL

Increasingly, law enforcement officers are being asked to respond to mental health crisis situations. All officers should be equipped to de-escalate and safely resolve emergency mental health incidents.



Commissioners learn about the Wichita Police Department Integrated Care Team during the mental health co-responders learning session—October 6, 2020.

FUNDING

As law enforcement agencies and other stakeholders seek to implement these recommendations, there are a number of considerations for identifying possible funding strategies to support these efforts.

During one Commission meeting, the Governor's grants office shared a presentation on the current work of the office and the various federal grants that are administered to state and local agencies to support public safety related initiatives. The Governor's grants office provides support to local agencies and community stakeholders who are interested in seeking federal funding for programs.

Understanding that not all agencies and organizations have the capacity to develop proposals on their own, the grants office is available to assist and support agencies in applying for grant funding to implement reforms. During the presentation to the Commission, the grants office highlighted a number of existing grant programs for consideration as local jurisdictions and entities think through funding strategies, such as the Victims of Crime Act (VOCA) and the Byrne Justice Assistance Grant (Byrne-JAG) program.⁴⁷

Byrne-JAG is the largest federal grant program for state and local law enforcement funding. Kansas currently utilizes that funding to support a number of programs and agencies throughout the state including county-level mental health services, victims' services, local law enforcement, and many others.⁴⁸ Byrne-JAG funding is administered through the criminal justice planning agency and follows a strategic plan developed by the Governor's office and relevant agencies. The funding is then awarded to local law enforcement agencies, community organizations, non-profit service providers, and others. In addition to the Byrne-JAG program, the U.S. Department of Justice Community-Oriented Policing Services office also provides grant funding to local law enforcement agencies.⁴⁹ Other federal agencies provide funding for substance use disorder treatment and behavioral health services, such as State Opioid Response grants through the Substance Use Services and Mental Health Administration.⁵⁰ Medicaid can also be leveraged as part of funding strategies to support mental and behavioral health services within communities. While federal grant awards are one strategy to consider, there are other opportunities to identify and utilize available funds to implement changes in law enforcement. Along with state-level resources, stakeholders, and local agencies may consider funding from private foundations and organizations working to improve public safety.⁵¹

The following are recommendations related to for funding for the implementation of recommendations:

⁴⁷ <https://governor.kansas.gov/full-commission-meeting-10-29-20/>.

⁴⁸ https://370377fc-459c-47ec-b9a9-c25f410f7f94.filesusr.com/ugd/cda224_db4ad0011a1646b0b7aa2e092f88af90.pdf?index=true

⁴⁹ <https://cops.usdoj.gov/grants>.

⁵⁰ <https://www.samhsa.gov/grants>.

⁵¹ <https://www.charleskochinstitute.org/requests-for-proposals/criminal-justice-reform-grants/>.
<https://www.macfound.org/programs/criminal-justice/>.

Encourage law enforcement agencies to pursue available grant funding.

FUN.1 | LOCAL

Local law enforcement agencies should pursue available grant funding, from local, state, and federal sources (including community and philanthropic partners) to support reform and improvement efforts.

Direct the Governor's Grant Office to hire an employee to assist with grants.

FUN.2 | STATE/AGENCY

The Governor's Grants Office should add 1 FTE to assist local law enforcement agencies in identifying and applying for applicable grants to support reform and improvement efforts.

Law enforcement agencies should collaborate on funding strategies for reform and improvement.

FUN.3 | LOCAL

Local law enforcement agencies, especially smaller agencies, should explore options for partnering with other agencies to assist in implementation of reform and improvement efforts.

Direct KLETC to develop grant writing programs.

FUN.4 | STATE/AGENCY

KLETC should develop and promote grant writing and grant management training for local agencies.

RECOMMENDATIONS BY ENTITY

Here you'll find all the Commission's recommendations organized by the entity or level of leadership that should consider implementing them: state/agency, legislative, or local.

STATE/AGENCY

Law Enforcement Training

- LET.1: Enhance ongoing social equity and anti-bias training curriculum.
- LET.2: Include instruction on history of policing, including racial elements of that history.
- LET.3: Explore further connections with KU and other Board of Regents institutions, including experts in diversity/inclusion.
- LET.4: Increase racial and ethnic diversity in KLETC instructors.
- LET.7: Create standards for ongoing officer training.
- LET.8: Create a law enforcement supervisor training program.

Officer Certification and Standards

- OCS.3: Increase transparency around police disciplinary records.
- OCS.4: Require psychological testing of officers, performed by a licensed professional, before certification
- OCS.6: Ensure quality and compliance with anti-bias training and practices.
- OCS.9: Expand CPOST investigation practices.
- OCS.10: Review CPOST structure and practices.

Recruitment, Retention, and Promotion

- RRP.5: Create a position in state government to focus on diversity in law enforcement and assist in law enforcement efforts to increase diversity.
- RRP.6: Create an entity within the Governor's Office to address diversity, equity and inclusion.

Accountability

- ACC.1: Include accountability measures and follow up related to the enforcement of recommended changes.
- ACC.2: Ensure that data collected is transparent, public, and easily accessible.
- ACC.3: Select a state entity to analyze and publish law enforcement data for public use.

Data Collection

- DAT.1: Collect and publish recruitment (applicant and newly-hired) demographic data.

DAT.2: Collect and publish retention and promotion demographic data.

Public Defense

PD.1: Expand public defender's offices.

Tribal Jurisdiction

TJ.2: In coordination/consultation with Kansas Tribes, update/revise KLETC curriculum related to tribes and tribal sovereignty.

Behavioral Health

BH.4: Increase use of Mental Health First Aid Training, Crisis Intervention Training and other behavioral health trainings for new and existing officers.

Funding

FUN.2: Direct the Governor's Grant Office to hire an employee to assist with grants.

FUN.4: Direct KLETC to develop grant writing programs.

LEGISLATIVE

Law Enforcement Training

LET.5: Expand ongoing officer training requirements.

Officer Certification and Standards

OCS.1: Prohibit fired officers from being hired at different law enforcement agencies.

OCS.2: Mandate review of records during hiring process.

OCS.3: Increase transparency around police disciplinary records.

OCS.4: Require psychological testing of officers, performed by a licensed professional, before certification

OCS.5: Require that officers have completed KLETC training before they are issued a firearm for use in the line of duty.

OCS.7: Allow county and district attorneys to request and receive disciplinary records for law enforcement officers.

OCS.8: Increase diversity on the Commission on Peace Officer Standards and Training.

OCS.9: Expand CPOST investigation practices.

OCS.10: Review CPOST structure and practices.

OCS.11: Review and amend statutes that prohibit individuals with a previous low-level criminal offense from becoming police officers.

OCS.12: Create a list of complaints and firings.

Recruitment, Retention, and Promotion

RRP.3: Amend statute that requires citizenship for law enforcement officers. Align requirements with U.S. military standards for service

Accountability

ACC.1: Include accountability measures and follow up related to the enforcement of recommended changes.

ACC.5: Review racial and bias-based policing policies and the complaints process for law enforcement on a state level.

ACC.8: Adopt policies that improve transparency around contract negotiations.

Data Collection

DAT.3: Implement a pull-over or stop data collection program.

Public Defense

PD.1: Expand public defender's offices.

PD.2: Fund public defenders on par with local prosecutor's offices.

Justice System

JS.1: Adopt recommendations from the Pretrial Justice Reform Task Force.

JS.2: Require that defendants be fairly represented at bond hearings.

JS.3: Driver's licenses should not be suspended for failure to pay fines and fees.

JS.4: Adopt recommendations from the proposed federal JUSTICE Act and/or Justice in Policing Act related to no-knock warrants.

JS.5: The Legislature should continue to research and review civil asset forfeiture and recommend a process that builds public trust.

JS.6: Study and address technical probation violations

JS.7: The legislature should look at model legislation related to qualified immunity and adopt similar policies for Kansas.

JS.8: Prohibit practices that denote racial profiling in jury selection, such as striking a juror for clothing or attitude.

School Resource Officers

SRO.2: Revise training requirements for SROs to include implicit bias training and ongoing requirements.

Tribal Jurisdiction

TJ.2: Commission a study through the Office of Native American Affairs on criminal justice and Native populations.

Immigration and Law Enforcement

IMM.4: Allow driver's licenses for non-citizens.

IMM.5: Enforce/ensure police completion of certification of victimization in relation to non-citizen victims.

Behavioral Health

BH.1: Expand Medicaid to provide mental health and other health care coverage to populations currently not covered.

BH.2: Support policies and enrollment efforts to reduce uninsurance rates of children as an evidence-based strategy to reduce involvement with criminal justice system.

BH.3: Support and finance the use of mobile crisis response models, including co-responder and virtual co-responder models to assist law enforcement in responding to behavioral health calls and stops.

LOCAL

Law Enforcement Training

LET.6: Increase transparency around training in non-KLETC academies.

Officer Certification and Standards

OCS.2: Mandate review of records during hiring process.

OCS.3: Increase transparency around police disciplinary records.

Recruitment, Retention, and Promotion

RRP.1: Create plans to recruit officers that reflect the communities being policed.

RRP.2: Encourage promotion and retention of underrepresented groups so that command structures represent the community being served.

RRP.4: Create exceptions to residency requirements under certain conditions – to encourage underrepresented communities.

RRP.7: Explore options around increasing officer pay, including salary enhancements tied to degree attainment for law enforcement officers.

Accountability

ACC.1: Include accountability measures and follow up related to the enforcement of recommended changes.

ACC.2: Ensure that data collected is transparent, public, and easily accessible.

ACC.4: Review and revise policies and training on use of force.

ACC.6: Implement evidence-based practices related to the use of dashboard cameras and body-worn cameras.

ACC.7: Address clear and uniform labeling of law enforcement vehicles.

ACC.8: Adopt policies that improve transparency around contract negotiations.

School Resource Officers

SRO.1: Explore alternatives to SROs, such as counselors.

SRO.3: School districts should seek to implement alternative or complementary programs to address issues of student conflict and violence.

SRO.4: SRO programs should include elements that demonstrate the school district's commitment to an inclusive and welcoming environment for its students.

Immigration and Law Enforcement

IMM.1: Provide incentive pay for officers who speak languages other than English. Include proficiency testing.

IMM.2: Adopt clear policy on immigration enforcement efforts.

IMM.3: Enforce/ensure police completion of certification of victimization in relation to non-citizen victims.

IMM.5: Ensure law enforcement agencies aren't duplicating work.

Behavioral Health

BH.3: Support and finance the use of mobile crisis response models, including co-responder and virtual co-responder models to assist law enforcement in responding to behavioral health calls and stops.

BH.4: Increase use of Mental Health First Aid Training, Crisis Intervention Training and other behavioral health trainings for new and existing officers.

Funding

FUN.1: Encourage law enforcement agencies to pursue available grant funding.

FUN.3: Law enforcement agencies should collaborate on funding strategies for reform and improvement.

EXECUTIVE ORDER NO. 20-48

Establishing the Governor's Commission on Racial Equity and Justice

WHEREAS, Kansas is committed to a shared vision of increased prosperity and improved well-being for all Kansans;

WHEREAS, Kansas was founded as a Free State and was the home of prominent abolitionists and advocates for racial justice;

WHEREAS, Kansas is the home of Brown v. Board of Education of Topeka and the Dockum Drug Store sit-in-events that highlight the state's commitment to and struggles with racial equity and justice;

WHEREAS, racial inequity and injustice that impacts any Kansan is a threat to the well-being of all Kansans;

WHEREAS, trust between law enforcement and the people they protect and serve is essential in a society, and is key to the security of our communities, the safe and effective delivery of policing services, and the rectitude of our criminal justice system;

WHEREAS, citizens expect law enforcement officers to serve the public and conduct themselves with the highest standards of civility, fairness, and honor toward citizens, while maintaining respect for the rule of law;

WHEREAS, it is in the interest of all Kansans to seek best practices for hiring and training of law enforcement and maintaining transparency and accountability to build greater trust between police and communities;

WHEREAS, people of color are disproportionately more likely to be stopped, detained, or killed by police; and

WHEREAS, the killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and others have caused worldwide protests and calls to action.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby establish the Governor's Commission on Racial Equity and Justice ("Commission"):

1. The Commission shall comprise no more than 15 Kansans representing broad perspectives on racial equity and justice. All members will be appointed by the Governor and serve at the Governor's pleasure.
2. The Governor shall select a chair and vice-chair, or co-chairs, from the Commission's membership, and the Commission may establish rules for the Commission's meetings and conduct of business.
3. Members shall receive no compensation and shall serve voluntarily. Members other than the chair, vice-chair, or co-chairs shall not be reimbursed for expenses or mileage. Officers or employees of state agencies who are appointed to the Commission as part of their duties shall be authorized to participate on the Commission and may claim subsistence, allowance, mileage, or associated expenses from their respective agency budgets as permitted by law.

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4. The Commission shall be subject to the Kansas Open Records Act and the Kansas Open Meetings Act.
 5. Plans, reports, or recommendations of any nature adopted by the Commission shall be considered advice to the Governor, and shall not be construed as official policies, positions, or interpretations of laws, rules, or regulations by any department or agency of state government, nor shall any such department or agency be bound in any manner to consider such advice when conducting their advisory and regulatory affairs.
 6. The Commission shall:
 - a. Study issues of racial equity and justice in Kansas, focusing first on policing and law enforcement then expanding the work to other systemic problems determined by members of the Commission;
 - b. Perform outreach and hold listening sessions with Kansans, including community members, local elected officials, law enforcement, state legislators, educators, mental health professionals, social workers, people impacted by systemic racism, and other Kansans with experience and expertise in various aspects of racial equity and justice;
 - c. Research and analyze the state of policing in Kansas as it relates to racial equity and justice, including the availability of adequate data on the topic;
 - d. Review research on actions that have been proven effective in increasing racial equity and justice in policing;
 - e. Analyze racial equity and justice in the context of various systems in Kansas, including mental health, education, housing and economic opportunity;
 - f. Make recommendations to the Governor, the Legislature, and local governments on concrete and immediate steps that can be taken to increase racial equity and justice in Kansas.
 7. By December 1 of 2020, the Commission shall submit to the Governor an initial report detailing assessments, recommendations, and any proposals for the Commission's further work. By July 1, 2021, the Commission shall submit to the Governor a second report detailing assessments, recommendations, and any proposals for the Commission's further work. By January 1, 2022, the Commission shall submit a final comprehensive report to the Governor detailing assessments, recommendations and relevant findings of the Commission. The Commission may also, at any time, choose to submit a letter to the Governor or the Legislature with any information or recommendation that the Commission believes requires immediate action or attention.
 8. The Commission shall be staffed by the Governor's Office with assistance from other experts or organizations as appropriate.
 9. The Commission shall meet virtually, or in-person as recommended by public health guidance.

This document shall be filed with the Secretary of State as Executive Order No. 20-48. It shall become effective immediately.

THE GOVERNOR'S OFFICE

June 24, 2020

BIOGRAPHIES

CO-CHAIRS

Dr. Tiffany Anderson

Dr. Tiffany Anderson, a long-time Kansas resident, has been a public-school educator for over 26 years, with most of that time as superintendent. Dr. Anderson has been nationally recognized as one of Education Week's 16 Leaders to Learn From. She has improved achievement and closed achievement gaps for students of poverty in rural, urban and suburban public-school districts. In 2016 she became the first African-American female superintendent of Topeka Public Schools, in Topeka, Kansas. In 2019, the Governor appointed Dr. Anderson to the Postsecondary Technical Authority as part of the Board of Regents. Since she arrived in Topeka, the district has earned three national Magna Awards, one of which is for their work in equity. Dr. Anderson serves on numerous boards in Topeka which include the Topeka Community Foundation and The Greater Topeka Partnership. Prior to Kansas, as superintendent, Dr. Anderson led Montgomery County School District in Virginia and Jennings School District to full accreditation resulting in recognition from the Governor in the respective states. There are several documentaries and articles that have been produced about Dr. Anderson's leadership, and the Washington Post referred to her as, "The Woman who made schools work for the poor." Dr. Anderson also led the turnaround efforts following the Ferguson unrest in Jennings, Missouri, resulting in the establishment of minorities on the police force, new community policing initiatives and improved academic achievement. Dr. Anderson earned her undergraduate degree, and later her doctorate, from Saint Louis University in 2001. Dr. Anderson received her second doctorate, the Doctor of Humane Letters degree from Eden Theological

Seminary, for her service to community and society and her Masters in Divinity will be completed in 2021 at Nazarene Theological Seminary. Dr. Anderson has served as adjunct faculty at various universities in Missouri and is she adjunct faculty for ASCD (Association for Schools and Curriculum Development). Some of the recognitions Dr. Anderson has received include the Lifetime Achievement Award for volunteerism from President Obama; the Salute to Excellence for Women awarded by the Urban League; the Stellar Performance Award by the St. Louis American, the 2020 Kansas Icon in Education by Ingram, and she was honored at the 2017 Oscars for the People with Purpose Award.

Dr. Shannon Portillo

Shannon Portillo, Ph.D. serves as associate dean of academic affairs for the University of Kansas Edwards Campus and the School of Professional Studies and as an associate professor in the School of Public Affairs and Administration at the University of Kansas. After graduating from KU, she served as a faculty member in the Criminology, Law & Society Department at George Mason University just outside of Washington D.C. before returning home to Lawrence. Dr. Portillo's scholarship explores how formal policies and rules and informal social norms and societal hierarchies shape the work of public organizations. She is specifically interested in how racism and sexism impact organizations and workers' experiences both historically and currently. Her work helps scholars and practitioners understand how inequities have been institutionalized in public organizations, including courts, policing, city management, higher education, and the military. Her research has been funded by the National Science Foundation, Women's Foundation, the Army Research Institute, and other entities. Her work has appeared in a broad array of academic and popular outlets, and she is currently working on her second book.

Community service is core value. Dr. Portillo serves on the Board of Directors for the Willow Domestic Violence Center and was recently elected as a County Commissioner in Douglas County, KS.

MEMBERS

Secretary DeAngela Burns-Wallace

Prior to Governor Kelly's appointment, Dr. DeAngela Burns-Wallace served as the Vice Provost for Undergraduate Studies at the University of Kansas. She serves as a national trainer and curriculum developer for various professional development organizations, nonprofits, and higher ed institutions on issues ranging including micro-aggressions, multigenerational workplace differences, diversity and inclusion, change management, professional development pathways, and strategic planning. Dr. Burns-Wallace holds a dual bachelor's degree in International Relations and African American studies from Stanford University, a master's in Public Affairs from Princeton University, and a doctorate in education from the University of Pennsylvania. Her research focuses on issues of access and success for students of color and low-income students throughout higher education as well as inclusive leadership practices.

Judge Monique Centeno

Judge Monique Centeno is the presiding judge of Division 11 of Sedgwick County District Court. Judge Centeno is passionate about fairness and impartial justice for everyone that steps into court. She believes judges must guarantee a level playing field, and not favor those with economic means or socioeconomic status. Judges must serve the whole community and make independent decisions based on the rule of law and the Constitution. Judge Centeno's passion for fairness and justice is immediately apparent when you step into her Family Law courtroom. She gives each person a reasonable amount of time to make their arguments. She intently

listens and takes notes. She calmly enforces the rules of courtroom decorum to ensure that everyone is heard. Her rulings are based on commonsense and the rule of law. Judge Centeno inherited her zeal for justice from her family. Her father was a noncommissioned soldier in the United States Army. He protected the rights of citizens for twenty-three years. Her mother was a stay-at-home mom that instilled the importance of listening and not pre-judging others. When the family settled in Kansas, Judge Centeno continued those principles. Judge Centeno attended the University of Kansas in Lawrence, KS. She took part in several equal justice organizations and graduated with a Bachelor of Arts degree in political science in 2000. She worked for Shook, Hardy & Bacon, a large law firm in Kansas City for two years. She attended Washburn School of Law in Topeka, KS. She graduated with a juris doctorate in 2005. In 2006, Judge Centeno started her legal career in Wichita, KS. Her career was focused on helping people obtain justice. She fought and won for clients whose civil liberties were at stake in front of state courts and federal courts. She represented clients in employment discrimination, pedestrians hurt by careless drivers, consumers harmed by commercial businesses, and love ones in wrongful death cases. She successfully tried countless jury trials and bench trials. She was an experienced trial attorney. Judge Centeno is active in the community. She speaks regularly at elementary and middle schools. She mentors young adults and college students. She is an active member of the Wichita Bar Association, Inns of Courts, Wichita Attorney Women's Association, and the Kansas Trial Lawyers Association. She is a member of St. Thomas Aquinas Catholic Church.

Dr. Brandon Davis

Brandon R. Davis is a native of Alabama. He earned an M.S.W. from Alabama A&M University and an M.A. in Women's Studies and a Ph.D. in Political Science from The University of Alabama. Brandon is a former Predoctoral and Postdoctoral Research Associate at Brown University. His research focuses on American

Politics and Public Policy, Race and Ethnicity, and Law and Society. Brandon is interested in normative and empirical approaches to institutions, participation, and criminal justice.

Ernestor De La Rosa

Ernestor has been the assistant city manager for Dodge City, Kansas since January 2019. He oversees the Public Transportation, Human Resources Department and continues to serve as the City's legislative affairs director. He works diligently with Kansas representatives on legislative affairs issues including immigration, transportation and in areas that impact Dodge City's renewable energy project revenues. He currently facilitates the Complete Count Committee for the Census 2020 efforts in Dodge City and Ford County. Ernestor was born and raised in Mexico and immigrated to the United States at the age of 13. He is a Deferred Action for Childhood Arrivals (DACA) recipient. He graduated from Wichita State University with a Master of Public Administration and a graduate certificate in non-profit management.

Mark Dupree

Mark A. Dupree, Sr., is the District Attorney of Wyandotte County, KS, the 4th largest county in the State of Kansas, and the first Black elected District Attorney in the State of Kansas. Mr. Dupree leads an office of over 60 employees and manages a significant budget each fiscal year. The office is focused on equitably charging and prosecuting crime, being proactive, attacking violent crimes and crimes that affect the standard of living in the community. Mr. Dupree was successful in creating the first ever "Conviction Integrity Unit" in the state of Kansas. This unit is responsible for ensuring that convictions obtained previously still hold integrity today. Wyandotte community involvement is the bedrock of the Dupree Administration. Community involvement builds community trust, and it is that trust that greatly assists in crime prevention and bringing justice when a crime occurs.

David Jordan

David Jordan is the President of the United Methodist Health Ministry Fund, joining the Fund in February 2018. Before joining the Fund, David served as the executive director of the Alliance for a Healthy Kansas, a coalition of over 100 organizations working to improve health and access to health care in Kansas. David oversaw the Alliance's operations and the effort to expand KanCare, Kansas' Medicaid program. David joined the Alliance after spending nearly seven years at Community Catalyst, a leading national consumer health advocacy organization, as the Dental Access Project Director. David holds a master's in public administration from the University of Kansas and Bachelor of Science in Speech Communication from Emerson College.

Dr. Anthony Lewis

Anthony Lewis received his bachelor's and master's degrees from Alabama State University and a Ph.D. in Educational Leadership and Policy Analysis from the University of Missouri. He began his educational career in Montgomery, Alabama as a special education teacher, assistant principal, and principal. Because of his successes in Alabama, he was recruited to work in the Kansas City, Missouri School District where he served as principal, director of elementary schools, and assistant superintendent where he assisted the district in receiving enough points to be fully accredited – which had not happened in over thirty years. In 2017, Dr. Lewis was selected, completed and received certification from the American Association of School Administrators (AASA)/The School Superintendents Association's Urban Superintendents Academy in partnership with Howard University. In January 2018, the Lawrence Public Schools School Board unanimously approved Dr. Lewis to become the Superintendent of Lawrence Public Schools. In November 2019, Governor Laura Kelly appointed Dr. Lewis to the Kansas African American Affairs Commission. The commission devises strategies to address the public policy

concerns of the African American community through partnerships with state agencies, corporations and foundations. It also assists with programs, grants and research.

Mark McCormick

Mark McCormick joined the ACLU of Kansas in April 2018 as the Director of Strategic Communications. Previously, he served as the Executive Director of the Kansas African American Museum in Wichita, Kansas. Mark is a New York Times best-selling author with over 20 years of experience as a reporter, editor, and columnist. He serves as a trustee at the University of Kansas School of Journalism and has served as a professional in residence at the University of Oklahoma. He is the proud recipient of over 20 industry and community awards, including three gold medals from the Kansas City Press Club. In 2015, Mark co-authored African Americans of Wichita and in 2017, he published Some Were Paupers, Some Were Kings: Dispatches from Kansas.

John Nave

John Nave has been the executive vice president of the Kansas AFL-CIO since January 2018. John comes from the United Steel Workers Local 307 where he served as Goodyear union rep for the past six years and as COPE chairman for the past three years. John was also a Teamster member from 1978 to 1983 when he worked for United Parcel Service. John's extensive political history began in the early nineties working on local and state campaigns for public servants still serving at the local, and state level. Soon after expanding on his own political experience, John served as district four councilman for the City of Topeka from 2003-2007. John Nave currently sits on the Topeka Police Department Citizen's Advisory Council. The purpose of the Council is to meet with Topeka Police Chief Bill Cochran to discuss changes, new programs, and initiatives within the Topeka Police Department. It is also an opportunity for members to give feedback, whether it is good or bad, about the direction the department is headed. When

John Nave was on the City Council, he was also on the Law Enforcement Partnership panel. He developed a program for the Shawnee County juvenile jail and all Corrections officers. He taught from a safety mindset that police protect the public using deadly force if necessary, and if all options are gone including de-escalation techniques. Once an officer put cuffs on an individual, you then are to protect them from all harm and perform a mental and physical assessment immediately.

Chief Gordon Ramsay

Gordon Ramsay was appointed as the Wichita Police Chief in January 2016. Prior to coming to Wichita, he worked his way up the ranks at Duluth Minnesota Police Department. In Duluth he was appointed as chief in 2006 at the age of 34 and was the youngest chief in the city's history. Chief Ramsay began his career at the age of 20 and has been committed to the community policing philosophy since the beginning. As Wichita Police Department Chief, he has focused on pushing officers closer to the communities they serve, building relationships, increasing the use of technology, and reducing crime. Currently, Chief Ramsay is on the Board of Directors for the Wichita area YMCA's, a board member of the Boys and Girls Clubs of South Central Kansas and is a board member of the Council of State Governments Justice Center.

Elyse Towey

Elyse Towey is an enrolled member of the Iowa Tribe of Kansas and Nebraska. She is also Otoe and Menominee. Towey graduated from Haskell Indian Nations University in 1995, received her bachelor's in elementary education from University of Kansas in 1999, and her master's degree focusing in Tribal Government and Tribal Law from University of Kansas in 2009. Towey was elected to the Executive Committee of the Iowa Tribe in 2019 and will serve a four-year term as the tribal treasurer. Her company, Independently Indigenous, is a woman owned business and she has been working for over 20 years

to assist Tribal Nations and communities in building tribal sovereignty through expansion of tribal vision, design, and capacity. She has experience in Indigenous environmental and regenerative Nation building movements to re-develop ecologically, culturally, and economically thriving and resilient Native Nations.

Catalina Velarde

Catalina Velarde is an attorney in the Kansas City metropolitan area. Her primary areas of practice are immigration and family law. She is also a certified civil and family law mediator and guardian ad litem. An immigrant and native of Mexico who became a U.S. citizen in high school, Catalina is uniquely poised to understand the perspective of the noncitizen, Latinx community. With her fluency in Spanish, she strives to guide persons unfamiliar with U.S. law enforcement and justice systems through the challenges these systems present. She is often seen working with community groups and giving presentations to immigrant and nonimmigrant communities alike. Since 2012, Catalina has brought her insight back to her alma mater. As an Adjunct Professor at UMKC School of Law, she teaches Multicultural Lawyering and Spanish for Lawyers, a course focused on teaching prospective attorneys the cross-linguistic and cross-cultural nuances of serving Spanish-speaking clientele. Through the law school's Continuing Legal Education department, she serves as an annual speaker at one of the law school's popular CLE programs. Since 2015, Catalina has served on the Overland Park Police Department Independent Citizen Advisory Board for Racial

Profiling and Nonbiased Policing. The board, which meets quarterly, reviews the findings of the investigations of OPPD's Professional Standards Unit pursuant to citizen complaints of racial profiling or biased policing. Since 2018, Catalina has been a board member at El Centro, Inc., a nonprofit corporation whose mission is to strengthen communities and improve the lives of Latinos and others through educational, social, and economic opportunities.

Jackson Winsett

Jackson Winsett is the assistant vice president and community affairs officer for the seven states of the Tenth Federal Reserve District which includes Kansas, Nebraska, Oklahoma, Wyoming, Colorado, northern New Mexico, and western Missouri. Jackson is responsible for overseeing research, resource development and outreach initiatives that promote community development and fair and impartial access to credit. He develops the Bank's community and economic development strategy, leads the execution of programs, and manages the Community Development Advisory Council. Mr. Winsett joined the Bank in 2015 after holding various leadership positions at Navy Federal Credit Union and the IBM Corporation. For more than 20 years, Jackson has utilized his blend of business and technical knowledge across a broad range of industries by defining and implementing technology, business and operational improvement solutions that aligned with business strategies and objectives to grow revenue and strengthen performance.

APPENDIX

DAT.3 | Pull-over data collection program – detailed recommendations:

Pursuant to all pull-overs law enforcement officers should collect:

- The initial purpose of the traffic stop;
 - Checkpoint; Stop Light / Sign Violation; Driving While Impaired; Safe Movement Violation; Vehicle Equipment Violation; Investigation; Seat Belt Violation; Vehicle Regulatory Violation; Speed Limit Violation; Other Motor Vehicle Violation
- Vehicle driver information;
 - Age, Race, Sex, Ethnicity
- Enforcement actions taken as a result of the traffic stop
 - No action taken, Verbal warning, Written warning, Citation issued, Arrest (if arrest, who was arrested: driver or passenger[s]);
- Physical resistance encountered
 - Did Officer(s) encounter any physical resistance from Driver and/or Passenger(s)? Did Officer(s) engage in the use of force against the Driver and/or Passenger(s)? Did injuries occur to the Officer(s) as a result of the stop? Did injuries occur to the Driver as a result of the stop? Did injuries occur to the Passenger(s) as a result of the stop?
- Vehicle/driver/passenger(s) searched?
- Type of search;
 - Consent, Search warrant, Probable cause, Search incident to arrest, Protective frisk,
- Basis of search;
 - Erratic/Suspicious Behavior; Observation of Suspected Contraband; Suspicious Movement; Informant's Tip; Other Official Information; Witness Observation
- Person(s)/vehicle searched;
 - Was the Vehicle Searched? Was the Driver Searched? Was a Passenger(s) Searched Were the Personal Effects of the Driver and/or Passenger(s) Searched?
- Identify the sex, race, and ethnicity of each passenger searched;
- Contraband found;
 - type and amounts
- Property seized;
 - None, Motor vehicle, Personal property, Other property

LEARNING SESSION NOTES

Commission on Racial Equity and Justice
Learning Session #1: Community Conversation
Senator Oletha Faust-Goudeau, Host
July 20, 2020
Held virtually via Zoom

Participants

This listening session, hosted by Senator Oletha Faust-Goudeau, was with community leaders from the Wichita area, including religious, educational, business, and nonprofit leaders.

Topics Discussed

How have you and your community been impacted by racial inequity, particularly around policing and law enforcement?

What steps should the state of Kansas take to address racial inequity and injustice, particularly around policing and law enforcement?

Primary themes were increasing transparency and accountability within law enforcement; improving relationships between the police and the community; and working to offer mental health response instead of or alongside officers when dispatched. Other items discussed:

- Unnecessarily punitive traffic citations – cause people to get caught in a cycle of owing fines/fees they can't pay, further punishments
- Increase diversity within law enforcement agencies
- Sensitivity and implicit bias training
- Black communities aren't being listened to, always last in line when there are needs.
- Transparency within policing; statewide reporting/database for excessive use of force information; KORA exemptions related to excessive force
- Body cameras and policies that ensure they are recording at the appropriate time
- No knock warrants – dangerous for both citizens and officers
- Mental health funding and dispatching mental health professionals on 911 calls
- Qualified immunity
- Evictions and homeownership
- Education and internet access
- Police-community relationships and lack of consequences for bad behavior
- Economic development
- Fear between the community and police
- Driver's license suspensions
- Importance of preventing gang violence

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- Civil asset forfeiture
 - Racial profiling
 - Citizens review board and powers
 - Interaction between various law enforcement agencies and information for the public on the jurisdictions
 - Fathering classes and resources for single fathers
 - Use of force policy on state and city level
 - Training for officers and discipline/penalties for bad behavior
 - Decriminalization of marijuana
 - Post-incarceration voting rights
 - Remove the slavery exception in the 13th amendment for punishment for a crime
 - Funding of public defenders
 - School resource officers

Commission on Racial Equity and Justice
Learning Session #2: Public Defenders

Heather Cessna, SBIDS, Host

July 21, 2020

Held virtually via Zoom

Participants

This listening session was hosted by Heather Cessna, Executive Director of the State Board of Indigent Defense Services. Participants were public defenders, both state and federal, and members of SBIDS.

Commissioners Attending

- Judge Monique Centeno
- Mark Dupree
- Chris Howell
- Mark McCormick
- John Nave
- Shannon Portillo

Topics Discussed

How have you seen your community and your clients impacted by racial inequity, particularly around policing and law enforcement?

What steps should the state of Kansas take to address racial inequity and injustice, particularly around policing and law enforcement?

The strongest theme of the session was that public defense is underfunded and that public defenders are on the front lines of racial inequity in the criminal justice system. Public defenders need more money and need to have a place at the table whenever these issues are being discussed. Other themes included reforming jury selection processes to reduce racial bias, eliminating drivers license suspensions for failure to pay fines and fees, and bail reform.

Specific items discussed:

- Public defense funding:
 - 85% of adults charged with felonies in Kansas are represented by public counsel – 14,000 per year are handled by public defenders, 17,000 by private assigned counsel.
 - Private counsel costs an average of \$282 more per case than a public defender.
 - From July 1st, 2019 to mid-March this year, at least one public defenders office was shut down and unable to accept new cases because of funding issues.
 - Turnover is high and high numbers of trial public defenders have very little experience.
 - Public defenders are taking on so many cases that they don't have the time to fully investigate the cases, or address police and prosecutor misconduct.
 - There's no public defenders office in Wyandotte County or in Douglas County.

- Public defenders deserve a place at the table:
 - There's also no infrastructure to advocate for systemic change. No dedicated person to push for policy changes that would reduce caseloads: defelonization of certain crimes, end to the death penalty, less rigidity in charging standards. Other entities have a lobbyist (police orgs, DAs, the KBI). Public defenders voices are missing in those conversations.
 - High number of cases and a broad view of the system. They can see patterns and identify practices that result in racial inequities.
- Data collection. Transparency isn't meaningful if the data isn't reliable.
- Batson Law/Jury selection:
 - It's illegal to strike someone from a jury due to race, but they use things like how they're dressed or body language. We need a law that prevents a juror from being stricken for things that are subjective and just a cover for race.
 - Jury diversity is an issue, jurors don't appear in a racially-balanced manner.
- Driver's license suspensions:
 - Need to remove the fines and fees associated with suspended licenses. 215,000 Kansans have a suspended license, mostly because they can't pay their fines. They're never going to pay, they can't afford it.
- Bail reform:
 - Judge Arnold-Burger is chairing a task force on this. Bondsmen are a problem, why not have the court hold the money, keep a portion. Then it could be used for restitution, costs.
 - Judge needs to really look at each case and determine if bail is necessary.
 - Washington did away with cash bail and found the #1 predictor of someone showing up for court was whether they received a text message reminder about their court date.
 - There's no provision for counsel at the time of first appearance, because indigency hasn't been established so no counsel has been assigned.
- Police behavior and racial profiling
 - Using pretextual stops to racially profile
 - There is some data but needs to be more. And there has to be a consequence for the failure to keep data.
- Diversification of BIDS, of judges, throughout the criminal justice system
 - When you raise the issue of implicit bias of a police officer, the judge feels that they're being asked to find that the officer is a racist.
- Bigger structural issues as well – health care system, education, child welfare. The disproportionate impacts in all of these places have an effect on the criminal justice system and our clients.
- Juvenile law and juvenile prosecutions are an issue
- Probation and issues surrounding probation, especially with marginalized communities

Commission on Racial Equity and Justice
Learning Session #3: Law Enforcement

Ed Klumpp

July 29, 2020

Held virtually via Zoom

Participants

Members of the Kansas Sheriffs Association, Kansas Peace Officers Association, and Kansas Association of Chiefs of Police

Commissioners Attending

- Shannon Portillo
- Brandon Davis
- Judge Monique Centeno
- Catalina Velarde
- John Nave
- Chris Howell
- David Jordan

Topics Discussed

KLETC Training and Screening

- KLETC as a progressive training academy that oversees all academy training, most states don't have a centralized training academy
- "Integrity is the basis for community trust" motto
- Violations can result in dismissal or other disciplinary action, KLETC stays in close contact with the dept head at the student's home agency if there are issues
- High standards for KLETC instructors
- Soft skill/hard skill training includes first response, communication, de-escalation, mechanics of arrest, constitutional policing, vehicle stops, defensive tactics, stress management, and high-risk, low frequency tactics like use of force, use of force simulations, officer survival
- Officers then team up with another officer to learn for a year, then 40 hours of training annually as continuing education

CPOST Functions

- CPOST established by KS Law Enforcement Training Act, which lists felonies and misdemeanors as disqualifying from service
- CPOST has a registry of people who have been decertified
- "Wandering officer" clause allows hiring agencies to check with CPOST if a candidate was terminated from another department
- Crisis intervention training is long, not feasible as standard training
- Qualified immunity protects law abiding officers from frivolous or harassing lawsuits

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- If an officer has a change in their status – rank change, military deployment, leaves an agency for any reason, reported to CPOST
 - Conviction for a crime is automatic decertification, CPOST can choose to take disciplinary action against officers if no conviction
 - Open misconduct records can have consequences for hiring and maintaining personnel
 - Serious violations are mandated to be reported to CPOST, if action is taken, that is public
 - If a deputy resigns under investigation, that is reported to CPOST

Other Policing Topics

- Policy is to use the minimum amount of force needed, discipline and termination can happen when the policy is violated
- PSU and internal affairs conduct investigations
- Small agencies cannot afford expensive software to track stops/violations (\$10,000/yr)
- School Resource Officers fulfill a community policing mission, involved in the community and proactive not reactive
- There's not a department in the state that's fully staffed, recruiting and retention is difficult
- Money generated out of tickets or fines goes to the county or municipality, CPOST and other entities are funded out of ticket revenue.

Commission on Racial Equity and Justice
Learning Session #4: National Organization of Black Law Enforcement Executives
(NOBLE)

Captain Wendell Nicholson

August 11, 2020

Held virtually via Zoom

Participants

Members of the National Organization of Black Law Enforcement Executives (NOBLE)

Commissioners Attending

- Tiffany Anderson
- Mark Dupree
- David Jordan
- Jackson Winsett

Topics Discussed

The discussion began with NOBLE's proposed national polices, and their commitment to reforming police policy at the national, state, and local levels. NOBLE is drafting a letter to NGA, asking governors to sign, requesting all law enforcement agencies to adopt all their recommendations for reform.

The main topics of the meeting included increasing community and police relations; addressing transparency and accountability within law enforcement; the importance of hiring and promoting Black law enforcement; improving and funding officer training and addressing accreditation; and adding an emphasis on education into various aspect of policing.

Community Engagement

- Committing to justice by action: Changing the perceptions of law enforcement one interaction at a time and forming strong relationship with community members.
- The importance of education for the community. Educating K-12+ on the functions of law enforcement and explaining their methods.
- Importance of the community educating the police on what they need. We need to listen to what the community wants. Over the years, there have been many taskforces and commissions, but people just want action and change.
- Communities can feel like they are constantly being watched and surveyed—like overseers during slavery.
- How can Black officers teach their counterparts on how to interact with the Black community? What cultural differences could lead to escalation?

Transparency & Accountability

- Importance of having a registry for officers with complaints and disciplinary action.
- Differences in KLETC training vs. in-house training and the necessity for continuous and updated training.
- Addressing qualified immunity and disciplining and indicting bad actors

Hiring and Promoting

- Police departments and police academies lack diversity and leadership by BIPOC.
- PDs should focus on promoting their Black officers and hiring more than a single person of color. Include them in places of leadership.
- Higher accreditation standards: Officers shouldn't be hired if they fear Black people, have been fired previously, etc.

Training & Education

- An education on the history of policing and how it has evolved should be a part of the conversation. History will repeat itself until we address the roots of policing and oppression in the United States. *The Rise of the Warrior Cop* was recommended.
- “All departments go through implicit bias training, but it's the same training every year. It's the same test and video every year, so you don't even have to pay attention.”
- Budget for training at PD is ~\$100 million, but the budget for officer is ~\$55,000, or about ~\$25/officer.
- Standardizing and improving the accreditation standards across the board.
- Having a third party providing training on equity, diversity, biases, history, etc.

Other

- Expressed the negative impact of no-knock warrants, and the need for their abolishment
- Common, daily practices in need of reform: racial slurs, officers, racial biases, homophobia, transphobia, misogyny by officers
- A member highlighted the lack of accountability and actions of bad actors through the example of [Jordan Edwards](#) (non-Kansas incident).
- Police are asked to be the enforcers of things that should not be criminalized
- Policies that NOBLE has instituted in Wichita:
<http://Positiveinteractions.org>
<http://Endviolence316.com>

Commission on Racial Equity and Justice
Learning Session #5: NAWLEE
Lenexa PD Deputy Chief Dawn Layman, Organizer

Monday, August 10, 2020 at 1:00pm

Held virtually via Zoom

Participants

This listening session was held with representatives from the Kansas branch of the National Association for Women Law Enforcement Executives.

Commissioners Attending

- Dr. Tiffany Anderson
- Dr. Brandon Davis
- Mark Dupree
- Chief Gordon Ramsay
- Catalina Velarde

Topics Discussed

NAWLEE focuses on recruitment and mentorship of women in law enforcement. The participants in this listening session were females in law enforcement leadership. The conversation focused in large part on the importance of recruiting, retaining, and promoting diverse populations in law enforcement, and the difficulties that leaders may experience in those efforts.

Other items discussed:

- Lack of clear data on women or people of color in law enforcement and law enforcement leadership positions.
- Need engagement and support from communities – encouraging their young people that law enforcement is a good career.
- Reform topics supported by NAWLEE (see attachment for full list):
 - Crisis intervention
 - Critical decision-making in academy training
 - Mental health responders
 - De-escalation
- Not just recruiting but retaining and promoting women and people of color has been difficult in agencies historically.
- Importance of relationships, mentorship, and representation.
- Programs that have been successful: KCK cadet program, which pays people out of college to work in the agency and get a degree. Bridges the gap between high school and the age required to be a full law enforcement officer.

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- Differences in agencies across the state and how requirements (like body cameras) can affect them differently – cost, etc.
 - Residency requirements can stand in the way of certain candidates being able to take a job if they have ties to another community.
 - Policies that prevent women from remaining in LE jobs, including maternity leave, etc.

Commission on Racial Equity and Justice

Learning Session #6: Dodge City

Ernestor de la Rosa, Organizer

Wednesday, August 26, 2020 at 5:30pm

Held virtually via Zoom

Participants

This listening session was held with community members from Dodge City, including community organizers and law enforcement.

Commissioners Attending

- Ernestor de la Rosa
- Mark Dupree
- Dr. Anthony Lewis
- Catalina Velarde

Topics Discussed

Much of the conversation focused on the effects of law enforcement on the immigrant community in Southwest Kansas. Recommendations included allowing driver's licenses for residents without legal immigration status, allowing legal permanent residents to serve as law enforcement officers, and investing in communications and community engagement.

Other items discussed:

- Fear within the immigrant community. When the police department works with ICE, the pictures are shared on social media and make it around. There are populations who are afraid to interact with police because of their skin color or immigration status. Some comes from experience here, and some from their experiences with law enforcement in their native countries, which may not be positive.
- Language barriers and the value of bilingual law enforcement officers. Especially in Southwest Kansas, where many residents speak languages other than English and Spanish.
- Community engagement and building trust, including participation in block parties and other community events.
- Value of representation on the force and having diverse law enforcement.
- Difficulties in the court system, including situations where language barriers cause difficulties in complying with rulings. For example, someone might be asked to take a parenting class in a CINC case, but classes are only offered in English, so they can't participate. The court sees that as a failure to comply when it's really about what services are offered.
- Ensuring that non-English speakers understand the court process and the effect a plea deal may have on them and their immigration status.
- Experience with local law enforcement profiling vehicles based on a flag or a decal.

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- Opposition to unlabeled or unmarked patrol vehicles.
 - Need for driver's licenses for undocumented people. Would allow them to get car insurance; lowers instances of hit and runs; helps people be able to go to work.
 - Consider a law enforcement 101 show on the Mexican radio, in Spanish, to communicate and educate about the role of the police.
 - Expand eligibility for law enforcement officers to people who are not citizens.
 - There have been reports showing that police departments aren't complying with the law that requires them to adopt a written policy regarding racial profiling.
 - Differing opinions in the group on SROs – some believed they are biased, others have had positive experiences.

Commission on Racial Equity and Justice Learning Session #7: City of Hutchinson

Datjaeda Moore and Dashinika Poindexter

Thursday, August 27, 2020 at 7:00pm

Held virtually via Zoom

Illustrations of Protests in Hutchinson

Participants

Datjaeda Moore, Dashinika Poindexter, City of Hutchinson community members

Commissioners Attending

- Ernestor de la Rosa
- Mark Dupree
- David Jordan
- Dr. Shannon Portillo

Topics Discussed

The discussion centered around two protests that occurred in Hutchinson earlier this year. The group talked about the dynamics of the protest, organization, community reception, interactions with the local PD leading up to, during, and following the protests.

- The Chief of Police was in attendance; he was very involved with the organizing and making sure it was a safe event; he spoke at the rally and said things people wanted to hear.
- His actions following the protest were disappointing, as he didn't follow up.
- The second protest wasn't as planned with the police department, and the reception of the community was hesitant.
- Police preparation for the second protest (not in support of it) had a chilling effect on things. The two events were very different in terms of community support. The second protests received much more negative community feedback.
- One participant discussed how prevalent white supremacist online posting was prior to and during the protest (people threatening to bring their guns and find a spot to stake out). Compared what happened in Kenosha to what *could have* happened in Hutch.
- One participant claimed that the police used the perceived radicalization of the protest to stoke community fear. It became, "how do we keep our white people safe?"
- ***Emancipation Day in Hutchinson.*** They put up the Pan-African flag every year. Someone called and threatened to burn down the flags. Law enforcement was informed, but they defended it as 'freedom of speech'. But when POC plan a protest, the implication is a threat to the community.
- ***What changes should be made to policing?*** We need to talk about how white supremacy is ingrained in our society (include LE). Educate on the history of law enforcement and white supremacy.

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- Datjaeda: The authority of police to manage protests should be challenged. “We need to stop giving police funds for new gear, when we could be spending it on social services, not letting them buy more toys for restraint tactics.”
 - Datjaeda: Accountability. FOP. Why aren’t human relations officers instituted as liaisons to the community? There is a cloak of protection for the police because of the FOP. It’s impossible to get anyone fired for egregious acts. If those protections are there, whether they have done anything or not, is uncomfortable.
 - Written into the permits for each event is protection for the police.
 - There is a citizen’s community group that gets together with the police once a month to discuss topics, but they don’t have the power to make any change or adjudicate anything. “PD isn’t protecting people equally.”
 - **DACA recipient:** her father was pulled over and beaten. She was pulled over for “speeding” and accused of being an illegal immigrant.
 - Police are the gatekeepers to protests. What next level efforts can be done to educate/remind of them their constitutional rights to protest? Shift them from being the gatekeepers of protesting and their rights.
 - ~4/70 officers on the PD are POC.
 - Pope: there are no high-ranking officers of color, and there is no push for diversity hiring/promoting.
 - “You don’t have to be a resident to be an officer.”
 - Representation should be more proportionate to the population.
 - The PD initiatives to diversity have been simply because of Darrell Pope’s involvement and work on citizen’s community group.
 - How can we reward officers for holding others accountable? *Whistleblower protections?*
 - Why do social workers need 4 years of training while police officers don’t?
 - From participant: A lot of the force is very green. There’s a lot of corruption.
 - Over half of the PD in Hutch have been serving for less than 3 years.

Commission on Racial Equity and Justice
Learning Session #8: Topeka

John Nave, Organizer

Saturday, September 5, 2020 at 2:00pm

Held virtually via Zoom

Participants

This listening session was held with community members from Topeka, including leaders from the Topeka Black Lives Matter movement, the Center for Peace and Justice, and other local activists.

Commissioners Attending

- John Nave
- Dr. Tiffany Anderson
- Judge Monique Centeno

Topics Discussed

The participants made a number of recommendations for improving policing in Topeka, including addressing qualified immunity, use of force reforms, and citizen review boards. They also spoke about community organizing and action that has been happening in Topeka in recent years, including a special meeting of the Topeka City Council to address police reform.

Other items discussed:

- Request to the Governor and Attorney General to appoint a special counsel to review and investigate use of force incidents.
- Militarization of police and investment in policing aligns with poor social determinants of health.
- Focus on de-escalation training, less on shooting.
- Concerns about contract negotiations and transparency. In some cases, FOP contracts give individual officers the ability to request items be removed from their files.
- Community activists have come together in Topeka and worked together to propose a number of solutions to policing issues that the city has experienced.

Commission on Racial Equity and Justice
Learning Session #9: El Centro (Kansas City, Kansas)

Catalina Velarde, Organizer

Wednesday, September 9, 2020 at 10:00am

Held virtually via Zoom

Participants

This listening session was held with community members from Kansas City, Kansas and hosted by El Centro. It was held in Spanish with English interpretation.

Commissioners Attending

- Catalina Velarde
- Dr. Tiffany Anderson
- Judge Monique Centeno
- Ernestor de la Rosa

Topics Discussed

Community members spoke about their experiences with police, particularly as Spanish-speakers and members of an immigrant community. They discussed the need for law enforcement to reflect the community that they serve, the fear their friends and neighbors experience when dealing with police, and some recommendations for improving relationships.

Other items discussed:

- Police should be better prepared to deal with people experiencing mental health crisis.
- Non-citizens should be allowed to be police officers, but participants have concerns about discrimination against non-citizen officers.
- One participant had an experience with courts being unable to serve non-English speakers. A friend had a custody hearing and the courts didn't provide an interpreter.
- Language barriers are also an issue in working with police and law enforcement.
- Another participant had a friend who experienced threats from a police officer – an officer asked for a bribe and said he would deport the person if he didn't pay.
- Some participants felt that police don't investigate crimes when they're reported by Latinos.
- In some cases, police in Wyandotte may give someone time to go to the mechanic school at KCKCC to fix something on their car, instead of giving a ticket for a headlight or blinker.

Recommendations:

- Increase community policing
- Encourage high schoolers to become police officers in their communities

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- Create better relationships between youth and the police and help youth see policing as a career path
 - More interpreters to help people communicate with the police
 - Driver's licenses for undocumented immigrants
 - Community education using radio stations

Commission on Racial Equity and Justice
Learning Session #10: KCDHH BIPOC Deaf & Hard of Hearing
Robert Cooper, KCDHH Executive Director, Organizer

Saturday, September 12, 2020 at 1:00pm

Held virtually via Zoom

Participants

- Kylei Brooks (Kansas) – Black Deaf woman; education advocate
- Annette Caraway (Kansas) – Black Deaf woman with visual impairment; State employee
- Carla García-Fernández, PhD (California) – Deaf-Chicana; Assistant Professor, California State University, Northridge
- Melanie McKay-Cody, PhD (Kansas) – Cherokee Deaf; Linguistic and socio-cultural anthropologist and one of the 8 founders of Turtle Island Hand Talk
- Richard McCowin (Nebraska) – Black Deaf; Vice President, National Association of the Deaf
- Jennifer Robinson (Kansas) – Black woman; student studying Deaf Studies and Social Justice
- Sarah Young Bear-Brown (Iowa) – Meskwaki Deaf woman; Indigenous Deaf Community activist/advocate

Commissioners Attending

- Dr. Tiffany Anderson
- Dr. Shannon Portillo
- Judge Monique Centeno

Topics Discussed

Educational environments and outcomes:

- DHH students of color have struggled to succeed in educational environments compared to their white peers
- Administrators and faculty are often white and hearing. There are very few deaf administrators and faculty of color. That small number leads to a lack of representation for BIPOC and leads to a tough time finding success in educational pursuits.
- Research based on governments grants on DHH students transitioning to the workforce: they are still behind those who are hearing by 5.7%, a sizeable gap.
- Deaf individuals with a disability have a lower experience of success in higher education.
- Deaf Latinx individuals are lagging far behind. Deaf Asians seem to do better but are still falling behind hearing peers. There is more research needed for more race data.
- School to prison pipeline: students of color with disabilities are even more likely to fall into this pipeline.
- KSDE should take a harder look at the ASL schools and accommodations, vocational rehabilitation counseling.

Demographics of interpreters:

- 86.4% of interpreters are white; Black interpreters 5.3%; indigenous 1.8%; Latinx: 6.21%.

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- Legal settings, medical settings, etc., we need to see interpreters and leaders who look like them/have similar backgrounds to have success.

Why are there so few interpreters of color?

- This isn't specific to Kansas, it's true everywhere. We need to look at how it is included in curriculum across the state.
- Financial access to training programs is an issue.
- Instructors and developers of curriculum are mainly white.
- BIPOC don't have the same access; certification it is very expensive.
- Recommend there to be data collected about interpreters from marginalized backgrounds.
- Establish a new deaf studies and ASL curriculum.
- There are so many factors that contribute to a lack of BIPOC interpreters: dialect, culture, lack of formal sign language, different life experiences, growing up without language (using gestures instead). *there is very little research in this area*
- Importance of advancing and funding trilingual interpreters (English, Spanish, ASL)

Law enforcement and incarceration:

- Story: Police persecution. She was handcuffed behind the back without being read her rights, refused to provide an interpreter, took her kids, and brought her into jail. Booked and charged w/o an interpreter, while there was nothing she had done. No communication at the jail. Was there for 3 days without any interpreter. The case was dropped because there was no evidence. *Provide training for cultural sensitivity.* They should be able to connect with a video interpreter. Written communication isn't always a good alternative.
- Story: he was pulled over, explained that he was deaf, but was not provided an interpreter. Went to court, and charges were dropped. Do deaf individuals have access to legal information to protect themselves?
- There are deaf individuals in prison for long periods of time that don't know why they are in jail before an interpreter is brought in.
- There are no guidelines available for those who are booked.
- We need people to make sure LE is ensuring accessibility and fair treatment under the law.
- Law enforcement needs to meet and work with their communities—that's what leads to policy changes.
- Cuffing individuals behind their back is cutting off communication.
- HEARD—works with deaf community members who are imprisoned, breaking barriers for deaf individuals incarcerated that do not have communication access. Video access for interpreters. Often individuals who are incarcerated can't understand the interpreters (they don't have the same dialect).
- We need an interpreter present to read rights and has the training/experience to be in a court room.

More:

- Marginalization that occurs when you hold multiple marginalized identities
- Audism: Deaf and hard-of-hearing people often experience discrimination throughout their everyday life. This is known as Audism. Audism refers to the discrimination or prejudice against individuals who are deaf or hard of hearing.
- Not all deaf people can lip-read. We can't assume all DHH individuals are homogenous and need the same approach. There is so much diversity and there needs to be an adequate approach to reduce police violence.

Commission on Racial Equity and Justice
Learning Session #11: Wichita/Sedgwick County

Chief Gordon Ramsay, Organizer

Tuesday, September 15, 2020, 5:00pm

Held virtually via Zoom

Participants

This listening session was organized by Wichita Police Chief Gordon Ramsay. Participants were all part of the Wichita/Sedgwick County Mental Health and Substance Abuse Coalition.

Commissioners Attending

- Chief Gordon Ramsay
- Dr. Brandon Davis
- John Nave
- Jackson Winsett

Topics Discussed

The focus of this session was the interaction between mental health/substance use issues and law enforcement, with a strong focus on investment in better treatment options and more health care access in the region.

Key points:

- For people who are part of the criminal justice system in the Wichita area, drug addiction and mental illness have a significant impact on the jail and law enforcement. The coalition formed to address these issues and bring them to the forefront of the conversation.
- COMCARE (the Sedgwick County Community Mental Health Center) and Via Christi St Joseph (the hospital with inpatient behavioral health services) have seen a lot of strain in recent years due to behavioral health issues.
- At St. Joseph's, they find that around 50% of the emergency room visits are related to behavioral health. At one point recently, in a 34-bed emergency room unit, they had 36 patients waiting to get into behavioral health placements.
- The beds just aren't there to serve patients, especially if they don't have private insurance. Medicaid coverage helps but is still harder to place; if they don't have any insurance, it might take 3-4 months for them to find a bed for treatment. With addiction issues, that time frame is unrealistic.
- The region only has social detox, no medical detox. Medical detox is proven to be more effective. The longest stay insurance will cover for treatment here is 28 days. Studies have shown recidivism is 80% after a 28-day stay, and it takes 7 or 8 attempts on average for the treatment to "stick." In contrast, 120-day treatment models have recidivism around 20%.

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- The state needs a facility where an offender could be sentenced to treatment instead of prison time. Intervention is important and more likely to be successful.
 - It's not just mental health – we need to invest in education, housing, and jobs.
 - Our criminal justice and medical systems are simply not equipped to handle the volume of issues we're dealing with when it comes to substance abuse. Meth is driving a significant increase in drug cases.
 - Much of the prison population is being driven by people who violate conditions of parole or probation, and often that's drug violations.
 - There have been some good reforms in Kansas, including SB 123 and others. The sentencing grid we have in the state is good, we have high rates of probation as an initial sentence.
 - Sharing documents – high utilizer study and others. We're seeing a relatively small number of individuals who end up with high levels of treatment costs over the course of a year.
 - Medicaid expansion would help individuals who don't have insurance to access behavioral health care and would put more money into the system to create more capacity.

Commission on Racial Equity and Justice
Learning Session #12: Tribal Leadership

Chris Howell, Host

Wednesday, September 30, 2020

Held virtually via Zoom

Participants

Commissioners heard from members of leadership from the Kansas Tribes about their relationships with policing and law enforcement.

Topics Discussed

Tribal members have experienced problems with jurisdictional issues and non-tribal law enforcement not understanding tribal sovereignty. They are advocating for repeal of the Kansas Act on the federal level, saying it is an outdated law that puts their community's safety at risk.

Key points:

- Tribal officers are trained at KLETC
- Tribal members have experienced profiling and bad treatment from law enforcement based on their tribal IDs or license plates.
- Some tribal communities have good working relationships with their sheriff's offices and other local law enforcement agencies, but there is work to be done to educate law enforcement officers and build stronger relationships.

Commission on Racial Equity and Justice
Learning Session: Kansas Training Academies
Darin Beck, KLETC, Organizer

Friday, October 2, 2020

Held virtually via Zoom

Participants

- Johnson County Regional Police Academy (JCCC)
- KHP Training Center
- Topeka Police Department
- Wichita Police Department
- KLETC

Commissioners Attending

- Brandon Davis
- Gordon Ramsay

Key Points:

Training overview:

- (JCCC)—Training consists of 8 hours by a certified officer. Class consists of “tough” topics with back and forth.
- KHP—they follow KLETC guidelines and mandates; scenario-based training; 8-hour block for criminal interdiction training; fair and impartial policing training (taught not to police by race); hours spent on comms and ‘special’ populations
- TPD— “We do more than the minimum that is required.”
- WPD-- The public is brought in during training. They voice their concerns from the community perspective. Recruits hear from the community.
- Group was curious as to whether the session/commission was about standardizing training across the board and KLETC changing minimum requirements.
- Several believe there should be an emphasis on continued education
- The learning objectives put out by KLETC go a long way in helping to keep people on the same page
- They are committed to trying to make their departments mirror more closely the communities they police.
- Darin Beck: The KLETC’s fair and impartial training is not the same every year, and there is no requirement that training academies only use the training provided by them. It is not likely that officers are taking the same training year after year.
- CPOST can audit the status of training across the state

Recommendations:

- Darin Beck: Make an officer degree program to go along with officer training progression

Other Resources

- ICAT allows you to tactfully communicate with individuals. It's a great model that could be standardized for the state of Kansas. Tactical communication built on different pillars and how you concentrate in those pillars to be successful. De-escalation built into it.
- <https://www.policeforum.org/about-icat>

Dr. Samuel Walker, Expert
Monday, October 5, 2020 at 5:00pm
Held virtually via Zoom

Participants

Dr. Samuel Walker is a widely quoted expert on issues of civil liberties, policing and criminal justice policy. He is the author of 14 books on those subjects, which have appeared in a combined total of 39 different editions. He has been interviewed in every major media outlet in the United States and around the world, including *The New York Times*, *The Washington Post*, PBS/Frontline, CNN and others.

His book, *Presidents and Civil Liberties From Wilson to Obama*, won the Langum Prize for the Best Book in American Legal History for 2012. Walker is Emeritus Professor of Criminal Justice at the University of Nebraska at Omaha, where he taught from 1974 to 2005. He received a Ph.D. in American history from Ohio State University in 1973.

In November 2018, Sam was given the Lifetime Achievement Award by the Division on Policing of the American Society of Criminology.

Commissioners Attending

- Dr. Tiffany Anderson
- Mark Dupree
- Dr. Anthony Lewis
- John Nave
- Chief Gordon Ramsay
- Catalina Velarde

Topics Discussed

History of Policing

- Historically, policing was unregulated. It began as a political process, with bribes and favors. In the early 19th century, some standards began to be implemented. Then the Kerner Commission in the 1960s kicked off real conversations about more rigorous standards.
- Written use of force and disciplinary policies are relatively new.

Civilian Accountability Structures

- Three major structures:
 - Citizen complaint review board – generally on the city level, appointed by the mayor. The board is made up of civilians and has a staff.
 - Inspector general/independent auditor. Looks at systems and whether or not policies are working.

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- Community police commission. Has the authority to review, investigate patterns and practices.
 - Complaint review boards don't really change systems. The monitor/auditor/inspector general model is more likely to improve the quality of policing in the community.
 - Recommend looking at the Office of the Independent Monitor in Denver, probably the best office in the country.

Other Topics

- Recommend looking at PERF, the Police Executive Research Forum. They do outstanding work and have great reports that are available.
- Ultimately, something has to be done on these issues. It's up to us to ask.

Commission on Racial Equity and Justice
Learning Session #15: Mental Health Co-Responders

Friday, October 2, 2020

Held virtually via Zoom

Participants

- Jennifer Cross – TPD/SROs, community outreach
- Malachi Winters - Wichita
- Tim DeWeese – JoCo Mental Health
- Jessica Murphy – JoCo Mental Health
- Brittani May
- WPD Representative

Commissioners Attending

- Mark Dupree
- John Nave
- Dr. Shannon Portillo
- Catalina Velarde

Topics Discussed

- The Johnson County Co-responders program has been around for 10 years providing point of service support and follow up services. They provide services to underserved populations in the area
- Trauma enforced services/interventions at the point of contact rather than putting people in an emergency room or in a patrol car
- They discussed issues with funding: Hoping to find a steady stream of revenue to fund programs rather than relying on grant funds
- Integrated Care Team (ICT-1): Comprised of a qualified mental health worker; paramedic; law enforcement official (collaborative effort)
- The programs (JoCo) produce cost saving across the board.
- In 2021 JoCo will have their first department location with 3 full-time co-responders and 24-hour coverage (not 7 days a week).
- Info (JoCo): Average length of stay in jails is about 3 hours, and is longer for those with mental health issues
- Data: currently they have not done any analytics regarding race and other demographics for interactions with co-responders

Recommendations

- State funding for mental health co-responder programs across the state. Not necessarily the whole bill, but a sizeable amount.
- Funding without constraints.

Commission on Racial Equity and Justice
Learning Session #16: Policing Data

Dr. Marie Pryor, Expert

Friday, October 9, 2020 at 3:00pm

Held virtually via Zoom

Participants

Marie Pryor, Ph.D., is the Project Director of the Data Policy Division at Center for Policing Equity. She manages a grant in partnership with the California Department of Justice and the Policing Project at NYU School of Law to help California police departments comply with state legislation requiring data collection on stops, arrests, perceptions of race and gender, as well as use of force practices. Marie is also working on a national guidebook for police departments to standardize and reform data collection around stops, arrests and use of force.

Marie has over ten years of experience researching initiatives related to criminal justice policy, offender reentry, and sociological causes of crime and recidivism. Prior to joining CPE, Marie worked as the Chief Program Analyst for a statewide employment-based reentry program that provides supportive services to the formerly incarcerated in New Jersey. She was also appointed to the New Jersey Supreme Court Committee on Minority Concerns in 2017.

Marie holds a Ph.D. in Public Affairs from the University of Central Florida and an M.A. in Criminal Justice from John Jay College of Criminal Justice, where she specialized in correctional administration and was a Reisenbach Scholar.

Commissioners Attending

- Brandon Davis
- Ernestor de la Rosa
- Mark Dupree
- Anthony Lewis
- John Nave
- Shannon Portillo
- Catalina Velarde

Topics Discussed

The Center for Policing Equity worked with the state of California to implement AB 953, requiring vehicle and pedestrian stop data be reported to the California Department of Justice. They created a statewide repository, the Stop Data Collection System.

Lessons learned:

- Differentiate between pedestrian and vehicle stops in the reporting

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- Important to work with officers and get buy-in on the process and intention of the program
 - A program like this requires sufficient time to start collection and reporting
 - Avoid unfunded mandates
 - The largest agencies were able to start collecting data and absorb the costs and staffing of it more easily, but even the biggest ones needed to add capacity
 - Important aspect of the program's success was investing in the unified data submission system with the CA DOJ
 - The program was constructed so that smaller agencies were able to start reporting data later – some departments began reporting in July of 2018, smaller agencies haven't begun yet
 - Stop data is different from citation data. A lot of departments or entities do citation records, but that doesn't capture no-action stops, really seeing the racial bias that may exist there.

Commission on Racial Equity and Justice
Learning Session #17: University of Kansas
Logan Stenseng, University of Kansas, Session Organizer

Tuesday, October 13, 2020 at 6:00pm

Held virtually via Zoom

Participants

University of Kansas undergraduate students, graduate students, faculty, former students

Commissioners Attending

- Sec. DeAngela Burns-Wallace
- Dr. Brandon Davis
- Mark Dupree
- John Nave
- Dr. Shannon Portillo
- Catalina Velarde

Topics Discussed

- Changing demographics of our state and country: “Come 2040-2060, White people will be a minority in the country, so we should have police that are representative of the population.”
- The experiences of BIPOC students at KU differs greatly from white students: Police follow, racially profile students of color in the streets and in the dorms.
- KU community-responsive public safety task force; Abolition KU; Black Student Union; Black Law Student Association—these organizations are also active at KU working to address issues related to law enforcement and racial inequities
 - Task force lacks diversity and representation
- Lawrence Police Department (LPD) and University of Kansas Public Safety Office (KU PSO): These entities often work together, and because they share a city, their policies are very aligned. KU PSO deals with issues on campus, and directs other issues to LPD if off campus
- The group discussed their concerns with police officers using Blue Lives Matter, MAGA, and other political memorabilia on their patrol cars, uniforms, etc.
- One student discussed their experience with police in a rural part of Kansas—the police would target Hispanic/Latino people (staking out quincineras and sending in ICE)
- Students of color often don’t want to report sexual abuse and rape to police because of their fears of retribution (deportation) or because they fear they will not be heard.
- People expressed their concerns with SROs and explained how weapons and law enforcement in schools is not conducive to a healthy learning environment and how SROs tend to criminalize students of color. They also touched on the disproportionate number of SROs in schools with more students of color.

Recommendations

- Removing SROs from schools

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- direct resources to helping treat addiction and trauma for survivors, other social work
 - Remove weapons from schools (SRO officers with guns)
 - social service response teams
 - decriminalizing noise complaints
 - improve data collection
 - Reforming municipal liability for police conduct is an avenue to address concerns. Chapter 12 section 205
 - Take preventative measures to address issues before they become bigger problems in Kansas

Other Resources:

- Abolish the University of Kansas Police Department⁵²
- KU PSO Experience Testimonies⁵³

⁵² <https://www.change.org/p/chancellor-douglas-girod-abolish-the-university-of-kansas-police-department>

⁵³ <https://docs.google.com/document/d/1CW6Z8JU8VEbz4Teuwgbz9TqGSCqGwc-CdALWEiLiAro/edit>

Commission on Racial Equity and Justice
Learning Session #18: Qualified Immunity

Prof. Joanna Schwartz, Expert

Wednesday, October 14, 2020 at 5:00pm

Held virtually via Zoom

Participants

Joanna Schwartz is Professor of Law at UCLA School of Law. She teaches Civil Procedure and a variety of courses on police accountability and public interest lawyering. She received UCLA's Distinguished Teaching Award in 2015 and served as Vice Dean for Faculty Development from 2017-2019.

Professor Schwartz is one of the country's leading experts on police misconduct litigation. Professor Schwartz additionally studies the dynamics of modern civil litigation. She is co-author, with Stephen Yeazell, of a leading casebook, Civil Procedure (10th Edition), and her recent scholarship includes articles empirically examining the justifications for qualified immunity doctrine; the financial impact of settlements and judgments on federal, state, and local law enforcement officers and agency budgets; and regional variation in civil rights protections across the country.

Professor Schwartz is a graduate of Brown University and Yale Law School. After law school, Professor Schwartz clerked for Judge Denise Cote of the Southern District of New York and Judge Harry Pregerson of the Ninth Circuit Court of Appeals. She was then associated with Emery Celli Brinckerhoff & Abady LLP, in New York City, where she specialized in police misconduct, prisoners' rights, and First Amendment litigation.

Commissioners Attending

- Dr. Tiffany Anderson
- Judge Monique Centeno
- Mark Dupree
- John Nave
- Dr. Shannon Portillo
- Chief Gordon Ramsay

Notes:

- 1871, Congress created a right to sue for violation of constitutional rights
 - To combat violence of black Americans in the south
 - Needed a remedy for the violation of constitutional rights
- 1961 SCOTUS recognized the right to sue
 - *Monroe v. Pape*
- SCOTUS then found that officers have a “good faith defense”
 - Otherwise a fear that officers could be sued personally
- SCOTUS has repeatedly modified what qualified immunity is

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- Now good faith is no longer relevant
 - Now it's whether officers have violated "clearly established" law
 - Goal of QI is to protect officers from the burden of discovery in trial
 - Need prior court decision or consensus of courts that have found unconstitutional conduct
 - Baxter v. Bracey – 6th circuit
 - Burglary suspect sitting on the ground w/ hands in the air
 - Officers released police dog, maiming the suspect
 - Previous case had held that it was unconstitutional to release dogs on someone laying down but held that sitting up is distinct from lying down. Officers were protected under qualified immunity.
 - Growing criticism of QI
 - Undermines government accountability
 - QI does not actually achieve its intended policy goals
 - SCOTUS describes QI as a necessary protection for officers
 - Officers would be held personally liable for "good faith" mistakes
 - Officers contribute .02% of dollars to settlements
 - Most jurisdictions don't require officers to contribute money to settlements
 - Concerns about financial liability that QI protects, is not borne out by reality
 - Constitutional standards already protect officers for "reasonable" mistakes
 - Other barriers that weed out insubstantial/frivolous/weak cases
 - Law enforcement groups and advocates at all levels want SCOTUS to re-examine

Commission on Racial Equity and Justice
Learning Session #19: Kansas ACLU

Mark McCormick, Host

Friday, October 16, 2020 at 2:00pm

Held virtually via Zoom

Participants

Representatives from the ACLU of Kansas:

- Nadine Johnson
- Kendall Seal
- Austin Spillar

Commissioners Attending

- Dr. Tiffany Anderson
- Mark Dupree
- Mark McCormick
- Dr. Shannon Portillo

Key Points:

- Transparency is important – inequality thrives in shadow. Would like to have more items available under open records laws, including civilian complaints and disciplinary history.
- Would like to know how much governments are spending on police misconduct cases.
- Addressing qualified immunity shows accountability and builds trust in the system.
- More data transparency from Kansas Highway Patrol, including use of force allegations.
- KLETC should give the public access to their curriculum.
- Civil asset forfeiture needs to continue to be addressed.

Recommendations:

- Focus on data transparency, collection, and publication
- Probation fines and fees
- Accountability
- Clemency and compassionate release

Commission on Racial Equity and Justice
Learning Session #20: League of Kansas Municipalities (Session 1)

Tuesday, October 20, 2020 at 4:00pm

Held virtually via Zoom

Participants

Leadership from the Kansas League of Municipalities and representatives from Kansas cities and towns.

Commissioners Attending

- Brandon Davis
- Shannon Portillo
- Monique Centeno
- John Nave

Key Points:

- Derby representative notes that they have a very healthy relationship with their officers: “there’s a lot of love”
- Derby: They have SROs in their schools at the request of the schools themselves.
- Derby: in agreeance with the policy change for non-residents with green cards to be able to be officers, and go along with military standards
- Recommendation to help their departments by establishing some sort of child care services (diversifying the departments)

Data collection:

- City Manager “If there is a system for more reporting, I’d absolutely be in favor of that.”
 - He doesn’t think most of the state has the technology nor staff to really make data collection happen on a broad scale. The smaller cities are often the ones who are delinquent on reporting out their data.
- Half the mayoral slots had no people running for the slot. It’s difficult at times to even constitute a city council, let alone going beyond that. Staffing municipalities is difficult.
- Do cities have the staff and technology and money to make it possible to provide all of the necessary data?
- Provide more and steady funding for mental health services across the board – in addition to Medicaid expansion
- Officers giving out business cards when they stop anyone with a way to send in a survey

Commission on Racial Equity and Justice
Learning Session #21: League of Kansas Municipalities (Session 2)

Thursday, October 22, 2020 at 6:00pm

Held virtually via Zoom

Participants

Leadership from the Kansas League of Municipalities and representatives from Kansas cities and towns.

Commissioners Attending

- Dr. Tiffany Anderson
- Ernestor de la Rosa

Key Points:

- Cities are working on issues of racial equity and justice and many have taken steps to address concerns around policing within their communities.
- Some cities have adopted the 8 Can't Wait policies, review boards, community engagement around diversity and inclusion.
- Others passed resolutions supporting Black Lives Matter and racial equity.
- Many municipalities are accredited through CALEA, which requires use of force policies and other items.
- Municipalities want to ensure that they don't hire officers with a history of bad actions or incidents.
- Local governments do a lot of data reporting and want to make sure that any requirements are clear on standardization and being accurately analyzed.
- Law enforcement agencies are having a difficult time finding diverse and qualified officers.

Commission on Racial Equity and Justice
Learning Session #22: School Resource Officers

Dr. Aaron Kupchik, Expert

Thursday, November 5, 2020 at 6:00pm

Held virtually via Zoom

Participants

Aaron Kupchik is Professor of Sociology and Criminal Justice at the University of Delaware. He holds a doctorate in Sociology from NYU and studies the policing and punishment of juveniles in schools, courts and correctional facilities.

Professor Kupchik has published six books, including *The Real School Safety Problem: The long-term consequences of harsh school punishment*, and *Judging Juveniles: Prosecuting Adolescents in adult and juvenile courts*. He is the recipient of a number of awards, including the American Society of Criminology's Ruth Shonle Cavan Young Scholar Award, and its Michael Hindelang Book Award, in addition to the American Society of Criminology Division on Corrections and Sentencing New Scholar Award. He is the former President of the American Society of Criminology Division on Corrections and Sentencing, and currently an Executive Counselor for the American Society of Criminology. He serves on several editorial boards and is invited regularly to present research on juvenile justice to different audiences, including multiple presentations for committees of the National Academies of Sciences.

Commissioners Attending

- Dr. Tiffany Anderson
- Dr. Brandon Davis
- Mark Dupree
- Dr. Anthony Lewis
- Dr. Shannon Portillo

Key Points:

- There are a number of arguments for and against the presence of school resource officers, including concerns about school safety/school shootings, student crime, and mentoring.
- Evidence from recent school shootings and averted shootings show that there some occur in schools with SROs, and some in schools without.
 - More importantly, the presence of trusted adults is the indicator of whether a school shooting can be averted.
- It's difficult to study the affect of SROs on school crime, but the majority of quality studies find no effect or more crime in schools after adding SROs.
- There is, however, a lot of data on arrests of students with minor crimes. Those are significantly higher in schools with SROs, particularly for students of color.
 - Escalation and detection can be an issue. The National Association of School Resource Officers recommends that SROs not be involved in discipline – addressing situations

where students are violating rules rather than laws. But sometimes officers get pulled in and the situation escalates to arrest.

- SROs are oriented towards making arrests, which can contribute to a less inclusive educational environment.
- The presence of SROs disproportionately affects Black students. The behaviors don't account for the discrepancies, it must be implicit bias.
- On the subject of mentoring – there's a lack of training for SROs, and it can be problematic if they are funded over counselors, social workers, and other trained experts.
- Recommend evaluating SRO programs to determine if they're appropriate or needed.

Commission on Racial Equity and Justice

Learning Session #23: Juvenile Justice

Monday, November 9, 2020

Held virtually via Zoom

Participants

- Terri Williams
- Dr. Beryl New
- Mike Fonkert

Commissioners Attending

- Tiffany Anderson
- Mark Dupree
- Jackson Winsett
- DeAngela Burns-Wallace
- Brandon Davis

Key Points

- Racial Disparities in the Kansas Juvenile Justice System Report
- Burns Institute model for calculating racial disparities
- School discipline numbers— (2013-2014) Overall, black preschool students in Kansas were 5.6 times more likely to receive one or more out-of-school suspensions than white students.
- In Kansas, 4.1% of white K-12 students received one or more in-school suspensions, compared to 7.2% of all non-white K-12 students, and 12.5% of all black K-12 students.
 - When comparing out-of-school suspensions, the gap is even more pronounced: While only 2.8% of white K-12 students received one or more out-of-school suspensions, 6.4% of all nonwhite students, and 14% of all black students received the same. This means that the disparity ratio for black students who receive in-school suspensions is 3.1, and the disparity ratio for black students receiving out-of-school suspensions is 5.0.
- Kansas Senate Bill 367—there isn't enough teeth to the legislation
- *KAG-Juvenile Delinquency Prevention*
 - They partner with the DOC to measure compliance within agencies
 - They were instrumental in pushing SB 367 and the initiatives connected with it
 - They partner with DOC to oversee federal funds
 - They are currently focused no data collection
- Commit to review the DOC stats—specifically data in the system from juvenile intake
- Most overrepresented groups are women of color and transgender
- 40% of youth on the juvenile system are LGBTQ
- Non-conforming youths are most at risk for suicide and violence
- Lack of access to evidence-based services is an issue
- The deeper into the system—the greater the disparities that exist

- *Access to diversion options*: while nonwhite youth made up 26-28 percent of offenders, fewer kids of color could participate in diversion programs
- Non-white females—41-50% of discharged

Recommendations

- Broaden data sets (DCF, Crossover Youth, Internal Practices)
- Remedy Data Gaps
- Commitment to Regular Analysis and Reporting
 - Annual analyses
- Establish Strategies, Benchmarks, and Goals to Reduce RED
- Review data by judicial district/county with feedback to local agencies.
- Establish clear and transparent reporting on county/state level.
- Continue to expand resources for training for staff at all levels on implicit bias, RED.
- Evaluation/Inventory of Gender Responsive and Culturally Responsive EBP
 - Review of barriers that impact successful outcomes.
- Ensure EBP Reinvestment Fund Remains Intact
 - Expand meaningful and fair access for youth of color and other overrepresented populations.
- Increase Diversity on the KAG and JJOC
 - JJOC is also tasked with oversight of SB 367 and funds
- Continued Collaboration and Coordination
 - Reducing disproportionate juvenile contact

SROs

- “Years of working in a HS, building relationships with students allows for better early intervention, and be that adult role model, there for trust, rather than seeing them as someone who will be punitive. There are levels on the stratum as to how we can have students interact with SROs and avoid keeping them out of the system.”

Balancing the evidence and individual experiences (SROs):

- Senate Bill 367—challenges educators and SROs are facing: anything brought to them in the criminal code required them to treat as such.
- Zero tolerance approach doesn’t lend itself to relationship building or transparency, and oftentimes leads kids deeper into the system.
- A lot of systems are using diversion as a replication of probation--some of that net widening removes the individual aspect of the process.
- SROs: What can we learn from the ‘good’ SRO experience? Background, punitive nature, rules they follow, etc.
- http://www.appleseednetwork.org/uploads/1/2/4/6/124678621/appleseed_network_-_protecting_girls_of_color_2020.pdf
- <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf>

Commission on Racial Equity and Justice
Learning Session #24: Juvenile Officers

Monday, November 9, 2020 at 5:30pm

Held virtually via Zoom

Participants

Ken Winter—Training Coordinator: Kansas Juvenile Officers Association

Other representatives from Juvenile Officers Association from Wichita

Commissioners Attending

Gordon Ramsay

Brandon Davis

Mark Dupree

Tiffany Anderson

John Nave

Key Points

- They stress that they work closely with the AG office, Governors' Office, and individual school superintendents
- They believe there is a strong representation locally and across the state in terms of communication

In Wichita:

- Juvenile Intervention Unit—The youth who commit crimes at a young age are more likely to become chronic offenders through life, so they're trying to intervene as early as possible by providing services and organizations.
- Specialize in those engaged with gangs. Diversion; restorative practice—used to solve issues between students and the public. These have been working well
- Increase positive paths by to keep kids out of the criminal justice system
- Work with 100+ kids, give them jobs, teach them the skills to be productive members of society
- Establish strong connections with the kids they work with
- Working with WSU to figure out why there is such a disproportionate number of Black/Latino kids incarcerated
- How to improve--accountability, resources, family structure

- Several officers reflected on their positive experiences as SROs, noted the fact that there are many positive experiences that are buried by the negative; there are a lot of things they do that go unnoticed.
- Should social workers take the place of most SROs?

-
- What police officers do is police work, and they are committed to lowering the population of incarcerated kids
 - Feel that there are certain things police officers need to do that can't be delegated to social workers.
 - Primary challenges: state custody juvenile homes—how to best serve these kids
 - Kansas Statute to flag gang members: 21-63-13
 - If you don't have a felony or misdemeanor, you drop off the gang list
 - There is an important factor in having SROs in schools for safety, and it stops from having another officer showing up.

Commission on Racial Equity and Justice
Learning Session #25: Fraternal Order of Police

Wednesday, November 11, 2020 at 6:00pm

Held virtually via Zoom

Participants

Representatives from the Fraternal Order of Police, Kansas Lodge

Commissioners Attending

- Dr. Brandon Davis
- Ernestor de la Rosa
- Mark Dupree
- Mark McCormick
- Dr. Shannon Portillo
- Jackson Winsett

Key Points

- Kansas FOP has approximately 3,900 members in 35 local lodges. There are approximately 6,700 law enforcement officers in Kansas.
- State lodge provides legislative support in Topeka, insurance to members, co-sponsored trainings, resources to local lodges.
- Local lodges provide peer support services, can be involved in bargaining, grievance proceedings, etc.
- There are some guidelines from the national organization but local lodges have a lot of freedom within those.

Commission on Racial Equity and Justice
Listening Session #26: Disrupting the School to Prison Pipeline

Dr. Tiffany Anderson, Host

Monday, November 16, 2020 at 4:00pm

Held virtually via Zoom

Participants

Legal/Law Enforcement

- Chief Ron Brown - Former Topeka Police Chief, Advocated for the Juvenile Justice Bill, Collaborated with Appleseed
- Officer Tim Bell - Police Officer and Director of the Black Male Mentoring Program to reduce Incarceration
- Cindy Kelly - Former KASB and Topeka School Board attorney who advocated for adjusted practices to address discipline

Educators

- Dr. Beryl New - Director of Equity for personnel for Topeka and former high school principal. Governor's appointee for the African Affairs Commission
- Ms. Rebecca Morrisey - Topeka High Principal that broke the prison pipeline. Highlighted by PBS and the NY Times. Restorative Justice Expert Presenter to KASB.
- Dr. Robyn Killebrew - National Milken Award winning Principal in Mississippi who has broken the prison pipeline
- Scott Schwartz - Middle school principal and former police officer

International Researchers

- Dr. Bill Parrett - Dr. Parrett is the director of the Center for School Improvement & Policy Studies and professor of Education at Boise State University in Idaho. He has received international recognition for his work in school improvement, small schools, and education and for his efforts to help youth at risk. His professional experiences include public school and university teaching, curriculum design, principalships and college leadership, media production, research, and publication.
- Steve Sroka - Dr. Stephen Sroka is an internationally recognized speaker, trainer, author, teacher and educational consultant on health education, sex, drugs (especially opiates) and violence (bullying and suicide) proactive prevention education, school safety, brain-based learning, at-risk students and alternative-education, parenting, dropout prevention and leadership building for schools and communities. He worked early on with the WSCC concept (Whole School, Whole Community, Whole Child). He is widely known as The Power of One speaker.

Commissioners Attending

- Dr. Tiffany Anderson
- Mark Dupree
- Dr. Anthony Lewis
- John Nave

Key Points:

- School police numbers show that there isn't a strong correlation between the rate of police in schools and the rate of student referrals to law enforcement.
- In Topeka, juvenile detention center enrollment in Topeka Public Schools has been decreasing since the passage of the juvenile justice reforms in 2016.
- School police arrests in Kansas are 0.7% of total juvenile arrests. In the U.S., that number is 0.14%.
- School districts without SROs in some cases have high youth arrests and incarceration rates.
- There are strategies for turning high-poverty schools into high-performing schools:
 - Know and hold high expectations for all students
 - Commit to equity and confront brutal facts
 - Challenge stereotypes and implicit biases
 - Foster safe, healthy, and supportive learning environments
 - Focus on student, professional, and system learning
 - Build leadership capacity and positive relationships
 - Maintain a fierce sense of urgency for all students
- Many schools have positive experiences with SROs who focus on mentoring children and building positive relationships.
- Awareness of race and courageous conversations are key to a productive and inclusive school environment.
- Positive SRO programs require commitment from school districts and law enforcement agencies to ensure that the structures are contributing to an environment that helps students.