

Bluestem USD 205

Campus Police Policies



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CHAPTER I -INTRODUCTION

A. CODE OF CONDUCT

1. The Code of Conduct for the Bluestem USD 205 Police Department is set forth by the Superintendent and takes precedence over other regulatory directives: provided that the Code of Conduct established for the Bluestem USD 205 Police Department shall not be in conflict with the Employee Handbook or any policies and procedures set forth by the Superintendent and Board of Education.
2. This Code of Conduct is designed to promote efficiency, discipline, professionalism and good public relations by setting out standards and policies governing the conduct of every sworn officer of the department, both on and off duty.
3. The provisions of the Code of Conduct shall apply to all members of the department, including those personnel appointed as reserve and part-time officers.

B. SCOPE

1. The provisions of the Code of Conduct shall be observed by all members of the department in order to maintain the confidence, respect and support of the public.
2. Violations of the Code of Conduct and or laws of the State of Kansas shall subject the offender to disciplinary action that will be in accordance with the guidelines set forth in the Personnel Policy and Procedure Manual for Bluestem USD 205 Police Department. Action taken will depend on the degree of the offense, the record of the offender and the seriousness and consequences of the violation.
3. It shall be the duty of all members of the department to take corrective action and/ or submit a written report to the Superintendent whenever they, through personal observation or report, learn of any violation of the Code of Conduct, personnel rules, and/or laws of the city or State of Kansas.

C. DUTY TO KNOW AND COMPLY

1. Officers are required to establish and maintain a working knowledge of all laws in force in the State of Kansas and written rules and policies in force within USD 205 School District. In the event of improper action or breach of discipline, it will be presumed that the officer was familiar with the law, rule or policy in question, unless the officer can show unintentional ignorance of such law, rule or policy. This will not apply to "good faith" judgment on the part of the officer unless such judgment was not reasonably in accordance with the situation.
2. The failure to comply with the Code of Conduct, general orders and all other orders, policies and directives issued by proper authority will subject the offender to disciplinary action.

D. ATTEMPTS AND CONSPIRACY

1. Any officer who, by act or conduct, attempts to violate or conspires with any person to violate the Code of Conduct, personnel rules, general orders or policies of the department, shall be guilty as though the actual violation had been accomplished.

CHAPTER 2 -EMPLOYMENT, PROBATION AND TESTING

A. GENERAL

1. The Superintendent shall have the authority to reprimand, suspend or with the approval of the Superintendent and the Board of Education, may terminate any department member for, but not limited to, incompetence, neglect or dereliction of duty, immorality, drunkenness, the improper use of any substance that affects or modifies behavior, failure to obey orders given by proper authority, policy or procedure, or criminal conduct.
2. No member of the department shall receive permanent appointment with USD 205 School District until they have successfully completed a probationary period of six months, during which time they will be required to demonstrate their ability to perform their duties within the highest degree of ability and professionalism possible. Any member of the department who is not certified as a law enforcement officer in the State of Kansas shall not receive a permanent appointment until such member has been certified by the Kansas Law Enforcement Training Center in accordance with applicable statutes and regulations as provided by law. Such member shall, upon completion of basic training, then be required to successfully complete a six-month probationary period during which time they shall be required to demonstrate their ability to perform their duties within the highest degree of ability and professionalism possible.
3. Should any member of the department, who had successfully completed the entire period of probation be discharged, suspended or reprimanded because they have violated any rules of the Code of Conduct and/or laws of the State of Kansas, they shall receive a letter of discharge, suspension or reprimand that shall set forth the rules/laws violated and the details of said offense. The officer shall have the right of appeal of said discharge, suspension or reprimand in accordance with applicable policies, rules, laws, etc.
4. In accordance with applicable laws of the State of Kansas, all individuals who receive a conditional offer of employment, may be required to submit to a physical examination, which may include, but not limited to an x-ray examination of the back and psychological testing for the purpose of determining suitability for employment as a police officer. The costs of the initial-physical will be the responsibility of the applicant and any subsequent testing or physical will be at the expense of the USD 205 School District.
5. In addition, officers of the department may be requested to submit to periodic testing for determining continued suitability of employment. Officers may be required at other times to submit to psychological testing as a result of all officer's involvement in a critical incident or if the officer exhibits an unusual or unstable mental attitude.
6. Officers refusing to submit to additional or periodic testing shall be suspended from duty until such testing is completed. Officers still refusing to submit to testing shall be terminated from employment with the school district. Officers who fail to satisfactorily complete required testing may be terminated from employment.

CHAPTER 3 -UNIFORMS, EQUIPMENT AND APPEARANCE

A. GENERAL

1. Officers shall be neat in appearance and well groomed while in uniform. All articles of the uniform shall conform to the department's uniform regulations. Civilian clothing shall not be worn at anytime unless working on a special assignment or previously approved by the Superintendent.
2. The uniform shall be kept neat, clean, and in good repair at all times. While in uniform officers shall maintain a military bearing and avoid mannerisms such as slouching, shuffling, etc.
3. When on duty, officers shall be in full prescribed uniform unless otherwise authorized by the Superintendent. Winter or summer uniforms may be worn at the discretion of the officer appropriate to the weather, or at other times as directed by the Superintendent.
4. The cleaning of the uniforms is the responsibility of the officer. In a case where the has been soiled in the line of duty and beyond the normal cleaning, uniforms will be sent off to be cleaned and the expense will be paid by the school district
5. Hair shall be neatly trimmed and arranged in a complementary style. It will not extend over the ears more than 1 inch and must not protrude while wearing head gear. It shall not be longer than 1/4 of an inch above the top of the shirt and will be tapered or blocked.
6. Sideburns must be straight and may extend 1/4 inch above the lowest part of ear lobe. Mustaches may be worn however, it must be no lower than 1/2 an inch below the corner of the mouth and must be neatly trimmed.
7. Female officers' hair shall present a professional appearance. Plain and conservative pins, combs, barrettes, etc., similar to the individual's hair color is permitted to keep hair in place. Female hairstyle is traditionally longer than that of males. While longer hair length is permissible within the boundaries of the stated guidelines, female personnel should remain cognizant of the fact that long hair provides a "handle" for suspects use against a police officer during a physical altercation.
8. Improper or negligent handling or willful damage to any department or school district property under an officer's control is a violation of this section.
9. Officers who have lost or destroyed any equipment under their control may be required to make restitution to the school district if evidence shows that there was negligence on the part of the officer.
10. The need for any repairs or replacement of any school district property assigned to the department shall be brought to the attention of the Superintendent and a requisition shall be made for repairs or replacement.
11. No officer shall alter, repair, or in any way add to or remove any department, school or district owned property without permission, unless the official capacity of their duties. This shall include buildings, office equipment, machinery, firearms, communications equipment, motor vehicles, etc.
12. No officer shall incur any debt on behalf of the school district or the department without the prior approval of the Superintendent and within the accordance of the purchasing policy established by the school district. Debts incurred by an officer without approval may result in indebtedness becoming the responsibility of the officer incurring the debt.

CHAPTER 4 -PUBLIC ACTIVITIES

A. GENERAL

1. No officer of the department shall run for any school office or hold any elected or appointed public office that is incompatible or in conflict with their employment with Bluestem USD 205 School District Police Department. Any officer desiring to run for office shall first resign or take a leave of absence without pay. Should the employee running for the office be unsuccessful, the employee shall be returned to employment on the same terms and conditions as any other employee who had taken a leave of absence without pay. An employee with the department who has resigned to run for an elected office shall reapply for their previous position if said position is still open.
2. No on duty officer shall participate in any type of protest or demonstration, nor shall any officer act as spokesman, representative, or agent for any group engaged in any type of protest or demonstration.
3. No on duty officer shall engage in any type of job action designed to influence any person on a decision that would benefit the officer or other personnel of the school district.
4. No officer shall solicit or circulate petitions for their own promotions, transfers, or on any public issue. No officer should affix their signature or in any way demonstrate their support of any public petition, issue, ballot, or election. All officers are encouraged to exercise their right to vote.
5. No officer shall engage in part-time or off-duty employment without the prior approval of the Superintendent; provided, that no officer shall be allowed to work in taverns, private clubs or any other establishment which serves and/or sells intoxicating beverages whether for consumption on or off premises or engage in any other part-time or off-duty employment that could result in justifiable or unfavorable criticism of themselves, the school district, or the department.
6. No officer shall regulate his personal affairs so that any act or conduct on his/her part, if brought to the attention of the public, could result in justifiable or unfavorable criticism of the officer, the school district, or the department.
7. Officers shall refrain from conducting personal business while on duty unless approved by the Superintendent since officers are subject to call at all times.

CHAPTER 5 -PROFESSIONAL CONDUCT AND RESPONSIIILITJES

A. GENERAL

1. Officers shall not engage in conduct which constitutes dereliction, neglect of duty, or conduct unbecoming to an officer. Dereliction or neglect of duty is defined as a failure to perform any duty or requirement as required upon the officer by any state, local law, order, rule, or school district policy.
2. Officers are required to take appropriate action to aid a citizen or fellow officer exposed to danger or in any situation where danger might be imminent.
3. Within the corporate limits of the school district and adjacent properties, all officers shall at all times take appropriate action to:
 - a. Protect life and property
 - b. Preserve the Peace
 - c. Prevent crime
 - d. Detect and arrest violators of the law, or
 - e. Enforce all State, local laws and ordinances within their jurisdiction or as otherwise provided by law
4. No officer shall wear the uniform, be armed, carry his badge, or identification card while under suspension, except as provided for in chapter VII. An officer shall immediately surrender the badge, identification card and school issued equipment to the Superintendent upon notification of suspension.
5. Failure or deliberate refusal by any officer to obey a lawful order given by a superior officer shall be considered insubordination.
6. Officers shall not publicly criticize or ridicule the department, the school district, or its policies, other school employees, or any person of the general public by talking, writing or expressing in any manner which is defamatory, obscene, unlawful, or which lends to impair the operation of the department or the school by interfering with its efficiency, the ability of supervisors to maintain discipline, or by a reckless disregard for the truth.
7. Officers shall not solicit or accept, either directly or indirectly, any gift, gratuity, reward, load, fee, or other thing of value arising from or offered because of police employment or any activity connected with such employment. The acceptance of which might tend, or appear to create all influence, directly or indirectly, for their actions in any manner of police business or which might tend to cast an adverse reflection on the department. Donations for the Campus Police Department will be accepted by the district treasurer and deposited in that specific fund for the use of the department.
8. Any reward paid or sent to any officer shall he promptly turned in by that officer to the Superintendent who shall cause said reward or fee to be deposited in the general fund of Bluestem USD 205.
9. No officer shall accept a fee as a witness in a criminal case prosecuted as a result of that officer's actions or employment. Officers may accept witness fees in criminal cases being prosecuted provided that the officer was not an active participant of the case, i.e., not officially assigned to investigate the case (such as being a witness while off-duty). Officers may accept witness fees in any civil case as prescribed, by law.
10. No officer of this department shall become a member of any organization, association, movement, or group which advocates, approves a commission, or acts of force or violence to deny others their constitutional rights under the Constitution of the United States, or which seeks to alter the form of government of this city, state, or of the United States by unconstitutional means.

11. Except for official police duties, no officer shall willfully or knowingly associate with persons of immoral character, convicted felons, or other persons who habitually commit violations of the law. This does not exclude an officer from associating with immediate members of his family if they fall in the aforementioned category.
12. All officers will be required to adhere to the chain of command, which will consist of the Superintendent and the School Board. If the grievance or complaint concerns a particular portion of the chain of command, that portion of the chain of command shall be notified of the grievance or complaint. If unable to correct the grievance or complaint or the cause of the grievance or complaint, that portion of the chain of command shall approve going to the next level.
13. Officers will not discuss department matters with members of the general public, without prior approval of the Superintendent. However, they will be able to mention to their superiors, incidents that take place without mentioning any names or incriminating anyone person. This, however, does not preclude officers from socializing with members of the general public.
14. Officers must make themselves present and available to testify in any court when notified to appear or otherwise called to appear. In criminal and civil cases, officers respond to legal subpoena only.
15. Officers who, for a valid reason, are unable to answer an official summons, must be excused by the court prior to the time they are scheduled to appear. The officer shall notify the Superintendent of an absence and reason for the absence when appearing to answer an official summons by the court.

CHAPTER 6 - GENERAL CONDUCT OF DUTY

A. GENERAL

1. All officers shall remain alert, observant and occupied with police business during their tour of duty.
2. Officers shall respond without delay to all calls for assistance from citizens or other officers. Emergency calls take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and traffic laws. Except only under the most extraordinary circumstances, or when otherwise directed by competent authority. No officer shall fail to answer any call for service directed to him.
3. Officers shall be considered as always subject to call and shall be prepared to act at all times when circumstances indicate their services are required.
4. Officers shall not consume intoxicants off duty to the extent evidence of such intoxication is apparent when reporting for duty or to the extent the ability to perform is impaired to any degree. No officer shall consume any intoxicant within eight hours of reporting for scheduled duty. No officer shall purchase, possess or consume intoxicants while on or off duty and in uniform.
5. Officers on duty and in uniform shall not enter taverns, theaters or public places except to perform a police service or duty. Excessive loitering and unnecessary conversation are violations of this policy.
6. Uniformed officers shall render full military honors to the flag of the United States and the National Anthem at appropriate times. Officers in civilian dress: shall render proper civilian honors to the flag of the United States and the National Anthem at appropriate times.
7. It shall be the responsibility of any officer who cannot report for duty due to illness to notify the Superintendent as soon as possible, but not less than one hour prior to their reporting time.
8. While on duty, officers shall not conduct themselves in any manner that would bring discredit upon themselves or the department.
9. Dereliction of duty on the part of any officer, prejudicial to the good order, discipline and proper performance of the functions of the department, is cause for disciplinary action. Dereliction of duty is defined as a failure to perform any duty or requirement as required upon an officer by any state, or local law, order, rule, policy or ordinance.
10. Officers shall not communicate or cause to be communicated in any manner, either directly or indirectly, any information which may assist any person guilty or suspected of any crime to escape arrest or punishment, or which may enable the person to dispose of evidence of an unlawful activity, money, merchandise, or other property obtained unlawfully.
11. Officers shall not suggest, recommend, advise or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Officers shall not accept any fee, gratuity or reward from any attorney or bail bond broker for any reason. Officers shall not give any information regarding prisoners in confinement, property in custody or records of the department to any lawyer, bail bond broker, the agent of either, or to any other unauthorized persons.
12. No officer shall investigate any criminal case or personally file any criminal charge in a court of law against any person for a criminal offense committed against them, by them, or a member of their family. The responsibility to investigate and file appropriate charges will rest with the Superintendent of Schools or an outside agency.
13. No officer shall initiate any investigation against another officer of the department unless directed by the Superintendent.

14. No officer shall willfully misrepresent any matter, sign any false statement or report, perjure themselves or give false testimony before any court, grand jury, board, commission, official hearing, or departmental hearing.
15. No officer shall reveal any confidential information to anyone unless authorized to do so and then only to person(s) authorized by law to receive such confidential information. Such information shall be limited to a need to know basis and released only upon the approval of the Superintendent.
16. No officer shall make known any information concerning the progress of an investigation, a known or reported violation of the law, a condition against which action is to be taken at a future time, or any proposed police operation to any person not authorized to receive it unless otherwise approved by the Superintendent.
17. No officer shall release any official report, record, arrest report, prosecution report, criminal history file, mug shot, picture, or other record or report to any person or agency which does not have a criminal justice function, unless ordered by a lawful subpoena, court order, or in accordance with existing law.
18. No officer shall engage in "horseplay" or the playing of pranks while on duty. This conduct is prohibited at any time an officer is on police department functions or while within the public.

B. VEHICLE IMPOUNDS AND INVENTORY

1. Officers shall be required to impound a vehicle when the person operating the vehicle at the time has been arrested. The vehicle will be impounded if the driver is unable or unwilling to decide what to do with the vehicle to safeguard it and its contents.
2. Whenever an officer impounds a vehicle, the officer shall conduct an inventory of the contents of the vehicle for the purpose of protecting the owner's property, for the protection of the department, the school district and its personnel, from claims of lost or stolen property, the protection of officers and others from danger. The inventory shall include an inspection of all storage compartments as well as all closed or locked luggage, packages and other containers whose contents are not clearly discernible by external examination.
3. When conducting an inventory of a vehicle being impounded, officers shall record, on the form provided for impounding a vehicle: the time, date, location, make, model, year and tag number of the vehicle, the information concerning the owner and/or driver of the vehicle. Such inventory shall encompass the entire vehicle including, but not limited to the passenger's compartment, storage compartment, closed or locked containers, packages, trunk and engine compartment.
4. Any item of property discovered during the course of the inventory of the vehicle that the officer has probable cause to believe is evidence of a crime or criminal act. i.e., evidence, contraband, stolen property, etc., shall be seized immediately and recorded on an evidence receipt form.
5. No vehicle shall be released to any person who is not the owner/co owner of the vehicle. Prior to releasing a vehicle impounded according to this policy, the person requesting release of the vehicle shall provide proof of insurance, proof of identification, and the legal title to the vehicle. In the case of a vehicle which is registered in a title-holding state or when the legal title is in another location that would create an undue burden on the owner to produce the legal title, an officer may determine ownership through the use of registration application. Other registration papers, or a registration check of the vehicle identification number (VIN) through the ASTRA computer systems. If the officer can reasonably determine ownership of the vehicle through these alternative means, the officer may release the vehicle to the owner/co-owner.
6. An officer releasing a vehicle shall make copies of the above forms and attach said copies to the original impound form, The officer shall then complete and provide the owner of the vehicle a copy of the impound inventory form.

C. OBSERVERS

1. Any non-department personnel desiring to ride with an officer on duty shall first receive authorization from the Superintendent at least 24 hours prior to the time they wish to ride. Except when initially receiving authorization to ride as an observer as outlined in Section C.2.
2. Any non-law enforcement personnel not affiliated with the police department shall, before being allowed to ride as an observer, submit their name, address, phone number, date of birth, SSN, sex and race to the Superintendent at least five working days prior to the time they wish to ride. The Superintendent may perform a record check of the person through the Bluestem USD 205 Police Department, other area Law Enforcement agencies, and/or NCIC to determine their suitability to ride as an observer.
3. The Superintendent shall have the discretion and authority to deny or refuse any request made by any person to ride with an officer. Any person authorized to ride as an observer shall complete and sign a release of liability prior to the time the person rides as an observer.
4. Observers shall follow any and all directions given by the officer. Officers shall at all times consider the safety and welfare of the observer. At any time a situation places, or has the potential of placing an observer in jeopardy, the officer shall take whatever measures necessary to remove or cause the observer to be removed from jeopardy. At no time will an observer take an active part, or be allowed to take an active part, in any police activity other than to observe.
5. Observers will dress appropriately when riding. Shorts, T-shirts, etc. will not be worn. Observers who are not sworn, regular law enforcement officers, shall not at any time ride armed with any type of weapon. Sworn regular law enforcement officers shall be approved by the Superintendent to ride as an armed observer and only after reading, understanding and agreeing to comply with the department's use of force policy.

D. DOG/ANIMAL IMPOUNDS

1. When an officer impounds a dog to the city pound, an incident number will be assigned and an impound report completed and placed into police records providing a description of the dog, the owner if known, and the date and place of impoundment.
2. When the owner of a dog impounded has been identified, the owner of the dog shall be assessed impound and board fees in accordance with city ordinance and paid to the City of Leon. Any citizen who contacts a school district officer shall be advised to contact the appropriate city during normal business hours in the event the dog was picked up from school property within the corporate city limits.
3. In the event that the dog was picked up on school property that falls within Butler County. Butler County Animal control will be advised to pick up the dog and an incident report will be made by the school police. Any citizen who contacts school district officers shall be advised to contact Leon City or Butler County Animal Control in accordance with the policies and ordinances of the city or county.
4. Whenever a dog or other animal is to be quarantined for a 10-day observation period because the dog or animal has bitten a person, or when the dog or animal is otherwise suspected of being infected with rabies, the dog or other animal shall be quarantined to a licensed veterinary clinic or animal shelter, provided dogs or other animals may be quarantined in another sufficient manner in accordance with applicable city or county ordinances.

E. VIDEO CAMERAS

1. If or when video cameras are mounted in the patrol vehicles, they are provided to improve officer safety and as an investigative tool. Video recordings should be handled with the same care and regard as other evidence to reduce

and/or eliminate any questions as to evidentiary quality. It shall be the officer's responsibility to insure that the equipment is operated in accordance with manufacturer's instruction as provided with the equipment.

2. Except for adjustments made to focusing, zoom/wide angle, date, time and tape-counter functions, and tape speed, no adjustments or alterations will be made to the equipment or the tape that is not in compliance with the manufacturer's operating instructions.
3. When inserting a new tape, the officer shall insure the date and time function of equipment is properly set. The officer shall activate the audio and video components and make a short test of the equipment to insure it is functioning properly.
4. When an officer decides to stop a vehicle, the officer should activate the components of the system as soon as possible to record as much detail as possible and the conduct of the stop. For the purpose of making cost-efficient use of the equipment, during contacts made for routine traffic violations the officer may elect to place the equipment in the pause mode after making initial contact and while completing necessary paperwork. Prior to re-contacting the vehicle and its occupants, the officer shall reactivate the recording equipment.
5. During stops, in which the officer is concerned for their safety, or the attitude of the driver or other occupants of the vehicle indicates a potential for the stop to escalate beyond routine parameters, or the officer has reason to believe the driver of the vehicle is driving under the influence, the officer shall leave the equipment on for the duration of the stop until such time the vehicle and its occupants are released or otherwise removed from the scene. The equipment may be left on while transporting prisoners to document any actions or comments by the arrestee(s).
6. Whenever an arrest or other incident has occurred that requires the retention of the tape as evidence, the tape shall be taken into custody as evidence and placed in the evidence locker.
7. At no time will any portion of any tape be erased, recorded over, or otherwise altered or destroyed, including those tapes for which any recorded portion is of inadequate audio or video quality, without the authorization of the Superintendent. The original tape shall never be released from the department's custody unless received as evidence by the court. No copies of any tape, or portion thereof, shall be viewed by non-department personnel without the authorization of the Superintendent.

F. DUI EVIDENTIARY TESTING

1. It is the policy of the Bluestem USD 205 Police Department to adhere to applicable statutory and administrative guidelines when investigating and enforcing laws of The State of Kansas as they relate to Driving Under the Influence of Alcohol and/or Drugs (DUI).
2. A person suspected of DUI shall not be asked to submit to evidentiary testing until such person has been provided written and oral implied consent warnings. After said warnings have been provided to the person, said person shall be requested to submit to a breath test. If the testing equipment is not working properly at the time the request is made, or the person is incapable, because of apparent medical or physical impairment of providing a sufficient breath test, the officer may elect to request a blood test. If the person is suspected of being under the influence of drugs, the officer may additionally request the person to provide a urine sample.
3. When requesting a blood sample, the officer shall complete and sign any forms requesting blood testing or any consent forms required by the medical facility or persons taking the blood. The person arrested shall not be additionally required to sign any consent or waiver form. In addition, testing material, i.e., blood or urine, taken at the officer's request, shall be recopied on an evidence custody receipt and banded accordingly.
4. If, and only after completing requested testing, the person indicates in any manner a desire for additional testing as provided for under K. S. A. 8-1 00 1. The person shall be taken immediately to the medical facility to have medical personnel administer the additional testing. Provided the person does not present a risk of escape or of causing physical harm to officers and others. The person shall not be provided the opportunity for additional independent testing if the person has refused or failed to complete the requested testing. A person may be required to sign consent

and waiver forms for additional testing made at the person's request and the officer shall not take custody of any material obtained as a result of additional testing nor sign any form on the person's behalf.

5. If the person refuses to submit to and/or complete testing, no testing shall be done. Provided, if the officer has probable cause to believe the person, while under the influence of alcohol and/or drugs, operated a motor vehicle in manner to have caused death or serious injury to another person. The officer shall contact the Superintendent to assist in obtaining a search warrant for further testing.
6. Only officers certified by the Kansas Department of Health and Environment (KDHE) will operate breath testing equipment. It shall be the operator's responsibility to know and comply with all requirements concerning the equipment's operation.
 - a. Only those persons authorized by law shall be allowed to draw blood for evidentiary purposes; provided that no officer of this department shall be authorized to draw blood for evidentiary purposes.
7. If subject is asked to submit to testing, it shall be administered by a certified officer of the Butler County Sheriff's Department who has been certified by Kansas Department of Health and Environment (KDHE).

G. REPORTS, TRIPLE I, AND RELATED FORMS

1. When officers take a report involving the theft or other loss of property, the said property must have available for the officers: identifiable features, i.e. serial numbers or engravings that distinguish the property from other like property. The officer shall provide the SPIDER unit with a copy of page 1 of the Kansas Standard Offense Report (KSOR) showing the date of theft and report, victim/owner, and any identification concerning the property. The SPIDER unit shall then be requested to enter the property into NCIC, the officer shall obtain a copy of the NCIC printout and the NCIC control number from the SPIDER operator and record it in the report.
2. When officers recover property that has been identified as having been stolen, the officer shall, in the case of property entered as stolen property locally, have the SPIDER unit remove the property from the computer and NCIC. In the case of property reported as being stolen by another agency, the officer shall prepare a KSOR for recovered stolen property and forward a copy of the report to the originating agency. Officers shall not be responsible for taking steps to remove from the computer property reported as being stolen by another agency.
3. Officers may access Interstate Identification Index (Triple I) for official business only. Access to Triple I will be in accordance with policies and procedures established by NCIC and further by the Butler County Sheriff's Office (BCSO). Any officer receiving Triple I information shall not release any of the information gained from such access to any person without the approval of the Superintendent. Triple I's, or copies of same received from BCSO, will be kept and maintained in the case file for which they were requested. When approved to receive a copy of the Triple I by the Superintendent, a notation will be made on the outside of the case jacket of the date, name and criminal justice position of the person receiving such copy.
4. Whenever Triple I information is requested or received via radio, the information will be requested/received only in coded traffic as established by the Butler County Sheriff Office (BCSO).
5. Officers shall insure that all reports/incidents are completed in a neat, orderly, timely manner, and prepared in black ink and/or typed with all associated paperwork being placed in the case file in the prescribed order. Each report incident is to be filed in a folder designated for that report/incident. Each folder shall then be placed in the file designated for such purpose. No files or portions of files shall be removed for any purpose except as required for the furtherance of the mission of the department; provided that, unless specifically requested by lawful authority, the originals of any files or reports shall not be removed from the offices of the Bluestem USD 205 Police Department.
6. A separate report/incident number shall be assigned for all officer activity including, but not limited to: crime reports, traffic accidents, arrests resulting from such activity, animal/dog complaints, miscellaneous reports, or any other activity requiring that the activity/incident be documented.

H. FINGERPRINTS

1. All fingerprinting and photographing of juveniles will be conducted within the guidelines set forth in K.S.A. 38-1611 and shall be completed by either JDF or JIAC personnel.
2. Fingerprints and photographs of a juvenile may be furnished to another juvenile justice agency, as defined in K.S.A. 38-1617 and amendments thereto, if the agency has a legitimate need for the fingerprints or photographs. All dissemination of fingerprints or photographs to another juvenile justice agency must be approved by the Superintendent or his/ her representative.

I. DUTIES REGARDING THE RIGHTS, PRIVACY AND PROTECTION OF PRISONERS

1. No officer shall arrest any person or search any premise or person except with a warrant of search or arrest, or when such search or arrest is authorized without a warrant under the laws of the State of Kansas. No officer shall knowingly or willfully falsely arrest, imprison, or direct any malicious prosecution against any person.
2. All officers shall protect the rights of any person in their custody and no officer shall verbally abuse or use any unnecessary force against any person. No officer shall willfully mistreat or give inhumane treatment to any person held in their custody or allow any person to be mistreated or treated in an inhumane manner in his presence. Officers shall report immediately to the Superintendent any incident in which he witnessed or was notified of the mistreatment of any person.
3. Officers shall be responsible for any property belonging to any prisoner, or other person, while the prisoner and/or property is in the officer's custody.
4. Whenever an officer arrests a person for a violation of any municipal ordinance or state law, the officer shall immediately notify the Superintendent of the time, date, location and the circumstances of the arrest.
5. It is the responsibility of the arresting officer, under the direction of the Superintendent to insure that the person is delivered to the proper holding/detention facility.
6. The officer shall insure that, in the case of person(s) arrested for violations of state statutes, a probable cause affidavit is completed and left with the detention center personnel at the time the person is released to their custody.
7. Any person who has been arrested for domestic violence, Driving Under the Influence (DUI) or any person whom the officer has probable cause to believe may cause injury to themselves, others or damage to property shall remain in protective custody in the detention center.
8. When a person has been arrested and placed into the detention center, the arresting officer shall insure the Arrest Information Form has been completed and left with the detention center. Informing them of the person's charges, whether district or state, the bond and if the person is to be held in protective custody.
9. No person shall be arrested solely for the commission of a traffic offense that is classified by statute or ordinance as a traffic infraction. Person may be arrested, at the discretion of the officer, for traffic violations that are classified as traffic misdemeanors. Except that, any person who is to be charged with Driving Under the Influence of intoxicating Liquor and/or Drugs (DUI) or for fleeing or attempting to elude shall be arrested and held in the detention center in accordance with this policy.
10. Any person arrested for a traffic misdemeanor or attempt to elude shall be held in the detention center to this policy. Those persons arrested for DUI shall be held in the detention center pursuant to Section 6.7.
11. Any person who is issued a NTA charging a misdemeanor violation and who has not been or will be arrested, will be required to sign the NTA acknowledging receipt and agreeing to appear in court on the date/time shown. Such person shall be notified at the time the NTA is issued that: the violation is a misdemeanor, their appearance in court is

required, their signature is their bond, and their failure to appear will result in a warrant being issued and their driving privileges suspended. Any person who fails or refuses to sign a NTA charging a misdemeanor traffic or criminal violation shall be arrested and held in the detention center pursuant to this policy.

12. Any person who is arrested for misdemeanor violations, and there are accompanying infraction violations, shall be booked into the detention center for the misdemeanor violations alone. Except when being stated in the probable cause affidavit, no infraction violations will appear on any of the booking documents required at the time the person is booked and/or released.
13. At the time a person is arrested for a violation of any misdemeanor traffic or criminal violation of a city ordinance, the arrestee shall not be allowed to sign the NTA. On the line providing for the person's signature the officer shall write "IN JAIL". Prior to their release from jail and custody, the person shall post a bond as required by Butler County policy or otherwise sign a County Court Recognizance Bond form.

J. DOMESTIC VIOLENCE

1. PURPOSE

The purpose of this policy is to establish guidelines for response to domestic violence calls in compliance with K.S.A. 22-2307, and to do so maximizing the safety of victims, officers, and others immediately present.

Law enforcement officers are expected to do the following:

- Afford protection and support to adult and child victims of domestic violence.
- Promote the safety of law enforcement personnel responding to incidents of domestic violence.
- Establish arrest and prosecution as a preferred means of response to domestic violence.
- Complete thorough investigations and effect an arrest of the person that the officer has probable cause to believe committed a crime or offense involving domestic violence unless the person's actions were in defense of persons or property .
- Take appropriate action for any violation of permanent, temporary, or emergency orders of protection.
- Provide victims or witnesses of domestic violence with support and assistance through cooperative community efforts in order to prevent further abuse and harassment, or both.

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

2. DEFINITIONS (pursuant to K.S.A. 21-5111):

Family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time.

Dating relationship means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since termination of the relationship, if applicable.

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

whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member.

Domestic violence offense means any crime committed whereby the underlying factual basis includes an act of domestic violence.

Defense of persons or property means an act by a person as authorized by K.S.A. 21-5222, 21-5223, 21-5224, 21-5225, 21-5230, and 21-5231.

3. **AUTHORITY TO ARREST:** K.S.A. 22-2401 provides the legal authority and parameters guiding all arrests by law enforcement officers. K.S.A. 22-2307(b)(1) further requires all Kansas law enforcement agencies to have a policy requiring an arrest without delay in any case of domestic violence as defined in K.S.A. 21-5111 whenever the requirements of K.S.A. 22-2401 are met, regardless of whether the crime is a misdemeanor or felony. All offenses within the Kansas Criminal Code (K.S.A. chapter 21) and violations of municipal ordinances will trigger mandatory arrest by law enforcement officers where 1. probable cause of the offense or violation is found and there is probable cause the suspect committed the offense, 2. there is a qualifying relationship between the victim and the offender (as defined at K.S.A. 21-5111) and 3. there is no legal use of force in defense of persons or property.

FELONY VS. MISDEMEANOR CHARGES: The authority to arrest without a warrant for domestic violence offenses exists regardless of whether the charge is a misdemeanor or felony, provided probable cause a crime was committed and probable cause the person arrested committed the crime exists. This authority is provided in K.S.A. 22-2307(b) (1) combined with provisions of K.S.A. 22-2401(c). The arrest for crimes that are not domestic violence related discovered during the course of a domestic violence investigation are authorized only if the requirements of K.S.A. 22-2401 are met.

WHEN ARREST IS NOT REQUIRED: This authority does not require an officer to arrest either party involved in an alleged act of domestic violence when there is no probable cause to believe that a crime or offense has been committed or there is no probable cause that a particular person committed the crime. Such determination should be preceded by a thorough investigation.

MULTIPLE ARRESTS: Both parties involved in an alleged act of domestic violence should be arrested only when a thorough investigation establishes probable cause each person committed a domestic violence crime and was not acting in defense of persons or property, or can otherwise be arrested under authority of K.S.A. 22-2401. The arrest of both parties simply because the information is inadequate to determine who was the aggressor and who was acting in defense of persons or property is not appropriate.

OPPOSING ALLEGATIONS: Authority to arrest is further clarified in K.S.A. 22-2307(b)(3) by directing law enforcement officers who receive complaints of domestic violence from two or more opposing persons, to evaluate each complaint separately to determine if there is probable cause that each accused person committed a crime or offense and their actions were not defense of persons or property.

4. PROCEDURES

When a law enforcement officer determines there is probable cause a particular person has committed a domestic violence offense, the officer shall without undue delay arrest the person unless such person's actions were in defense of persons or property.

a. Dispatch and Call Taker Procedures:

The dispatcher or law enforcement agency employee receiving a report of domestic violence should do the following:

- i. Dispatch a minimum of two law enforcement officers to a domestic violence call, whenever possible.
- ii. Assign a priority response to all domestic violence calls, whether or not the assailant is known to be on the premises.
- iii. Attempt to elicit any and all information from the caller that may help the responding and investigating law enforcement officers assess the situation. This includes information clarifying the identity of witnesses,

victims, and suspects; information to help responding officers quickly identify the victims and suspects; the nature and extent of any injuries; the nature and extent of any threat or actual physical violence; the use or availability of weapons; relationship between the persons involved; prior problems between the parties; information that will assist officers in locating the suspect; and the existence of any protection from abuse or other relative court orders. If contact is lost with the complainant, the dispatcher or call taker shall attempt to reestablish contact. The dispatcher should not reveal information about the call to a third party contacted during this process unless necessary to establish additional information useful to the responding officers.

iv. Preserve documentation of the facts and circumstances of each call, including 911 tapes, for use in potential administrative and criminal investigations, as requested by the investigating law enforcement officers or supervisors.

v. Maintain current contact information for local domestic violence agencies that responding law enforcement officers may provide to victims.

vi. When a law enforcement officer of any agency is involved in any domestic violence report or call, immediately notify and dispatch a supervisor, regardless of the involved law enforcement officer's jurisdiction. Where the suspected offender is an executive level officer of the responding law enforcement officer's agency, outside agency assistance and investigation should be requested immediately.

vii. Cancellation of domestic violence calls: Domestic violence call cancellation requests and information about who has made such requests shall be relayed to the responding officers, but a response shall not be cancelled.

b. Law Enforcement Officer Procedures:

Initial Response

When dispatched to a domestic violence call, responding law enforcement officers should do the following:

i. Follow all agency procedures and policies on response to, approach to, and field investigations of active violent crimes. This includes assuring identification and appropriate medical care of injured persons.

ii. Gather information from dispatch to help assess the situation and to enhance the safety of victims, officers and others present at the scene upon arrival.

iii. Use recording devices to capture statements made by suspects, victims and witnesses, if possible or available.

iv. Assure compliance with all agency policies and procedures for legal and safe entry to the scene. This may include forced entry under exigent circumstances to assure safety of victims and securing of evidence.

v. Contact and document information from all witnesses and other persons who possess information helpful to the investigation and prosecution of any crime.

vi. Assure all persons involved in domestic violence and all family or household members present are accounted for and receive any needed medical attention.

vii. Follow all agency policies and procedures regarding the documentation of the allegations, investigation, and evidence collection, including the completion of the Standard Offense Report, Arrest Report, and related reports.

viii. If language barriers exist, follow agency policy and procedures to assure interpreter services are obtained if necessary. Limit the use of family members only to obtain information of a nature critical to the safety of all parties involved, including the officers. Only use children as interpreters as a last resort and limited to exigent circumstances.

ix. DO NOT make any statement that would discourage a victim from reporting an act of domestic violence and/or abuse; or threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel.

If a law enforcement officer is involved:

i. Upon determining a domestic violence call appears to involve a law enforcement officer from any agency or jurisdiction, the dispatcher shall be notified and a supervisor requested if no supervisor is already on scene.

ii. Where the suspected offender is an executive level officer of the responding law enforcement officer's agency, outside agency assistance and investigation should be requested immediately.

iii. The investigation of the allegations will be conducted thoroughly and in a timely manner including accurate and complete documentation, collection of all evidence, and completion of all required reports. All officers of this agency will fully cooperate and assist an outside agency assigned to investigate or assist in investigation of the allegations.

iv. The fact one of the persons involved is a law enforcement officers will not influence the decision to arrest, the timeliness of an arrest, or the charges filed in the case.

If the suspect is not at the scene on arrival of the officers:

i. Attempt to locate the suspect and provide information to other officers to assist in locating the suspect.

ii. If probable cause for arrest exists, regardless of whether the crime is a misdemeanor or felony, advise other officers of the probable cause and request the suspect be taken into custody if located.

iii. Officers shall stay alert and remain vigilant for possible return of the suspect.

appropriate.

v. Assure officers on future shifts are aware of the information and request to arrest the suspect.

vi. Follow agency policies and procedures to obtain a warrant for the suspect as soon as practical if the suspect has not been located.

vii. When the suspect is located, follow all agency procedures to assure the suspect has an opportunity to provide a statement of the details of the incident. It is critical the officer assure all legal requirements are met to allow such statements to be used in court. Investigate any new information or allegations provided by the suspect or collected during or after the arrest of the suspect. If appropriate, re-evaluate the probable cause for arrest and charging of the suspect. Be sure all bulletins, Kansas Hot File entries, or NCIC entries are cleared.

Follow Up Investigation

i. Any information received from witnesses, victims, or suspects that cannot be fully investigated by the initial responding officers should be identified and investigated by detectives or other officers as provided in applicable agency policies and procedures. Such investigation shall be completed in a timely manner. Special urgency exists when additional investigation is necessary to establish probable cause or to obtain an arrest or search warrant.

ii. If the suspect has not been arrested once probable cause is established or an arrest warrant obtained reasonable efforts to locate the suspect should be on going. Special urgency exists if threats or other indications of continued attacks on the victim or others exists.

iii. All reports shall be completed and forwarded to the appropriate prosecutor's office as quickly as possible. This should include a request for the issuance of an arrest warrant or search warrant when appropriate.

iv. Subsequent to the initial forwarding of reports to the prosecutor, new information and additional reports shall be forwarded to the prosecutor as soon as possible. This is especially critical when such information directly pertains to the probable cause of the alleged crime or arrest .

v. Violation of Court Orders:

Protective Orders: Violation of a Protective Order (K.S.A. 21-5924) is knowingly violating one of the following :

- PFA – Emergency, Temporary and Final Protection from Abuse Orders issued pursuant to K.S.A. 60-3101 et seq.
- PFS – Temporary and Final Protection from Stalking Orders issued pursuant to K.S.A. 60-31a01 et seq.
- Criminal Case – Any no contact court order issued pre- or post-conviction in a criminal case
- Divorce – Any restraining order issued as part of a divorce proceeding
- CINC Case – Any restraining order issued in a Child in Need of Care case
- Out-of-State Order – Any similar order issued by any Indian Tribal Authority, U.S. Military, or U.S. Territory , or by any state within the U.S., including any municipalities therein (also known as Full Faith and Credit). See Confirming Protection Orders below.

When violation of a Protective Order is a domestic violence crime:

- i. Violation of a Protection from Abuse Order (PFA) is a domestic violence offense unless the offender is under the age of 18 AND the PFA plaintiff and the PFA defendant have not engaged in a dating relationship.
- ii. Other protective order violations may constitute a domestic violence offense if the violation meets the criteria in the definition of a domestic violence crime in Section II of this policy (e.g. if there is a qualifying relationship between the protected and restrained party, a violation of a protective/no contact order would be a domestic violence offense, unless the offender is under the age of 18 AND the PFA plaintiff and the PFA defendant have not engaged in a dating relationship).

When to arrest:

- i. If the named respondent/defendant in such a protective order as listed above is in violation of a protective order and if the violation is determined to be a domestic violence crime, law enforcement officers shall arrest the respondent/defendant and proceed with the booking process.
- ii. If the named respondent/defendant in such a protective order as listed above is in violation of a protective order and if the violation is not determined to be a domestic violence crime, law enforcement officers should arrest the respondent/defendant and proceed with the booking process only if the criteria for arrest in K.S.A. 22-2401 is met.

Unserved Protection Orders:

While the named defendant on a protective order usually cannot be arrested or charged with violation of a protective order under K.S.A. 21-5924 if the defendant has not been personally served with the order, law enforcement officers should still offer assistance to the victim/plaintiff if a complaint is made and should work to have the defendant personally served with the order. Law enforcement officers should arrest on other charges if the criteria of K.S.A. 22-2401 is met, whenever possible (e.g. trespassing, intimidation of a witness etc.). PFA and PFS orders should be entered in NCIC by the Sheriff when they are issued by the District Court.

Confirming Protection Orders:

Law enforcement officers presented with a situation in which a PFA or PFS is claimed to exist, but a copy is not available to the law enforcement officers should take good faith steps to verify the existence of a protection order. This includes but is not limited to: NCIC; law enforcement records; Clerk of the District Court; and other sources in determining whether there is probable cause to believe a valid foreign protection order exists.

Enforcement of Protection Orders from Other Jurisdictions:

A foreign protection order is one issued by legal authority of a state or competent jurisdiction (e.g. Indian Tribal Authority, U.S. Military, or U.S. Territory) other than Kansas. A law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. The protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a

certified copy of a protection order is not required for enforcement. If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists. An officer and the officer's agency have immunity of liability in these enforcement actions if the arrest is made in good faith. (KSA 60-31b06)

5. Incident Documentation Procedures:

- a. Officers will complete the Standard Offense Report and all supplements as required in agency policies and procedures, or as required by the Kansas Standard Offense Report Manual, regardless of whether an arrest is made.
- b. All reports or allegations of domestic violence shall be documented on the standard offense report even if it is determined there is no probable cause a crime was committed and even if no arrest is made.
- c. If no arrest is made due to the lack of probable cause, the report shall include all information supporting the lack of probable cause a crime was committed, the lack of probable cause a particular person committed the crime, or supporting a legal use of force in defense of persons or property.
- d. A copy of the Standard Offense Report is required to be sent to the Kansas Bureau of Investigation even if no arrest is made.
- e. Officers will complete the Standard Offense Report and all supplements as required in agency policies and procedures, or as required by the Kansas Standard Offense Report Manual, when an arrest is made for violation of a protective order.

Victim Safety and Protection:

Law enforcement officers should make victim safety and protection a priority, recognizing the important role law enforcement officers play in supporting the safety of victims and enabling them to make informed decisions.

Information Provided to Victims:

- a. Upon conclusion of the initial domestic violence investigation at the scene, officers should:
 - i. If suspect is arrested, inform the victim of the procedure for contacting jail personnel in order to determine when the suspect may be released from custody, in addition to requesting that jail personnel notify the victim prior to the suspect's release.
 - ii. If the suspect is not arrested, inform the victim and explain why an arrest has not been made. If the suspect is still being sought, inform the victim of what steps will be taken and what actions the victim should take if contacted by the suspect or if the victim learns of the suspects whereabouts.
 - iii. Assist the victim in reaching a safe location with essential clothing and supplies if the victim wants to leave the premises to ensure safety.
 - iv. Provide the victim with the investigating officer's name and contact information.
- b. Law enforcement officers shall provide the following information to victims of domestic violence as required by K.S.A. 22-2307:
 - i. Availability of emergency and medical telephone numbers, if needed;
 - ii. The law enforcement agency's report number;
 - iii. The address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights pursuant to K.S.A. 74-7333 and K.S.A. 74-7335 and amendments thereto;
 - iv. The name and address of the crime victims' compensation board and information about possible compensation benefits;

- v. Advise the victim that the details of the crime may be made public;
- vi. Advise the victim of such victims' rights under K.S.A. 74-7333 and K.S.A. 74-7335 and amendments thereto; and
- vii. Advise the victim of known available resources, which may assist the victim.

K. JUDICIAL AND INVESTIGATIVE ACTIVITIES

1. Officers shall respond to any subpoenas requiring the officer to appear or testify in any trial or hearing and officers shall notify the Superintendent immediately upon receipt of such subpoena.
2. Officers shall answer all questions or render material or relevant statements to a competent authority when so directed, and be truthful at all times, whether under oath or not.
3. Officers shall be responsible to conduct the investigations of the cases brought to their attention during their tour of duty. However, officers shall notify the Superintendent of any investigation being conducted by them and provide a periodic progress report of such investigations. No officer shall commence or conduct an investigation of another officer unless authorized by the Superintendent.
4. When an officer needs assistance in conducting an investigation, the officer shall request such assistance; provided, it shall remain the responsibility of the primary officer for any follow-up investigation.
5. No officer shall knowingly falsify any official report or cause to be entered any inaccurate, false or improper information in the records of the department or any affidavits or alter any official record or report except by supplemental report.

L. VEHICLES AND EQUIPMENT

1. The interior of the vehicles assigned to the department shall be kept clean and neat at all times. No trash or clutter of any type shall be allowed to accumulate. The exterior of the vehicles shall be cleaned on a regular basis. Vehicles will be subject to periodic inspections to insure cleanliness and serviceability. No smoking allowed in vehicles or on school property, per USD 205 Board of Education policy.
2. Whenever a department vehicle or other department equipment is damaged or lost, a detailed report of the time, date and extent and cause of damage or loss, witnesses and other material facts will be prepared by the officer(s) and submitted to the Superintendent. If applicable, an official police or accident report will also be made. In the case of accident, the Butler County Sheriff's Department, Kansas Highway Patrol or Leon Police Department will be requested to conduct the accident investigation. The Superintendent will review all reports of lost or damaged property and determine if the loss or damage was willful or a result of negligence, and to determine disciplinary action, if any.
3. No vehicle assigned to the department shall be parked at any tavern, club, or liquor store unless the officer is on official police business. No intoxicating beverage or controlled substance prohibited under the Kansas Uniform Controlled Substance Act shall be kept, possessed, or transported in a department vehicle except as necessary to official police business. No vehicle of the department shall be used to store evidence or the personal property of other persons.
4. By the nature of their duties, from time to time officers may be required to maintain department vehicles at their place of residence, or wherever they may be, to insure quick response to all calls for assistance from the public. While parked at such locations, vehicles shall be located in such a manner as to prevent and discourage damage or theft of the vehicle and its contents.

5. To prevent costly repairs and replacements, all equipment will be turned off while the vehicle is parked and unattended to prevent unnecessary drain on the battery or damage to the equipment.
6. Department vehicles can be used to jump-start other vehicles or equipment. When it becomes necessary to use a department vehicle, all equipment shall be turned off prior to jump-starting other vehicles or equipment.

CHAPTER 7 -USE OF FORCE

A. FIREARM RULES AND REGULATIONS

1. The purpose of this chapter is to provide written firearm rules and regulations for the Bluestem USD 205 Police Department. Unless otherwise specified, firearms refers to semiautomatic pistols, revolvers, and shotguns.
2. Officers are not required to, but may carry a weapon when off-duty. Officers shall carry a weapon when on-duty or called to the assistance of another officer. Officers should, because of their being subject to call, have a weapon readily available to them in case the need arises that they are called to duty. When officers carry a weapon off-duty, it shall be carried so that it is concealed from sight of the general public. No officer shall carry any weapon into any bar, tavern, private club or other establishment which sells, serves or distributes intoxicating beverages unless on duty and on official business of the department or while eating during their tour of duty.
3. To qualify with a firearm, officers must score the minimum necessary on the adopted course* and the score recorded. Officers failing to qualify will be re-tested within five (5) working days. Failure to qualify at the re-test will result in suspension until said officer receives remedial training and/or qualifies. (*adopted courses: Butler County Sheriff Department / Kansas Law Enforcement Training Center).
4. No officer shall make any alterations or modifications to any department issued weapon, or to any personally owned firearm the officer is authorized to carry on-or-off-duty, that deviates from the factory specifications for that weapon without the approval of the Superintendent. Such modification or alterations shall be made only by a factory-authorized gunsmith.
5. The department will provide each officer with up to fifty (50) rounds of practice ammunition per month for familiarization and one hundred (100) rounds of duty ammunition per year for qualification. Any officer wishing to qualify with any back-up or alternative off-duty weapon shall be required to provide any ammunition required for familiarization or qualification.
6. Officers desiring to carry back-up or alternative off-duty weapons shall do so only after receiving written approval of the Superintendent. All weapons, duty, back-up, etc., shall be not less than 9mm in caliber, of reputable brand and quality.

B. GENERAL

1. There is hereby established a Use of Force Continuum when determining the level of force necessary to the situation and to accomplish the mission of the department in preserving peace and protecting all citizens and officers.
 - a. Verbal commands
 - b. Oleoresin Capsicum (OC)
 - c. Physical Control
 - d. Impact Weapons
 - e. A combination of two or more of the above
 - f. Deadly Force
2. At all times officers shall use verbal commands to compel compliance to directives of officers. In most situations the proper use of verbal commands can and will compel a person into compliance. In those instances where verbal commands are ineffective, officers should increase their use of force only to the next level in an attempt to gain compliance to directives. However, officers are not precluded from, depending on the totality of the circumstances known to the officer at the time, that the officer could reasonably be expected to know, going immediately to the level

necessary to gain compliance if the tactical situation merits the continuum level is not appropriate to the situation or officers or others would be exposed to injury or death by strict adherence to the Use of Force Continuum.

3. Deadly force should only be used as a last resort and shall adhere to other policies and laws regarding the use of deadly force.
4. The following policy provides guidance to officers in the use of deadly force and is to govern application of the department's deadly force policy. This policy is not to be construed to require officers to assume unreasonable risks. In assessing the need to use deadly force, the paramount consideration should always be the safety of the officers and the public. The reasonableness of an officer's decision to use deadly force under this policy must be viewed from the perspective of the officer on the scene, who may often be forced to make split second decisions in circumstances that are tense, uncertain, and rapidly evolving without the advantage of 20/20 hindsight.

C. POLICY TEXT

1. Defense of Life - Officers may use deadly force when and only when the officers have probable cause to believe that the subject of such force poses an imminent danger of death or serious physical injury to the officers or other persons.
2. Fleeing Subject - Deadly force may be used to prevent the escape of a fleeing subject if there is a probable cause to believe:
 - a. the subject has committed a felony involving the infliction or threatened infliction of serious physical injury or death.
 - b. the subject's escape would pose an imminent danger of death or serious physical injury to officers or other person(s).
3. Verbal Warnings – If feasible, and to do so would not increase the danger to officers or others, a verbal warning to submit to the authority of officers shall be given prior to the use of deadly force.
4. Warning Shots -No warning shots are to be fired by officers. Warning shots endanger lives of bystanders and may prompt a subject to return fire. Further, officers cannot predict where the projectile will fall.
5. Vehicles -Weapons may be fired only to disable moving vehicles. Weapons may be fired at the driver or other occupant of a moving vehicle only when the officer has probable cause to believe that the particular subject poses an imminent danger of death or serious physical injury to officers or others. The use of deadly force does not create a danger to officers or others that outweighs the likely benefits of its use, i.e., the loss of control of vehicle by a driver and/or occupant who has been injured or killed.

D. DEFINITIONS

1. Deadly Force: Force that is likely to cause death or serious physical injury.
2. Necessity: In evaluating the necessity to use deadly force, two factors apply;
 - a. The presence of an imminent danger to officers or others.
 - b. The absence of safe alternatives to the use of deadly force. Deadly force is never permissible under this policy when the sole purpose is to prevent the escape of a suspect.
3. Imminent Danger: As used in this policy, "imminent" does not mean immediate or instantaneous, but rather that an action is pending or likely. Thus, a subject may pose an imminent danger even if he is not at that very moment pointing a weapon at an officer or other person. For example, imminent danger may exist if officers have probable cause to believe any of the following:

- a. The subject possesses a weapon, or is attempting to gain access to a weapon, under circumstances indicating an intention to use it against officers or others.
 - b. The subject is armed and attempting to gain the tactical advantage of cover.
 - c. A subject with the capacity of inflicting death or serious physical injury, or otherwise incapacitating officers without deadly weapon, is demonstrating an intention to do so.
 - d. The subject is attempting to escape from the vicinity of a violent confrontation in which he inflicted or attempted the infliction of death or serious physical injury.
4. Absence of a Safe Alternative: Officers are not required to use or consider alternatives when such alternatives are likely to increase danger to themselves or others. If a safe alternative to the use of deadly force is likely to achieve the purpose of averting an imminent danger, deadly force is not necessary. Among the factors affecting the ability of officers to safely seize a suspect, the following are relevant:
 - a. Response to Commands - Verbal warnings prior to using deadly force are required when feasible, i.e., when doing so would not significantly increase the danger to officers or others. While compliance with officer's commands may make the use of deadly force unnecessary, ignoring such commands may present officers with no safe option.
 - b. Availability of Cover - Availability of cover provides tactical advantage. An armed subject attempting to gain a position of cover may necessitate the use of deadly force; conversely, an officer in a position of cover may gain additional time to assess the need to use deadly force without incurring significant additional risks.
 - c. Time Constraints - The inherent disadvantages posed by the issue of action/reaction, coupled with the lack of reliable means of causing an instantaneous halt to a threatening action, impose significant constraints on the time frame in which officers must assess the nature and imminent danger, of a threat.
 5. When the decision is made to use deadly force, officers may continue its application until the subject surrenders or no longer poses an imminent danger, at which time the use of deadly force shall terminate.
 6. When deadly force is permissible under the policy, attempts to shoot to cause minor injury are unrealistic and can prove dangerous to officers and others because they are unlikely to achieve the intended purpose of bringing an imminent danger to a timely halt. Even when deadly force is permissible, officer should assess whether its use creates a danger to third parties that outweighs the likely benefits of its use.
 7. Deadly force is prohibited except for the apprehension of persons who, in the course of their crime, threatens the use of deadly force, and has the apparent and immediate means, or if the officer reasonably believes there is substantial risk that the person whose arrest is sought will cause death or serious bodily harm if his apprehension is delayed. The use of firearms is prohibited in the apprehension of misdemeanants, unless such misdemeanant threatens the use of deadly force against the officer or others, including deadly force, to protect themselves or other persons from death or serious injury.
 8. Deadly force shall not be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer shall either have witnessed the crime or should have reason to believe the suspect committed the crime. An officer generally should not shoot a felon whom he has reasonable grounds to believe is a juvenile. This does not limit an officer's defense of his person or of others who he believes are in imminent peril.
 9. Officers are not permitted to fire at fleeing persons that do not meet the requirements of Section C.2.a and C.2.b. or when lesser force could be used, or when the officer believes that the person can be apprehended reasonably soon thereafter without the deadly force, or when there is any substantial risk or anger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy.

10. Officers shall never use warning shots for any purpose. Warning shots endanger the lives of bystanders and may prompt a suspect to return fire. Further, officers cannot predict where the projectile will fall.
11. Criminals who use hostages to effect their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostage and to the public at large. Assurance that a hostage will be released unharmed is a meaningless promise. Officers do not have the ability to protect the safety of a hostage, who is allowed to be removed from the presence of officers. The safety of hostages can best be assured by keeping them in the presence of officers, and by preventing their removal by the suspect. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. However, officers should realize that the exceptional situations could arise where considered judgment might dictate allowing the removal of a hostage from the initial location, such as where there is imminent danger to a large group of persons. Officers will never exchange themselves for a hostage.
12. An officer or his partner may be at the mercy of an armed suspect who has the advantage, but experience has shown that the danger to an officer is not reduced by his giving up his weapon upon demand. Surrendering a weapon might mean giving away his only chance for survival; therefore, an officer should use every tactical tool at his disposal to avoid surrendering his weapon.
13. A barricaded suspect poses an extreme danger not only to officers who seek to arrest him, but to other persons as well. Good judgment demands that a tactical plan be developed rather than immediately rushing a barricaded suspect. Officers should seal avenues of escape and call for assistance. Once the suspect is isolated time is to the benefit of the officers and the full resources of the department and other agencies are available to assist officers in controlling and apprehending the suspect. To minimize the possibility of injury to officers and other, appropriate special equipment and trained personnel should be requested as needed. If possible, all efforts should be made to contact the suspect in an attempt to persuade him to voluntarily surrender before force is used.
14. In complaints involving animal bites, unless an officer must kill the animal in self-defense or to prevent serious injury to other persons. All attempts should be made to capture the animal alive. If the animal must be killed, the fatal shot should be inflicted in such a manner not to damage the animal's head. Damage to the animal's head precludes diagnosis for rabies, if applicable and makes anti-rabies treatment mandatory.

E. NON-LETHAL WEAPONS

1. Officers shall use the same care, discretion, limitations and restraint with non-lethal weapons, i.e., batons, chemical agents, electronic impulse devices, etc., as with any other weapon. Additional guidelines that shall be followed during the use of non-lethal include:
 - a. Officers shall not be allowed to carry or use non-lethal weapons until the officer has been trained and certified, if applicable, on the weapon and the weapon shall be used only in accordance with accepted handling, generally accepted practices and the manufacturer's guidelines.
 - b. Non-lethal weapons may be used whenever the justification for lethal weapons exists.
 - c. Non-lethal weapons may be used in any situation where it becomes necessary for an officer to subdue or bring under physical restraint any person while the officer is performing his official duty, regardless of whether the officer is making an arrest or not making an arrest.
 - d. Once a person has been subdued and is under physical control or restraint, there is no further justification to use non-lethal weapons against the person.
 - e. Non-lethal weapons shall not be used against any person in retaliation for their verbal or physical abuse directed towards an officer.
 - f. When using a baton, an officer should avoid striking a person above the shoulders. Batons should be used in a prodding manner, for restraint, or against the proper major nerve and muscle centers of the body.

g. Non-lethal weapons will not be used in horse-play between officers or other persons and never used to torture or discomfort a person.

F. OLEORESIN CAPSICUM (OC)

1. All policies concerning the use of non-lethal force shall apply to the use and employment of OC. Officers shall be trained in the use of OC and shall not carry or employ OC unless trained and/or certified to do so.
2. The use of OC against large groups of people shall not be used indiscriminately in any manner. When OC is used to control a person, its use will cease when the person stops their resistance or aggression.
3. Before using OC, an officer shall use verbal commands to control the person. If the person fails to comply with directions or otherwise continues with resistance or aggression, the officer shall then draw and display the OC and again use verbal commands to let the person know what to do and that, if he fails to comply, OC will be used on them. If the person still fails to comply or otherwise continues with resistance or aggression, the officer shall employ OC against the person. Again only one officer shall employ OC on a person and the OC shall only be used in either a one-three second burst or three-one second burst.
4. Whenever a person has been exposed to OC, the officer shall insure that the person received adequate attention and first aid shall include:
 - a. Exposing a person to fresh moving air
 - b. Using copious amounts of fresh water on the affected areas
 - c. Cleaning affected areas with non-oil based soap and water
 - d. If necessary, use ice packs on eyes and inflamed areas of the body
 - e. Monitor and verbally assure the person, advise them to calm down and breathe normally
 - f. Continuously monitor the person for any sign of allergic reaction to OC. If the person develops symptoms beyond what is normally expected, or symptoms persist beyond 45 minutes without relief to the eye, skin or respiratory system, seek medical attention for the person.

G. VEHICLE PURSUIT

1. A motor vehicle pursuit is defined as an active attempt by law enforcement officers, operating an emergency vehicle and simultaneously utilizing all emergency equipment, to apprehend or otherwise stop another vehicle when the driver of the fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing his speed, disobeying traffic laws, ignoring the officer or attempts to stop him, or otherwise attempting to elude the officer.
2. When an officer engages in a pursuit of another vehicle, you will notify the dispatcher of:
 - a. Radio number
 - b. Location
 - c. Description of fleeing vehicle
 - d. Frequent reports of direction of travel
 - e. Any other relevant information

3. When an officer engages in pursuit of another vehicle, the officer shall utilize both warning lights and sirens of the police vehicle. The use of warning lights and sirens shall not assume or demand right-of-way over other traffic and officers shall at all times drive with due regard for the safety of all persons and vehicles.
4. Officers, when engaged in the pursuit of another vehicle, will consider the following factors when determining the necessity and wisdom of pursuit:
 - a. The seriousness of the violation (traffic, misdemeanor, felony, etc.)
 - b. The suspect/violator's speed
 - c. Traffic conditions (road surface, vehicle and pedestrian congestion, time of day, etc.)
 - d. Weather and road conditions
 - e. Conditions of the officer's vehicle
 - f. The officer's training experience and ability
 - g. The officer's safety and the safety of others
5. Apprehension is not the sole factor to be considered in a vehicle pursuit. Officers are authorized to make a decision not to increase their speeds in pursuit when the dangers of pursuit are greater than the danger incurred in letting the fugitive escape. Additionally, officers are authorized to discontinue the pursuit if it cannot be conducted in a safe manner with due regard to officers, the suspects, or other persons/property.
6. Every effort will be made to use other police vehicles and dispatch as a substitute for increased speeds and to insure apprehension. Only in the most exceptional and serious case and if there are no other means of apprehension, will justify the risk of stopping the fleeing vehicle by ramming, cutting off, roadblocks, etc., and even in the most extreme cases the use of these measures shall be done without creating a substantial risk to officers, bystanders and other roadway traffic.
7. Use of firearms in stopping a fleeing vehicle will not be justified to stop a vehicle wanted for traffic or misdemeanor violations and if the fleeing vehicle does not present an immediate danger to others. Only the Superintendent shall make the determination that firearms will be used to stop a vehicle and when such determination has been made the firearms shall be used to disable the vehicle, i.e., by shooting the radiator, tires, motor block, etc., and shall never be directed at the operator of the vehicle. All other regulations concerning the discharge of a firearm and the use of deadly force shall be adhered to.
8. Officers shall be required to terminate pursuit of a vehicle when:
 - a. Ordered to do so by the Superintendent.
 - b. The driver's identity is known to the officer and the offense for which the offender is being pursued is a traffic infraction, misdemeanor, or non-violator or public whereby speeds dangerously exceed the normal flow of other traffic, Or when vehicular and pedestrian traffic necessitates erratic maneuvering and exceeds the performance capabilities of either the vehicle or driver of either the pursued or pursuing vehicle.
 - c. The officer has lost visual contact of the fleeing vehicle for an extended period of time (approximately 15 seconds).
 - d. The danger of continued pursuit outweighs the need for immediate apprehension.

- e. The pursuing vehicle experiences equipment failure or malfunction involving headlights, siren, red lights, radio, brakes, steering, or other equipment essential to the safe operation of the vehicle.
9. Officers should conduct normal traffic stops in a manner which will minimize the need or necessity to engage in pursuits, or that are likely to result in the pursued vehicle attempting to out distance, flee or elude the officer.

H. USE OF FORCE/FIREARM INVESTIGATIONS

1. Whenever an officer has used non-lethal or lethal force, including vehicle pursuits but excluding the use of hand, leg or other restrains (unless extraordinary restraint measures were used or personal injury was sustained by the officer or others) and the use of OC against an animal, the officer shall make a separate written report to the Superintendent. Details of the circumstances surrounding the use of force, the effects or injuries of the force used on the person, any first aid or medical treatment provided to the person, and any other information that may be necessary. Whenever non-lethal force has resulted in visible or otherwise apparent injury to the person and/or required the need for medical attention, the Superintendent shall be notified immediately.
2. The Superintendent shall review the use of force and make a determination as to whether or not the use of force was in accordance with departmental policies.
3. Whenever a firearm has been used against a person, the Superintendent will request the Kansas Bureau of Investigation (KBI) to conduct an independent investigation into the circumstances surrounding the incident. The results of the investigation shall be submitted to the Superintendent who shall provide the Board of Education with the results of the investigation. The results of a shooting investigation will be treated as a confidential personnel matter in accordance with existing state and local personnel policies. Whenever possible, any investigation of a critical incident, use of force or other job-related activity shall be completed as soon as possible to preclude public speculation as to the rightness or wrongs of the officer(s) actions.
4. Unless circumstances decree differently, any officer involved in a shooting incident whose weapon is taken for evidentiary purposes, shall be given a replacement weapon until such time as the officer's assigned weapon is returned.
5. Any officer involved in a critical incident shall counsel with the department psychologist within 48 hours of the critical incident. This shall include any officer involved or affected by the incident, spouses, etc., as may be necessary. Officers involved in a critical incident shall be allowed a three day administrative leave to be taken in conjunction with the initial investigation or at any other time necessary to the officer. Additional time may be authorized as needed and upon the recommendation of the psychologist.
6. Any officer involved in a critical incident shall be immediately given an opportunity to notify their spouse of their involvement and welfare to preclude the spouse hearing about it first from the media or other sources.
7. Whenever an officer has been injured in a critical incident. The Superintendent or his designee, shall notify the spouse in person and transport the spouse to the hospital. An officer shall be assigned to assist and aid the spouse as necessary, as long as necessary. No member of the department shall make any notification to the spouse or any other relative unless designated to do so. No member of the department shall discuss or release any information concerning the incident, officer(s) involved, etc., to any other person to include other officers, news media, etc., except as authorized.
8. Whenever the school district, the department, or others are considering disciplinary, civil, or criminal action as a result of a critical incident or other use of force or job activity, officer(s) are advised to seek independent legal counsel.
9. This policy is for internal use only and does not intend in any way to interfere with or limit any officer(s) civil or criminal rights or liability.

CHAPTER 8 -TRAINING

A. GENERAL

1. The purpose of the continued training of officers assigned to the department is to insure officers are kept current and up-to-date on the latest trends and legal decisions that affect the law enforcement community. To increase the ability of the department and its personnel in providing professional police services to the community.
2. All officers of the department shall insure that they receive such mandatory training as required by applicable state training requirements, and as otherwise deemed necessary and pertinent by the Superintendent. The Superintendent shall be required to insure that all personnel adhere to training requirements and insure that officers receive credit for such training with the Central Registry at the Kansas Law Enforcement Training Center (KLETC).
3. Training received by officers shall be at the expense of the school district, provided approval for such training had been previously authorized by the Superintendent.

CHAPTER 9 -WAGES, HOURS AND COMPENSATION

A. GENERAL

1. The wages and compensation of all personnel assigned to the department shall be established by the governing body.
2. The established work period for the Police Department personnel shall consist of a flexible schedule to include school hours and activity hours when appropriate.
3. To comply with budgetary limitations, the Superintendent may adjust an employee's schedule so the number of hours worked in a work period does not exceed the maximum hours established for the work period, i.e. 40 hours.
4. Employees may voluntarily trade shifts with other employees working in the same capacity with the prior approval of the Superintendent. Employees who trade shifts shall be responsible for insuring the period during which the time is traded and paid back, does not exceed twelve (12) months.
5. Meal periods shall be considered compensated time worked and employees are considered to be on-duty and are required to respond immediately to all calls for assistance from the public. Meal periods shall not exceed one hour in duration and if the time taken for a meal period exceeds one hour in duration, such excess time shall be non-compensated.
6. Rest periods shall be considered compensated time worked, and employees are considered to be on-duty and are required to respond immediately to all calls for assistance from the public. Rest periods shall not exceed fifteen (15) minutes in duration and if the time taken for a rest period exceeds fifteen (15) minutes in duration such excess time shall be non-compensated.
7. Employees shall be allowed to take one meal period and two rest periods during their scheduled shift. Employees who are scheduled to work a shift in excess of ten (10) hours, shall be allowed one meal period and three rest periods during said shift.
8. Employees scheduled to work periods of an on call basis or special assignment may be required to remain within a short distance of the City of Leon, and if possible will be given a twenty four (24) hour notice.
9. No employee shall work beyond the employee's regularly scheduled hours of work without the prior approval of the Superintendent. This will not preclude officers from responding to calls for assistance for the public when on-call or when off-duty and an officer's presence is essential or the need to work beyond regularly scheduled hours for the purpose of completing an existing assignment of related paperwork. Officers shall be required to document or justify the need to work past their regularly scheduled hours.
10. Officers shall complete all assignments and paperwork on cases received during their shift prior to going off shift or on-call status. If an officer is going off-duty and the paperwork is non-essential or it's completion is not immediately necessary, the officer may complete the paperwork during their next assigned shift. If the officer will be going on days off or vacation or in other words will not be returning to work for at least three (3) days, the officer shall complete all paperwork prior to going off-duty. Officers shall be required to complete all paperwork regarding arrests before going off shift, unless otherwise directed by the Superintendent.
11. Any officer wishing to take vacation time off shall submit a written request to the Superintendent no later than one week prior to the beginning of such requested time off, unless an emergency situation exists. Failure to adhere to the one-week requirement may result in denial of such request.

CHAPTER 10 CONFIDENTIAL INFORMATION

A. RELEASE OF RECORDS

1. The following policy shall apply to releasing copies of reports that are on file with this department:
 - a. No original documents shall be removed from department files without the approval of the Superintendent.
 - b. No report or copy of any report shall be released to any person or corporation without the approval of the Superintendent. Any person or corporation requesting a copy of any report shall be required to submit a request in writing requesting copies of reports. Written request will be made on corporate letterhead or on the approved form.
 - c. Only those reports or portions of reports classified as being public information shall be released to any to any person. Unless otherwise approved by the Superintendent, the following reports shall be considered as being public information:
 - i. Kansas Standard Offense Report, Page 1.
 - ii. Kansas Standard Arrest Report, only after charges have been filed in the appropriate court and the person so charged has been duly notified and served notification of said charges, i.e., summons, warrant, Uniform Complaint and Notice to Appear.
 - iii. Motor Vehicle Accident Report, Page 1 and 2.
 - iv. Motor Vehicle Accident Examination Certificate, MVE-I.
 - d. All other reports, forms and supporting documents shall not be considered to be public information. Copies of investigative reports, witness statements, supporting documents, etc., not considered to be public information shall be released only upon receipt of a lawfully issued subpoena issued by a court of competent jurisdiction.
 - e. This policy shall apply to copies of reports, including investigative reports which may be released, upon approval of the Superintendent to:
 - i. Victims of crimes
 - ii. Attorneys for persons charged or suspected of crimes at the established rate unless otherwise approved.
 - iii. Prosecuting attorneys for either Sedgwick County. Goddard district attorney's or other prosecutor requesting said copies.
 - iv. A law enforcement agency or other agency with a bona fide law enforcement function.
 - f. The following charges for copies of reports shall be collected from the person requesting such copies unless otherwise approved by the Superintendent:
 - i. Motor Vehicle Accident Report, page 1 and 2 - \$6.00
 - ii. All other reports -\$6.00 for the first page and \$1.00 for each page thereafter.
 - g. All monies collected for copy fees shall be submitted to the district treasurer to be deposited in the General fund of USD 205. A receipt shall be prepared upon request. A copy of the receipt shall be placed along with the request, in the appropriate case file to document that a copy was provided, to whom it was provided and that the money collected was deposited in the General Fund.

h. No copies of any person's Criminal History Record generated by the Interstate Identification Index (Triple I) shall be released to any person without the approval of the Superintendent. Whenever the Superintendent approves the release of the information, a notation shall be made in the case file of the date the information was released and to whom.

CHAPTER 11 - CRIMINAL HISTORY RECORDS INFORMATION (CHRI)

A. INDIVIDUAL ACCESS AND REVIEW

1. Any person may inspect and challenge history record information maintained by a criminal justice agency concerning themselves. A person's attorney may inspect such information if such attorney satisfactorily establishes his/her identity and presents written authorization from his/her client. Nothing in this section requires a criminal justice agency to make a copy of any information or allows a person to remove any document for the purpose of making a copy of it. A person having the right of inspection may take notes of the information (K.S.A.22 -4709).
2. The department recognizes the right of an individual to request access, review and be able to challenge their own criminal history record. If the individual believes an error exists in the record or if there is an element to be challenged, a copy of the segment in question will be provided.
3. These requests will be complied with following the proper procedures:
 - a. Inquiries must be made in person during regular business hours, Monday through Friday, excluding holiday.
 - b. The individual must provide positive identification such as a photo driver's license or identification card.
 - c. A written request for review of criminal records must be completed by the requesting party.
 - d. Review of the criminal history information is intended for purposes of accuracy determination only.
 - e. The individual may review all files (written or computer), cards or any other type of documentation available for the specific request. No copies of the above stated material or the complete record shall be released.
 - f. The requesting party may hand copy any notation of what appears in the record. The only copy that can be received is a copy of an entry that is going to be challenged. This hard copy should be marked, "For Review and Challenge Only".
 - g. The individual should be observed by department personnel at all times during the inspection of his/her criminal history record.
 - h. If the individual does not challenge the information which is contained in the records, the request for review of the records should be signed and kept in file.
 - i. In all cases, the criminal history records are the property of the department. Any subject of a criminal history record cannot give permission, other than to their attorney, to release his/her criminal history record.

B. INDIVIDUAL CHALLENGE OF CRIMINAL HISTORY INFORMATION

1. If the individual wishes to challenge the criminal history record or requests an error correction, the appropriate form must be completed. The person making the request at that time, can have a copy of the record to be challenged. The department will then take the necessary steps to verify the challenged record. The results of the verification process will be forwarded to the requestor by mail.
2. The department will review the challenged information. After a successful challenge, all criminal justice agencies that have received erroneous information will be notified. It is the right of the individual to obtain the names of all of those agencies that received the erroneous information.

3. Individual access and review of one's own criminal history record is for the purpose of review only and not to be used for employment purposes. Potential employers may have access to criminal history conviction data only. They must enter into an Access and Non-Disclosure Agreement with the department, abide by department policies and receive conviction data only to which they are entitled.

C. EXPUNGEMENT OF CRIMINAL HISTORY RECORDS

1. Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor, or a Class D or E felony, or for crimes committed on or after July 1, 1993, non-drug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person:
 - a. Satisfied the sentence imposed
 - b. was discharged from probation, community correctional service program, parole, post-release supervision, conditional release or a suspended sentence.
2. Except as provided in subsections (b) and (c) any person who has fulfilled the terms of a diversion agreement may petition the district court, for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled. (K.S.A. 21-4619)
3. Upon receipt of an expungement order, the department will assemble all documentation pertaining to the expunged case. This documentation and a copy of the expungement order will be placed in an envelope, sealed and have marked, "Expunged Record" on the front of the envelope. To prevent the accidental release of an expunged record, all records of this type should be filed in a separate location and access by department personnel should be restricted.

CHAPTER 12 SECURITY OF RECORDS/CRIMINAL HISTORY RECORDS INFO

A. PHYSICAL SECURITY OF AREA WHERE CHRI IS STORED

1. A written notice shall be posted restricting access to any area where criminal history record information is stored.
2. A current access list shall be posted listing all persons who are authorized to enter this area.
3. A visitors log shall be used when persons not on the access list enter the restricted area.
4. Doors leading to the restricted access area should remain locked and files containing CHRI should also remain locked when not in use.
5. Computer printouts of all III or NCIC information should be mechanically shredded when no longer of further use.

B. KCJIS EQUIPMENT POLICIES AND PROCEDURES

1. Lost or stolen KCJIS equipment (tokens, etc.) must be reported to the KBI and the NCIC Information Security Officer, no later than the next business day.
2. When an employee, who has been assigned a Secure ID token, leaves the department, the token shall be returned to the department. The KBI shall be notified so the token may be disabled and be available for re-assignment. This notification shall take place no later than the next business day.
3. Employees using the terminals will log-off at the beginning and end of their shift.
4. In no case shall an employee allow another employee to use their assigned token.
5. If for some reason the token assigned to an employee is not available for use, the agency spare token shall be activated by calling the KBI Help Desk. The KBI will activate the spare token for an eight hour time period. At the end of your shift, the spare shall be returned to its proper location. This procedure will have to be followed for each shift when the assigned token is not available.
6. Personal Identification Numbers (PIN's) shall be chosen by each user individually and these PIN's shall not be maintained in any type of department record. The security of the system is compromised when these PIN's are known to all.

C. MOBILE DATA COMPUTER (MDC) USAGE AND SECURITY

1. MDC users with active Secure ID Tokens are allowed to log onto the KCJIS network for the purpose of obtaining wanted persons/property information, driver's license/vehicle registration history, etc. Users are responsible for logging out of the KCJIS network no later than the end of their shift.
2. When not in the vehicle, users are required to "lock" the MDC to prevent the possibility of unauthorized use or tampering. Upon returning to the vehicle the MDC may be "unlocked" and normal use resumed.

D. DISSEMINATION OF CRIMINAL HISTORY

1. Dissemination of criminal history record information, in raw data form, is prohibited over voice radio, wireless telephone and/or pager.

E. NON-CRIMINAL JUSTICE DISSEMINATION

1. Under the Federal regulation, non-criminal justice requestors are permitted to obtain conviction data but not non-conviction data. Other requestors may be able to obtain sealed data or certain kinds of juvenile justice data.
2. Requests for criminal history record information from non-criminal justice requestors must be logged. A dissemination log entry, whether automated or manual, should include the identity of the recipient agency, time and date of the dissemination, name and other identifiers of the subject, purpose of the dissemination and name of the person who generated the dissemination. Logs are required to be kept for a minimum of one year but there may be advantages to keeping them for a longer period of time.

F. USE OF THE INTERSTATE IDENTIFICATION INDEX (TRIPLE I)

1. The purpose code "J" shall be used when making an inquiry on a subject for criminal justice employment purposes.
2. The use of Triple I for non-criminal justice employment inquiries is prohibited.
3. The use of Triple I for licensing purposes is prohibited.
4. If a copy, original or mechanically re-produced, of a Triple I printout is disseminated outside of the department, a log must be maintained to show the disposition of the copy.
5. Federal regulations prohibit an individual from reviewing their own record in Triple I.

G. PERSONNEL SCREENING

1. A criminal justice agency is required to screen or reject for employment, all personnel authorized to have direct access to criminal history record information. When an applicant is considered as the candidate for any position that would work with and around criminal history data, a thorough background investigation must be conducted. (Title 28. U.S. Federal Code)
2. Kansas Criminal Justice Information System (KCJIS) Security Policy dated February 17, 1999, states, "A background check shall be conducted before access authorization is granted". The background check should minimally include:
 - a. Local name based check for criminal history record information.
 - b. State and Federal name and fingerprint check for criminal history record information.
 - c. A local and Federal warrant check
 - d. Final candidates for employment must have two (2) sets of "Applicant" fingerprint cards submitted to the KBI/FBI to determine the existence of a criminal history record. This applies for all person having access to KCJIS information.
 - e. Final candidates for employment must be checked through the Interstate Identification Index (Triple I) and state criminal history files.
 - f. Even though pre-employment background investigations include checks of personnel through Triple I, periodic re-checks should also be performed for all employees who have access to criminal history files and secured equipment. One method agencies use is to combine the Triple I re-check with the employee's yearly evaluation review.

B. PERSONNEL TRAINING

1. The department will provide training to all employees in the operation and security of the NCIC terminal. This training shall be documented and retained in the agency training files.
2. The department will provide training for employees who have access to criminal history record information. Employees must assume responsibility for the physical security and protection of the information from unauthorized access, disclosure, modification, dissemination or destruction.
3. Each employee having access to criminal history record information shall read and certify their understanding in writing of their responsibility regarding the privacy and security of criminal history record information under their control. The standards might be included in a formal Awareness Statement where employees would certify in writing they understand that security violations may result in transfer to a less sensitive position, termination, and/or filing of criminal charges.
4. All NCIC operators shall remain current in certification by completing the re-certification process every two (2) years.

CHAPTER 13 -DISCIPLINARY PROVISIONS

A. GENERAL

1. Discipline is a positive corrective measure taken to improve the overall good order and discipline of the department within the school structure and environment.
2. The following levels of corrective action will apply for violations of the Policy and Procedure Manual:
 - a. Oral or written counseling
 - b. Oral or written reprimand
 - c. Suspension
 - d. Termination
 - e. Any combination of the above
3. The degree of corrective action for violations of the Policy and Procedure Manual will be determined by the nature of the offense, the seriousness of the offense, the effect of the offense on the good order and discipline of the department and personnel, and the standing of the department within the eyes of the public. Any violation of a seriousness nature may result in termination with prior approval of the Superintendent and the Board of Education.
4. The Superintendent shall have the authority to counsel employees, issue oral and written reprimands or suspend any member of the department. Termination of an employee will be with the approval of the governing body.
5. Any officer found to be guilty of a violation of the Policy and Procedure Manual subsequently punished in accordance therein, shall have the right of appeal in accordance with applicable local ordinances, policies and state laws.

• This code of conduct/policy and procedure manual shall be in full force and effect upon its signing and being issued to department member.