

CHAPTER XIII. POLICE

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ARTICLE 1. GENERAL PROVISIONS

- 13-101 **APPOINTMENTS.**
The City Manager shall appoint a City Marshal-Chief of Police and such number of regular and special policemen for the City as the Governing Body may deem necessary for the best interest, welfare and protection of the City. (Code 1979, 13-101)
- 13-102 **RESERVED.**
- 13-103 **RESERVED.**
- 13-104 **POLICE CHIEF: POWERS; DUTIES.**
The Chief of the Police Department shall, under the direction of the City Manager, have complete control of the Police Department and shall be responsible for the proper organization, training, discipline and functioning of the Police Department, and for the proper care, use and safety of all property used in connection with such department. (Code 1979, 13-103)
- 13-105 **POWERS AND DUTIES OF MEMBERS.**
The several members of the department, when on duty, shall devote their time and attention to the discharge of their respective duties according to the laws and ordinances of the City. It shall be their duty, respectively, at all times to the best of their ability, to preserve good order, peace and quiet and enforce the laws and ordinances of the City. They shall have power, and it shall be their duty, to arrest all persons found in the act of violating any law or ordinance of the City, or aiding or abetting any such violation. It shall be their duty to make complaints against any and every person violating the laws and ordinances of the City and cause such person to be brought to trial. (Code 1979, 13-104)
- 13-106 **ALL PERSONS TO AID ON DEMAND.**
Whenever any additional police force is necessary to quell any riotous or disorderly conduct, or to secure any person accused of crime, or violation of the law or ordinances of the City, any member of the department is hereby authorized to call on any inhabitant or other person in the City for assistance. (Code 1979, 13-105)
- 13-107 **NEGLECT OF DUTY.**
Any member of the police force who shall neglect or refuse to perform the duties required of him by this Code or other ordinances of the City, or who, while in the discharge of his or her official duty, shall be guilty of any fraud, exertion, oppression, favoritism, partiality or willful cruelty, or of taking or receiving directly or indirectly any bribe, or of unnecessary, unreasonable and malicious trespass upon private premises, shall be subject to the provisions of Sections 1-111:112 of this Code and, pending trial, shall be suspended from duty by the City Manager. Upon conviction from the court, the officer shall be immediately dismissed from the department as required by law. (Code 1979, 13-106)
- 13-108 **RESERVED.**

13-109

GRATUITIES.

No member of the Police Department shall accept any gratuity from any person, whether such person is arrested or not. For the purposes of this Section, gratuity shall mean any favor gift, given in return for, or in the expectation of, action or inaction on the part of the Police Department member. (Code 1979, 13-108)

13-110

LEAVING CITY.

The Chief of Police and all police officers are prohibited from leaving the City for the purpose of making arrests for rewards, except with the consent of the City Manager or Board of Commissioners, but shall devote their full time to the City. (Code 1979, 13-109)

ARTICLE 2. RESERVED

ARTICLE 3. EMERGENCY ALARM SYSTEMS

13-301

PURPOSE.

The purpose of this Article is to establish conditions and requirements for the installation and use of emergency alarm systems in the City of Lawrence, Kansas. (Code 1979, 13-301)

13-302

DEFINITIONS.

Definitions of terms as used in this Article shall be as follows:

- (A) **Alarm Company** means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, receiving, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- (B) **Alarm** means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police or fire departments are expected to respond.
- (C) **Alarm User** means the person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained.
- (D) **Automatic Dialing Device** means a device which is interconnected to a telephone line and is programmed to transmit by voice message or code signal a selected telephone number indicating a need for emergency response.
- (E) **Burglary Alarm System** means an alarm system signaling an entry or attempted entry into the area protected by the system.
- (F) **Central Alarm System** shall mean any facility, central station, modified central station, or answering service operated by any person, business, firm, corporation or other commercial entity engaged in occupation of selling, renting, leasing, installing, maintaining, operating or repairing an alarm system which facility is manned at all times by operators employed to receive, record and validate alarm signals transmitted to such facility and to relay information about such signals to the Police Department by a direct

telephone line.

- (G) **City** shall mean the City of Lawrence.
- (H) **City Clerk** means the individual designated by the City Manager to issue permits and enforce the provisions of this Article.
- (I) **False Alarm** means an alarm signal eliciting a response by the police or fire department where an emergency situation does not in fact exist, but does not include an alarm caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
- (J) **Interconnect** means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- (K) **Primary Trunk Line** means a telephone line serving the Judicial and Law Enforcement Center or any central alarm station that is designated to receive emergency calls.
- (L) **Robbery Alarm System** means an alarm system signaling a robbery or attempted robbery.
- (M) **Police Chief** means the Chief of the Police Department of the City of Lawrence, or his or her designated representative.
- (N) **Direct Telephone Line** means a telephone line directly to the Police Department.
- (O) **Fire Alarm System** means an alarm signaling a fire or intensive heat within an area protected by the system.
- (P) **Local Alarm System** means the subscriber, person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained to activate a local alarm on the premises, such as a bell, siren or horn.
- (Q) **Hold-up Alarm System** means an alarm signaling a hold-up or attempted hold-up in progress wherein an alarm system is maintained.
- (R) **Check-in/Check-out** is an alarm system where the alarm user has to call the central alarm station prior to his or her entry or exit from the area protected by the system.
- (S) **Permit year** is January 1 through December 31. (Code 1979, 13-302)

13-303

ALARM USERS.

Alarms from public institutions, federal insured financial institution buildings, industrial, commercial and private buildings equipped with alarms will be monitored by the Douglas County Communications Center. All automatic dialing devices and supervisory controls (e.g., sprinkler, thermostats, water controls) must use a central alarm station, answering service or local alarm system and will not be monitored by the Douglas County Communications Center. (Code 1979, 13-303)

13-304

Reserved.

13-305

ALARM COMPANIES; LICENSE.

- (A) An alarm company doing business in the City shall obtain a license from the City Clerk. Application fee for the license shall be \$300.00 for the first year and \$150.00 per year thereafter with an annual renewal date of January 1st of each year. Each application for license shall include the following information: (Ord. 8423)
- (1) Address and phone number of parent company.
 - (2) Local address and phone number of representative of the parent company.
 - (3) State sales tax number.
 - (4) Brief description of the nature of the company's business.
 - (5) Current list of the names of at least three (3) responsible persons to contact in an event of an emergency regarding the systems the company is responsible for.
 - (6) Arrests or charges of offense other than minor traffic violations during the past five (5) years.
 - (7) List of your company's alarm users.
- (B) Electrical contractors licensed under Chapter V of the City Code are exempt from alarm company license fee, but shall register with the City Clerk. (Ord. 5285, Ord. 8423)
- (C) It shall be unlawful for an alarm company to conduct business in the City without the license provided for in this section. (Ord. 8423)

13-305.1

A \$75.00 late charge will be to alarm companies who fail to obtain a license within sixty (60) days after notification of the conditions of this Article, or who are sixty (60) days delinquent in renewing a license. (Ord. 8423)

13-305.2

- (A) Each alarm company selling, leasing or furnishing to any alarm user an alarm system which is installed on premises located within the City limits shall furnish the alarm user with instructions and training for its personnel that provides information to enable the alarm user to operate the alarm system property and to locate and obtain service for the alarm system at any time.
- (B) Each alarm company shall keep its alarms and alarm equipment in satisfactory condition at all times. (Ord. 5285)

13-306

AUTOMATIC DIALING DEVICE: CERTAIN INTERCONNECTIONS PROHIBITED.

Provisions relating to automatic dialing device shall be as follows:

- (A) Within thirty (30) days after September 21, 1986, all existing automatic dialing devices programmed to the Judicial and Law Enforcement Center lines shall be reprogrammed or disconnected.

- (B) It is unlawful for any person or alarm company to program an automatic dialing device to select any telephone line assigned to the City; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.
- (C) Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:
 - (1) A central station;
 - (2) A modified central station; or
 - (3) A licensed answering service.
- (D) Relaying of messages by intermediate services to the communication center shall be over a special trunk line, except that central stations may relate messages over a direct line. All telephone charges involved shall be paid by such intermediate services or central stations.
- (E) This Section shall not apply to those persons approved and selected to participate in the Life Safety Alert System utilizing residential transmitting equipment designed for direct telephone access to dedicated control receiving equipment. (Code 1979, 13-304; Ord. 5764)

13-307 **Reserved.**

13-308 **Reserved.**

13-309 **Reserved.**

13-310 **Reserved.**

13-311 **Reserved.**

13-312 **Reserved.**

13-313 **TERMS AND CONDITIONS FOR INSTALLATION OF TERMINAL ALARM FACILITIES.**

The following terms and conditions shall govern the alarm company authorized to install terminal alarm facilities in the Judicial and Law Enforcement Center:

- 13-313.1 (A) All materials and labor necessary to make the connection between the private system and the terminal point in the Judicial and Law Enforcement Center shall be furnished by the alarm company at its own expense.
- (B) The company shall furnish the Police Chief with a company set of written specifications adequately describing the equipment and placement of the terminal alarm system. After installation, no change, modification or alternation of the equipment shall be made unless and until the alarm company furnishes additional written specifications showing such changes.
- (C) No person shall adjust, repair, remove, inspect or otherwise tamper with any portion of such equipment unless said person presents authorized identification to show that he is qualified and authorized to do so by the

alarm company; all such adjustments, repairs and the like shall be made as the sole responsibility of the alarm company.

13-313.2 If malfunctions should develop in the direct alarm system connected to the Judicial and Law Enforcement Center terminal facilities that could jeopardize the proper operation of any other terminal facilities or communications systems in the Police Department, or, if excessive or chronic false alarms be transmitted by any such system terminating in the Judicial and Law Enforcement Center, service shall be disconnected and shall not be reactivated until and unless such malfunction or the cause of the false alarms is corrected by the company at its expense. The City, its elected and appointed officers and each and every employee, shall be held blameless for any malfunction of such alarms or for failure to respond to the alarms for whatever reasons.

13-313.3 The alarm company shall keep on file in the Police Department the names, addresses and phone numbers of at least three (3) persons to call in event of an emergency and such information shall be current at all times. The alarm company shall keep its alarm equipment in good order at all times.

13-313.4 All alarm equipment, installations and repairs shall comply with:

- (A) Standards determined by the Police Department and to applicable ordinances, standards and codes determined by the City.
- (B) Rules and regulations promulgated by the Police Chief regulating the times and conditions under which such installations and repairs may be made. (Code 1979, 13-306)

13-314 **INTERPRETATION.**
This Article which is administered by the City of Lawrence or employees shall be liberally construed to effect the purpose of this Article and to achieve uniform interpretation and application of the respective ordinances. (Code 1979, 13-307)

ARTICLE 4. COMMUNITY POLICE REVIEW BOARD (Ord. 10046)

13-401 **ESTABLISHMENT OF THE COMMUNITY POLICE REVIEW BOARD.**
The Governing Body finds that, in order to advance the health, safety, and welfare of the community, it is in the best interests of the community to improve and to promote positive community-police relations within the City. To those ends, the Governing Body hereby establishes the Community Police Review Board ("Board"). The Board shall serve at the pleasure of the Governing Body.

13-402 **PURPOSE OF THE BOARD.**
The primary purpose of the Board shall be to review Appeals of certain Complaints of alleged police misconduct as defined at Section 13-403 of this Article, as amended. The Board may also provide an independent, accessible, and efficient means by which members of the community may submit, in a confidential manner, Complaints alleging police misconduct. Additionally, the Board may engage in community outreach about the role of the Board and the Complaint/Appeal process.

13-403 **DEFINITIONS.**
The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) **Appeal** shall mean an expression of dissatisfaction, brought by a Complainant who was the subject of the Law Enforcement Action, alleging that the Department erred in the disposition of the Complainant's Complaint.
- (b) **Chief** shall mean the Chief of Police for the Department, anyone fulfilling the role of the Chief, or the Chief's designee.
- (c) **City** shall mean the City of Lawrence, Kansas.
- (d) **Complainant** shall mean a person who alleges, in a Complaint, that a member of the Department, while performing a Law Enforcement Action, has engaged in misconduct.
- (e) **Complaint** shall mean an expression of dissatisfaction, brought by a Complainant, that contains an allegation that a member of the Department, while performing a Law Enforcement Action, engaged in misconduct that, if proved to be true, would constitute a violation by that member of the Department of general orders, policies, or procedures of the Department.
- (f) **Department** shall mean the City of Lawrence, Kansas, Police Department.
- (g) **Law Enforcement Action** shall mean any action where a member of the Department, while acting in the course of that member's employment, communicates, engages, or has any direct involvement with a member of the general public. Such Law Enforcement Actions include all ranges of community-police interaction, from the least intrusive (voluntary or social contacts) to the most intrusive (seizures or arrests), and shall also include those law enforcement actions defined at K.S.A. 22-4609, as amended.
- (h) **Level 1 Complaint** shall mean a Complaint that alleges that a member of the Department, while performing a Law Enforcement Action, engaged in serious misconduct that, if proved to be true, would constitute a violation of general orders, policies, or procedures of the Department. Examples of misconduct that would support a Level 1 Complaint include criminal conduct, corruption, dishonesty or untruthfulness, Racial or Other Bias-based Policing, the use of excessive force, an unlawful search and seizure, a false arrest, a violation of civil rights, and similar misconduct.
- (i) **Level 2 Complaint** shall mean a Complaint that alleges that a member of the Department, while performing a Law Enforcement Action, engaged in misconduct that, if proved to be true, would constitute a violation of general orders, policies, or procedures of the Department. Examples of misconduct that would support a Level 2 Complaint include inappropriate conduct that, while a violation of general orders, policies, or procedures of the Department, would not constitute a Level 1 Complaint.
- (j) **Racial or Other Bias-based Policing** means the unreasonable use of race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, or religion by a law enforcement officer in deciding to initiate a Law Enforcement Action. It shall not be Racial or Other Biased-based Policing when race, color, age, ancestry, sexual orientation, disability, ethnicity, national origin, gender, gender identity, or religion is used in combination with other identifying factors as part of a specific individual description to initiate a Law Enforcement Action.

13-404 SPECIFIC DUTIES OF THE BOARD.

- (a) Review, in accordance with this Article, as amended, Appeals of Level 1 Complaints and Level 2 Complaints.
- (b) Receive or accept Complaints in a confidential manner and transmit the same to the Department for investigation.
- (c) Receive at each scheduled Board meeting reports from the Department regarding Complaints.
- (d) Provide community outreach concerning the role of the Board and the Complaint/Appeal process established by this Article, as amended.
- (e) Review any data available from Complaints received that may indicate trends.
- (f) Notify each Complainant, who brings an Appeal under this Article, of the Board's recommendation to the City Manager on Appeal in accordance with the procedures set forth at Section 13-406, as amended.
- (g) Receive training set forth at Section 13-409, as amended.
- (h) Confidentially provide to the Chief any advice or recommendations it has based on its review of an Appeal.
- (i) Review or make recommendations on such other matters that may be assigned to it by the Governing Body, the City Manager, or the Chief.

13-405 COMPLAINTS.

- (a) To make a Complaint under this Article, a Complainant, by whatever means the Complainant chooses, may:
 - (1) Contact the Department's Office of Professional Accountability.
 - (2) Contact the Department's Executive Office for Diversity.
 - (3) Complete the online Complaint form on the City's website.
 - (4) Complete the online Complaint form in writing and then mail it to the "Office of Professional Accountability," 4820 Bob Billings Parkway, Lawrence, Kansas 66049, or hand-deliver it to the Department at 5100 Overland Drive, Lawrence, Kansas.
 - (5) Contact the Douglas County Emergency Communications Center at its non-emergency number and ask to speak to a supervisor.
 - (6) Submit a private message on the City's or Department's social media pages.
 - (7) Contact any member of the Department.
 - (8) Contact the City Manager's Office.
 - (9) Contact the City's Equity and Inclusion Department.

- (10) Contact the Board or a Board Member.
- (b) Any Complaint submitted to the City Manager's Office, to the City's Equity and Inclusion Department, to the Board, to any Board Member, or to any person outside the Department, shall be forwarded by the receiving party to the Department within three business days of receiving the Complaint. All such Complaints shall be received in the strictest of confidence and no independent investigation of any such Complaint shall be undertaken by any such receiving party.
- (c) Upon receipt of a Complaint, the Department shall review the Complaint in accordance with its internal rules, policies, and procedures.
- (d) Upon the completion of the investigation of a Complaint, the Department shall, in accordance with its internal rules, policies, and procedures, inform the Complainant of its disposition of the Complaint.

13-406 APPEALS.

- (a) Any Complainant, (1) who was the subject of the Law Enforcement Action and (2) who is aggrieved by the Department's disposition of a Level 1 Complaint or a Level 2 Complaint, may Appeal such disposition to the Board by filing with the Board, the Department, or the City Manager's Office a written Notice of Appeal no later than 28 days after being notified of the Department's disposition of the Complaint. The Complainant may also provide, for the Board's consideration, a written statement.
- (b) Once a Notice of Appeal is filed, the Department shall prepare for the Board's review, in an executive meeting in accordance with K.S.A. 75-4319, as amended, a copy of the Department's written disposition and a copy of its investigative file.
 - (1) The Department shall provide as complete a copy of its investigative file as possible, but shall redact any portion of the investigative file where disclosure would be prohibited by law, where disclosure would have an adverse impact on any pending criminal investigation, criminal prosecution, or civil action, or where disclosure would expose the City to liability. Such redactions may include but are not limited to the following records: criminal history record information; criminal investigation records; information pertaining to juveniles; information pertaining to victims of domestic violence or any sexual offense; information protected by the Health Insurance Portability and Accountability Act (HIPAA); treatment records, including medical, psychiatric, psychological, alcoholism or drug dependency treatment records; unexecuted search warrants or arrest warrants; expunged criminal records; certain portions of presentence reports; grand jury proceeding records; certain child in need of care records; personally identifiable records of students pursuant to state and federal law; Social Security numbers; phone numbers; email addresses; home addresses; dates of birth; driver's license numbers; records that are privileged under the Rules of Evidence, such as the attorney-client privilege; information pertaining to Homeland Security or national security; and information related to arrests where there were completed diversions.

- (2) If the investigative file includes audio or video recordings, they shall be included in the investigative file provided to the Board, unless redaction is necessary but cannot be accomplished. In that case, the City Attorney, or designee, shall cause a summary of the audio or video recording to be made and that summary shall be provided to the Board.
 - (3) The Board shall not copy, photograph, or otherwise duplicate the investigative file or any portion thereof and, upon the completion of its review and deliberations, the Board shall return the investigative file to the Department.
- (c) Upon the conclusion of its review of the investigative file, the Board shall deliberate in an executive meeting in accordance with K.S.A. 75-4319, as amended. The Board shall review the Department's written disposition in light of the investigative file to determine whether or not the Department's disposition is supported by substantial competent evidence appearing in the investigative file.
- (1) For the purposes of this Section, "substantial competent evidence" means any relevant evidence that a reasonable person could accept as being adequate to support a conclusion.
- (d) Upon completing its deliberations, the Board shall, in writing, make a recommendation to the City Manager (1) approving the disposition, (2) disapproving the disposition, or (3) recommending that additional investigation be undertaken by the City Manager. The Board shall make no recommendation regarding potential disciplinary action.
- (e) The Board shall also, in writing, notify the Complainant and the Department of its recommendation to the City Manager. Additionally, in light of its review of the Appeal, the Board may confidentially provide to the Chief any advice or recommendations that it may have.
- (f) The City Manager shall review the Department's disposition, the investigative file, and the Board's recommendation and shall (1) affirm the disposition, (2) modify the disposition, (3) reverse the disposition, or (4) direct the Department to undertake additional investigation for the City Manager's consideration. Any disciplinary action that is taken as a result of the City Manager's review shall be at the sole discretion of the City Manager, shall not be disclosed to the Complainant or to the Board, and shall remain confidential.

13-407

MEMBERSHIP.

The Board shall consist of seven members. Membership is voluntary and no voting member shall receive payment for service on the Board. Members will be appointed by the Governing Body. In making the appointments, the Governing Body shall include participants who reflect the racial and ethnic makeup of the community. The Chief will be the liaison to the Board. The liaison shall serve as a nonvoting, *ex officio* member of the Board.

13-408

QUALIFICATIONS.

- (a) To be appointed to the Board, a person ("applicant") seeking appointment to the Board must possess the following qualifications:

- (1) Be at least eighteen (18) years of age;
 - (2) Be a resident of the City or own a business within the City;
 - (3) Not be employed by the City or be the immediate family member of a City employee who is a member of the Department;
 - (4) Not be a member of or the immediate family member of any member of the Governing Body;
 - (5) Have no pending criminal charges in any local, state, or federal jurisdiction or court of law;
 - (6) Have never been convicted of, and not currently be on probation, parole, or participating in a diversion or deferred judgment agreement for any conviction of the following offenses:
 - (A) Battery on, resisting, obstructing, or interfering with a law enforcement officer;
 - (B) Crimes of dishonesty or false statements; or
 - (C) Crimes of moral turpitude, which include charges of prostitution, patronizing a prostitute, promoting prostitution, sale of sexual relations, buying sexual relations, soliciting for immoral purposes, lewd and lascivious behavior, sexual battery, loitering for the purposes of solicitation, indecent liberties with a child, incest, bigamy, promoting obscenity, promoting obscenity to minors, displaying material harmful to minors, and sale or distribution of any illegal drug.
 - (7) Have not been convicted, within the previous five (5) years, and not currently be on probation, parole, or participating in a diversion or deferred judgment agreement, of any crime for possession of controlled substances;
 - (8) Not be registered as a sex offender with any state, county, or local government;
 - (9) Have not been convicted of a felony or a domestic violence offense;
 - (10) Not be an elected local, state, or federal public official or a candidate for any such office;
 - (11) Not be a current or past party or representative of a party making a claim against the City for any action or inaction of an employee of the City within the previous 10 years; and
 - (12) Not be in arrears on any payment plan for any fines, fees, court costs, taxes, or other delinquent penalties to the City.
- (b) In addition to possessing the above qualifications, all applicants must:
- (1) Submit to a criminal background check; and

- (2) Sign a confidentiality agreement, agreeing that all information reviewed and discussed regarding the receipt of a Complaint or Appeal or review of a Department investigation will be kept confidential and not be disclosed to any person outside the City Manager's Office, City Attorney's Office, Office of the Chief, or to any other person whom those offices deem necessary to receive such information.
- (c) The City Clerk, or the City Clerk's designee, shall review each application to ensure that such applicant has properly completed the application. If the Governing Body selects an applicant for nomination to the Board, such applicant will receive a conditional offer of appointment, at which time a thorough background check will commence to ensure that the applicant meets the qualifications established in this section.
- (d) If at any time, after appointment to the Board, it is determined that any portion of a Board Member's application is fraudulent, includes a material misrepresentation or a false statement, such Board Member shall immediately be removed from the Board.

13-409 TRAINING REQUIREMENTS.

- (a) Within 45 days of appointment, or as soon thereafter as may be practicable, the City shall provide to each Board Member training on the following subjects:
 - (1) Racial or Other Biased-based Policing;
 - (2) Fair and impartial policing;
 - (3) Law enforcement use of force;
 - (4) De-escalation techniques;
 - (5) Diversity, equity and inclusion;
 - (6) The Complaint and Appeal process; and
 - (7) The Kansas Open Meetings Act (KOMA) and the Kansas Open Records Act (KORA).
- (b) In addition to the required training set out in this Section, the Board shall receive any additional training determined appropriate by the City Manager, the City Manager's designee, or the Chief to assist the Board in its duties. Such training may include but is not limited to training to ensure the Board's understanding of the Department's current investigation procedures, and the Board's standard of review of Appeals.
- (c) Any training that the Board receives shall be provided by a trained professional in the fields of law, Racial or Other Biased-based Policing, law enforcement, and other such professions as the City Manager, in consultation with the Chief, deems appropriate.

- (d) The City Manager or the City Manager's designee shall periodically report to the Governing Body regarding the Board's training. Such report shall include all topics that the Board has received training on during the last calendar year.

13-410

CONFIDENTIALITY.

Before a Board Member may serve on the Board, each Board Member shall sign a confidentiality agreement certifying such Board Member's agreement to protect the privacy of officers and others involved in the Complaint/Appeal process and the confidentiality of the Board's proceedings. Any breach of confidentiality or violation of the confidentiality agreement shall result in immediate removal from the Board.

13-411

BREACH OF PRIVACY.

- (a) Breach of privacy is knowingly and without lawful authority disclosing to any person confidential information received during an executive session of the Governing Body or a board established by the Governing Body.
- (b) Breach of privacy is a class A nonperson misdemeanor.

13-412

TERMS.

Voting Board Members shall serve no more than two (2) consecutive three-year terms. Upon the resignation of any Board Member, the Governing Body shall appoint a new Board Member to serve the unexpired portion of the resigning Board Member's term. A Board Member appointed to fill an unexpired term of more than one year may serve only the remainder of the unexpired term plus one additional three-year term. The Governing Body shall have the ability to remove a Board Member for poor attendance, violation of the confidentiality requirements of this Article, as amended, violation of the City's ethics policy, or personal conduct that is inconsistent with the expectations of the City.

13-413

MEETINGS.

- (a) Each year, one Board Member shall be elected by Board Members to serve as the Board Chair, who shall preside over meetings. The initial meeting shall be at a time and date specified by the Governing Body. All subsequent meetings shall be as called by the Board Chair, the Chief, or by a majority of the Board Members, and at least one meeting shall be held quarterly, provided that there are agenda items to be discussed. The Board's meetings shall be subject to all applicable provisions of KOMA. The Board shall prepare and approve minutes of each of their meetings, which shall be forwarded to the Governing Body.
- (b) The Board may allow public comment during open meetings, in accordance with the City's rules and procedures governing meetings of the Governing Body, but such public comment shall not include comments regarding individual officer misconduct. The Board Chair, or the Chair's designee in the event that the Chair is not present, shall immediately direct any person making such comments to use a method identified in Section 13-405 of this Article, as amended, for the submission of a Complaint.

13-414

DECISIONS AND PROCEDURES OF THE BOARD.

All regular meetings and special meetings of the Board shall be open to the public. Four Board members shall constitute a quorum of the Board for the purpose of

transacting official business, regardless of the number of vacancies on the Board. Recommendations of the Board shall be approved by a majority vote of the Board Members present and voting. The Board may adopt any lawful rules or bylaws it deems necessary for its operation, in accordance with City rules and regulations governing advisory boards, commissions, and task forces.

13-415 RETALIATION PROHIBITED.

- (a) No person shall retaliate against another who:
 - (1) Files a Complaint or an Appeal under this Article, as amended;
 - (2) Cooperates in the investigation of a Complaint or Appeal under this Article; or
 - (3) Is the subject of a Complaint or Appeal under this Article.
- (b) In this Section, “retaliate” shall mean engaging in any conduct that is adverse to another person because of such other person’s filing of a Complaint or Appeal under this Article, cooperation in the investigation of such Complaint, or because such other person is the subject of a Complaint or Appeal under this Article. Retaliation is prohibited in any form, including but not limited to making unwanted personal contact with such other person either directly or indirectly through a third person or *via* electronic format, when such contact is intended to harass or disturb such other person.