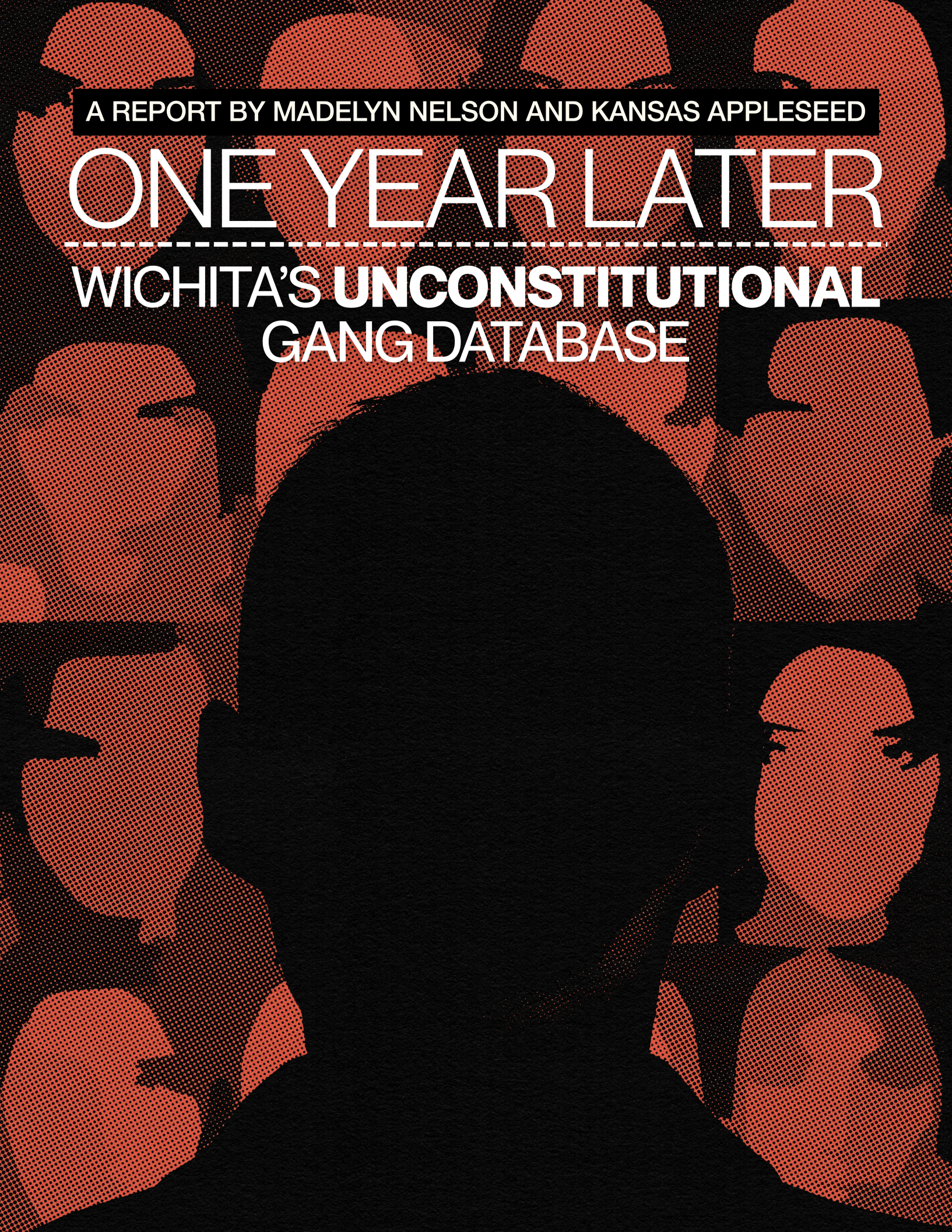




A REPORT BY MADELYN NELSON AND KANSAS APPLESEED

ONE YEAR LATER

WICHITA'S UNCONSTITUTIONAL GANG DATABASE

Background

One year ago, the Wichita Police Department (WPD) was required to put an end to its unconstitutional use of the city's gang database. This gang database had significant consequences for the people whose names were added— typically without their knowledge— despite the inconsistent and chaotic justifications for someone being placed in the list. This needed change was brought on by a Federal Lawsuit—*Progeny v. City of Wichita*—which resulted in a settlement between the WPD and those who were stuck on the gang list for constitutionally protected reasons.

A decade before, the Kansas Legislature passed a statute¹, defining “criminal street gang,” “member,” and “associate,” and supplying a ten-factor test to be used statewide.² WPD's gang database was the city's manner of implementing the statute.³ The definitions and criteria had historically operated through the department's Policy 527, which allowed any Kansas law enforcement officer to put Wichita citizens into the database if they met the requirements.⁴ Ultimately, the gang database was a list of people the WPD believed to be gang members or gang affiliates, often without probable cause.

To be placed on the list in Wichita, a person had to meet only three of the ten factors; however, many of the factors had nothing to do with criminal activity. For instance, frequenting a “gang area,” wearing gang colors or “gang style” clothing, and being associated with individuals who were already on the list were such factors.⁵ Thus, many Wichitans found themselves on the gang database for simply exercising their First Amendment rights, spending time with family and friends, or posting pictures to social media.

The consequence of this was alarming. The complaint, and the court's memorandum and order, document collateral consequences including: a heightened \$50,000 bail for anyone on the list, increased surveillance and traffic stops, difficulty for the individual to secure employment and housing, and more.⁶ Even more troubling, the gang database was overwhelmingly composed of Wichita's Black community members, showing distressing racial disparities in who was listed.⁷

Litigation and Settlement

In 2021, Kansas Appleseed, ACLU of Kansas, and Shook Hardy Bacon filed a class action suit, *Progeny v. City of Wichita*, in Federal Court for First Amendment violations of expression and association and Fourteenth Amendment violations of equal protection and due process.⁸ In its complaint, Progeny alleged that WPD's Policy 527 and the state statute violated these constitutional protections.⁹ Under the policy, adults received no notice when they were listed on or added to the gang database and had no access to records or any way to appeal to remove themselves from the list.¹⁰ When officers added juveniles to the database, they only had to “attempt” parental notice to comply.¹¹ Further, the list was completely confidential; the public could not access the gang database, but the WPD could share it within law enforcement.¹² The gang database criteria created the risk of life-altering consequences for behaviors that are constitutionally protected, and completely harmless.

In 2024, the parties reached a settlement that mandated reforms and revised Policy 527¹³. The Settlement included:

- WPD must provide notice of inclusion on the gang database and the reasons for adding the individual to the list.

- Adults would receive appeal forms and an independent path to review by a Gang Review Ombudsman (“GRO”) with the opportunity to re-appeal after 18 months.
- Parents of juveniles added to the list would receive more robust notice and information about an option for intervention that, if completed, prevents the juvenile from being added to the database.
- WPD would only add an individual to the list if that person admits to gang membership under oath or meets three of the specified criteria within a 12-month window.¹⁴
- The WPD must also conduct annual audits and publish aggregate statistics, which will be reviewed by a court-appointed Special Master for a compliance evaluation every six months for three years post-settlement.

One Year Later

Prior to these efforts, the WPD gang database had over 5,500 people on it; on May 1, 2025, the list had only 151 individuals.¹⁵ This is a truly shocking reduction that highlights the large-scale constitutional violations that occurred before the reforms. Additionally, anyone now placed on the list is provided the necessary due process protections by being informed of their inclusion and given opportunity for review. At the same time, the database remains disproportionately composed of Black Wichitans, requiring ongoing vigilance to protect equity. Under these reforms, higher scrutiny will be placed on how officers document criteria, how supervisors review additions, how the GRO applies standards, and how data quality is maintained across audits. Transparency is key, and it is important to ensure new and compliant data, as these indicators will allow Kansas Appleseed, the Court, and the community in Wichita to confirm that the reforms adequately address core constitutional issues of the original law and Policy 527.

Impact Stories from the Original Filing:

A former member of the WPD gang list was a 26-year-old Black man in Wichita. He had been on the Gang List since at least 2015, when he was 18 years old, suffering continuous harassment by Defendants, who routinely stopped him for minor traffic violations. Upon information and belief, he had been denied for employment of his choice because of the Gang List being shared with other entities.

Another was a 45-year-old Black man in Wichita. He was listed as an “active” gang member on the WPD Gang List since at least 1997, when he was 22 years old. He had been continuously marked as “active” on the Gang List because he gathered with friends his age, who were also on the Gang List. He feared harassment or, worse, additional punishment, if he gathered together with others—including family members—for a beer, a barbecue, a family dinner, or a funeral.

As a result of the 2024 settlement, both men were removed from the WPD Gang List, along with thousands of others.

Kansas Appleseed is a statewide organization that believes Kansans, working together, can build a state full of thriving, inclusive, and just communities. We conduct policy research and analysis and work with communities and partners to understand the root causes of problems and advocate for comprehensive solutions. When necessary, we pursue impact litigation. For more information, please visit www.kansasappleseed.org.

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Works Cited

¹ K.S.A. § 21-6313.

² See Memorandum & Order, *Progeny v. City of Wichita*, No. 6:21-cv-01100-EFM-ADM, Doc. 28, at 1–5 (D. Kan. Jan. 10, 2022) (describing K.S.A. § 21-6313 and WPD Policy 527)

³ K.S.A. § 21-6316.

⁴ WPD Policy Manual, Policy 527 Gang Offenders, Sept. 26, 2019, https://www.aclukansas.org/app/uploads/2024/04/policy_527_-_gang_offenders.pdf

⁵ *Supra* note 1.

⁶ Compl. at 6, 7, 11, 18, 20, *Progeny*, No. 6:21-cv-01100.

⁷ *Id.* at 3, 16–17, 26

⁸ *Id.*

⁹ *Id.*

¹⁰ Wichita Police Dep’t, Policy No. 527 (2022).

¹¹ Wichita Police Dep’t, Policy No. 527 § 1(E)(2), at 3 (When a juvenile meets the Criminal Street Gang Member or Associate criteria found in K.S.A. 21-6313 a supervisor from the Gang/Felony Assault Section will attempt to contact the parent and/or guardian of the juvenile...).

¹² Wichita Police Dep’t, Policy No. 527 § 1(A)(2), at 1 (The Wichita Police Department Master Gang List is confidential. Information from the Master Gang List will only be released to commissioned law enforcement/correctional officers or those persons authorized by the supervisor of the Gang/Felony Assault Section, VCCRT or Person Crimes Bureau Commander.).

¹³ *Id.*

¹⁴ See K.S.A. 21-6313 for a list of criteria.

¹⁵ ACLU of Kansas, Understanding the 2024 Wichita Gang Database Settlement (last updated Aug. 27, 2024), <https://www.aclukansas.org/en/know-your-rights/understanding-2024-wichita-gang-database-settlement> (last visited Aug. 14, 2025).