

City of Topeka 2022 Police and Community Special Committee – FAQ’s – to accompany recommendations 6-29-22 SUGGESTED

There were some issues raised in the course of the Special Committee’s work that are not addressed in the recommendations. As a companion to the recommendations, we include the following, both for the public and to clarify for the full Council what the Special Committee’s assumptions were.

- **IPA and Citizen Complaint Filing** The Independent Police Auditor position, when created, provided oversight for all use of force cases, prepared oversight review, analyses and recommendations which were made public and provided an opportunity for citizens to file complaints, with a knowledgeable person who was not part of the Police Department, at a site separate from the Law Enforcement Center. Now, the IPA is on contract, and is working from out of town.

Is the IPA position expected to continue? If so, full time or part time?

At this current time, the IPA is on a contractual basis. The plan is to fill the position with a full time employee. The current arrangement was set up by the previous City Manager, but I would like to make the change in the near future.

Any changes to duties?

Yes, the plan is to include the duties of investigator of complaints for other City departments as well. Currently, the City contracts out investigations that current HR staff does not have the ability to or certain expertise required. Also, the current IPA is in the office.

Will the reports and recommendations continue to be made public?

Yes, there is no plan to change that. We would like to look at the formatting and see if we can improve the reports from the IPA in any way.

Additionally: The current IPA is in his City office every three weeks for 2-3 days at a time.

What is the plan for citizens to file complaints on police actions from outside of the Police Department?

Citizen complaints may still be made to the Independent Police Auditor’s office by submitting an online form (<https://www.topeka.org/citymanager/police-auditor/>) or downloading a PDF version of the Citizen Formal Complaint Letter and emailing it to ecollazo@topeka.org. If a citizen needs assistance with printing the form or scanning it in to email to Mr. Collazo, they may contact the Council Office at 785-368-3710.

- **Chokeholds** Where is the documentation that chokeholds are banned in Topeka?
See Use of Force policy located on the TPD webpage (<https://public.powerdms.com/TPKA/documents/921969>) Section 4.2.12(E) **Prohibited Uses of Force**, found on page 9 of the policy.
- **Public Access** Administrative Policies, IPA reports and Data reports are currently affirmatively shared with the public now for easy anytime access. Is that expected to continue?

Police department policies have been publicly published on the COT website. That practice is anticipated to continue. IPA report- Defer to the City Manager as the direct report. Many police department data reports are publicly published on the COT website. That practice is anticipated to continue.

- **Personnel Records** There has been advocacy by the City and pushback from the unions about life-of-file retention of corrective and disciplinary information in law enforcement personnel files.
This was a topic of discussion during the 2021 bargaining session.

What is the status?

The City of Topeka has a current collective bargaining contract with the Fraternal Order of Police Lodge #3. It is in effect until December 31st, 2024.

Progress on this specific topic was reached by the involved parties. The current contract allows for corrective actions of suspension of more than four days to remain in the personnel file indefinitely. Below that level removed after two years without further incident.

What action is expected in coming years?

It is anticipated that this topic will continue to come up for review and discussion in future collective bargaining processes.

Is all information that is being removed from City files available through Kansas C-POST (Kansas Commission on Peace Officers Standards and Training)? And is it accessible at any time for reference by the City?

No, KSCPOST only records and publicly publishes violations of the Kansas Law Enforcement Training Act. Not all administrative policy violations fall under that act. *The Commission may suspend, revoke, or deny the certification of a police or law enforcement officer who fails to meet the requirements of the Kansas Law Enforcement Training Act.* <https://www.kscpost.org/>

And is it accessible at any time for reference by the City?

Yes

- **Use of Force – 6-24-22 occurrence** We need to ask regarding the recent police-involved shooting.

In simple terms, is the killing of a black man, clearly in a troubled state and armed only with a knife, within the expectations of current policy and training?

In terms of the specific incident on 6-24-22 we would be unable to comment as to whether the involved officer's actions were within current policy or training. This is an ongoing criminal investigation through the Kansas Bureau of Investigation which will be followed by an internal administrative investigation to determine conformance to policy and training. For reference, the Topeka Police Department Policy regarding "use of force" can be reviewed at (<https://public.powerdms.com/TPKA/documents/921969>). Section 4.2.8 Deadly Force, found on page 6 and 7 of the policy.

Depending on the specifics of the officers, of course, what kind of actions is the department considering in the wake of this incident?

Any departmental post-incident determinations will be forthcoming after all investigations are completed.

- **Civil Service Board Expansion – Rationale**

Why is it that the Special Committee is recommending the expansion of the Civil Service Board, with options to review cases, hear and investigate complaints and advocate for change, as a better option than other options proposed?

“After listening to the presentations from The Civil Service Board (Doria Watson) and Citizen Review Board (Dr. Glenda Overstreet-Vaughn and Danielle Twemlow), the Committee felt that the Civil Service Board has the capacity to absorb additional duties to help provide additional citizen input and oversight to the Topeka Police Department without creating a new layer of government. Additionally, after reviewing the Code, it was clear that the individuals appointed to the Board have the necessary experience to fulfill this role. This experience includes experience in the realm of Civil Service or EEO and experience in positions requiring knowledge of legal issues involving hiring and/or disciplining of employees.” – Chairwoman Sylvia Ortiz