



City Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
<https://www.topeka.org>

Governing Body Agenda

August 25, 2020
6:00 PM

SPECIAL MEETING NOTICE: Face covering mandates will be enforced. The special meeting will be streamed live in the TPAC Hills Festival Room where overflow seating will be located for those attending the special meeting. Public comment protocol has been established for this special meeting and is outlined in Agenda Item No. 3.

Mayor: Michelle De La Isla

Councilmembers

Karen A. Hiller	District No. 1	Hannah Naeger	District No. 6
Christina Valdivia-Alcala	District No. 2	Neil Dobler	District No. 7
Sylvia E. Ortiz	District No. 3	Spencer Duncan	District No. 8
Tony Emerson	District No. 4	Michael Lesser	District No. 9
Mike Padilla	District No. 5		

City Manager: Brent Trout

Addressing the Governing Body: No person shall address the Governing Body during a Governing Body Meeting, unless they have notified the City Clerk at (785)368-3940 or by email at cclerk@topeka.org by 5:00 P.M. on the day of any Governing Body Meeting or sign up to speak at the meeting by 6:00 P.M. This limitation shall not apply to items added during the course of a meeting. The Governing Body does not take action with respect to any subject not on the agenda unless added to the agenda by a two-thirds vote of the Governing Body.

Persons addressing the Governing Body will be limited to four (4) consecutive minutes on a particular agenda item. Debate, question/answer dialogue or discussion between Governing Body members will not be counted towards the four (4) minute time limitation. The Chair may extend time with the unanimous consent of the Governing Body or by an affirmative vote of seven (7) Governing Body members may extend the four (4) minute limitation. The requirement to notify the City Clerk will not apply towards public hearings required by State and Federal law.

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The Federal Communications Commission (FCC) has adopted use of the 711 dialing code for access to Telecommunications Relay Services (TRS). TRS permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To reach the City Clerk's office using the TRS, please dial 711.

(Agendas are available on Thursday afternoon in the City Clerk's office, 215 SE 7th -Room 166 and on the City's web site at <https://www.topeka.org>)

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

1. ROLL CALL:

2. NON-ACTION ITEMS: In order to provide as many individuals as possible the opportunity to speak, public comment will be heard at the end of the agenda during general public comment in accordance with the criteria set out below.. **WRITTEN PUBLIC COMMENT** may be submitted by email or in writing to the City Clerk for attachment to the minutes. -- Email: cclerk@topeka.org -- Address: 215 SE 7th Street, Room 166, Topeka, Kansas, 66603

- A. PRESENTATION** recapping the events and actions of the City of Topeka Police Department and citizen interaction since 2016.
- B. PRESENTATION** regarding Qualified Immunity
- C. PRESENTATION** regarding Public Employer-Employee Relations Act (PEERA).
- D. PRESENTATION** on the duties and responsibilities of the Independent Police Auditor compared with a Citizen Review Board.

3. PUBLIC COMMENT:

GENERAL PUBLIC COMMENT will be permitted until 10:00 p.m. Such general public comment will be limited to 4 minutes, with no extensions, in order to provide as many individuals as possible the opportunity to speak. Individuals must notify the City Clerk's office by 5:00 p.m. on the day of the meeting. **DUE TO THE PUBLIC SAFETY MANDATES SURROUNDING THE COVID-19 PANDEMIC ONLY 45 PEOPLE, INCLUDING STAFF MEMBERS, WILL BE ALLOWED TO GATHER IN THE CITY COUNCIL CHAMBERS AT ONE TIME.** Please be advised after a person participates in public comment it may be necessary for them to exit

4. ADJOURNMENT:



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 25, 2020

DATE: August 25, 2020
CONTACT PERSON: Brent Trout, City Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: City of Topeka Recap of PROJECT #:
Events and Actions -
Police and Citizen
Interaction
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL: **JOURNAL #:**
PAGE #:

DOCUMENT DESCRIPTION:

VOTING REQUIREMENTS:

Presentation only. No action required by the Governing Body.

POLICY ISSUE:

Review of past citizen requests and Governing Body actions regarding police and citizen interaction and subsequent creation of the Independent Police Auditor position to provide additional oversight.

STAFF RECOMMENDATION:

Presentation only. Staff is making no recommendation.

BACKGROUND:

The most recent history around the subject of independent/citizen review goes back to 2016, at which time citizens requested change in Police Department procedures and citizen interaction. These past events are chronicled in the attached montage of stories published in the Topeka Capital Journal Newspaper from December 2016 to February 2019.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

December 24, 2016, Community Asks for Citizens Advisory Council

October 6, 2017 City Review Board Request from Community

December 21, 2017 City Critics Speak Up

May 10, 2018 Topeka Launches 15 Member Citizen Advisory Council

October 1, 2018 Citizen's Advisory Council

September 27, 2019 Independent Police Auditor

February 19, 2018 Hire of Independent Police Auditor Announcement



Topekans for Racial Justice calls for creation of citizen review board

By Katie Moore

Posted Dec 24, 2016 at 7:07 PM

Local members of a group formed over the summer are calling for the creation of a citizen review board to increase transparency and improve relations between the Topeka Police Department and the community.

“I think the police need to be more accountable to the citizens,” said Topekans for Racial Justice member Oshara Meesha. “A citizens review board will help to give a greater voice to the community.”

“TPD is open to dialogue and always willing to consider options and suggestions from the community,” said department spokeswoman Amy McCarter.

She pointed out that Topeka Police Chief James Brown established an advisory board, made up of nine people with diverse backgrounds.

“The purpose of this board is to encourage cooperation between law enforcement and the citizens we serve by facilitating discussions about current law enforcement practices and issues of importance or concern to the citizens of our local community,” McCarter said. “The board also provides perspective to the police chief with regard to policy development, education and outreach within the community.”

In March, Brown reached out to the board to get feedback on developing a new use of force policy. In September, a policy, based on “objective reasonableness” was implemented.

Brown is stepping down on Jan. 1 to take a full-time position as the Kansas National Guard’s command senior enlisted leader. Maj. Kris Kramer will assume the interim police chief role Jan. 2. McCarter said Kramer plans to continue to utilize the advisory board.

“The goal of the TPD is to continue the success of this partnership and ensure that law enforcement services are provided professionally and fairly to all members of our community,” McCarter said.

Advisory board member Stephanie Mott said she thought Brown was, “highly proactive in working to improve community relations and interactions with marginalized communities.” Mott pointed to recruiting initiatives to bring the department more in line with city demographics and the inclusion of the board in reviewing various police actions. She added that discussion of a citizen review board “with limited powers” shouldn’t take place before a new chief has been appointed.

Sarah Oglesby-Dunegan, of the Unitarian Universalist Fellowship and a member of Topekans for Racial Justice, said the advisory board isn’t enough given that those on the board were selected by Brown. She also is interested in knowing how the department plans on involving the community in selecting the next police chief.

TFRJ was formed in response to a series of fatal police shootings over the summer in the U.S. that garnered attention as well as a local discussion in August that ended in chaos. That event, at New Mount Zion Missionary Baptist Church, ended abruptly after angry protesters drowned out remarks from Brown. Some criticized the protesters for being disruptive, disrespectful and using profanity. Others criticized the format of the meeting and Brown, who read prepared remarks.

Oglesby-Dunegan said she thought it was a “police-controlled conversation” and that Brown was “clearly uncomfortable.” The members of the advisory board stood behind Brown, she added.

Meesha said Topeka has issues pertaining to race relations that are “under the surface.”

Bringing those to light can be difficult. Engaging in dialogue can be challenging and uncomfortable, Oglesby-Dunegan said. Some people may not feel comfortable voicing their grievances. Others may feel like nothing is going to change, so why even bother. Additionally, many of the problems go beyond a “bad apple,” she said, and are systematic in nature.

Systematic racism exists and does real harm to individuals and the community, Oglesby-Dunegan said.

The Topeka Police Department has held a number of community outreach events such as “coffee with a cop” which has benefits. But Oglesby-Dunegan said conversations on community relations need to have depth, be ongoing and reach those uncomfortable parts to really get anywhere.

Members of Topekans for Racial Justice see a citizen review board as one way to dive deeper into these challenges. The organization’s working group on citizen review boards have looked at different models in similar sized cities. There is a wide variety of models and the amount of decision-making power boards have. TFRJ plan on presenting the idea to other local groups and getting feedback on how such a board would most effectively function in Topeka.

“Cops have the hardest job in the world,” said Spencer Crowl, who heads the working group. “But police policing themselves does not work.”

He would like to see a citizen review board that is independent from the police department. Anyone participating on the board would undergo training to understand law enforcement responsibilities. The board would hear complaints and assess if they are founded or not.

When people feel part of the process, as opposed to being dictated down to, they can work on solutions together, Meesha said.

Another role of the board would be to collect data on information such as the racial breakdown of traffic stops. The racial makeup of the department is something else to examine, Oglesby-Dunegan said. A recruiting analysis shows the 2016 training academy was comprised of 12 white people and two Hispanic people. There were no blacks, American Indians, Asians or biracial individuals, however a community recruiting program was showing encouraging signs, the analysis said.

Other topics TFRJ has looked at include the school-to-prison pipeline and white privilege. The group’s next meeting is scheduled for 4 p.m. Jan. 29, 2017, in room 205 at the Topeka and Shawnee County Public Library.



After police shooting, review board seen as way to support official findings

By Sherman Smith

Posted Oct 6, 2017 at 11:53 AM

The fatal police shooting of a Topeka man has renewed interest in forming a board of private citizens to review use of force by law enforcement.

City leaders are reluctant to embrace the concept, noting Topeka police already have an advisory board and urging those troubled by the shooting to be patient while Lawrence police investigate the Sept. 28 death of Dominique White.

An activist group, Topekans for Racial Justice, advocated for a citizen review board after the Topeka Police Department revised its use of force policy last year. After White's death, group member Spencer Crawl outlined the need for an independent investigator to examine such cases.

"That independent investigator," Crawl said, "would basically run a parallel probe that would ideally confirm the findings of the official investigation — ideally because the starting premise is that the official investigation would be thorough and correct. This investigator could help navigate, explain and examine the process for attaining and publicizing the body cam footage, call/dispatch records, the public attainment of dash cam videos and the overall investigation process to the public."

Lt. Colleen Stuart said Topeka police have used force 107 times this year, including 105 in the process of making an arrest. To put the number into perspective, Stuart noted police have made more than 4,200 arrests in 2017.

In addition to shooting a gun, examples of force include pointing a gun or device at someone, physical control tactics and the use of batons, pepper spray and other weapons.

Heather Joyce, White's sister-in-law, is acting as a spokeswoman for the family. She said a citizen review board "would allow independent, objective eyes on a situation like Dominique's instead of just allowing police to police themselves."

"We want justice for our son, father, brother and uncle," Joyce said. "The best way for that is for an independent agency composed of citizens to review the investigation as an unbiased party."

The family voiced frustration with the limited information released to them in the days after White's death. A spokeswoman for the City of Topeka said TPD has met with the family three times, including a chaplain soon after the shooting. Detectives met with the family later the same day, and the TPD pastor and a community officer met with the family a day after the shooting.

Faith leaders have counseled those troubled by the shooting to trust the legal process. Lawrence police have declined to answer questions, citing the importance of not compromising their investigation. Topeka officials have deferred to Lawrence police.

"I think we need to slow down and allow our community to mourn, as well as allow Lawrence Police Department enough time to provide the community all the information we need," said Councilwoman Michelle De La Isla, who is running for mayor. "When we have a tragedy, we all seek answers and would like to get as much information as possible. I feel our Topeka Police Department has done an extraordinary job reaching out to key community members and reaching out to an external body to examine the situation. The challenge is that for the process to occur correctly and to provide the community the information we need, time is required."

Neither De La Isla nor her opponent in the mayoral race, Spencer Duncan, would say they support the formation of a citizen review board. Duncan pointed to the chief's advisory board, which offers guidance on policy and community outreach.

"We need an approach focused on building long-term positive and safe relationships between our communities and law enforcement," Duncan said.

Crowl said a CRB can help reinforce those relationships by mitigating concerns about the reliability of one police force investigating another. A key difference between a CRB and the existing advisory board, he said, is the chief currently chooses his advisers. CRB members would be chosen independently.

Topeka police spokeswoman Amy McCarter responded to a question of whether police would support a CRB by saying the decision would have to come from Topeka's governing body. Interim city manager Doug Gerber said the city has no plans to consider the idea.

TPD has operated since January under the direction of interim chief Kris Kramer. Gerber has said he waited to hire a police chief so the new city manager, Brent Trout, could make the decision. Trout takes over Oct. 30.

In a statement released shortly after the shooting, the White family called on "the anticipated new police chief to develop an independent citizen review process that is equitable and transparent."

"The reality of whether Mr. White posed a clear and imminent threat to police is in question," the statement said.

In news releases issued Sept. 28, police said two officers responding to a call of shots fired confronted White, discovered he had a gun, and opened fire after a struggle. No other information has been released.

"In this time of uncertainty and wait," De La Isla said, "we rely on excellent faith and community leaders who are doing their best to comfort all of us who feel the loss of one of Topeka's sons. I pray for comfort for the family of Mr. White and all of us who are impacted by this loss."



THAD ALLTON/THE CAPITAL-JOURNAL

Frank Henderson, chair of the Valeo Behavioral Health Care, cuts the ribbon Wednesday to celebrate the re-opening of Primary Care at Valeo. The lack of financial funding had forced closure of the clinic earlier this year.

Valeo celebrates reopening of clinic

By Morgan Chilson
morgan.chilson@cjonline.com

Valeo's community supporters gathered Wednesday to celebrate the re-opening of the behavioral health organization's primary care clinic, which made medical services easily accessible for a population that can be fragile and difficult to reach.

Primary Care at Valeo shut down earlier this year after St. Francis Health was forced to pull its financial support for the clinic's staff as the health care system was put up for sale. But a \$250,000 gift from the

St. Francis Foundation allowed it to reopen, officially beginning to see patients in October.

The clinic, which reaches such a vulnerable population, is an excellent example of people in the community working together to be successful, said Bill Persinger, Valeo CEO. He and others expressed their gratitude at the support from the St. Francis Foundation and the Washburn University School of Nursing, which helps to staff the clinic.

"It's so important that we heal the mind and the body

VALEO continues on **14A**

SHOOTING AFTERMATH

City's critics speak up



PHOTOGRAPHS BY CHRIS NEAL/THE CAPITAL-JOURNAL

Brock Wynne, the stepfather of the late Dominique White, addresses a crowd of about 161 people Wednesday night during a forum at the Topeka and Shawnee County Public Library to express frustration with city leaders and police.

By Katie Moore and Allison Kite
katie.moore@cjonline.com
allison.kite@cjonline.com



ONLINE
View additional photos, quotes and an event video.
CJOnline.com

Grieving mothers, frustrated community members and young men who felt they had been profiled by Topeka police turned out Wednesday with a unified message that the city is failing its citizens.

Organizer Rose Welch said 161 people gathered Wednesday evening for

a public forum at the Topeka and Shawnee County Public Library to express their frustration with city leadership, particularly the Topeka Police Department and its treatment of young black men. More than a dozen speakers expressed their frustration at the event

attended by several city officials.

The forum comes a few months after two police officers shot Dominique White in East Topeka, sparking outrage from members of the Topeka community and spurring protests and calls for transparency. Prosecutors have not decided whether they'll press charges against the officers.

"For 84 days now, we have had to endure the

agony of losing a son, a father, brother and cousin," said White's stepfather, Brock Wynne.

Wynne said he had never experienced so many negative online comments as he has since his son's death in September.

"I mean, even as far as telling the family, wanting the family, 'I just wish this family

CRITICS continues on **8A**

Kansas delegation key to final tax bill passing

By Tim Carpenter
timothy.carpenter@cjonline.com

U.S. Sens. Jerry Moran and Pat Roberts hailed final passage Wednesday

RELATED
Republicans celebrate win, but get no time to relax as big issues loom.

Page 12A
The House first approved a \$1.4 trillion package Tuesday but had to vote again Wednesday after the Senate made adjustments Tuesday night to the bill analysts expect to bloat the federal deficit



Moran



Roberts

The House first approved a \$1.4 trillion package Tuesday but had to vote again Wednesday after the Senate made adjustments Tuesday night to the bill analysts expect to bloat the federal deficit

TAX continues on **12A**

WINTER WONDERLAND



KEITH HORINEK/THE CAPITAL-JOURNAL

Fans of TARC's Winter Wonderland ranked their favorite lighting displays during the fundraiser's 20 years. Finishing in fifth place was Deer Arch. We'll count down the top 10 through Christmas Day. See Winter Wonderland at 3435 S.E. East Edge Road from 6-10 p.m. through Dec. 31.



I know going back at least 10 years there have been concerns ... There's an opportunity for our city leaders to get ahead of this so that things don't eventually devolve into Ferguson, Missouri. And I hope our city leaders take advantage of that opportunity."



Michael Bell



I have no confidence (in the Topeka Police Department). Period. That's it. Zero. The administration — it's the way they relate to the public. When we want information, we want information. We don't want the runaround. We don't want the B.S. We want action ..."



Leslie Vetaw



... I strongly support the Department of Justice coming in. I think that's the objective, outside force that can view things and make recommendations because they've done that in other cities and I am sure there are things that we can do better."



Mayor Wolgast



I have to say that I miss this guy (Dominique White). Never knew him, didn't go to school with him, didn't know who he was, but I miss him because he was able to do something for us and that was bring us together and build dialogue on what's going on ..."



Luis Estrada

Former Washburn football player killed in crash

By Phil Anderson
phil.anderson@cjonline.com

A former Washburn University football player was killed Tuesday afternoon in a three-vehicle crash in Doniphan County, authorities said.

The fatality victim was identified as Denzel Deion Chilcoat, of St. Joseph, Mo.

A star athlete at Hiawatha High School, Chilcoat was a member of the Washburn University football team in 2013 and 2014.

According to the Kansas Highway Patrol, the crash that claimed



Chilcoat

Chilcoat's life occurred at 12:01 p.m. Tuesday at the intersection of K-238 highway and Roseport Road, about a half-mile west of Elwood in extreme northeast Kansas.

The highway patrol said Chilcoat was driving a 2005 Ford sedan west on Roseport Road and failed to yield at a stop sign at K-238 highway.

When the Ford sedan entered the intersection, the highway patrol said, it was struck broadside by a 2008 dump truck that was going northbound on K-238.

Both the Ford and the dump truck entered the southbound lane of K-238 and were struck by a 1997

PLAYER continues on **8A**

Critics: ‘We still challenge Topeka to show up’

“

I mean, even as far as telling the family, wanting the family, ‘I just wish this family would go away.’ Why should we go away? As a family, why should we have to go away – because we are seeking some justice and want some transparency for our son?”

BROCK WYNNE
Dominique White’s stepfather

Continued from 1A

would go away.’ Why should we go away? As a family, why should we have to go away — because we are seeking some justice and want some transparency for our son?” Wynne said.

Since the shooting in September, White’s family, the attorney and community members have called for the release of footage from officers’ body-worn cameras. White’s father, Kelly White, was able to view that footage Friday after getting legal status as special administrator of his son’s estate.

“We still challenge Topeka to show up to this tragedy as a community and be willing to examine how Dominique’s death will hopefully be a catalyst for real change in this city,” Wynne said. “We will continue to push for transparency from our local law enforcement departments and officials.”

Under Kansas law, body camera footage is not required to be released under an open records request.

Kansas state Rep. John Alcala, of Topeka, criticized the lack of transparency in body camera footage.

“Just because it’s legal doesn’t mean it’s right,” Alcala said.

City officials were not able to speak at the forum, which prioritized citizens’ comments, but Mayor-elect Michelle De La Isla said in an interview she hoped the city could discuss how to move forward following Tuesday’s city council meeting.

“Some of the comments that were made yesterday were pretty powerful in the sense of how do we enhance our community policing strategies?” De La Isla said.

“How do we reach out rather than just having the Coffee With a Cop?”

“What other programs can we be doing so that we can start bridging that gap of communication?”

Wynne was joined by fellow parents who have lost children to homicide and young men who said they had been harassed by police. Marty Hillard said he was once stopped by police after someone reported a prowler in their lawn.

“There were a total of five officers, four police vehicles and



PHOTOGRAPHS BY CHRIS NEAL/THE CAPITAL-JOURNAL

After speaking about his own mistreatment by the Topeka Police Department, Topeka High student Darren Canty, right, talks with Angela Lee, left, and Leslie Vetaw about his encounter. Lee and Vetaw both had sons that were killed earlier this year.



A “Justice 4 Dominique” button hangs from the shirt of Dominique White’s stepfather Brock Wynne during a public forum Wednesday night at the Topeka and Shawnee County Public Library to express their frustration with city leadership and the Topeka Police Department.

myself,” Hillard said. “I was 10 years old.”

Hillard said that was the first time he felt he was being viewed differently.

Mothers of slain sons urged audience members to come together and not pass judgment on victims of violence. Angela Lee is a member of Mothers of Murdered Sons. Her son, Justice Mitchell, was killed this summer during a botched drug deal.

“My son was the No. 16 murder in Topeka this year,” Lee said. “My son, Justice Mitchell, was an up-and-coming football student athlete, enrolled in college, ready to start his future on June 26 when he lost his life.”

Lee said people couldn’t understand how she felt until they experienced such a loss.

Leslie Vetaw knows that loss. She founded Mothers of Murdered Sons, or MOMS.

Vetaw’s son, Kenneth Leray Vetaw, was killed late this summer.

“This city needs help,” Vetaw said.

Vetaw said she has not been able to get communication and information from the Topeka police detective investigating her son’s killing, but she would not give up.

“You will get tired of seeing her because I’m never going to get tired of getting up in your faces,” Vetaw said.



While pointing at members of the city council, Spencer Crowl tells the crowd that the police department and city officials have failed the city during a forum Wednesday night at the Topeka and Shawnee County Public Library to express their frustration with city leadership and the Topeka Police Department.

Player: Chilcoat had distinguished high school, college football career

Continued from 1A

Ford pickup truck that was traveling south on the highway.

Chilcoat, who wasn’t wearing a seat belt, was pronounced dead at the scene.

The driver of the dump truck, John Charles Davis Jr., 43, of Oregon, Mo., was reported possibly injured and taken to Mosaic Life Care in St. Joseph.

The highway patrol said Davis wasn’t wearing a seat belt.

The driver of the pickup truck, Timothy K. Sherican, 55, of St. Joseph, also was reported possibly injured and was taken to Mosaic Life Care.

The highway patrol said Sherican also wasn’t wearing a seat

belt in his truck.

According to the Washburn University athletics website, Chilcoat was a first team selection in the Big Seven League at running back and defensive back as a senior at Hiawatha High School, where he earned all-state honorable mention honors as he rushed for 1,565 yards on 108 carries and had 537 yards on 57 catches.

As a Hiawatha High School senior, Chilcoat rushed for a school record 411 yards in a 2012 game against Nemaha Valley. He also played in the Kansas Shrine Bowl in 2013.

Chilcoat sat out the 2013 season at Washburn as a redshirt freshman. He was listed as a running

back on the 2014 roster and played in eight games that season.

His name didn’t appear on any of the subsequent Washburn rosters.

A number of friends and former teammates posted condolences on Facebook after learning of Chilcoat’s death.

Washburn football coach Craig Schurig was among those posting condolences on Twitter, saying “Prayers for the family of Denzel Chilcoat. Always remember Chili’s bright smile and kind heart. R.I.P. Denzel.”

Contact **Phil Anderson** at (785) 295-1195 or follow live reports @Philreports on Twitter. Like him on Facebook at facebook.com/philreports.tcj/

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Topeka police launch 15-member Citizens Advisory Council

By Phil Anderson

Posted May 10, 2018 at 11:53 AM

Updated May 10, 2018 at 2:20 PM

Topeka police officials on Thursday announced the formation of a new 15-member Citizens Advisory Council designed to serve as a bridge between the public and the department.

One of the first initiatives of the group is a 10-question online survey designed to gauge the public's perception of the climate between the community and the Topeka Police Department.

In an interview in his office on Thursday morning, Police Chief Bill Cochran said the Citizens Advisory Council is another step in the department's goal to ensure transparency with residents in the Topeka community.

Cochran said efforts were made to make the council as "grassroots" and diverse as possible, with members representing various areas in the capital city.

About eight members who previously served on the Chief's Advisory Board, which was instituted by previous police Chief James Brown, are on the new Citizens Advisory Council.

Cochran said he invited members of that board to join the new Citizens Advisory Council, but noted more involvement would be expected in the new entity. As a result, some members of the Chief's Advisory Board opted not to move over to the Citizens Advisory Council, some indicating their jobs wouldn't permit them to fulfill the duties that would be expected.

Meetings are scheduled for the third Thursday evening of each month at the Law Enforcement Center, 320 S. Kansas Ave.

Cochran also noted he wanted fresh input on the Citizens Advisory Council and for that reason implemented "term limits" for its members.

The council is nearly complete, though Cochran said there was a position available for either a high school or college student.

He noted several members of the council were in their 20s, something that he said was an indication that younger people in Topeka want to serve their community.

Cochran said he met many of the individuals who are on the council during discussions in the community that took place before he was named the city's police chief in January.

He said it wasn't difficult to assemble the council, with many people eager to serve on it.

"That's what's really exciting about what's going on in the city of Topeka," Cochran said. "People want to be involved."

He said Citizens Advisory Council members have been assigned to three subcommittees that cover community relations, legislation and education.

While council members can learn about the police department, Cochran said, the main goal of the group is to allow the police department to hear directly from Topeka's citizens.

Cochran said that by July, he was hopeful of having a Citizen Advisory Council tab on the police department's website that would tell about the group and provide photos and short biographies of its members.

In the meantime, Cochran encouraged Topeka residents to take part in the online survey, which is available in both English and Spanish.

The English-language survey can be found at www.surveymonkey.com/r/6RLJ9CQ.

The Spanish-language survey can be located at www.surveymonkey.com/r/WQ5HHJY.

An email account for the advisory council has been set up for citizens who would like to share their views with any of the members. The email address is tpdcac@topeka.org.



Opinion

Editorial: 'Citizen layer' first step in right direction

By The Editorial Advisory Board

Posted Oct 1, 2018 at 5:48 PM

Updated Oct 1, 2018 at 6:07 PM

Topeka's leaders are considering adding a civilian employee to help look into reports of police misconduct. That "citizen layer" was mentioned last week by Mayor Michelle De La Isla after the release of a distressing police body cam video showing Topeka police officer Christopher Janes and Timothy Harris.

Police Chief Bill Cochran is behind the idea, telling a reporter from The Topeka Capital-Journal that "I think at this point, citizens are expecting us to do something."

As of last week, city manager Brent Trout was still working out the details of the position, such as how it would be funded. But the idea is a worthwhile one, and we hope that Trout finds a way to make it happen expeditiously.

Put simply, the Topeka community needs to feel confident in its law enforcement agencies. Innocent citizens of all races, ethnicities, genders and income levels need to know that if they're approached by a police officer, that they have nothing to fear. And they need to know that if they ever feel abused or mishandled, that there's a clear, effective and nonjudgmental way to make their concerns known.

That's in the ideal world. We know that in the real world, communities of color and law enforcement officers have experienced tension. In some cities and town, these tense relationships have spiraled into truly unfortunate clashes.

Thankfully, Topeka has yet to experience such unrest. But it has seen a number of high-profile altercations between officers and young men of color, and the city is facing lawsuits in some of them. It's important that city leadership figure out a way to address these concerns.

Frankly, the biggest step that can be taken right away is acknowledging that the issue exists. Despite its storied legacy in the civil rights movement, Topeka and its residents can sometimes be uneasy in acknowledging the challenges and barriers faced by communities of color — or the ways in which city officials may unwittingly contribute to those challenges.

It's not enough to say that we don't see color or that racism is over now. Neither is true. It's not enough to say that the marchers and activists of the 1960s solved all possible problems. They didn't. And deep down, most of know that's the case.

Real, challenging work remains to be done. Adding a "citizen layer" is part of the work. It's a first step, but it most certainly can't be the last one.



Topeka officials look at adding 'citizen layer' to evaluating allegations of police misconduct

By Tim Hrenchir

Posted Sep 27, 2018 at 12:00 PM

Updated Sep 27, 2018 at 8:24 PM

Topeka's city government is looking at creating a job in city manager Brent Trout's office for a civilian employee whose duties would include playing a role in investigating reports of police misconduct, particularly those involving use of force, city officials said Thursday.

Trout was still trying to determine exactly how the arrangement would work and how the position would be funded, he said as he and Mayor Michelle De La Isla held their monthly news conference at City Hall.

Police Chief Bill Cochran said he had personally suggested the arrangement, which is similar to one the city of Denver has in place.

"I think at this point, citizens are expecting us to do something," Cochran told a Topeka Capital-Journal reporter after the news conference.

The announcement came after De La Isla proposed late Wednesday that the city add a “citizen layer” to its process of evaluating situations in which Topeka police officers use force.

De La Isla shared that suggestion in a video just over two minutes long, which was posted on a Facebook page she maintains.

De La Isla voiced concern in Wednesday’s video about what she had seen in police body camera video the city made public Tuesday in response to Kansas Open Records Act requests. The video showed a Jan. 23 altercation involving Timothy Harris and Topeka police officer Christopher Janes.

“The images that we saw were extremely concerning to the community,” De La Isla said at Thursday’s news conference.

An attorney representing Harris has filed a federal lawsuit against the city, alleging Harris was beaten and his jaw broken. The city responded Wednesday that Harris had grabbed Janes’ duty belt and never said while in custody that he was suffering from a broken jaw.

The police department currently arranges for use of force actions to be analyzed by a team that includes defensive tactics instructors, firearms instructors, the department’s legal adviser and members of the Fraternal Order of Police.

The city doesn’t maintain a community review board for use of force incidents. But De La Isla noted in Wednesday’s video that the Topeka Police Department does maintain a community advisory council, which works with Cochran.

“I would like to propose that we consider a citizen layer to our use of force group when we’re evaluating when these things occur,” she said.

She added, “I just want to let you all know that we are listening, and I look forward to this conversation continuing.”

De La Isla stressed at Thursday’s news conference that she had “absolute confidence” in the police department.

She said whoever the city hires to fill such a position would be required to gain a solid understanding of Topeka police policy, procedures and training.

Trout said he didn't think city council approval would be necessary for him to create the job.



City of Topeka to hire civilian employee to help police the police

By Tim Hrenchir

Posted Feb 19, 2019 at 12:13 PM

Updated Feb 19, 2019 at 2:31 PM

The city of Topeka will hire an “independent police auditor” whose duties will include playing a role in investigating reports of police misconduct.

City manager Brent Trout announced Tuesday he had authorized the creation of that position in his office.

The person the city hires will be a civilian and will report to the city manager, Trout said at the monthly news conference he holds with Mayor Michelle De La Isla.

“It’s an opportunity for us to continue the steps that the chief (Bill Cochran) has already done in terms of transparency and making sure people have a voice,” he said.

De La Isla had suggested Sept. 26 in a video on her Facebook page that the city add a “citizen layer” to its process of evaluating reports of police misconduct, and particularly in evaluating situations in which officers use force.

Trout then announced Sept. 27 he was looking at creating a job in his office for an employee whose duties would include that. Cochran said that day he had personally suggested the arrangement, which he said was similar to one maintained by the city of Denver.

Trout said Tuesday he had found the money to create the position by eliminating an existing job in his office for a senior executive aide, which was vacant.

The position’s annual salary is anticipated to be \$71,500, said city media relations coordinator Molly Hadfield.

The independent police auditor will work with the officers in the police department's professional standards unit, Trout said.

He said the city hadn't yet begun the process of finding someone to fill the position.

Also at Tuesday's conference:

- Trout and De La Isla said the proposed 2020-2029 Capital Improvement Budget being considered by the city's governing body includes \$1 million that would be earmarked in 2023 to finance a project or projects — which are yet to be determined — in Topeka neighborhoods. They encouraged residents to reach out to their council members to suggest any projects they would like to see financed using all or some of that money.
- De La Isla announced that on her birthday, March 19, the city's governing body will discuss potentially establishing a housing trust fund to benefit low- to moderate-income families.
- De La Isla said she was asking the community to make her birthday a “day of kindness” in Topeka and do good for others by taking such steps as paying the bill for the person behind them in line, dropping off groceries to people in need or making donations to the YWCA or Topeka Rescue Mission.

De La Isla added that she was asking people to then go to her Facebook page and tell her about the positive things they have done.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 25, 2020

DATE:	August 25, 2020	
CONTACT PERSON:	Brent Trout, City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	Qualified Immunity	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

VOTING REQUIREMENTS:

Presentation only. No action required by the Governing Body.

POLICY ISSUE:

Qualified immunity balances two important interests—the need to hold government officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction and liability when they perform their duties reasonably.

STAFF RECOMMENDATION:

Presentation only. Staff is making no recommendation.

BACKGROUND:

In the Civil Rights Act of 1871, Congress gave Americans the right to sue public officials who violate their legal rights. Section 1983 of the U.S. Code is the modern analogue of the 1871 Civil Rights Act. Conversely, qualified immunity is legal immunity from suit for violations of the Civil Rights Act. This immunity was judicially-created through case law to protect government officials from suit when they do their job in a reasonable manner. Qualified immunity balances two important interests—the need to hold government officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction and liability when they perform their duties reasonably. Both the Civil Rights Act and qualified immunity are part of a vast body of federal law. Qualified immunity has been litigated exhaustively, and continues to develop through the federal courts. Nothing the City can do legislatively would have an impact on qualified immunity.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Qualified Immunity Overview

Presentation (Qualified Immunity and Public Employer-Employee Relations Act (PEERA))

QUALIFIED IMMUNITY

In the Civil Rights Act of 1871, Congress gave Americans the right to sue public officials who violate their legal rights. Section 1983¹ of the U.S. Code is the modern analogue of the 1871 Civil Rights Act. Conversely, qualified immunity is legal immunity from suit for violations of the Civil Rights Act. This immunity was judicially-created through case law to protect government officials from suit when they do their job in a reasonable manner. Qualified immunity balances two important interests—the need to hold government officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction and liability when they perform their duties reasonably.²

It should be noted here that both the Civil Rights Act and qualified immunity are part of a vast body of federal law. Qualified immunity has been litigated exhaustively, and continues to develop through the federal courts. Nothing the City can do legislatively would have an impact on qualified immunity.

Specifically, qualified immunity protects a government official from lawsuits alleging that the official violated a plaintiff's rights, only allowing suits where an official violated a "clearly established" statutory or constitutional right.

The reasonableness of an officer's actions is an objective standard; it is determined by the totality of the circumstances and judged from the viewpoint of a reasonable officer on the scene, without regard to underlying intent or motivation. This allows for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.³

In determining whether qualified immunity applies, both sides are able to produce evidence and cases to show whether the violation was a clearly established right which a reasonable officer would have known. Qualified immunity gives government officials leeway to make reasonable but mistaken judgments.

¹ 42 U.S.C. 1983 states in relevant part, "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law . . ."

² *Pearson v. Callahan*, 555 U.S. 223, 232, 129 S.Ct. 808, 172 L.Ed.2d 565 (2009).

³ *Graham v. Connor*, 490 U.S. 386, 396-397, 109 S.Ct. 1865 (1989).



Special Meeting

August 25th

Qualified Immunity Overview

Civil Rights Act of 1871

Constitutional rights are guaranteed to all citizens



On April 20, 1871, President Ulysses S. Grant, shown with Secretary of the Navy George M. Robeson and presidential advisor General Horace Porter in this *Frank Leslie's Illustrated* print, signed the Civil Rights Act of 1871, which enforced the 14th Amendment by guaranteeing all citizens of the United States the rights afforded by the Constitution and providing legal protection under the law.

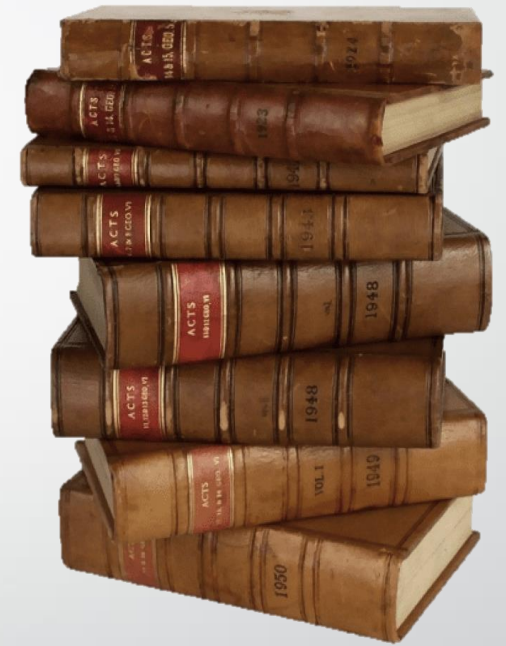
Qualified Immunity



Qualified immunity balances two important interests—the need to hold government officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.

Qualified Immunity

Both the Civil Rights Act and qualified immunity are part of a vast body of federal law. The direct power to change qualified immunity lies with Congress; the Supreme Court can also change the direction of qualified immunity.



- The City cannot legislatively change qualified immunity.

Qualified Immunity



Currently, the Court judges the defendant officer's actions objectively, using the perspective of a reasonable officer on the scene, without regard to underlying intent.

Police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving.

Public Employer – Employee Relations Act “PEERA”



The parties must meet and confer about conditions of employment.

PEERA

Conditions of Employment include:

- ✓ Salaries
- ✓ Wages
- ✓ Hours of Work
- ✓ Vacation Allowances
- ✓ Sick leave
- ✓ Holidays
- ✓ Grievance procedures
- ✓ Overtime



PEERA

Current FOP contract in effect:
January 1, 2019 – December 31, 2021



Neither party can unilaterally modify the contract during those dates.

PEERA

Management

- May establish policies to maintain the efficiency of governmental operations.
- May determine the methods, means and personnel by which operations are to be carried on.

-
- **Implementation of policies and how they affect officers' conditions of employment, however, may be subject to the meet and confer process.**



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 25, 2020

DATE:	August 25, 2020	
CONTACT PERSON:	Brent Trout, City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	Public Employee-Employer Relations (PEERA)	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:	JOURNAL #:	PAGE #:

DOCUMENT DESCRIPTION:

VOTING REQUIREMENTS:

Presentation only. No action required by the Governing Body.

POLICY ISSUE:

The City of Topeka and its unions are subject to procedures established in the Public Employer-Employee Relations Act ("PEERA"). PEERA requires the City and the union to meet and confer in good faith about conditions of employment.

STAFF RECOMMENDATION:

Presentation only. Staff is making no recommendation.

BACKGROUND:

Terms relating to agreed-upon conditions of employment are set forth within what the PEERA statute refers to as a Memorandum of Agreement (also referred to as a labor contract). The Memorandum of Agreement, or contract, must be ratified by the union members and then approved by a majority of the Governing Body.

FOP contract #47136 was approved by the Governing Body on September 11, 2018, and is in effect for the period January 1, 2019 through December 31, 2021. During this period, the Governing Body cannot unilaterally change a contractual term set forth in the contract. The current contract addresses numerous conditions of employment, including wages (Article 13) and grievance procedures (Article 15). It is expected that Meet and Confer discussions will commence in the first quarter of 2021 to update the existing contract.

In the meantime, the Governing Body, City Manager and Police Chief may establish policies that fall within management rights. Management rights are set forth within K.S.A. 75-4326 and include the right to “maintain the efficiency of governmental operations” and “determine the methods, means and personnel by which operations are to be carried on.” Implementation of general policies and how they affect officers’ conditions of employment, however, may be subject to the meet and confer process.

BUDGETARY IMPACT:

There is no budgetary impact to the City.

SOURCE OF FUNDING:

Not Applicable.

ATTACHMENTS:

Description

Public Employer-Employee Relations (PEERA) Act Overview

Presentation (Qualified Immunity and Public Employer-Employee Relations Act (PEERA)

Fraternal Order of Police Lodge No. 3 Contract No. 47136

PUBLIC EMPLOYER-EMPLOYEE RELATIONS ACT

The City of Topeka and its unions are subject to procedures established in the Public Employer-Employee Relations Act ("PEERA").¹ PEERA requires the City and the union to meet and confer in good faith about conditions of employment.

KSA 75-4322(m) defines the meet and confer process: "'Meet and confer in good faith' is the process whereby the representative of a public agency and representatives of recognized employee organizations have the mutual obligation personally to meet and confer in order to exchange freely information, opinions and proposals *to endeavor to reach agreement on conditions of employment.*"

KSA 75-4322(t) defines conditions of employment: "'Conditions of employment' means salaries, wages, hours of work, vacation allowances, sick and injury leave, number of holidays, retirement benefits, insurance benefits, prepaid legal service benefits, wearing apparel, premium pay for overtime, shift differential pay, jury duty and grievance procedures, but nothing in this act shall authorize the adjustment or change of such matters which have been fixed by statute or by the constitution of this state."

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¹ On June 12, 1973, via Ordinance No. 13437, the City of Topeka elected to be governed by the PEERA statutory framework codified at KSA 75-4321 through 75-4339.



Special Meeting

August 25th

Qualified Immunity Overview

Civil Rights Act of 1871

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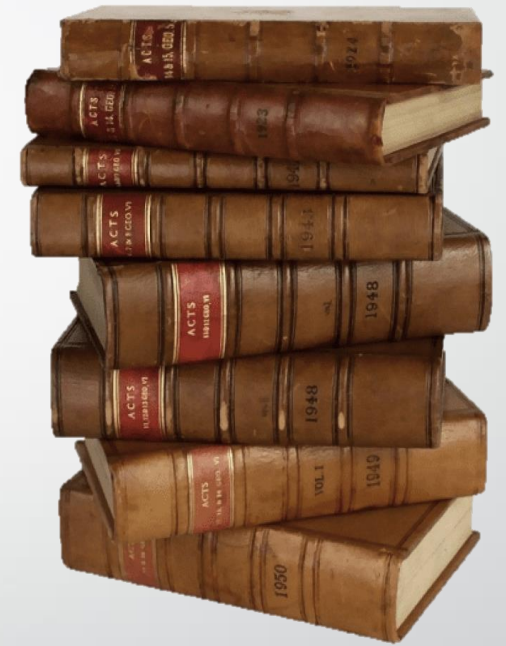
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Public Employer – Employee Relations Act “PEERA”



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- ✓ Hours of Work
- ✓ Vacation Allowances
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- ✓ Grievance procedures
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PEERA

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January 1, 2019 – December 31, 2021



Neither party can unilaterally modify the contract during those dates.

PEERA

Management

- May establish policies to maintain the efficiency of governmental operations.
- May determine the methods, means and personnel by which operations are to be carried on.

-
- **Implementation of policies and how they affect officers' conditions of employment, however, may be subject to the meet and confer process.**

6D



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
September 11, 2018

Contract No.
47136

DATE: September 11, 2018
CONTACT PERSON: Jacque Russell, Human Resources Director DOCUMENT #: 47136
SECOND PARTY/SUBJECT: FOP Lodge No. 3 PROJECT #:
CATEGORY/SUBCATEGORY 007 Contracts and Amendments / 020 Employee Agreements
CIP PROJECT: No
ACTION OF COUNCIL: Approved 9-11-18 JOURNAL #:
PAGE #:

OCT 17 2018

DOCUMENT DESCRIPTION:

APPROVAL of a three-year Labor Agreement between the City of Topeka and the Fraternal Order of Police Lodge No. 3.

Voting Requirement: Majority vote of the Governing Body (6).

(Approval will provide the terms and conditions of the employee-employer relationship as tentatively agreed to between Management and the Union and authorize the City Manager to execute the agreement effective January 2019 through December 2021.)

VOTING REQUIREMENTS:

Majority of Governing Body, including Mayor

POLICY ISSUE:

Pursuant to Topeka Municipal Code Section 2 .25.020(a) approval of employee agreements between the city and a recognized employee organization is approved by the city council and signed by the city manager.

STAFF RECOMMENDATION:

Staff recommends the Governing Body move to approve the agreement.

BACKGROUND:

The current contract expires December 31, 2018. A tentative agreement has been reached for a 3 year contract.

BUDGETARY IMPACT:

2019: 4.87%

2020: 3.94%

2021: 4.06%

SOURCE OF FUNDING:

General Fund

ATTACHMENTS:

Description

Summary of Changes

Finance Memo

2019-2021 FOP Labor Agreement - Redlined

CITY OF TOPEKA

CONTRACT # 47136

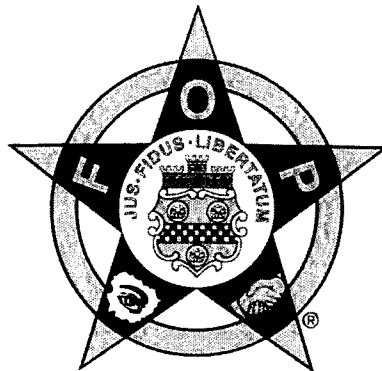
**AGREEMENT
between**

CITY OF TOPEKA



and

**FRATERNAL ORDER OF POLICE
LODGE NO. 3**



JANUARY 1, 2019 - DECEMBER 31, 2021

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PREAMBLE

This AGREEMENT is entered into by and between the City of Topeka, Kansas, hereinafter referred to as the Employer, City, or Management, and the Fraternal Order of Police Lodge #3, hereinafter referred to as FOP Lodge #3, Union, FOP, or Lodge #3. Whenever the term "Department" or "Departmental" is used in lieu of "Employer," "City," or "Management," it shall, unless stated otherwise, mean only the Topeka Police Department.

The Employer and FOP Lodge #3 recognize their responsibilities under federal, state, and local laws relating to fair employment practices and appropriate labor legislation and reaffirm their commitment to the moral principles involved in the area of civil rights.

The parties agree that there shall be no discrimination because of race, religion, creed, sex, color, age, disability, familial status, national origin or ancestry, sexual orientation, or political beliefs, or for participation in, or affiliation or non-affiliation with, any labor organization. The City and FOP Lodge #3 agree that the provisions of this Agreement shall apply to all employees covered by the Agreement without discrimination.

Any reference to an employee or employees in this Agreement designates both sexes and whenever the male or female gender is used, it is construed to mean both male and female employees. Whenever the term "officer" or "officers" is used, however, it shall mean only City of Topeka police officers, unless explicitly stated otherwise.

The purpose of this Agreement is to set forth terms and conditions of employment and to promote harmonious, orderly, and peaceful labor relations for the

mutual interest of the Employer, FOP Lodge #3, and the citizens of Topeka.

The Employer and FOP Lodge #3 encourage to the fullest degree friendly and cooperative relations between their respective representatives.

The parties recognize that the interest of the community and job security of the employees depend on the Employer's success in establishing and maintaining efficient, expeditious, and economical public services to the community.

ARTICLE 1 RECOGNITION

The City of Topeka, Kansas recognizes the Fraternal Order of Police Lodge #3 as the certified, exclusive representative of full-time, permanent City Police Officers specifically in the following classifications: Officer, Corporal, Detective, Sergeant and all full-time, permanent employees of the Municipal Court designated as: Protective Services Officer (PSO) I and PSO II.

The City agrees to meet and confer with the certified representatives of the bargaining unit concerning matters affecting working conditions and/or grievances of employees within the unit in accordance with all provisions of K.S.A. 75-4321, *et. seq.*

ARTICLE 2 CHECKOFF

The Employer agrees to deduct FOP Lodge #3 membership initiation fee assessments, dues, and/or representation fees once each pay period from the pay of those employees who personally request in writing such deductions is made. The written authorization for the above deduction shall be delivered and received in the Office of Human Resources Director no later than thirty (30) days prior to the day that said deduction is to be made. The amounts to be deducted shall be certified to the Employer by the official secretary of FOP Lodge #3 at the end of each quarter of a year. An itemized statement shall consist of a listing of every employee for which current FOP Lodge #3 deductions are withheld.

The City agrees to deliver a check for the amount deducted to the treasurer of the FOP Lodge #3 within two weeks of the payday which the deductions were made.

The City shall provide a monthly listing of all employees for whom dues are being deducted by the City.

All other deductions shall be taken out before the FOP Lodge #3 check off is taken from the employee's wages. In the event no wages are left in any pay period to meet the FOP Lodge #3 check off, the City is not responsible for the check off. If an employee is on unpaid leave, the City is not responsible for the voluntary deduction as provided for in this Article. FOP Lodge #3 will protect and save harmless the City from any and all claims, demands, suits, and other forms of liability by reason of action taken by the City for the purpose of complying with the above provisions.

ARTICLE 3 LODGE BUSINESS, STATUS, AND RIGHTS

Section 1. Official Time Off.

The President, Vice-President, Second Vice-President, Secretary, and Treasurer of Lodge #3 shall be given time off with pay to attend the regular monthly meeting of the FOP Lodge if such officers are in an on-duty status, provided that no more than two of the listed officers are working on the same shift in the same Bureau, or in the case of the Municipal Court, one. The Police Chief, or the Administrative Judge of the Municipal Court (AJMC), where appropriate, will allow reasonable time off with pay for the remainder of the FOP Lodge #3 Board of Directors, as certified by the President for monthly Fraternal Order of Police Lodge #3 meetings if such officers or PSOs are in an on-duty status at the time of the meeting.

FOP Bargaining Unit Representatives shall be assured paid leave for conferences and/or seminars as follows:

- 260 hours for TPD officers in the even numbered years;
- 16 hours for PSOs in even numbered years;
- 460 hours for TPD officers in the odd numbered years; and
- 40 hours for PSOs in odd numbered years.

Bargaining unit members, at the discretion of the FOP President and the Labor Council Chairperson, may use the hours to attend the National or State conference or State board meeting subject to the approval of the Chief or AJMC whichever is appropriate.

The paid leave will not be deducted from the individual's leave accruals. FOP Lodge #3 through its President shall designate who receives the time allocations and in

what amounts, not to exceed the above totals for the length of each event/conference. Members who are elected to State or National Office may request additional time to perform duties of the office by submitting a written request to the office of the Chief of Police or AJMC, if applicable. If the President of the FOP is a bargaining unit member of the Topeka Police Department, he/she will be granted paid leave to attend the aforementioned National Conference, State Conferences, and State board meetings. Such leave shall not be deducted from the individual's accruals or from the aforementioned paid leave allocations provided generally for bargaining unit representatives.

Paid leave allowed in this section will not make an employee eligible for overtime or any other premium pay provisions.

Section 2. On-Duty Business.

FOP Lodge #3 business occurring during on-duty hours and/or on City property may be allowed, provided that the business does not interfere, impede, or disrupt assigned and necessary duties of the Police Department or Municipal Court at the sole discretion of and determined and authorized by the Police Chief or AJMC. Further, FOP Lodge #3 business conducted as stated above must be requested in writing to the Police Chief or AJMC at least forty-eight (48) hours in advance, except for standing meetings, and shall not cause additional costs or otherwise distract from the job.

No more than five (5) on-duty members of the Labor Council (unless a greater number is authorized by management) may be granted time to attend meetings which are mutually set by the Employer and FOP Lodge #3, provided an employee's attendance does not cause an unreasonable shortage of manpower as determined at

the sole discretion of the Police Chief or AJMC. Such employer/employee meetings shall neither be charged against any attending employee's leave time nor make an employee eligible for overtime or any other premium pay provisions. Additional time off with pay may be granted to members of the Labor Council, provided staffing levels are not unreasonably or unduly affected as determined by the Police Chief or AJMC, for discussing the results of meetings or other current negotiation concerns following a written request by the Chairman of the FOP Labor Council to the Police Chief and/ or AJMC.

Section 3. Assignment of President and Chief Steward of the Labor Council.

In the event that the President or President-elect and Chief Steward of the Labor Council of the FOP Lodge is a member of the bargaining unit and is assigned to other than the day shift, the member shall, at the member's request, be reassigned to the day shift without regard to seniority for the duration of his/her term of office; provided, however, that the President or President-elect and Chief Steward of the Labor Council may only declare his/her intent to move to day shift at shift bid time or prior to time of appointment. The reassignment may occur when an opening exists on the shift or at implementation of shift bid. A position will not be created or be in addition to designated personnel allocations.

Section 4. Recruit Orientation.

The Employer shall grant the FOP Lodge at least two hours to present information to new employees during the recruit orientation. The presentations may be made by the Lodge President or other representatives selected by the President and approved by the Chief. Time allowed for this purpose shall be scheduled by the Training

Director.

Section 5. Office Space and Use of Facilities.

Management agrees to allow FOP Lodge #3 access to members' mail boxes, slots, or trays for the purpose of disseminating information of interest to its members. E-mail may be used by FOP officers to distribute information to the bargaining unit members. FOP Officers shall include the President, Vice President, Secretary, Treasurer, and Labor Council Chairperson.

FOP Lodge #3 shall be permitted, with prior notification to the Chief of Police and AJMC, to place ballot boxes in an easily accessible location in all Police Department and Municipal Court buildings for the purpose of collecting members' ballots on all FOP Lodge issues subject to ballot. Such boxes shall be the property of FOP Lodge #3 and neither ballot boxes nor ballots shall be subject to review by the City.

FOP Lodge #3 shall be allowed to maintain a bulletin board in a conspicuous location for the posting of notices of interest to its members. The bulletin board shall be provided and maintained by, and remain the property of, FOP Lodge #3. In addition, FOP Lodge #3 shall be allowed to post notices on the bulletin boards in each Bureau office and other conspicuous locations, except for the lobby area or other areas generally accessible to the public.

The Employer agrees to provide FOP Lodge #3 with private office space in which the Lodge may conduct its business. Any newly-assigned space shall be comparable in size to the existing office. The Lodge agrees to furnish and maintain the office space.

FOP Lodge #3 shall be allowed to maintain a suggestion box for use by the bargaining unit members and the Labor Council.

ARTICLE 4 COMMITTEES

Section 1. Meetings, Reports, Appointments.

Members of all Departmental Committees and Boards, excluding the Use of Force, shall be given seven (7) days' notice of meetings by Management. Notification will include date, time, location, and when available, an agenda. A minority report may be submitted by the dissenting committee members of any of the Department boards or committees. Any minority report shall be submitted directly to the Chief of Police.

Any officer appointed to a Committee may, for good cause and by written statement, inform the Chief of Police that the appointment creates or works a hardship upon the officer, who will then be removed from the Committee. This removal shall not be prejudicial to the officer and no stigma will attach.

Section 2. Committees.

The Uniform, Accident/Pursuit, Awards, Training, Technology, and Use of Force committees, or any newly-formed permanent committees, will have at least two (2) representatives from the FOP Lodge #3 bargaining unit.

The above listed bargaining unit members shall be appointed by the President of the FOP, provided that the President is a member of the Topeka Police Department bargaining unit, or by the Chairperson of the FOP Labor Council.

The same FOP Lodge officials may also name one alternate member for each bargaining unit member on each committee who may attend the committee meeting in the event the regular FOP appointed member is not available. The responsibility for notifying the alternate member of a scheduled meeting shall rest with the FOP.

ARTICLE 5 HOURS OF WORK

Section 1. Hours of Work and Overtime.

The normal work day, except as noted below, shall be eight (8) or ten (10) consecutive hours and the normal work period shall be eighty (80) hours.

- A. The work period shall consist of fourteen (14) consecutive days beginning with the shift nearest to or after the time of 0001 hours every other Saturday.
- B. The work day will be any regularly scheduled consecutive eight (8) or ten (10) hour period, beginning at the start of the employee's regularly assigned shift, except as noted below.
- C. For the purpose of this section, an employee who elects to change shifts will not be considered to have worked in excess of eight (8) hours on any one workday.
- D. For the purpose of computing overtime, paid leave shall be considered time worked unless otherwise stated in the contract.
- E. The work period shall be the determining factor in computing overtime, not the workday.
- F. With the consent of the employee affected, Management may split the workday to accommodate the attendance of the employee at schools and in-service training.
- G. Employees in certain public contact areas noted herein shall work assigned office hours more closely related to the 8 to 5 schedule, consisting of an eight (8) hour day with an hour for lunch: working from 0800 hours until 1200 hours; being off for lunch from 1200 hours to 1300 hours; and working from 1300 hours to 1700 hours. The officers affected will be those assigned to the following assignments:

1. During the school year School Resource Officers will normally work a day that coincides with the school day, being at their schools at or near 0800 hours; taking a lunch as the school students do; and leaving the school to return to their office after the close of the school day, generally 1530 hours, to complete an eight (8) hour day.
2. Property, Impound, Records, Training, Internal Affairs, Crime Analysis Unit, and Accreditation will generally conform to the 8 to 5 work schedule.
3. Any new assignments that are predominantly an office assignment shall, with the agreement of the FOP Labor Council, be assigned to a nine (9) hour day. The posting of the job vacancy shall include the hours of work agreed to by the City and the Union. This scheduling will be posted with the job openings for these positions as part of the job description and working requirements. Any officer who applies for the Department positions is understood to have given specific acceptance of these working hours and to agree to them if transferred to these areas. For the purpose of this Section, Officers will be given at least seven (7) hours off between the normally scheduled end of one shift and the beginning of their next assigned work shift. Exceptions to these provisions could be made in the event of natural disasters or extreme emergencies, as determined by the Chief of Police (e.g., plane crash, pipe line explosion, or riot).

H. PSO's will normally work staggered nine (9) hour shifts with unpaid one hour

lunch periods.

- I. At the discretion of the Chief and with the agreement of the Union, certain positions may on a short or long-term basis be converted to ten (10) or twelve (12) hour work days.

Section 2. Compensatory Time.

- A. Officers and PSOs hired prior to January 1, 2006. Compensatory time shall be accrued at a rate equivalent to the overtime rate. A maximum of three hundred-twenty (320) hours of compensatory time earned will be allowed to accrue in 2012 and thereafter. Officers and PSOs with accruals greater than the maximum allowed per contract year do not have to take this time, but may carry it over from year to year. Those whose time is above the maximum accrual shall be frozen at their current accrual.
- B. An officer or PSO may at his/her sole discretion choose between taking overtime in pay or compensatory time at the time it is earned, provided that Management may, at its discretion, designate in advance compensatory time or pay for voluntary assigned overtime to enable control over staffing and budget allocation; provided further, that once an officer or PSO has elected to take overtime in compensatory time, there shall be no entitlement to receiving payment for said time other than in the form of approved leave, except as provided for under the provisions of the Fair Labor Standards Act (FLSA).
- C. Officers and PSOs hired on or after January 1, 2006: Compensatory time shall be accrued at a rate equivalent to the overtime rate. A maximum of two hundred-forty (240) hours will be allowed to accrue in 2006 and thereafter. The Chief of

Police or his/her designee, or the AJMC, where applicable, may designate compensatory time or pay for overtime worked.

- D. Bargaining unit members leaving the employment of the City shall be paid for all compensatory time accrued at the higher of either the final salary or the average rate of pay over the employee's last three years of employment.

Section 3. Advance Posting of Work Schedules.

FOP Lodge #3 recognizes the difficulty Management has in scheduling and maintaining manpower and in no way wishes to impose undue restrictions; however, the following general guidelines will be followed as much as possible in hopes of improving Management-Employee relations.

- A. When possible, Management shall post the monthly or bi-weekly schedules at least seven (7) working days in advance of the start of the schedule.
- B. When possible, Management shall give employees seven (7) working days' notice of changes in work assignments which require a change in duty hours, other than a change in roll call within a shift, or days off.
- C. When possible, Management shall notify employees of special assignments such as schools, seminars, in-service training, etc., at least seven (7) working days in advance of the start of such assignment.

Section 4. Breaks.

Police Officers shall be allowed two (2) fifteen (15) minute breaks during their regularly scheduled shifts and PSOs shall be allowed one (1) fifteen (15) minute break during each half of their regularly scheduled shifts, to be taken within their area of

assignment.

There will be no more than two (2) police units taking a break or having a meal at any one location unless specifically approved by a duly authorized supervisor; provided, however, that up to four (4) police units may take a break at one location between the hours of 0300 and 0600 unless more are authorized by a supervisor.

Exceptions will only be permitted when specifically approved in advance by the Zone Supervisor for territories which have no suitable facility for breaks.

No break, including time to travel to and from the location where the break is taken, shall exceed fifteen (15) minutes in duration.

Meal periods for Police Officers shall not exceed 35 minutes in duration, excluding travel time when taken within the City limits and 35 minutes including travel time from the City limits when taken outside the City limits. Officers will be subject to calls while on breaks/meal periods.

Section 5. Bidding for Shift Assignments.

Officers assigned to the Field Operations Bureau, Community Outreach Bureau, or Criminal Investigation Bureau (CIB) shall be assigned to their shifts by the Bureau Commander based on the results of a seniority bidding process. Seniority is defined in Article 8 of this contract.

Officers assigned to specialty units, as defined in Appendix B, shall be allowed to bid for shifts within their respective units by seniority bid in classification (Rank), without time in unit being considered. Bidding for shifts within unit is only necessary for units that have officers working more than one fixed shift. This contract provision applies to any new units that may be formed by Management of the Topeka Police Department.

Officers assigned to CIB shall be allowed to bid for shifts by seniority in classification. Probationary officers with less than 18-months of service with the Topeka Police Department are excluded from these provisions until 60 days following their release to the evaluation phase of the Field Training Officer (FTO) training program.

Newly promoted detectives shall be eligible to bid; however, the shift assignment shall not take effect for ninety (90) days.

A general bidding for shift assignments will be held twice per year at a place announced by the Chief. Bid sheets will be posted from June 1 thru 15 and December 1 thru 15. Manpower requirements for each shift shall be set prior to shift bidding process and posted with bid sheets. Management may change manpower requirements for the affected positions based on attrition after the posting but before the bid takes effect. Results will be posted on departmental bulletin boards or previously recognized and accepted posting areas by June 30 and December 31 and will be effective at the start of the first full work schedule in July and January. Assignments will be made by the Bureau Commander based on the seniority bidding results and posted manpower.

The City shall not be required to consider officers who fail to bid, with the exception of those officers who, during the entire bid time, are absent due to sick leave, vacation, or other valid reasons in which case a written bid or E-mail to each member of their Chain of Command, directed to the Bureau Commander, must be made prior to the bid closing date and time in order to be considered. The results shall be posted on the departmental bulletin board or previously recognized and accepted posting areas by the Bureau Commander. Officers who do not bid will be assigned at the discretion of the

Bureau Commander after all other assignments are made based on the shift bid results.

If any officer accepts a voluntary special duty assignment which is to last more than 45 days, that officer will be excluded from the shift bidding process during the time he/she is in the special duty assignment unless he/she is scheduled to return to regular duty within thirty (30) days after that shift bid is to take effect. Upon returning to regular duty, that officer will be assigned by the Bureau Commander until the next shift bidding period, when the officer will return to shift assignment by seniority.

A vacancy on a shift as a result of resignation, promotion, transfer, or special duty assignment may be allocated to any shift depending on need. Such allocated vacancy, if filled, will be done so by the seniority bidding process. Any reassignment of officer personnel to meet Unit requirements and needs will be done by seniority bidding if the assignment is to exceed sixty (60) days.

Bidding for varied, overlapping shifts established and maintained for PSOs during the necessary hours of coverage shall occur once annually, from December 1 through 15, to become effective on the first day of the first full work schedule in January. After the AJMC has first assigned all PSO II classifications to priority shift positions, the remaining openings shall be filled through PSO I election, beginning with the most senior bargaining unit member in that classification based on time of service with the Municipal Court, as set forth in Article 8, Section 1.

Section 6. Court Appearance.

Bargaining unit members (Police Officers and Protective Service Officers) who are required to attend court-related proceedings resulting from their official duties will be paid as follows:

A. Officers who appear in court-related proceedings during non-duty hours will be paid three (3) hours "show up" time or actual hours worked, whichever is greater. Provided, however, that any officer whose court-related proceedings ends within one hour of the beginning of their shift or begins within one hour following the end of their shift will be paid as if their regular shift had been extended.

B. An officer will be paid only for the time actually worked or waiting at the place of the hearing to be called as a witness if a subpoena specifies an appearance at a time during the officer's regular scheduled shift and the subpoena was received by the officer prior to the time the officer had requested leave of any type.

C. An officer shall be paid three (3) hours "show up" time or actual hours worked, whichever is greater, if requested leave has been granted prior to the time the officer was personally notified of a subpoena to appear at a time during the regularly-scheduled shift of the officer. An officer can be paid for a maximum of three (3) "show up" appearances in one calendar day.

D. Off-duty Officers who are placed on standby will receive two (2) hours of standby pay or compensatory time.

E. All witness fees received will be turned over to the City. Failure to turn in witness fees will result in loss of equivalent pay and possible disciplinary action, including termination of employment.

Section 7. Jury Duty.

Any officer normally assigned to a shift that begins after noon but before 3:00 a.m. who is selected to serve on a jury will be given a temporary assignment to first shift. This temporary assignment will be only for the duration of jury service and will not

change the officer's normally scheduled days off or be considered time worked for FLSA. The initial day of jury selection (prior to being selected) will be considered as work time but not subject to FLSA. Officers required to be at Court on the initial day of jury selection for four (4) or more hours will not be scheduled on the 2nd or 3rd shifts that day but rather fill out the remainder of an eight (8) hour work period.

ARTICLE 6 VACATIONS

Section 1. Accrual Rates for Police Officers.

Vacation time for police officers shall be determined as follows:

- A. From the beginning of the first year of service to the end of the fourth year of service, bargaining unit members shall accrue vacation at the rate of 3.69 hours per pay period.
- B. From the beginning of the fifth year of service to the end of the ninth year of service, bargaining unit members shall accrue vacation at the rate of 4.62 hours per pay period.
- C. From the beginning of the tenth year of service to the end of the fourteenth year of service, bargaining unit members shall accrue vacation at the rate of 5.54 hours per pay period.
- D. From the beginning of the fifteenth year of service to the end of the nineteenth year of service, bargaining unit members shall accrue vacation at the rate of 7.39 hours per pay period.
- E. From the beginning of the twentieth year of service to the end of the twenty-fourth year of service, bargaining unit members shall accrue vacation at the rate of 8.31 hours per pay period.
- F. From the beginning of the twenty-fifth year and for all succeeding years of service, bargaining unit members shall accrue vacation at the rate of 9.23 hours per pay period.

Section 2. Accrual Rates for Protective Service Officers.

Vacation time for PSOs shall be determined as follows:

- A. From the beginning of the first year of service to the end of the fourth year of service, PSOs shall accrue vacation at the rate of 3.692 hours per pay period, not to exceed 96 hours per year.
- B. From the beginning of the fifth year of service to the end of the ninth year of service, PSOs shall accrue vacation at the rate of 4.615 hours per pay period, not to exceed 120 hours per year.
- C. From the beginning of the tenth year of service to the end of the fourteenth year of service, bargaining unit members shall accrue vacation at the rate of 5.539 hours per pay period, not to exceed 144 hours per year
- D. From the beginning of the fifteenth year of service to the end of the nineteenth year of service, bargaining unit members shall accrue vacation at the rate of 6.462 hours per pay period not to exceed 168 hours per year.
- E. From the beginning of the twentieth year of service to the end of the twenty-fourth year of service, bargaining unit members shall accrue vacation at the rate of 7.385 hours per pay period, not to exceed 192 hours per year.
- F. From the beginning of the twenty-fifth year through the twenty-ninth year of service, bargaining unit members shall accrue vacation at the rate of 8.308 hours per pay period, not to exceed 216 hours per year.
- G. From the beginning of the thirtieth year and for all succeeding years of service PSOs shall accrue vacation at the rate of 9.231 hours per pay period, not to exceed 240 hours per year.

Years of service, as used above, shall include all years worked for the City of Topeka. No bargaining unit member shall lose vacation benefits as the result of an on the job injury.

All members of the bargaining unit may carry over up to forty (40) days (320 hours) of vacation time into the next calendar year. Upon retiring, an officer or PSO shall be paid the amount of vacation time accrued at the date of retirement. No minimum or maximum amount of vacation will be required to be taken in any given twelve-month period.

Vacation privileges will be given on a first come, first served basis. Requests made at the same time will be considered on a seniority basis with those having the greater seniority being granted first. In the event that any employee should have more than the maximum number of days/hours allowed for carry over, Management shall elect one of two options for the employee: (1) Management, at its discretion, shall assign vacation days off, or (2) Management shall pay the employee for such days/hours exceeding the maximum carry-over.

Vacation days shall be allowed to be taken on any day of the week without prejudice or discrimination subject to manpower needs. The City will make every effort to afford employees requested vacation time; however, Management maintains the right to make adjustments to vacation schedules dictated by personnel needs. Any withdrawal of approved vacation requests shall be done on a seniority basis with those having the least seniority being rescinded first.

Time away from work requests shall be submitted at least one hour prior to the end of a shift, personally communicated to the employee's supervisor or, where

appropriate, watch commander, and approved or disapproved by the end of the shift during which the request is submitted and personally communicated to the supervisor on duty if the request is for time off during the current work schedule. An employee may consider his/her request for leave to have been approved in the event the supervisor has not denied the request by the end of the shift during which the request was made.

Bargaining unit members may submit time away from work requests up to six (6) months in advance.

Recognizing administrators have the ability to project work schedules in advance, Management will not deny time away from work requests based on the time the request was submitted, as long as the time away from work request is within a six (6) month period.

Vacation time away from work requests for time off outside the current schedule shall be approved or disapproved within five (5) days of the end of the shift during which the request was made. An employee may consider his/her request for leave to have been approved in the event Management has not denied the request within these five days. For the purposes of this section, time away from work requests shall include only vacation, compensatory, and personal leave time.

Any denial (disapproval) of a leave request shall, on request of the applicant, be provided to the applicant, stating the reasons for the denial, and bearing the signature of the member of Management who denied the leave request.

Section 3. Personal Leave for Perfect Attendance.

Officers and PSOs shall earn one day of personal leave for each consecutive ninety (90) calendar day period of perfect attendance, provided, however, that any

absences of four (4) hours or less for the purpose of attending an appointment with a medical care provider shall not count against the perfect attendance record. An officer or PSO may accumulate up to four (4) workdays for this purpose annually. However, none of the ninety (90) day periods may overlap into another ninety (90) day period.

Section 4. Personal Leave Day.

Two annual personal leave days will be granted each member of the bargaining unit beginning on January 1 of each year.

Section 5. Personal Leave Utilization.

Personal leave shall be allowed to be taken on any day of the week without prejudice or discrimination, subject to manpower needs. The City will make every effort to afford employees their personal leave days when requested. Personal leave will only be taken in eight (8) or ten (10) consecutive hour increments based on the work hours an employee maintains when the time is taken.

Section 6. Unused Personal Leave.

Any unused personal leave at the close of each calendar year must be scheduled to be taken no later than January 31 to be taken during the period of January 1 through April 30 of the calendar year. Any unused personal leave time carried over and not used by April 30th will be forfeited. An extension may be granted with approval of the Police Chief or, where applicable, the AJMC, provided the request for an extension is made in writing via the chain of command to that level.

ARTICLE 7 HOLIDAYS

Section 1. Designated Days.

Designated holidays shall include:

New Year's Day - January 1

Martin Luther King, Jr.'s Birthday - Third Monday in January

Memorial Day - Last Monday in May

Independence Day - July 4

Labor Day - First Monday in September

Veterans Day - November 11

Thanksgiving Day - Fourth Thursday in November

Thanksgiving Friday - Friday following Thanksgiving

Christmas Eve Day - December 24

Christmas Day - December 25

Section 2. Holiday Pay.

The City will pay holiday pay to all essential employees who are scheduled to work on the holiday. Essential, as used in this context, shall mean only the personnel who are absolutely basic and so necessary as to be indispensable to the operation of the Department or the Municipal Court and the safety of the public. Convenience is not a considered factor. The Chief of Police has the sole discretion to determine the officer positions that are essential during any holiday period.

Any bargaining unit member required to work on a designated holiday will be paid for one and one half (1½) times the number of hours actually worked in addition to

normal compensation for that day. The employee shall be granted at his/her discretion either overtime pay or compensatory time (unless at maximum compensatory time) in addition to normal daily compensation for the hours worked on a designated holiday.

Employees who's regularly scheduled days off falls on a holiday will be paid an additional eight (8) or ten (10) hours (depending the hours the employee maintains) hours at their regular rate of pay or may elect to take this as compensatory time. The City and FOP Lodge #3 recognize that all bargaining unit members operate under either a rotating days off or permanent days off schedule. While it may be necessary to deviate from these schedules due to special events requiring extra manpower or extenuating circumstances, no deviation may be made for the express purpose of avoiding the payment of holiday pay without the consent of the employee(s) involved.

Employees requesting sick leave reimbursement on a designated holiday will be paid eight (8) hours or ten (10) hours at their regular rate of pay.

When a bargaining unit member has requested vacation leave reimbursement and a designated holiday occurs during the approved vacation leave, that individual will receive eight (8) hours or ten (10) hours of pay for the holiday and no hours will be deducted from his/her leave accrual.

Any bargaining unit member who is determined to be non-essential and does not work the holiday shall be paid eight (8) hours or ten (10) hours at his/her regular rate of pay. Any employee scheduled to work a designated holiday and who reports for duty, but is later deemed by Management to be non-essential and is sent home, will be paid his/her full holiday pay or may elect to take it as compensatory time and will be decided by seniority.

ARTICLE 8 SENIORITY

Section 1. Seniority Defined.

Officer seniority shall be based on continuous length of service in classification without a break or interruption except as noted in Section 2 of this Article; provided, that any suspension for disciplinary purposes of fifteen (15) calendar days or less shall not constitute a break or interruption of service within the meaning of this Section.

Seniority shall commence from the date an officer enters a classification.

A list of employees (excluding PSOs) arranged in order of seniority by classification and a list arranged in total service with the Topeka Police Department as sworn police officers shall be maintained and made available for examination by employees, provided that the seniority lists shall be revised and updated at the end of each year and a copy transmitted to FOP Lodge #3.

Where two or more employees in the same classification were appointed on the same date, such employees' seniority shall be determined by their placement on the promotion list. If two or more employees are in the same position on the promotion list, then seniority will be determined by a lottery administered by the Chief; provided, that for the purpose of seniority shift bidding, officers who have the same date of classification and same length of service shall be given their shift preference based on the lottery system for each shift bid period. In the event a lottery is conducted, the affected officers and/or their FOP representatives shall be notified of the time and place of the lottery. The affected officers and/or their FOP representatives shall be allowed to witness the conduct of the lottery.

General seniority for PSOs shall be based on the entirety of their respective

service as benefit-eligible employees with the City of Topeka. For shift bidding purposes under Article 5, Section 5, however, seniority shall be based only on the total length of service with the Municipal Court.

Section 2. Seniority Broken by Resignation.

An officer who resigns may, at the sole discretion of the Chief, be reinstated within ninety (90) calendar days of the effective date of resignation. In such a case, the officer shall be reinstated at an entry-level position unless an exception is made by the Chief, but regardless must re-serve an initial probation.

If seniority is broken by resignation and the officer is subsequently rehired and remains employed in a full time civil service capacity for five (5) years following the last date of hire, the previous employment period will be added to the officer's continuous service and considered as part of seniority. Only one (1) such seniority allocation shall be allowed per individual. Any officer with prior service with the Department must be rehired within three years to be eligible for former service seniority credit.

The seniority of a PSO who resigns and is rehired will be established based on the entirety of his/her prior service as a benefit eligible employee with the City of Topeka.

Section 3. Seniority Broken by Medical Disability Retirement.

If seniority is broken by medical disability retirement and the condition(s) have been corrected such that the officer is subsequently rehired through the selection process, that officer will, upon completion of one (1) year in a full time civil service capacity following the date of rehire, have the previous employment period added to the officer's continuous service and be considered as part of seniority. Only one (1) such

former service seniority credit shall be allowed per individual and only if the employee is rehired within five (5) years of his or her medical disability retirement. The seniority of PSOs rehired after a medical disability retirement will be determined in the same manner as those who return to City employment after a resignation, as set forth in Section 2 above.

ARTICLE 9 LAYOFF

Section 1. Layoff.

Layoff shall be defined as a reduction of staff or the elimination of a classification, position, or job for any reason the Police Chief, AJMC, and/or City Manager may deem necessary for the efficient and economical operation of the Department or Municipal Court.

In the event of a layoff, the persons to be laid off within a classification will be determined on a "last hired, first to be released" basis and shall be subject to reemployment and severance pay as provided for in Sections 3 and 4 below.

Section 2. Bumping.

Bumping shall be defined as the process under which a full-time officer or PSO may choose to move to a lower classification (rank in the case of a police officer) in the event the employee is scheduled to be laid-off pursuant to the provisions of this Article.

- A. An officer scheduled to be laid off may "bump" into any classification (rank) previously held by the officer; provided that another officer within that classification (rank) has less seniority than the officer making the "bump".
- B. The "bumping" process may continue until there are no officers within a classification (rank) with less seniority than other officers within the same classification (rank) who are scheduled for lay-off.
- C. A PSO may bump into any other bargaining unit classification within the Municipal Court.

Section 3. Short Term Reduction in Force.

A. General.

A lay-off is a temporary reduction in the work force due to a shortage of funds, lack of work, abolishment of a position, or other material change in duties or organization. It differs from other forms of separation in that there is an anticipated reinstatement of the employee as soon as the conditions which necessitated the lay-off are ameliorated. A lay-off is intended to protect a regular, full-time employee's tenure, related benefits, and privileges.

B. Re-employment.

1. A bargaining unit member who has been laid-off shall have his or her name entered on a reemployment eligibility list within his/her respective Department (i.e., Police or Municipal Court), which lists shall be arranged based on the years of seniority of the laid-off personnel.
2. An individual's name may be removed from the reemployment eligibility list for any one of the following reasons:
 - a. Expiration. The names of all employees laid-off shall remain on the reemployment eligibility list for a maximum period of 48 weeks.
 - b. Waiver. An employee may elect to waive the right to recall after having been laid-off for a period of eight weeks by signing a waiver form provided by the City. Those who

waive the right to recall will be eligible to receive severance pay if they meet the eligibility requirements in Section 4.D.

c. Forfeiture. Employees forfeit the right to severance pay and recall if they:

- (1) Refuse recall within five days of notice.
- (2) Fail to answer written inquiries from the City's Human Resources Department when proper notice is given.
- (3) Fail to advise the Human Resources Department of a change in address and/or telephone number.

C. Reinstatement.

1. Order of Recall. Employees shall be recalled from the applicable reemployment eligibility list in order of seniority.

2. Wages. Employees recalled within six months shall be given credit for their accrued seniority for the purposes of determining salary. Any Corporal, Sergeant, Detective, or PSO who is recalled to a lower classification shall be given priority for any promotions to a classification formerly held by the employee.

3. Benefits.

a. Vacation. Employees who are recalled from lay-off shall, at the time of reemployment, commence accruing vacation leave.

b. Sick Leave. Any sick leave accumulated but not utilized at the time of lay-off shall be reinstated at the time of recall.

- c. Seniority. Employees recalled shall be given seniority credit for the entire period of time of the lay-off.
- D. Notice of Lay-Off. An employee scheduled for lay-off shall be given at least five working days of notice of lay-off and the reasons therefore. The five days of notice may be waived by the payment of five days of pay at the individual's straight time, base rate of pay.
- E. Benefits During Lay-Off.
 - 1. Vacation Time. An employee on lay-off may elect to take any vacation and/or compensatory time which the employee has accrued prior to the lay-off. Vacation time shall not accrue during the period of the lay-off.
 - 2. Group Insurance. An employee who is laid off may elect to continue group insurance for eighteen (18) months under the Consolidated Omnibus Reconciliation Act (COBRA). Timely payment of the insurance premiums shall be the responsibility of the employee.
 - 3. Other Benefits. Additional benefits shall not accrue nor shall they be paid to an employee during the period of a lay-off.
- F. Grievance. Lay-off and demotions necessitated by the conditions given in Section 3A of Article 9 shall not be subject to grievance except to contest the order of lay-off among the affected employees.

Section 4. Permanent Reduction In Force: Severance Pay.

- A. General. The purpose of severance pay is to provide temporary relief to

employees who have lost their jobs through no fault of their own.

Separations may occur for, but are not limited to, the following reasons:

1. An employee is not recalled from lay-off within 48 weeks.
2. An employee voluntarily waives the right to recall as described in subsection B. 2. b.
3. Work is eliminated and is not anticipated to be necessary in the foreseeable future.
4. Work is reassigned to other employees.
5. The qualifications for a position change.

B. Severance Pay.

1. Amount.
 - a. Employees hired after December 31, 2015, who meet all eligibility requirements shall receive severance pay at the rate of one (1) week of salary for every year of service, pro-rated to the nearest month, but in no case less than four (4) weeks salary and in no case more than twenty-six (26) weeks salary.
 - b. Employees hired prior to January 1, 2016, who meet all eligibility requirements shall be compensated according to the following schedule:

LENGTH OF SERVICE

SEVERANCE PAY

-0- Less than 1 year

-0-

1 year, less than 10 years

1 week of salary for each
complete year of service as of

the date of separation.

Over 10 years

2 weeks of salary for each
complete year of service, as of
the date of separation.

In no case shall the amount of severance pay exceed one year of salary of the laid-off individual. Severance pay shall be calculated using the employee's regular base hourly wage including premium performance payments for Corporal, Detective and Sergeant.

c. Year of service shall exclude years of city service prior to an employee's retirement from the City and years before a ninety (90) day or more break in city service.

2. Other Benefits.

a. Vacation Time. Employees who are permanently separated and who have successfully completed the probationary period shall be paid the unused portion of vacation time accrued.

b. Unemployment Compensation. State law shall determine the eligibility of a separated employee to draw Unemployment Compensation.

C. Forfeiture of Severance Pay.

1. Ineligibility. Employees who resign, retire, or are fired for cause are not eligible to receive severance pay.

2. Relinquishment. The City may, at its discretion, provide counseling and assistance to employees who are laid-off.

D. Severance pay set forth herein is available only to employees who meet all of the following eligibility requirements:

1. Employee's position has been eliminated pursuant to the provisions of this Article and the employee has waived the right to recall;
2. Employee has been employed with the City for one or more continuous years;
3. Employee is not continuing to work in a comparable position either for the City or another entity pursuant to a consolidation authorized by K.S.A. 12-3903; and
4. Employee has executed an agreement and complete release of all claims against the City regarding the reduction in force.

ARTICLE 10 SICK LEAVE

Section 1. Accrual.

Bargaining unit members shall accrue sick leave at a rate of 3.692 hours per pay period. An employee must be performing assigned duties or on authorized accrued paid leave to be eligible to accrue sick leave.

Section 2. Injury on the Job; Related Sick Leave.

A. An employee who is temporarily totally disabled, or taken off work by a medical provider, as the result of an injury not caused, created, or substantially contributed to by his/her own negligence and arising out of and in the course of their employment, who cannot perform his or her duties, may make application to the Chief of Police or AJMC, whichever is appropriate, for restoration of the use of up to 160 hours of accrued sick leave.

B. An employee who suffers a work-related injury arising out of and in the course of his/her employment with the City and who is receiving Temporary Total Disability (Workers' Compensation) benefits or who is taken off work by a medical provider, may utilize a pro-rated amount of sick leave in order to enable the employee to earn compensation in an amount equal to his/her normal salary during the time he or she is temporarily totally disabled or off work. Under no circumstances shall an employee pro-rate sick leave for permanent total disability.

C. Injury Leave Pay. An employee who suffers a work-related injury while on duty and who is receiving Temporary Total Disability benefits or who is taken off of work by a medical provider, for a period of time greater than 30 calendar days shall maintain all benefits in place at the time of injury and receive compensation in an amount equal to his/her base pay and any premium performance pay without use of any accrued leave, minus any amount of Temporary Total Disability benefits (identified as "Injury Leave Pay") for up to one year from the date such Injury Leave Pay begins, or until the employee is released to return to work in a regular or light duty capacity, or until a permanent disability is determined by an independent medical examiner; whichever

occurs first. If an injury is initially denied but later determined to be compensable under the Kansas Workers Compensation Act, the portion of the injury leave pay that is offset by retroactive TTD benefits must be repaid to the City. If an injury is determined not to be compensable under the Kansas Workers Compensation Act, any Sick Leave that was restored will be removed from the employee's accrued Sick Leave balance; and, additionally, any Injury Leave Pay the employee received will have to be repaid to the City.

Injury Leave Pay will be reported in accordance with applicable local, state and federal regulations including KPERS/KPF.

Section 3. Physical/Medical Inability to Work.

- A. Light Duty Assignment. The City shall provide an unlimited number of light duty assignments within the Police Department to be made available to officers who are medically recommended to perform light duty assignments due to an injury, illness, or other medical condition, to the extent it does not interfere with fulfillment of the mission of the Police Department. Light duty assignments within the Municipal Court for PSOs, however, shall be at the discretion of the AJMC. An officer shall work a nine (9) hour shift with one hour off for lunch in the event a light duty assignment is for more than seven (7) calendar days. The appropriate Bureau Commander can adjust the nine (9) hour shift to eight (8) hours at his/her discretion. Officers assigned to a ten (10) hours shift shall remain so assigned during the light duty assignment. Any hours worked in a light duty assignment where the essential duties of the position are not being completed by the employee shall not count as hours worked for purposes of completing a probationary period.

- B. Medical Leave of Absence. If an employee is unable to perform his/her regular duty assignment or a light duty assignment and has exhausted all of his/her leave, he/she may be given a medical leave of absence. Any employee on a medical leave of absence shall not accrue sick leave or vacation leave. The employee shall not lose his/her position on the promotion roster, be demoted, or removed from the force due to utilizing a Medical Leave of Absence.
- C. The City may require an employee on medical leave of absence of more than six (6) months to be examined by the CHCP to determine if he/she will be able to return to the assignment he/she was holding prior to the leave of absence. In the event he/she cannot resume full duty status within 12 months of the injury or illness, a determination will be made by the Chief of Police or the AJMC, if appropriate, and the CHCP regarding reassignment or medical retirement.
- D. The City may require an employee on Light Duty or Sick Leave of more than six (6) months to be examined by the CHCP to determine if he/she will be able to return to the assignment he/she was holding prior to the light duty assignment or sick leave. In the event he/she cannot resume full duty status within twelve (12) months of the start of the light duty assignment or sick leave, a determination will be made by the Chief of Police or the AJMC, where appropriate, and the CHCP regarding reassignment or medical retirement.
- E. Nothing in this Section shall preclude the Chief of Police from exercising

his/her discretion under Article 10, Section 2, of this Agreement.

Section 4. Family Sick Leave.

Employees may use accrued sick leave to care for members of their family as defined herein as spouse; child; son-in-law; daughter-in-law; stepchild; parent; step-parent; spouse's parent; sibling; grandparent; grandchild; great-grandchild; a family member of the immediate household permanently residing under the same roof or any other person residing under the same roof in a shared living arrangement with the employee (but not including a person renting living space from them); or other family member -- approved by the Chief or AJMC, as applicable -- who is ill, recuperating at home, or needs to be taken to appointments for medical care. This shall not authorize use of sick leave for problems such as an automobile not starting; missing the bus; repairs to furnaces, other appliances, plumbing, or automobiles; or baby-sitting problems other than a sick child.

Section 5. Sick Leave upon Retirement/Death.

- A. The City will pay for all of the sick leave accrued at the time of retirement of the Officer, including PSOs, up to a maximum of four hundred forty (440) hours. In addition, commencing January 1, 2012 the police officers shall, upon their retirement, be paid an additional accrued sick leave incentive for all remaining hours of accrued sick leave over and above the four hundred forty (440) hours described above using the following formula: One dollar (\$1.00) per hour multiplied by the total remaining hours of accrued sick leave. An officer or PSO need not be drawing a monthly pension check if he/she has a vested pension at the time of

retirement.

- B. The City shall pay all sick leave up to 1,040 hours accrued by an officer or PSO to his/her estate if killed in the line of duty.
- C. The City shall pay up to 1,040 hours of accrued sick leave for any officer or PSO killed "off" duty.

Section 6. Sick Leave Abuse.

The Chief or AJMC, as applicable, may refer an employee to the Human Resources Department if, in one of their opinions the individual has demonstrated a consistent or continual lack of availability for work or has otherwise engaged in behavior which may reasonably be construed to be an abuse of sick leave. The Human Resources Department shall determine the need for referring the employee to the CHCP for consultation. The CHCP may require the employee to provide a doctor's statement showing the following, at the City's expense:

- 1. If the employee was treated by a physician, the date of the treatment.
- 2. If the employee was treated by a physician, a statement from the physician that the illness or injury was of sufficient seriousness to prevent the employee from being present at work.
- 3. Date or dates the employee was unable to work because of the illness or injury.
- 4. Date the employee may return to work to assume his/her regular duties.

Failure to comply with the above doctor's statement requirement may result in a determination that the Sick Leave in question was not supported by medical opinion, thereby leading to a denial of its utilization. The CHCP for good cause shown may

waive the doctor's statement. For the purpose of this section, the doctor's statement must be from a medical doctor acceptable to the CHCP.

ARTICLE 11 FUNERAL/EMERGENCY LEAVE

Section 1. Eligibility.

- A. In the event of the death of an immediate family member, as defined in Appendix B of this Agreement, an employee shall be eligible for a maximum of three (3) working days off with pay (not to be deducted from other hourly accruals). Employees shall notify Management within five (5) calendar days (including days off) of the death of the immediate family member and provide information about when the funeral leave shall commence.
1. Management may require the employee to produce evidence of the death of the family member. Additional funeral leave may be granted in extenuating circumstances at the discretion of the Chief of Police or AJMC.
 2. Any employee who has misrepresented a death in the family as defined above shall be subject to disciplinary action.
- B. An employee may, in the event of extreme extenuating circumstances such as a household fire, a calamity of nature affecting the household or similar disaster which threatens the health or welfare of the employee's immediate family, receive up to three days of leave with pay as determined by the Chief or AJMC.

Emergency leave shall not be authorized for non-emergency situations. For illustrative purposes only, the following situations are considered of the type for which emergency leave shall not be authorized: Transportation problems such as automobile not starting or missing the bus; repairs to furnaces, other appliances, plumbing, or automobiles; baby-sitting problems; doctor or dental

appointments other than for emergency situations; other similar, non-critical, non-emergency situations; and obligations of the employee or the employee's family.

Section 2. Funeral Expense.

The City of Topeka will provide up to ten thousand (\$10,000) dollars for funeral expenses to the survivor of an active police officer or PSO who dies, payable to the funeral home.

ARTICLE 12 HEALTH AND SAFETY

Section 1. Policy and Practice.

The City of Topeka shall make provisions for the safety and health of its employees during the hours of their employment. Further, the City will provide protective devices and other equipment necessary to protect its employees from injury and sickness and maintain this equipment in proper working order to protect the health and safety of the employees.

Section 2. Damaged Property.

The City will replace or pay for items of personal property reasonably needed by officers or PSO's in the course of their duties, including authorized back-up weapons used by employees which are lost or damaged in the performance of duty. Reasonable limits on liability shall be determined by the Chief of Police or AJMC, as applicable, on a case-by-case basis. Acts of carelessness or negligence by an employee shall disqualify reimbursement under this provision. Approved reimbursements will be made within thirty (30) days from the date of receipt of the written request with all required and completed documentation attached. The employee may be required to produce to the Chief of Police or AJMC receipts or information regarding the original costs of the damaged personal property and/or approximate cost to replace the personal property damaged in the performance of duties.

Section 3. Care of Department Vehicles.

Sworn personnel shall keep the interior of their assigned vehicles in an orderly and litter free condition.

The City shall maintain a preventive maintenance program for Police vehicles. If

an assigned vehicle is not in safe condition, an employee may notify the duly authorized supervisor outside the bargaining unit. If the supervisor determines the Police vehicle to be in usable condition, the employee shall proceed with assigned duties. Nothing in this Section will be construed as a waiver of the officer's legal rights.

Section 4. Physical Fitness Program.

The Physical Fitness Incentive Program shall be administered by the Chief of Police or, for PSOs, the AJMC. Levels of fitness and a corresponding rating system for both officers and PSOs shall be established by the Police Chief and FOP Executive Board and approved by the City Manager. Those on the Response Team who successfully pass their Physical Fitness Test each time given will receive incentive pay based on their level of achievement. The amount of money to fund the provisions of this Section shall be limited to twelve thousand (\$12,000) dollars per contract year, provided, however, that this dollar amount shall be exclusive of the amount needed to fund the above listed provision relating to the members of the Response Team.

Incentive pay shall be:

Level 1 - \$15.00 per month paid quarterly.

Level 2 - \$ 20.00 per month paid quarterly.

Level 3 - \$ 25.00 per month paid quarterly.

Level 4 - \$ 30.00 per month paid quarterly.

All FOP bargaining unit members are eligible to participate in the wellness program in the City Wellness Center by applying to the Wellness Center. The member shall have full access to the facilities within the Wellness Center. Any member may, by payroll deduction, have the difference between a single and a monthly family

membership fee deducted from his/her paycheck.

Section 5. Inoculations.

The City agrees to provide, without charge to each employee within the bargaining unit, inoculations for Hepatitis B, C, and flu and other reportable contagious diseases as may be appropriate as determined by the Occupational Health Provider. In addition, the City agrees to provide, free of charge, inoculations for members of the employee's immediate household in the event such employee is exposed in the line of duty to a reportable contagious disease. Inoculations and treatment will be provided as necessary to prevent the spread of disease as determined by the Occupational Health Provider. All employees must complete recommended medical follow-up. Employees will be compensated for actual time spent at follow-up visits.

Section 6. Personally Owned Service Weapons.

Officers shall be allowed to utilize their personally-owned service weapons, provided that the weapons are of the same brand, caliber, and model as one of the Department-issued or approved weapons, and provided further, that no modifications of any kind are made to the weapons without the consent of the Chief of Police. Any modifications to a weapon without the consent of the Chief of Police may subject the officer to disciplinary action.

Section 7. Ballistic Vests.

The city shall provide each officer with a ballistic vest rated up to level IIIa and the city shall replace the vest every five (5) years at the city's sole expense. Current vests shall be replaced upon completion of the five (5) year cycle from date of issue.

ARTICLE 13 WAGES

Section 1. Pay Plan.

A. On the anniversary of their hire date in 2019, 2020 and 2021 bargaining unit members shall advance one (1) step according to the appropriate table listed below. Newly-hired police officers shall be moved from Step 1 to Step 2 of the pay matrix upon successful completion of their initial eighteen (18) month probationary period.

B. The following hourly pay schedules shall be applicable for bargaining unit employees, effective the full pay period encompassing the month, day and year, according to the appropriate table below.

POLICE OFFICER PAY SCHEDULE

STEPS	January 1, 2019	January 1, 2020	January 1, 2021
1	22.08	22.52	22.97
2	22.14	22.58	23.03
3	22.58	23.03	23.49
4	23.45	23.92	24.40
5	24.08	24.56	25.05
6	25.38	25.89	26.41
7	26.15	26.67	27.20
8	26.93	27.47	28.02
9	27.80	28.36	28.93
10	28.76	29.34	29.93
11	29.60	30.19	30.79
12	30.58	31.19	31.82
13	31.50	32.13	32.77
14	32.52	33.17	33.83
15	33.30	33.97	34.65
16	34.27	34.96	35.66
17	35.25	35.96	36.68
18	36.84	37.58	38.33

The following Premium Performance Pay Schedule shall apply to Corporals, Detectives, and Sergeants.

PREMIUM PERFORMANCE SCHEDULE

POSITION	YEARS OF SERVICE	Hourly rate of pay plus
Corporal	1 st Year	\$1.15/hr
	2 nd Year	\$1.55/hr
	5 th Year	\$2.00/hr
Sergeant	1 st Year	\$3.20/hr
	2 nd Year	\$4.00/hr
	5 th Year	\$4.90/hr
Detective	1 st Year	\$2.15/hr
	2 nd Year	\$2.55/hr
	5 th Year	\$3.00/hr

C. Any Corporal moving to the Detective rank or Detective moving to the Corporal rank shall be placed at the Premium Performance Pay step attained in the rank from which the officer is moving. This retention of years in rank shall apply for pay purposes only.

PROTECTIVE SERVICES OFFICER PAY SCHEDULE

STEP	PSO I (2% increase January 1 of each year)			PSO II
	2016	2017	2018	
1	17.67	18.03	18.40	\$18.95
2	17.96	18.32	18.69	\$19.25
3	18.20	18.57	18.95	\$19.54
4	18.51	18.89	19.27	\$19.82
5	18.77	19.15	19.54	\$20.09
6	19.05	19.44	19.83	\$20.42
7	19.33	19.72	20.12	\$20.73
8	19.64	20.04	20.45	\$21.04
9	19.94	20.34	20.75	\$21.36
10	20.22	20.63	21.05	\$21.67
11	20.50	20.91	21.33	\$22.01

12	20.83	21.25	21.68	\$22.32
13	21.15	21.58	22.02	\$22.66
14	21.47	21.90	22.34	\$23.01
15	21.79	22.23	22.68	\$23.36
16	22.11	22.56	23.02	\$23.69
17	22.46	22.91	23.37	\$24.24
18	22.77	23.23	23.70	\$24.42
19	23.12	23.59	24.07	\$24.78
20	23.48	23.95	24.43	\$25.02
21	23.83	24.31	24.80	\$26.81

D. In addition to any anniversary date step increases authorized in Subsection A above, newly-hired PSO employees shall be moved from Step 1 to Step 2 of the applicable pay matrix upon successful completion of their initial six (6) month probationary period.

Section 2. Shift Differential.

Bargaining unit members shall be entitled to a shift differential as follows:

- A. Eligibility for a shift differential shall be restricted to full time bargaining unit members.
- B. Work starting at or after 12:00 noon, but before 3:00 a.m., shall be considered shift work.
- C. Officers assigned to shift work shall be paid an additional seventy cents (\$.70) per hour.
- D. An officer regularly scheduled for shift work shall receive his/her normal shift differential during regularly assigned work shifts and authorized absences for compensatory time, vacation, and sick purposes. All other payments and/or leaves shall not include shift differential in addition to base salary (including holiday pay, military leave, funeral, stand-by, court time, or any other authorized payment or paid leave).

- E. Employees assigned to work four (4) hours or more of shift work shall receive the shift differential.
- F. Employees receiving shift differential and also working overtime shall have their normal salary and any shift differential paid at one and one-half (1 1/2) times their hourly rate of pay.
- G. If an Officer is regularly assigned to a shift that is entitled to shift differential and the Officer is temporarily assigned to a shift that does not receive shift differential for a period not to exceed seven (7) days, then the officer will receive shift differential for the time spent in the temporary assignment.

Section 3. Standby

A. For the purposes of this section, "Standby" shall mean any time when an officer is officially notified that the officer has been placed in a standby status. Official notification shall be made by the appropriate person either in person, by phone, by leaving a message on an answering machine, by pager, or by memorandum. Notification by leaving a message on an answering machine or pager shall require that the message be confirmed by the officer before the notification shall become official. Any failure by an officer officially placed on standby to respond, if called, may result in disciplinary action or the removal of the officer from standby duty. Any Officer assigned by the Bureau Commander to standby shall be entitled to two (2) hours of pay or compensatory time at a straight time rate per twenty-four (24) hour shift on standby when assigned to standby on weekends or holidays and one (1) hour of pay or compensatory time at a straight time rate when assigned to standby Monday through

Friday. Court appearances are addressed in another Section of this Agreement and are therefore exempt from this Section. This Section shall include phone standby as directed by any City, County, or Federal attorney for court; provided, however, that the officer shall immediately notify the Watch Commander of being placed on court standby. Standby is in addition to any hours worked after being called back to duty. Standby shall not be considered hours worked for FLSA purposes. No officer shall be required or allowed to work two types of stand-by during the same time period, excluding court standby.

B. "Call-back" shall mean any time a bargaining unit member who is off duty or on standby is called and ordered to return to work. An employee called back to work shall be paid a minimum of two (2) hours or the actual time worked, whichever is greater, with whichever is applicable being counted as hours worked in the computation of overtime.

Section 4. Group Health Benefits

The Employer agrees to make available health benefits to any bargaining unit member eligible under the provisions of the City's healthcare benefits plan.

The Employer and the Union have agreed to cost-sharing for healthcare benefits as set forth within the current Joint Memorandum of Agreement between the City of Topeka, this Union and other bargaining units recognized by the City.

The Employer retains the authority to define group health benefits and select the carrier to maintain a cost effective program. The Employer agrees to notify the FOP in advance and to meet and confer over any benefit change to such health benefits; provided, however, that the parties agree to relinquish any right to mediation and fact-

finding over this issue in the event the good faith meet and confer sessions result in an impasse. It is further agreed that the parties shall, in the event of such a good faith impasse, proceed in a timely fashion to make presentations to the City Manager regarding their respective positions on the issue at impasse.

All retired bargaining unit members will be allowed to transfer to the City's Retiree health benefits program upon retirement and remain in same until they reach age 65, provided that the retired member will pay the full amount of group rate premiums charged by the City. If the retired member drops the City coverage, or is dropped for non-payment, the retired member will not be allowed to return to coverage in the City Retiree's health insurance program.

Section 5. Pay for Duty in Higher Rank.

A. A bargaining unit member assigned temporarily to a higher rank for more than fifteen (15) consecutive work days shall be temporarily (while continuing to be assigned in the higher rank) paid at the base hourly rate of pay established for the higher rank (or, if the employee's regular rate of pay is higher than the base rate for the higher rank, the employee will be paid not more than five (5%) percent above the employee's prevailing salary). However, an employee working in a higher rank for fifteen (15) consecutive work days or less shall not be entitled to receive any additional compensation other than his/her prevailing rate of pay, except for any increase or decrease due to working on a different shift (see Article 13, Section 2: Shift Differential).

B. A sergeant working out of class as a Watch Commander for two (2) or more hours shall be paid two (2) additional hours at his/her straight time rate until such time as the provision within A. above becomes applicable.

Section 6. Tuition Reimbursement.

The purpose of the tuition/education reimbursement program is to promote improved productivity in City services. Each bargaining unit employee shall be eligible for tuition/education reimbursement under the following guidelines:

A. Only full-time benefit eligible employees may be reimbursed for tuition expenses for academic or technical courses pursued through recognized educational institutions or relevant professional development seminars as approved by the Chief or AJMC. The Chief may utilize the provisions of this Section for the payment of the cost of law enforcement seminars for officers and the AJMC for seminars related to the duties of PSOs.

B. The course must directly relate to the employee's current job duties, or any course including outside-the-major electives required for a degree or certificate in a field in which the employee would have a reasonable expectation of being promoted to while employed with the Topeka Police Department or Municipal Court and the employee must receive at least a 2.0 grade point or "C" average in academic courses or the employee must receive a "pass" if the course is only offered on a "pass/fail" basis. An employee must provide a certificate or other proof of completion for technical courses or professional seminars which provide no "grading" system.

C. An amount not to exceed one thousand (\$1,000.00) dollars may be authorized and reimbursed annually for eligible employees.

D. An employee must complete the request for tuition reimbursement form as provided by the Human Resources Director and have the concurrence and signature of his/her immediate supervisor outside of the bargaining unit; the appropriate Bureau

head; the Police Chief or AJMC, or his/her designee; and the Human Resources Department before the employee may be reimbursed. The approved request form must be received by the Human Resources Department within one month after the beginning date of the course which the employee desires to attend. Evidence of completion with a passing grade as provided for in this Section and proof of payment for the course must be received by the Human Resources Department within two months after the completion date of the course in order for the employee to receive reimbursement.

E. The City will not reimburse employees for non-credit special interest courses completed by examination only; late fees; lab fees; extracurricular fees; textbooks or other course related materials; and tuition covered by other sources such as government assistance to a veteran (GI Bills), grants, scholarships, and similar programs. Any cost associated with life credit will be reimbursed to the employee by the City.

F. The Police Chief and AJMC, or their designees, shall make every effort to budget for the approved reimbursement for academic courses for employees. The Police Chief or AJMC, or his/her designee, shall approve courses on a first-come, first-served basis in a non-discriminatory manner within appropriate budget constraints.

Section 7. Clothing Allowance.

Any Detective, or Sergeant assigned to Criminal Investigation Bureau (CIB), or taskforce officer required to wear professional or business casual attire, shall receive a clothing allowance of nine hundred dollars (\$900) per year in the first pay period of the calendar year. Each Detective and Sergeant may choose whether he/she wishes to utilize the professional business attire or casual business attire that complies with Article

19, Section 1.D. This section shall not apply to Crime Scene Investigation (CSI) personnel assigned to the CIB.

A. Officers newly promoted to the rank of Detective or Sergeant and newly assigned to CIB shall receive the sum of nine hundred dollars (\$900) at the time of an appointment if it occurs within the first two quarters of the year. If promoted within the third quarter of the year they would receive a sum of four hundred fifty dollars (\$450) at the time of their appointment. If promoted within the fourth quarter of the year they would receive a sum of two hundred twenty-five dollars (\$225) at the time of their appointment. Thereafter each eligible Detective or Sergeant would receive a sum of nine hundred dollars (\$900) in accordance with the procedure described above.

B. Professional business attire or duty uniform shall be required for all appearances in District or Federal court.

C. Clothing allowance will be used to purchase clothing and shoes, except for uniform shoes as described in Section 9 below.

D. Officers assigned to the narcotics unit shall receive the sum of one hundred fifty dollars (\$150) per year in the first pay period of the calendar year to be utilized for their clothing necessary to perform their duties.

Section 8. Footwear.

On entering City service Officers and PSO's will be provided with a pair of either shoes or boots at the employee's option. The employee may choose to take a reimbursement of up to seventy-five dollars (\$75) for shoes or one hundred fifty dollars (\$150) for boots on proof of purchase of the approved shoe or boot. Thereafter, the City shall provide a replacement pair of boots or a replacement pair of shoes based on Management approved need or a reimbursement of up to \$75 for shoes and \$150 for

boots.

Section 9. Compensation for Off-Duty Mandatory Firearms Qualification.

Officers and PSO's shall be compensated for a minimum of two (2) hours of pay at their regular hourly rate for off-duty time spent in firearms qualifying, provided, however, that the two (2) hour period shall not overlap the individual's regularly assigned shift and that he/she does not have a reasonable opportunity to qualify while on duty.

Section 10. Compensation for FTO, FTD, and FTS.

Any officer assigned to the Field Training Program as a Field Training Officer (FTO), Field Training Detective (FTD), or Field Training Supervisor (FTS) shall receive one dollar (\$1) per hour in addition to the officer's regular compensation for the duration of the appointment through the last pay period of the calendar year. Management shall list all positions that are eligible for the FTO/FTD/FTS designations at the time of the posting for selection of the positions. Officers who are removed by the Chief with cause and those who voluntarily transfer to a non FTO/FTD/FTS position shall forfeit the additional compensation for the remainder of the calendar year.

Section 11. Compensation for Bilingual Officers.

Bargaining unit members may be selected by Management to serve as certified bilingual officers. Certified bilingual officers shall receive a monthly special duty performance pay of seventy-five dollars (\$75) for the full year from the date they are appointed by the Management and subsequently certified.

Management shall choose the specific language they determine is needed and the number of needed certified officers for each language that is chosen. Certification

shall be based on industry standards and jointly agreed by Management and the Union. Any cost associated with certification shall be bore by the City. Any use of certified bilingual officers will be at the discretion of the Department. Any certified bilingual officer who is on duty shall be available for use at the discretion of the Department. If a certified bilingual officer declines a request to assist, then that officer may be removed from eligibility as a certified bilingual officer and shall not be paid or allowed to be on the Department list.

If the Department determines that an off duty certified bilingual officer is needed for duty, certified bilingual officers shall be offered the assignment in the order of their seniority. If insufficient off duty officers are obtained, the Department may force in officers for the specific language needed, in reverse order of seniority in the officer's certified language. A certified bilingual officer may be removed from the certified bilingual program for a period of time of not more than twelve (12) months, if a certified bilingual officer declines to be called in for duty three (3) or more times in any consecutive twelve (12) month period, excluding any call while the officer is on approved leave.

Section 12. Compensation for Professional Standards Officers

Officers selected by the Chief to serve in the Professional Standards Unit shall receive sixty dollars (\$60) per month in addition to the Officer's regular compensation for the duration of such assignment.

Section 13. Lateral Entry.

At the Chief's discretion, officers with current Kansas Law Enforcement certification and prior experience may be placed in the pay grid no more than one step

for each two (2) years of service with a municipal or county law enforcement agency or with the Kansas Highway Patrol or the Kansas Bureau of Investigation.

Officers with current out-of-state law enforcement certification with Kansas reciprocity and prior experience may be placed in the pay grid no more than one-step for each two (2) years of service with a municipal, county, or state law enforcement agency.

No lateral entry officer position will exceed an entry level higher than the third year service step. All other contractual obligations or rights, except the above listed pay issues, remain unchanged for lateral entry officers.

Section 14. Merchant Guard License

The City of Topeka shall provide a Merchant Guard License and any renewal thereof at no cost to any officer who makes application for such license. It is understood that any officer working in a merchant guard capacity may be required to respond in emergency situations as a Topeka police officer. The officer shall at the time of response, be considered to be on duty for the police department thus requiring compensation from the City of Topeka at the appropriate rate for the officer.

Section 15. Advanced Education

Effective January 1, 2015, any bargaining unit member who has completed his/her probationary period and who has obtained an Associate's Degree, Bachelor's Degree, or a Master's Degree and who has received at least a 2.0 overall grade point average shall qualify to receive additional compensation according to the following schedule:

\$25 per month for Associate's Degree;

\$50 per month for Bachelor's Degree; or

\$60 per month for Master's Degree.

Section 16. Biweekly pay.

To the extent an employee is entitled to Article 13 incentive payments on a monthly basis, those payments shall be converted and payable on a biweekly basis for the applicable period.

ARTICLE 14 MISCELLANEOUS PROVISIONS

Section 1. Personnel Files.

Personnel files shall be maintained as required by the City Personnel Code and/or rules and regulations administered by the Human Resources Director to effectuate the provisions of the Code. The employee shall have access to his/her file. Removal of any item from the file must have the authorization of the Human Resources Director with notification of removal given to the employee.

Section 2. Retired IDs and Weapons.

The City of Topeka, in recognition of officers' dedication to the profession, shall provide each at the time of retirement with either a Police Identification or Protective Service card with rank and marked "RETIRED" and a badge with the word "RETIRED" wherever "officer" appears. The Chief or the AJMC may choose to deny this provision for good cause shown.

The City agrees to transfer title of a City issued weapon to a retiring officer or PSO if such individual has been carrying the City issued weapon for a minimum of three years or the City has issued a replacement within the three (3) year period, in either case with the approval of the Chief, or, where appropriate, the AJMC.

Section 3. Residency.

Bargaining unit members employed after December 31, 1981, by the City must be bona fide residents of Shawnee County at a location which is no more than thirty (30) minutes travel time from their assigned reporting station or office, except at the time of appointment or employment they need not be residents of the County but shall establish residency in the County within six (6) months after completion of their initial

employment probation.

Residency shall be maintained within the boundaries of Shawnee County within thirty (30) minutes reporting time for the duration of the employee's employment.

The parties agree to reopen this article in the event that the city policy for residency is changed to allow residency outside of Shawnee County.

Section 4. Legal Counsel.

The City will provide legal representation for employees against whom suit is brought in civil or criminal cases for activities within the scope of the employees' official duties.

The City will assume financial liability for all monies awarded to claimants as the result of activities found to be within the scope of such official duties; provided, however, that in situations involving unlawful or malicious actions, willful misconduct, or gross and wanton negligence by the employee, the City shall not be liable for payment of damages.

The City recognizes that it has the ultimate responsibility for the actions of officers and PSOs performing their duties and therefore agrees that neither shall endure a personal financial burden for acts arising from lawful action. An example would be to reimburse an officer the additional cost of insurance he/she must pay for an on duty non-negligent vehicle accident or additional insurance an officer must bear for maintaining a canine.

The defense of actions covered by this provision is the responsibility of the City Attorney's Office. When an employee is served with a summons notifying him/her of a suit, the employee shall immediately contact the City Attorney's Office, deliver the

summons and all attachments, and consult with the attorney assigned to defend such actions. The involved employee and the City Attorney will discuss and attempt to reach an agreement on the representation to be provided. In the event that an agreement cannot be reached, the employee will have the option to select an attorney from a list of a minimum of three (3), as provided by the City Attorney.

Section 5. Employee Assistance Program.

The City and FOP agree to cooperate in encouraging employees who are in need of counseling and/or assistance (or their families, if in the form of family counseling) in such areas as, but not limited to, alcoholism, drug abuse, financial and/or legal difficulties, family problems, and similar areas to undergo a program directed toward their rehabilitation. An employee may be required to seek appropriate remedial counseling if, in the determination of the City Health Care Provider (CHCP) or Employee Assistance Program (EAP) consultant, the employee's personal behavior and/or activity is interfering with the job performance. Referrals for assistance may be arranged confidentially through the CHCP or EAP by the Police Chief, AJMC, or Human Resources Director; the FOP Representative; the individual; and/or the employee's family. The cost of an initial diagnostic referral shall be at the City's expense. Any subsequent expenses for treatment or diagnosis shall be the employee's responsibility.

As an alternative to utilizing the CHCP or EAP for employee assistance, the City will retain on a fee basis a licensed clinical psychologist or psychiatrist. This person will have no affiliation with the City or any officials beyond establishing the initial contract for services. This person will not report to the City or any City officials the names of employees or their families who are utilizing this service or the nature of any problems

unless with the consent of the employee. The employee or his/her family will incur no expense for the assistance received with the licensed clinical psychologist or psychiatrist on retainer.

Section 6. Avoidance of Waste.

The parties hereby agree that FOP Lodge #3 shall aid the City in every possible and conceivable manner to avoid the waste of the Police Department's or Municipal Court's assets. FOP Lodge #3 further agrees that they will aid the City to the best of their ability in increasing the efficiency of all operations which are carried on by the Topeka Police Department and Municipal Court.

Section 7. Agreement Costs.

The costs of producing and printing any new agreement between the parties shall be borne equally by the City and FOP Lodge #3. Prior to proceeding with the process, the City will obtain informal bids for producing the new document and shall confer with the Lodge regarding the design, color, layout, cost, and any related consideration.

Section 8. Department Boards.

Officers will be allowed to personally appear and be represented by an FOP official or attorney before any board (except the GRB) when these Boards are reviewing incidents in which the Officers were involved or considering any other matter which may result in disciplinary action being taken against any officer.

Section 9. Nepotism.

The FOP and the Department agree that officers within the bargaining unit should not be placed in a direct chain of command with the officer's spouse. For the

purposes of this section "chain of command" shall apply to a situation in which a spouse of one rank would be serving with or under his or her spouse of a higher rank within the bargaining unit on the same shift and in the same unit. In making adjustments to accommodate and adhere to this restriction, priority consideration shall be given to the higher-ranking spouse within the bargaining unit over the one in a subordinate position. The Chief may make exceptions if alternative reporting options are not available; provided however in no event shall an officer be separated from his or her employment in order to comply with the provisions of this section.

ARTICLE 15 GRIEVANCE PROCEDURE

Section 1. Definitions and Procedural Clarifications.

Grievance: An alleged infraction or inconsistency in the administration of a City Code or rule and regulation of the Human Resources Director, Departmental or Municipal Court rule, and/or regulation, policy, procedure, or provision of this labor agreement.

Applicability: This process shall apply to any employee who has been determined by the Public Employee Relations Board to be included within the appropriate unit of police officers and PSOs in the City of Topeka, Kansas.

Employee Representation: FOP Lodge #3 will be allowed to designate one (1) primary and one (1) alternate PSO, in addition to ten (10) police officer bargaining unit members as FOP Representatives to assist employees in presenting a grievance as provided herein.

One FOP Representative will be allowed (without undue restraint, interference or harassment) a reasonable amount of time during duty hours to assist a grievant.

The scheduling of discussions and conferences shall be by Agreement of the aggrieved employee, the employee's representative, and the immediate supervisor.

FOP Lodge #3 shall furnish to the Police Chief and AJMC a list of the accredited representatives and will promptly notify both such officials of any changes.

FOP grievance representatives will maintain a log of hours spent on grievance matters on duty. This log will be maintained by the member and available on request.

A designated FOP Representative (as provided herein) shall be present, with or without legal counsel, at any grievance proceeding.

Written Documentation: Any and all grievances proceeding to and beyond Step One of

this process shall be on mutually agreed upon forms and shall include a grievance number provided by the Human Resources Department. All grievances and complaints must specify the problem, including names, dates, places, and quotes, and why the preceding response did not reasonably resolve the problem. Incomplete grievances shall be returned to the grievant by the relevant party and the grievant shall have forty-eight (48) hours (exclusive of weekends and holidays) to complete the grievance and return it to the relevant party before it shall be considered null and void. Any grievance returned as incomplete shall specify what information is required to complete the grievance.

Receipt of Grievance or Grievance Response: A grieving or responding party shall serve the grievance or response on the appropriate party as specified in Section 3 herein. If said party is not available to be served, the specified time sequences shall be extended until the appropriate individual can receive the matter personally. The time for answering a grievance will not begin until the proper party has received the grievance or the response; provided, however, a supervisor shall designate a receiving party in his/her absence.

Failure to Respond: In the event that the grievant fails to respond within the prescribed time sequences, the matter shall be considered resolved in the favor of the City; provided, however, that the time limits shall be extended if the grievant or Union fails to respond due to illness, injury, death, or other family emergency. In the event that the City fails to respond within the prescribed time sequences, the grievant may proceed to the next step of the grievance procedure.

Notice of Intent to Arbitrate: Notices of intent to arbitrate shall be presented to the

Human Resources/Labor Relations Director on the proper forms within the prescribed time sequences, and the Human Resources/Labor Relations Director shall request a list of five (5) arbitrators from the Federal Mediation and Conciliation Service. Selection of an arbitrator shall be made by alternately striking names until one name remains. The party to strike the first name shall be determined by a coin toss.

Section 2. Policy/Rights.

It shall be the policy of the City to prevent the conditions which may cause a grievance or complaint and to deal promptly, fairly, objectively, and in good faith with grievances or complaints which may occur.

An eligible employee shall have the right, without being subjected to restraint, interference, discrimination, reprisal or harassment of any form, to utilize the first two steps of the grievance procedure when in the employee's opinion an action taken was without just cause. If the FOP does not actively participate in the grievance process up to and including step two, the decision or resolution of the grievance will only impact the aggrieved employee's situation and will not set precedent for future grievance resolutions and/or contract interpretation. Only the Union and/or City may proceed with a grievance past Step 2.

All steps of the grievance procedure shall be followed by all parties in good faith and pursuant to the prescribed time frames, unless mutually agreed by the parties.

A copy of any disciplinary action taken shall be placed in the officer's file. If the disciplinary action is under review or being appealed a cover sheet so noting will be attached to the Letter of Discipline. If the disciplinary action is subsequently amended or, appealed and resolved, only the final version of the disciplinary action shall be

placed in the officer's file.

It shall be the policy of the City of Topeka to give a grievant or FOP Lodge #3 an opportunity to discuss grievances with supervision in order to find mutually satisfactory resolutions as promptly as possible.

Section 3. Grievance Procedure.

A. Procedure.

1. Step One: Supervisory Review. A problem must be taken to the supervisor initiating the action in question within seven (7) calendar days following knowledge of a problem. If possible, complaints shall be settled at this level through discussion with the involved parties. If discussions do not resolve the issue, the matter shall be reduced to writing by the employee or the employee's representative within seven (7) calendar days following completion of discussions and submitted to the supervisor initiating the action giving rise to the grievance within the same seven (7) day time frame. The supervisor shall have seven (7) calendar days to issue a written determination in the matter. The purpose of this provision is to encourage the resolution of a complaint by lower level supervisory staff whenever possible.

2. Step Two: Referral to Bureau Commander/AJMC. In the event the matter is not resolved to the satisfaction of the aggrieved employee, the employee or the Union may submit, within (7) calendar days, the written grievance to the Bureau Commander (for Police Officers) or AJMC (for PSOs). The Bureau Commander or AJMC shall have seven (7) calendar days to investigate and issue a determination in the matter.

3. Step Three (Police Officers Only): Grievance Review Board (GRB).

(a) Definitions.

(1) Type A Grievance: Disciplinary actions involving a suspension of three (3) days or less, a request for review of which must either be filed with the GRB or dropped by the Union.

(2) Type B Grievance: Disciplinary actions involving a suspension of four (4) days or more, a request for review of which must either be filed with the GRB, dropped, or moved to Step Four.

(3) Type C Grievance: All non-disciplinary matters, such as those involving contract interpretations, requests for review of which may either be filed with the GRB, dropped, or moved to Step Four.

(b) Composition.

The GRB shall consist of three (3) bargaining unit members and four (4) alternates selected by the FOP Labor Council and three (3) sworn members of the Police Department and four (4) alternates of ranks outside the bargaining unit selected by the Chief. Such members shall be appointed effective January 1 of each year to serve for one year. Officers serving while off duty shall be compensated at the overtime rate of pay. The Presiding Officer of the GRB, a seventh, and non-voting member professionally experienced in Administrative Law and Procedures shall be appointed by the City Manager after consultation with the Chief and the President of the FOP. Any costs for the services of the Presiding Officer shall be borne by the City. In order to avoid a conflict of interest, no

serving member of the GRB may be personally involved in a specific grievance under consideration.

(c) Procedures.

The GRB shall meet promptly upon call but in any event no more than sixty (60) days after the date of referral, unless extended by mutual agreement of the Chief and the FOP. All hearings before the GRB shall be informal in nature, with the technical rules of evidence not applying. Each party to a grievance shall be given a full opportunity to present its case and witnesses may be examined by both parties. Any member of the GRB may ask questions of either the parties or the witnesses and request supporting documentation on any issue. Attorneys at law shall be prohibited from appearing at GRB hearings except as witnesses.

The Presiding Officer shall conduct the hearing and rule on all motions and procedural issues presented. The deliberations of the GRB shall be confidential. The Presiding Officer shall be responsible for preparing any resultant order, which shall be signed and dated by each member. All orders of the GRB shall be provided to the parties within fourteen (14) calendar days of the close of the hearing, unless an extension is mutually agreed to by the parties.

(d) Type A Grievances.

A majority decision of the GRB on Type A grievances shall be final and binding on the parties. The decision of the GRB shall either substantiate or overturn the allegation of misconduct and establish the

level of discipline to be imposed. Any deadlock by the GRB on the underlying allegation of misconduct shall result in automatic movement of the grievance to Step Four (4) of the Grievance Procedure for review by the Chief of Police.

If the GRB substantiates the allegation of misconduct but cannot agree on the level of discipline to be imposed, the FOP may choose to take the level-of-discipline issue to Step Four (4) and thereafter to Step Five (5) of the Grievance Procedure. In the event the level-of-discipline issue in a Type A grievance is moved to arbitration under Step Five (5), the arbitrator shall be bound by the GRB's finding of misconduct and shall have authority to rule only on the level of discipline to be imposed.

(e) Type B and C Grievances.

In the event a Type B or C grievance is not resolved to the satisfaction of the aggrieved employee or the FOP after Step Two of the Grievance Procedure, the FOP may, within fourteen (14) calendar days after receipt of a Step Two response, choose to submit it to the GRB. The FOP may also choose to skip that Step Three GRB option altogether and move the grievance to Step Four.

If the FOP does not act within the fourteen-day period provided after a Step Two response to take a Type B or C grievance to either Step Three (GRB) or Step Four (Chief of Police) of the Grievance Procedure, it shall result in the grievance being resolved in the manner recommended by the Step Two reviewing authority, provided, however, the parties may

agree to an extension of this time limit. Should a Type B or C grievance be submitted to the GRB, either the Chief or the FOP may appeal the GRB's determination to Step Five of the Grievance Procedure.

4. Step Four: Review by the Chief of Police/Labor Relations Director.

In the event the FOP chooses not to submit a Type B or C police officer grievance to the GRB as provided under 3(e) above but still desires to pursue the matter, the FOP shall, within fourteen (14) calendar days of receipt of a Step Two response, submit the unresolved written grievance to the Chief of Police. Any deadlock by the GRB on either a Type A or B disciplinary issue shall also be submitted to the Chief of Police by the FOP, but within seven (7) calendar days of the final decision of that Board. If the FOP chooses to advance a PSO grievance beyond Step Two, it shall do so by submitting a written appeal to the Labor Relations Director (LRD)/City Manager's Office within the timeframe established by this paragraph.

The Chief or LRD, as applicable, shall review all grievances so referred and provide a written response to the FOP within fourteen (14) calendar days of their receipt. The FOP shall have up to seven (7) calendar days following receipt of that decision to either accept the answer by taking no further action or referring the matter to the next step (Step Five) of the Grievance Procedure.

5. Step Five: Arbitration.

A. In the event the FOP does not believe that the determination of the Chief of Police/LRD resolves the grievance, the FOP may, within seven (7) calendar days, file notice of the intent to arbitrate with the Human Resources Department; provided, however, that if the matter being grieved is a police officer disciplinary action of a

suspension of sixteen (16) days or more, the FOP may in the alternative choose to file the grievance appeal with the Civil Service Commission for final resolution.

B. Arbitration Conditions and Restrictions.

If binding arbitration is opted for by the Union, FOP Lodge #3 shall pay for one-half (1/2) of the arbitration fees and one-half (1/2) shall be paid by the City. The parties will attempt to stipulate to the issues prior to the arbitration. If stipulation on the issues is unattainable, each party shall prepare an issue statement.

All issues must be submitted in writing to the arbitrator, who shall rule only on the issues as stipulated or determined by the arbitrator based on the issue papers submitted by the parties. The arbitrator shall consider all factors relevant to a dispute, including attempted resolution of problems at preceding steps of the grievance process and whether or not a grievance is being addressed in good faith by either party, and shall render a written decision within thirty (30) calendar days following completion of hearings, unless an extension is granted by the parties.

Arbitrations hereunder shall be conducted in accordance with the Ethical and Procedural Standards recommended by the American Arbitration Association. The arbitrator shall not add to, nullify, modify, ignore, amend, or delete any City Ordinance, Commission directive, departmental/Municipal Court rule or regulation, or other law or policy applicable to the dispute being arbitrated.

Either party desiring a transcript of arbitration hearings shall be responsible for transcription costs. The finding of the arbitrator shall be final and binding. Only issues arising following adoption of this policy shall be eligible for arbitration. The arbitrator shall decide:

1. Arbitrability of the issue(s);
2. The issue(s); and
3. The procedures to be followed in the arbitration proceedings and the timeliness of requests for arbitration.

ARTICLE 16 DISCIPLINARY ACTIONS

Section 1. Progressive Steps.

The City reserves the right to, with just cause, discharge, suspend, or otherwise discipline employees for violations of City and/or departmental or Municipal Court rules and regulations. For infractions of a similar nature which are not serious enough to constitute just cause for immediate suspension or discharge, the disciplinary process involves the following four progressive steps:

First offense -----Counseling/Caution;

Second offense ----- Written Warning;

Third offense ----- Suspension;

Fourth offense ----- Termination.

Second and subsequent steps of discipline for offenses of a similar nature may not be taken by Management unless the employee has been served with the earlier disciplinary action and appropriate steps have been taken to place a copy of the prior disciplinary action in the official personnel file in the Human Resources Department.

Section 2. Procedure.

The progressive disciplinary system listed above is intended to serve as a warning to the employee that he/she needs to improve in the listed area and that repeated incidents may result in progressive discipline.

A. Disciplinary actions of less than a suspension of fifteen days shall be removed from an employee's personnel file on completion of two years (beginning with the date of the underlying incident) of continuous service free from additional disciplinary actions for violations of a similar nature. Disciplinary actions of suspensions

of fifteen (15) days or more will remain in the employee's personnel file but may not be considered for the purposes of promotion or job selection after twenty-four (24) months (from the date of the underlying incident) of continuous service free from additional disciplinary actions for violations of a similar nature. Disciplinary actions for being late to any duty assignment shall be removed from an employee's personnel file upon completion of six months of continuous service without similar violations.

B. The Employee Feedback form will be utilized for first offenses involving punctuality within a six-month period. The form will be kept in the divisional file only for a period of six (6) months. If there is a like or similar offense committed within six months from the date of the issuance of the Employee Feedback form the progressive disciplinary process shall be followed.

C. The Chief or AJMC, where appropriate, shall have the right to discipline employees up to and including termination; provided, however, that all actions to terminate employees shall require the approval of the Human Resources Director of the City. The Chief or AJMC, if applicable, may place an individual on administrative leave with pay pending the resolution of an appeal filed under the provisions of Article 15 of this agreement.

D. Failure to appear in court shall not be considered a like or similar offense with any other offense.

E. An employee who has received a disciplinary action of a suspension may make a written request to the Chief of Police or AJMC, whichever is applicable, to substitute accrued vacation leave and/or compensatory time for all or any portion of the suspension ordered on an hour for hour basis. The Chief or Police or AJMC, whichever

is applicable, shall have the sole discretion to either grant or deny the request including the number of such hours which may be substituted. The employee who makes a request for substitution shall be deemed to have given up his/her right to grieve the decision to grant or deny the request and the decision of the number of hours to be granted.

ARTICLE 17 PROCEDURAL BILL OF RIGHTS

Section 1. Notice of Investigation.

Bargaining unit members shall be informed of the nature of the investigation/inquiry prior to any questioning and shall be informed, to the extent known at the time, whether the investigation/inquiry is focused on the member for a potential charge. The person conducting the questioning shall have all written reports prepared by the member concerning the matter being investigated available for review at the time of the questioning. In the event the member desires to produce and/or review other written materials or notes, the member shall be given an opportunity to secure them and report back immediately.

Section 2. Union Representation.

A bargaining unit member who is to be questioned in an investigation/inquiry regarding rules and regulations or policy and procedures violations who has reason to believe that discipline may result from the questioning shall, on request of the member, have the right to have a FOP representative present during the questioning.

Section 3. Time of Questioning.

Any interrogation, questioning, or interviewing of a bargaining unit member will be conducted at hours reasonably related to the member's shift, preferably during working hours, except in the case of extreme, exigent circumstances. Interrogation sessions shall be for reasonable periods of time and time shall be allowed during such questioning for attendance to physical necessities.

Section 4. Refusal to Answer.

Before a bargaining unit member may be charged with insubordination or like

offense for refusing to answer questions or participate in an investigation/inquiry, the member shall be advised that such conduct, if continued, may be made the basis for a charge, except no member shall be charged with insubordination where such refusal is premised on the exercise of rights and advice afforded the member in Section 2 hereof.

Section 5. Recording of Interviews.

When a bargaining unit member is being interviewed or suspected of a violation and is being interrogated in an investigation/inquiry by his/her respective department (i.e., Police or Municipal Court), such interview or interrogation may be recorded by either the Department or the member. However, the recording party must advise the other that the interview or interrogation is being recorded.

Section 6. Access to Records.

A bargaining unit member (and an attorney when one is involved) who is charged with violating Official Rules and Regulations shall be provided access to transcripts, records, written statements, and recordings. Such access shall be provided reasonably in advance of any hearing.

Section 7. Verification of Transcripts.

At the request of either party, interviews, or portions thereof, conducted with a bargaining unit member during the course of an investigation/inquiry will be recorded, either audio or video. Recordings may be made by either party. The bargaining unit member and the member's attorney will be afforded the opportunity, upon written request directly to the Police Chief/AJMC or a designate, to listen to and make personal notes or verify the accuracy of a transcript regarding a recording made of the interview subsequent to that interview. If a transcript of the recording is made by either party, the

other party will be provided a copy, at cost, of such transcript upon written request directly to the Police Chief/AJMC or a designate, or to the bargaining unit member. Members who are suspects in an investigation/inquiry shall be informed in writing of the outcome of all investigations/inquiries.

Section 8. Searches of Lockers.

Topeka Police Officers shall not have their lockers or other space for storage that is assigned to the officer searched, except with the officer's permission and in his/her presence. A search may be conducted at the discretion of the Police Chief or in the absence of the Chief, by the Deputy Chief, provided however the officer or a FOP Labor Council member must be present as a witness. This Section shall not apply to electronic mediums.

Section 9. Protected Privileges.

No bargaining unit member shall be subject to disciplinary action, denied promotion, or be threatened with any such treatment as a result of exercising privileges granted in the Procedural Bill of Rights or as a result of utilizing the grievance procedure.

This shall not preclude a supervisor of the Topeka Police Department or Municipal Court, as applicable, from ordering a bargaining unit member to cooperate with other agencies involved in a criminal investigation. If said individual fails to comply with such an order, the supervisor may officially charge the employee with insubordination.

Section 10. Personnel File Entries.

Bargaining unit members shall not have any comment adverse to their interests

entered in their personnel files or any other file (except for PSU files) used for any personnel purposes by the Employer. Disciplinary actions and evaluations shall not be considered as adverse comments within the meaning of this Section. Any disciplinary documents amended in the course of administrative review or grievance procedures shall result in the re-issue of the disciplinary document so that the final disciplinary document is the only document in the Personnel File pertaining to that action.

Section 11. Non-Compelled Testimony.

A Topeka Police Officer shall not be compelled to submit to a polygraph examination in conjunction with an investigation/inquiry of the officer, nor shall an officer be compelled to testify against him or herself in a criminal case. Refusal to testify against oneself under this provision shall not be grounds for disciplinary action. A polygraph exam given for administrative actions or in criminal cases may be given by outside agencies.

Section 12. Political Campaigning.

Bargaining unit members choosing to seek election to the office of Mayor, Attorney General, Sheriff, Judge, District Attorney, or City Council member shall request vacation leave or a formal leave of absence from their positions with the Topeka Police Department. The leave shall be for the period of time consistent with the campaign and if elected the member shall resign his/her position with the City. While on duty, bargaining unit members shall refrain from active political campaigning of any type including wearing political buttons, distributing campaign material, or similar activities.

Nothing herein shall be construed as preventing or prohibiting bargaining unit members from exercising their rights as citizens to express publicly or privately their

opinions or to cast their votes.

Section 13. Presence of Witnesses.

Bargaining unit members may request that a witness be present whenever they are issued a written notice of corrective or disciplinary action which is intended to be a part of their official personnel record. Employees will be reminded of their right to have a witness by the supervisor issuing the disciplinary action.

All disciplinary actions shall be administered as promptly as possible. The selection of a witness will be at the discretion of the individual receiving the disciplinary action, but shall be limited to the most readily available steward, member of the FOP Executive Board, or another bargaining unit employee. A witness shall not participate in the administration of a disciplinary action and will be in pay status only if the witness is on duty and within his/her normal work hours.

Section 14. Drug-Free Environment.

FOP Lodge #3 agrees that it is every employee's right to work in a drug free environment. In order to protect each bargaining unit member's rights, a Drug and Alcohol Policy is attached as Appendix A and is a provision of this contract.

Section 15. Garrity and Other Advisements.

Any officer or PSO who is requested to give a statement in any administrative investigation must be advised of his/her rights under this Memorandum and under the Supreme Court decision in Garrity v. New Jersey, 385 U.S. 493 (1967). No officer or PSO may be compelled to give a statement in an administrative investigation until he/she has been advised (1) that the statement may not be used against him/her in any manner in a criminal proceeding, and (2) that failure to answer questions related to

his/her employment may result in discipline.

Until an employee has been apprised of his/her rights under this Section he/she shall be under no obligation to answer questions in an administrative proceeding and may not be disciplined for refusal to answer questions under those circumstances.

Section 16. Officer and PSO Privacy.

When an employee is under criminal or administrative investigation, the City shall not release any information which may disclose the identity of the employee, or release any identifying information of the employee, regardless of whether such information is personal or work related, except for compliance with a court order.

In the event of an officer-involved shooting, body and/or vehicle camera video footage may be released to the public no sooner than sixty (60) days following the incident, except the video may be released to the public sooner with mutual agreement by the employee(s), Union and the City.

ARTICLE 18
PROMOTION /JOB SELECTION

Section 1. Posted Job Openings and Job Requirements.

- A. Promotions to the ranks of Corporal, Detective, or Sergeant shall be filled under the provisions of Section 3 of this Article. All other officer job openings will be filled through the procedure listed below.
- B. The following positions at all ranks are designated for selection by the Chief at his or her sole discretion: Assistant Director of Training, Training Academy Officer, Armor/Range Master, ATV assignments, Professional Standards, Field Training Officers, Field Training Supervisors, Field Training Detectives, Narcotics Unit Officers, and anyone who works directly out of the Chief's office. Job openings in other specialty unit and specialty assignments, as defined in Appendix B, and Sergeants' positions in specialized units and CIB shall be posted in each Bureau of the Department at least seven (7) working days prior to convening the Management Council as provided for in Paragraph H of this Section. All officers who may be interested in a specialty position other than one designated for selection by the Chief must apply for Management Council consideration within the required seven (7) day posting period stated above.
- C. A job opening for a position other than a specialty unit position designated for selection by the Chief shall be posted for a period of seven (7) working days within the Bureau in which such opening exists and shall contain the requirements and duties for the position. The job opening shall not be filled until the seven (7) day period has expired. In the event that an applicant within the Bureau does not fill such opening, or an additional opening exists from a position

vacated, the opening will be posted for a period of seven (7) working days outside the Bureau for applicants to apply.

- D. A single applicant for any posted job opening other than one designated for selection by the Chief shall be awarded the position without utilizing the Management Council; provided, however, that the Chief may reject a single applicant for just cause.
- E. Officers who have been removed from a specialty position for cause will not be eligible to apply for any opening in that unit for a period of one year from the date of their removal; provided, however, that any officer who has been removed from a position governed by Management Council consideration shall be eligible to reapply pending the resolution of a grievance relative to the cause for the officer's removal.
- F. Names of individuals selected to fill each job vacancy or opening shall be posted no later than five (5) working days after the vacancy is filled.
- G. If the job opening or vacancy is not listed in Appendix B, then the job opening or vacancy will be filled by seniority bid.
- H. When a job opening (except for a position designated for selection by the Chief), exists the Chief shall appoint a Management Council consisting of three administrators and the supervisor of the specialty unit or specialty assignment to review the qualifications of all applicants. The FOP Labor Chair, or his/her designee, shall appoint one Labor Council member as an observer of the proceedings and calculation of the scoring. The Management Council shall rate all applicants on a list based on six qualifications. In compiling all specialty lists, the qualifications shall consist of: training; experience; education; performance;

seniority; and ability.

- I. The list compiled by the Management Council shall be provided to the Chief and the Chief shall fill job vacancies from the top four candidates on the list. The Chief shall notify all officers passed over for a job opening.
- J. An officer who is passed over to fill a job opening (except one designated for selection by the Chief) may file a grievance as provided in Article 15 of this agreement; provided, however, that such grievance may not challenge Management Council rankings of the six qualifications listed in paragraph H above except to the extent of correcting errors in data utilized in arriving at the rankings.
- K. An officer may request a transfer out of a specialty unit or Management Council position at any time however, that officer may be placed in any position at the discretion of the appropriate Bureau Commander for the duration of that shift bid period. Such request for transfer may be denied or delayed for just cause if there is no opening available.
- L. Any officer who desires a transfer out of a specialty unit or Management Council position in time to be eligible for the next shift bidding process must notify the appropriate Bureau Commander, in writing, thirty (30) days prior to the posting of the shift bidding process. The transfer will occur simultaneously with the effective date of the Shift Bid. Such transfer may be denied or delayed for just cause.

Section 2. Professional Conferences.

The City and FOP Lodge #3 agree that it is in the best interests of both that as many employees as possible participate in professional, educational, and training

courses whenever the same are available.

Management shall notify employees by electronic mail known schedules of courses that are offered for professional advancement to officers or PSOs. The following criteria will be considered by the Employer when choosing those who will be selected for attendance:

- A. Educational qualifications as may be required for admittance to the course.
- B. Special technical training as may be required for admittance to the course.
- C. The applicability of such courses to a present assignment.
- D. Any established prerequisites or criteria that are mandated by the school or funding agency.
- E. Seniority of the employees requesting permission to attend a course. However, an individual may attend only two (2) conferences or courses outside the metropolitan area per calendar year, except upon special application to the Chief of Police or AJMC an employee may be allowed to attend more than two (2) conferences or courses outside the metropolitan area per year. When all criteria are equal, seniority within their respective departments (i.e., Police or Municipal Court) will be used for the selection of bargaining unit members who will attend.
- F. At the discretion of the Chief or AJMC and based on manpower needs, employees may be granted special duty days to attend approved professional, educational, and training courses at their own expense. These special duty days shall not be counted as days or hours worked for

the purpose of the computation of overtime. Employees utilizing this provision shall be responsible for all tuition and other expenses associated with the program and/or travel, lodging, and food required. Employees will not be allowed to receive reimbursement for expenses.

- G. Recognizing the budgetary limitations of the Department and Municipal Court, the decision to send bargaining unit members to conferences or seminars shall be upon the approval of the Police Chief/ AJMC and contingent upon monies being available either within the budget or through monetary grants.

Section 3. Police Promotions.

- A. Police Promotion Board. The Police Promotion Board shall consist of six (6) members. The Chief of Police shall appoint three (3) sworn members from the Topeka Police Department and two (2) members from municipal, county, or state law enforcement agencies with an authorized workforce of twenty-five (25) or more sworn officers. Those persons from outside agencies shall not be normally assigned to work in Shawnee County. One member shall be appointed by the Human Resources Director of the City of Topeka. The representative of the Human Resources Department shall be a non-voting administrative officer for the Board. Each member shall serve until a successor is appointed. A quorum shall consist of a majority of the members of the Board.
- B. Police Promotion Procedure.
 - 1. Generally. Promotions to the ranks of Corporal, Sergeant and

Detective shall be filled only after being tested, interviewed, and examined by the Promotion Board. The Board shall make recommendations to the Chief of Police who shall make promotions from the recommendations. Departmental Regulations shall supplement this provision and shall be subject to Civil Service Commission approval.

2. Eligibility of officers for promotion. Officers shall have at least five (5) years of continuous service with the Department in order to take the examination for promotion to the ranks of Corporal or Detective and have at least eight (8) years of continuous service with the Department in order to take the examination for promotion to the rank of Sergeant.
3. Examinations.
 - (a) Notice of the date, time, and location of written examinations to be conducted by a representative of the Human Resources Director shall be posted for a minimum of ninety (90) days prior to the examination date in the locking bulletin board in the lounge. A list of study materials from which the examinations are created shall be prepared and posted by the Training Unit and shall be made available to all applicants during the first full pay period of every calendar year. This list shall be posted on the bulletin board outside the Chief's Office and copies can be obtained from the Training Unit for a minimum of six (6) months prior to the

examination date.

(b) Written examinations shall be conducted annually unless otherwise agreed upon by the Chief and the FOP. It shall be the responsibility of each officer to test annually if he/she wishes to be considered for promotion from the new list. Promotional examinations to the rank of Detective will occur in the month of July and Sergeant/Corporal during the month of October. Corporals and Sergeants will be tested on the same date using the same test but separate promotion lists will be maintained for each rank. Those eligible may select to be included on both lists or on only the one of their preference. The Corporal/Sergeant examination(s) and Detective examinations shall not be scheduled within ninety (90) days of each other. The Chief shall designate the dates for promotion to each rank.

(c) Applicants must achieve a score of at least 80% on the written test to advance to the next phase for promotion.

(d) Components of score. Scoring shall be compiled as follows:

Written examination 0 to 50 pts.

Oral interview 0 to 28 pts.

Education (4 yr. degree) 0 to 5pts (.04167 pts per credit hour)

Education & military service may be used independently or may be combined with a total not to exceed 5 pts.

Active military service ½ point per year of service maximum of 2

pts.

Seniority 0 to 17 pts. -- $\frac{3}{4}$ pt. fractional year

procedure:

- (1) Calculate the number of days between the candidate's day of entry and the posted date of the written examination;
 - (2) Deduct from (1) any suspensions within the past twenty-four (24) months (as limited by the provisions of Article 16, Section 2.A) or leave of absence time and divide the remainder by 365.25;
 - (3) Multiply the result of (2) by .75;
 - (4) The result from (3) represents the number of seniority points, with a maximum of seventeen points possible;
 - (5) Education credits shall be based on the college transcripts or diplomas on file in the employees' training files at the close of the business day seven days prior to the written test. Employees are responsible for ensuring their files are current up to that time.
- (e) Eligibility for oral examination. Any candidate who scores 80% on the written examination shall advance to the Oral Examination. An officer's written exam score shall be combined with his/her seniority and education points in order to compile, in

descending order, a listing of scores for all officers taking the written examination. The listing shall be posted within three working days after the conclusion of the written examination process. Appeals of scoring may be filed with the office of the Chief no later than 5:00 p.m. on the day following the day of posting of the examination results.

(f) Scheduling/Results of oral examinations. The Promotion Board shall meet within two (2) weeks following the written examinations for the purpose of conducting oral interviews. Each candidate for promotion shall receive a final score at the conclusion of his/her oral interview. The promotion list shall be compiled by the Promotion Board at the conclusion of the oral interview process; however, such list shall not include any candidate who has not completed all phases of the consideration process, including the oral interview. The list shall be provided to the Chief of Police and the Chief shall make subsequent promotions from the top four candidates on the promotion list.

4. Promotion List. Effective dates of the lists. Lists for each rank shall remain effective until the completion of the interview process in the following year.
5. Posting of promotions. No posting of promotions shall be made until the Chief has notified those officers who may have been passed over for promotion. All officers who are passed over for

promotion shall be notified in writing and within three (3) working days of the Chief's decision regarding promotions. Officers shall be given three (3) working days from receipt of the written notification of a promotion to accept or reject the offer, with a failure to respond within the three (3) day period being considered a refusal of the offer. A refusal of an offer of a promotion shall not cause an officer to be removed from his/her position on the promotion list.

6. Appeals. Officers passed over for promotion may appeal the Chief's decision either by utilizing the grievance procedure within this agreement or by filing a written appeal with the Civil Service Commission, but in no case may officers file an appeal under both forums. All appeals shall be filed within seven (7) calendar days of receiving notice of being passed over for promotion.

- (a) Appeals filed under the grievance procedure of this agreement shall be resolved within the time limitations specified therein.

- (b) On receipt of an appeal from an officer passed over for promotion, the Civil Service Commission shall meet within the timeframe established by Commission policies to consider the appeal. The officer may choose to move his/her appeal to the grievance procedure in the event the Civil Service Commission does not meet within a thirty-day period. The Commission shall normally give at least three (3) days' notice of the time and place of

the hearing on the appeal to the officer and the Employer. Findings of the Commission shall be filed with the Department head and the officer within seven (7) calendar days of the close of the appeal hearing or as otherwise provided by Commission policies.

(c) Promotion probation. All officers receiving a promotion shall serve a probationary period of 2,080 working hours, excluding overtime, sick leave in excess of 12 days, and light duty assignments where the essential duties of the position are not being performed by the employee. If during the probationary period the conduct or performance of the probationer is not satisfactory, the Chief shall notify the probationer and the Human Resources Director in writing that the officer will not receive permanent appointment. In the absence of such notice, the officer shall, on completion of the 2,080 working hour period, receive permanent appointment. An officer who fails to successfully complete the promotional probation may resume his/her former position and pay rate at the current rate of the former position.

(d) Salary adjustment on promotion. All salary increases given for promotions shall be given in accordance with the provisions of this Agreement.

Section 4. Officer/Detective Cross-Training Program.

The goal of the cross-training program is to give uniformed officers an opportunity to gain performance-enhancing knowledge by working with members of

CIB, including narcotics, and the CSI unit. Detectives also benefit through the opportunity to train uniformed officers on the evidence and procedure necessary for successful prosecution of criminal cases. Additional goals are more open communications between the Field Operations Bureau and CIB and a better understanding of the workings of each Bureau.

- A. The Chief of Police or his/her designee shall have sole discretion to select the officers and detectives who shall participate in the cross training program.
- B. The duration of assignment to the cross-training program shall be six (6) months. The Chief or his/her designee may remove any participant in the program for just cause. Officers and detectives selected for participation in the program who do not wish to complete the assignment may terminate their participation by notifying the Chief of Police or his/her designee. Upon notification that an officer's or detective's participation has been terminated for just cause or voluntarily at the officer's or detective's request, the Chief of Police or his/her designee shall select the next person on an established eligibility list to begin the program.
- C. The Shift bidding provision in Article 5, Section 5 does not apply to this cross-training program and any right to assert a claim or grievance under that provision relating to this cross-training program is waived.
- D. Pay for Duty in Higher Rank provision (Article 13, Section 5) does not apply to the cross-training program and any right to assert a claim or grievance under that provision relating to this cross-training program is

waived. Any permanent pay provision shall remain in effect and be applicable to this training program.

- E. Officers participating in this cross-training program will be eligible for a clothing allowance not to exceed one hundred fifty (\$150) dollars per year.
- F. The cross-training program participants will not be used in lieu of filling any vacancies that arise in CIB. Any new or vacant detective positions shall be filled by operation of promotion rules currently in effect.

Section 5. Duration of Chief-Selected Assignments.

Employees selected by the Chief pursuant to Article 18, § 1B for service in Training positions or Professional Standards Unit shall remain in those assignments only at the pleasure of the Chief. Officers serving as Narcotic Officers may only be removed for just cause.

Section 6. Protective Services Officer Promotions.

In the event promotional opportunities become available for PSOs to advance to a higher level of responsibility and compensation within the Municipal Court organization, the selection for such positions from among either internal or external applicants shall be made by the AJMC based on general considerations of education, experience, training, certification, and suitability to the particular requirements of the job.

ARTICLE 19

UNIFORMS/CLOTHING PROVISIONS

Section 1. Uniforms.

- A. Officers of the Department may, at their discretion, wear either the "summer" or the "winter" uniform. When wearing the winter uniform officers shall be required to wear, and shall have the option of wearing, a black turtleneck sweater or necktie with the winter uniform shirt. The necktie or turtleneck sweater shall be supplied by the Department.
- B. Officers assigned duties requiring the riding of a bicycle will be allowed to wear the navy blue uniform shorts with their issued uniform shirts on any scheduled shift when the temperature exceeds sixty (60) degrees Fahrenheit and with the approval of the Bureau Commander, or designee. The style of shorts shall be selected by the uniform committee with the approval of the Chief.
- C. Officers assigned to the K-9 Unit shall have the option of wearing the issued uniform or the issued field uniform.
- D. Bargaining Unit members, with the exception of Crime Scene Investigation personnel, assigned to the Criminal Investigation Bureau may wear casual business attire except when appearing in court or any other venue where professional business attire is expected. Issued uniform clothing will not be worn as a part of casual business attire unless authorized by Department regulation. Business suit or business casual dress including a sports coat when applicable shall be conservative in nature and shall comply with the following standards:

- Business suit shall consist of a 2 or 3 piece suit with tie for men to include a button down long sleeve collared shirt, dress belt, and dress shoes.
- Slacks or pants suitable to wear with a sport coat. No cargo style pants shall be allowed.
- Button-up collared dress shirt or polo shirt tucked in at the waist (authorized TPD and FOP logos are acceptable).
- Professional blouse or modest top.
- Conservative sports coat, suit jacket, or blazer.
- Sweater worn over a collared shirt
- Leather dress shoes or boots (black, brown, or cordovan), lace up or loafer, with appropriate dress socks (men).
- Leather dress shoes or boots (black, brown, or cordovan), closed-toe flat or pump with a conservative heel, worn with appropriate hosiery (women).
- Leather belt (black, brown, or cordovan).
- Professional coat or overcoat – solid color.

Business casual attire shall not be faded, torn, scuffed, frayed, wrinkled, or otherwise unkempt. The Bureau Commander or designee may relax the attire for special circumstances.

- E. PSO bargaining unit members shall be issued by the Municipal Court, from its departmental budget, the following uniform items for wear and maintenance in conjunction with their security and other duties:
- Five (5) pair navy slacks;
 - Five (5) long-sleeve polo shirts with logos;

- Five (5) short-sleeve polo shirts with logos; and
- One (1) heavy-duty wide black belt.

Section 2. Motorcycle Jackets.

Motorcycle Officers shall be allowed to wear a "motorman" style black leather jacket from Harley Davidson or the reflective winter jacket as a part of their winter uniform. The City shall supply either the leather jacket or reflective jacket to the officers of the Motorcycle Unit.

Section 3. Headgear.

Uniformed officers will wear hats as a part of the uniform except:

- A. The hat need not be worn in the car.
- B. The hat need not be worn when inside a building or residence.
- C. If the wearing of the hat becomes detrimental to the safety of the officer in terms of expediency or identification, the officer has the prerogative to exercise discretion in the matter.
- D. The wearing of the hat when outside of the vehicle for a short time will be at the discretion of the officer. Any time the officer is outside of the vehicle, where the identification of the officer to the public is a high priority the hat will be worn. "Hat" shall be defined as one of the Department issues.
- E. Any officer allowed to wear a utility-type uniform will be provided a uniform ball cap with the Topeka Police Department insignia on the front of the cap, to be worn only with the utility uniform.
- F. During cold weather, Officers may wear a black acrylic or wool knit

scarf/muffler.

- G. During below freezing temperature weather periods, Officers assigned to the motorcycle unit may wear a black knit balaclava during the period of time such Officers are riding their motorcycles.

Section 4. Haircuts.

All bargaining unit members will have hair neatly groomed. Male employees may wear their hair in the contemporary style of the day. Female employees may choose to wear their hair down and loose; however, the length of the hair shall not cover any portion of the badge or nametag. Female employees with long hair may wear their hair down; however, it will be secured in the back in a ponytail or like fashion. Female employees may wear their hair up in a bun or French braid. Employees in assignments which do not require the wearing of a uniform may wear their hair down and loose regardless of length as long as a well-groomed appearance is maintained. Special Assignments: Hair requirements may be waived at the discretion of the Bureau Commander when it would be to the benefit of the officer's assignment to do so.

Section 5. Approved Boots and Shoes.

Approved boots shall be of the following types:

1. Black Wellington;
2. Rocky style; and,
3. Motorcycle type for officers assigned to the Motorcycle Unit.

Approved shoes shall be of the following types:

1. Solid black leather; or
2. Solid black athletic style shoe.

ARTICLE 20 TAKE HOME CAR ASSIGNMENTS

Section 1. Priority.

The Police Chief will determine units or positions to be assigned take-home cars.

Section 2. Restrictions.

Take-home cars will be restricted to the boundaries of Shawnee County; provided, however, that the Chief may make exceptions to this provision for special needs in special programs. Officers assigned a take home car shall maintain a take home car agreement and abide by its contents.

Section 3. Issuance of Cars.

Cars will be issued based on need and balanced with the public service necessity to respond to calls in a timely manner. Eligible officers may decline a take-home car.

ARTICLE 21 MANAGEMENT RIGHTS

The parties to this Agreement recognize that specific areas of responsibility must be reserved to Management if the public service mission of the City is to function effectively and efficiently. Unless specifically modified by any provision of this Agreement, Management reserves the right to:

- A. Direct the work of the employees;
- B. Hire, promote, demote, transfer, assign, retain, and recall employees in positions within the public agency;
- C. Maintain the effectiveness, productivity, and efficiency of governmental operations;
- D. Discipline, suspend, demote, and/or discharge employees for just cause;
- E. Take actions as may be necessary to carry out the mission of the agency in emergencies as declared by the Topeka City Manager.
- F. Determine the methods, schedules, means, and personnel by which operations are to be carried on, including the right to contract and subcontract work; and
- G. Retain all other rights typically vested in Management which may not be specifically stated.

ARTICLE 22 SAVINGS CLAUSE

Should any provision of this Agreement be held unlawful by a court or administrative agency of competent jurisdiction, all other provisions of this Agreement shall remain in force for the duration of the Agreement. This Agreement is subject to all Federal, State, and Local laws, provided that should any change be made in any of these laws which would be applicable and contrary to any provisions contained herein, such provisions herein contained shall be automatically terminated. If replacement provisions are deemed to be necessary by FOP Lodge #3 or Management, they shall be discussed at a mutually agreeable time.

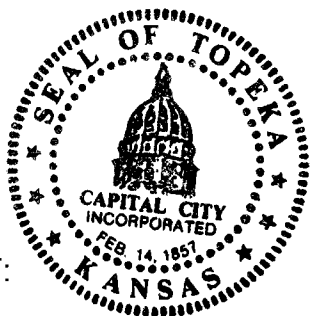
If during this Agreement an ordinance is adopted which contains a provision in conflict with any provision of this contract, the contractual provision shall control for the duration of this Agreement.

ARTICLE 23
TERMINATION AND AMENDMENTS

This Agreement shall be effective from January 1, 2019, and shall remain in full force through December 31, 2021, and all provisions of this Agreement shall continue in full force and effect during the negotiations for any successor Agreement.

ACKNOWLEDGEMENT

DATED AND ACKNOWLEDGED THIS 11th DAY OF October, 2018, IN
THE CITY OF TOPEKA, KANSAS, BY:



ATTEST:

Brenda Younger
Brenda Younger, City Clerk

CITY OF TOPEKA, KANSAS

Brent Trout
Brent Trout, City Manager

FOP LODGE #3

John Culver
John Culver, FOP Lodge #3 President

Victor Riffin #360
Victor Riffin, FOP Lodge #3 Chief Steward

Kent Biggs 083
Kent Biggs, FOP Lodge #3 Steward

APPROVED AS TO FORM AND LEGALITY

DATE 9-12-18 BY CAW

APPENDIX A DRUG AND ALCOHOL POLICY

Section 1. Definitions.

Aliquot - A portion of a specimen used for testing.

Chain-of-Custody - The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

Collection Site - A place where officers present themselves to provide, under controlled conditions, a urine specimen which will be analyzed for the presence of drugs.

Confirmatory Test - An analytical procedure which is independent of the initial test to identify the presence of a specific drug or metabolite and which uses a different chemical principle from that of the initial test to ensure reliability and accuracy. Gas Chromatography\Mass Spectrometry (GC/MS) shall be the accepted standard for confirmation of cocaine, marijuana, opiates, amphetamines, and phencyclidine. A breath test shall be utilized to determine the presence of alcohol.

Confirmed Positive Result - The presence of an illicit substance in the pure form or its metabolites at or above the specified cutoff level identified pursuant to the procedures as specified within the definition of Confirmatory Test as described above.

Department - As used alone in the text of this Drug and Alcohol Policy, both the City of Topeka Police Department and Municipal Court.

Director - The Director of the Department of Human Resources or the Director's designee. The designee may be an individual who acts on behalf of the Director to implement and administer these procedures.

Drug - Any illegal or controlled substance, including alcohol, as defined by the Kansas Statutes Annotated.

Drug Screen - A test to determine the presence of drugs or alcohol.

Initial Test - A screen to eliminate negative urine specimens from further consideration or other preliminary test to detect the presence of drugs and/or alcohol.

Medical Review Officer - A licensed physician who reviews and interprets positive results of confirmatory tests and evaluates those results together with medical history or any other relevant biomedical information to confirm positive results. This person has knowledge of substance abuse and appropriate medical or forensic training.

Negative Result - The absence of drugs in the pure form, or metabolites in sufficient quantities to be identified by either an initial screen or confirmatory test or as determined by the Medical Review Officer, will be considered a negative test.

Officer – For the purposes of this Drug and Alcohol Policy only, a certified law enforcement or Protective Services Officer with arrest powers, employed by the Topeka Police Department or Municipal Court.

Section 2. Policy Statement.

1. The City of Topeka has a commitment to a drug-free work place.
2. This policy applies to drug screening, education, and rehabilitation for sworn City of Topeka Police and Protective Services Officers who may be suspected of substance abuse, or who are selected for testing pursuant to the random screening program set forth herein.
3. Drug screens may screen for alcohol and any substances listed in Schedule I or II of the Kansas Controlled Substances Act, K.S.A. 65-4101, *et seq.* Test levels

(threshold limits) shall conform to the mandatory guidelines for federal workplace drug testing programs established by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the Department of Health and Human Services (HHS). As such, the list of analytes and test methodologies are subject to change. Current test levels are reflected within Exhibit A to the City's AAR 102. Specimens collected pursuant to this policy will be used only to test for those substances specified in these procedures and may not be used to conduct any other analysis or test unless otherwise authorized by law or the individual.

4. Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT) utilizing an Evidential Breath Testing (EBT) device which meets the requirements established by the conforming products list published in the Federal Register. An initial EBT reading of less than .02 shall be considered a negative screen. An initial EBT reading of .02 to .0399 will result in the necessity of a second test occurring within 20 minutes in order to make a determination of positive. If the second test falls within the same range, the individual will be removed from his/her duty assignment and, where available, placed in a light duty assignment until the start of the next regularly scheduled duty period, but in any event for a time not less than 24 hours following administration of the test. All records of EBT test results falling within the .02 to .03999 range under this policy shall be destroyed and not utilized in any other testing or disciplinary action.
5. A reading of .04 or greater on the EBT will result in the necessity of a second test within the time-frame noted in paragraph 4 above. A second EBT test result of .04 or greater will result in the officer being placed on Administrative Leave and

directed to the Employee Assistance Program (EAP) for referral to an appropriate drug assessment and education or treatment program approved by the EAP.

6. Collection sites, laboratories, and test methods used to conduct drug screens shall comply with accepted practices within the industry and with all certification requirements. Confirmation tests shall be performed by a Substance Abuse and Mental Health Service Administration (SAMHSA) certified lab. Alcohol testing will be conducted by a certified BAT affiliated with the third-party vendor hired by the City to conduct its drug screenings. The City will provide reasonable prior notice to the Union when changes are made to the vendor(s) selected to serve as collection sites and/or laboratories for the administration of this Drug and Alcohol Policy.
7. Individual drug screen records maintained by the Director pursuant to this policy shall be considered confidential by the City and its representatives, to the extent it is appropriate and feasible, to observe reasonable expectations of privacy on the part of the individual.
8. Officers shall be informed of the Department's drug screening policy prior to being subjected to any drug screens.
9. Supervisors, or those officers who have responsibility for administering the Department's drug screening program, shall receive training approved by the Director. For the purpose of this policy, "officers who have responsibility for administering the Department's drug screening program" means Department heads and their respective administrative and managerial staff who may have responsibility for advising or notifying officers, preparing and maintaining forms,

- or proposing disciplinary actions pursuant to the drug screening policy.
10. Officers may be screened under the following circumstances:
 - A. Reasonable Suspicion: Any officer may be subjected to a drug screen if the Bureau head has reasonable suspicion of drug use by the officer pursuant to the provisions of Appendix A, Section 4.
 - B. Random: Officers may be tested pursuant to the provisions of Subsection 25, Random Drug Testing.
 - C. Post Firearm Discharge: Any officer who discharges a firearm at another person in the capacity of a law enforcement officer may be tested.
 - D. Post Reportable Incident: Any officer involved in a vehicle accident that occurs in the course of their employment and results in personal injury or property damage in excess of \$1000 may be tested.
 11. An officer required to submit to a drug screen shall be advised of the:
 - A. methods of drug screening which may be used;
 - B. substances which may be identified;
 - C. consequences of either a refusal to submit to a drug screen or of a confirmed positive result;
 - D. reasonable efforts to maintain the confidentiality of results and any medical information which may be provided; and
 - E. when testing for non-alcohol substances, the right to request that the specimen be split in order for the officer to cause a separate screen to be made, with all costs associated therewith to be paid by the officer.
 12. An officer shall be required to sign the drug screening consent forms. Refusal by

the officer to sign the consent forms shall be considered refusal to submit to a drug screen as a condition of employment and shall be considered a failure by the officer to fulfill a condition of employment, resulting in the officer's immediate discharge from City employment.

13. An officer shall be informed of the drug screening specimen collection location and time and will be escorted by a supervisor. The officer shall be responsible for reporting to the collection site at the scheduled time.
 - A. An officer who is requested to submit to a drug screen shall be given time off with pay for that purpose.
 - B. An officer who is requested to submit to a drug screen shall be provided transportation to the testing site by the supervisor, who shall identify the officer for the testing facility.
 - C. Failure by an officer to report to the collection site at the scheduled time shall be considered refusal to submit to a drug screen as a condition of employment and shall be considered a failure by the officer to fulfill a condition of employment, resulting in the officer's immediate removal from his/her duty assignment.
14. Drug screening results shall be reported in as timely a manner as reasonable and be revealed only to the officer and those persons authorized by the Director as having an established need for the information.
15. In the event of a confirmed positive screen for an officer who has not previously had such a result, referrals for an appropriate assessment and education or treatment program shall be made consistent with the second threshold-

exceeding alcohol test situation described in Subsection 5 above and the following additional criteria:

- A. An officer will be granted leave to participate in an appropriate and approved education or treatment program pursuant to this policy for a period not to exceed an aggregate of 60 working days. Upon recommendation of the program provider, leave may be approved beyond these limits solely at the discretion of the Director if the recommended program warrants such an extension.
- B. Leave to participate in education or treatment programs, as outlined in paragraph A, shall be granted with pay -- to the extent the officer has accrued leave -- and without pay thereafter.
- C. The officer shall be required to provide verification to the Director that the officer is participating in an appropriate and approved education and treatment program to receive approved leave.
- D. The Department head shall review the job duties required of the officer to determine whether the officer poses a threat to safety or health at the work site while undergoing outpatient or after-care treatment. The Department head shall provide this determination to the Director, who may confer with the Chief or AJMC, as appropriate, regarding assignment of the officer to a different position for a period of six (6) months. Final approval of such an assignment shall be at the option of the City Manager.
- E. Refusal by an officer to enter into an appropriate and approved drug assessment and education or treatment program may be grounds for

termination. An officer may appeal his/her assignment to a specific program to the Director. The Director shall then determine the appropriate program and the officer shall be required as a condition of continued employment to participate in the program determined to be appropriate by the Director.

16. On completion of the recommended education or treatment program, the officer shall be required to provide or release clinical verification to the Director that the officer has successfully completed the recommended education or treatment program.
 - A. For the purposes of this drug screening program, "successfully completing the recommended education or treatment program" means the officer achieved and maintained a drug-free state, which will normally be determined by a "negative" result from an authorized drug screen.
 - B. All officers who have entered a program as specified in this Section shall be required, as a condition of continued employment, to submit to a drug screen once each quarter for a period of eighteen (18) months commencing sixty days after the date of the initial positive test. The specific date each quarter on which the drug screen shall be made shall be at the discretion of the Director and shall not require advance notice to the officer.
17. An officer who receives a confirmed "positive" result shall be subject to dismissal as follows:
 - A. The officer shall be subject to dismissal if the officer is serving an initial

employment probation at the time the Director is notified of a confirmed positive result.

- B. The officer shall be subject to dismissal if the officer fails to successfully complete an appropriate and approved drug assessment and recommended education and treatment program.
 - C. The officer shall be subject to dismissal if the officer has previously had a confirmed "positive" result within the preceding five years.
- 18. This policy shall not preclude the Department head from proposing disciplinary action for other aggravating circumstances that occur in addition to a confirmed "positive" result and which are normally grounds for discipline.
 - 19. Any officer who intentionally tampers with a sample provided for a drug screen, violates the chain-of-custody or identification procedures, or falsifies a test result shall be subject to dismissal.
 - 20. If an officer has reason to believe that technical standards were not adhered to in deriving the officer's confirmed "positive" result, the result may be appealed in writing to the Director within 14 calendar days of receiving written notice of the result.
 - 21. An officer shall be afforded due process in accordance with the grievance procedure within this labor agreement if a disciplinary action results from the drug screening process or the officer alleges other violations of this policy.
 - 22. Only the Director has the discretion to authorize additional tests by the original or a different laboratory on the same or a new specimen if the Director determines that the technical standards established for test methods, or chain-of-custody

procedures, were violated in deriving a confirmed "positive" result -- or has other appropriate cause to warrant additional tests. However, the officer may request, and pay any costs associated with, an additional drug screen of the original specimen taken by the contracted drug screening facility.

23. The drug screen shall be completed if reasonable suspicion exists that an officer is abusing a drug even if it is determined that the officer is using prescription drugs or medications under the care of a licensed physician. However, in such a case the officer shall be referred to the Medical Review Officer for an evaluation of the officer's ability to perform usual job tasks or whether reasonable accommodations need to be made for the officer's condition which requires the medication.
24. The City recognizes that patterns of behavior that may indicate drug use may also be signs of mental or physical illness. If an officer has a drug screen that involves a physical or mental function and that screen is negative, the officer will be referred to Occupational Health for evaluation for any handicapping condition that may be contributing to the poor work performance.
25. Random Drug Testing.
 - A. Up to twenty percent (20%), i.e., five percent (5%) each quarter of a calendar year, of the authorized strength of the Topeka Police Department and Municipal Court bargaining unit members will, at the discretion of the Police Chief (in collaboration with the AJMC), be tested on a random basis annually under the Drug and Alcohol testing requirements.
 - B. Random selection shall be made through a computerized program

provided by the Random Drug Testing Vendor (RDTV) selected by the City to perform its drug and alcohol testing.

- (1) Within the last thirty (30) days of each quarter of the calendar year, the City of Topeka will make available to its RDTV the names and badge identification numbers of all officers covered by the random testing program for the particular quarter in which the testing is to occur.
- (2) The list of officers to be tested for the quarter will be created through the RDTV's computerized random drug program.
- (3) The list of officers to be tested for the quarter will be relayed to the City's Human Resources Department by the afternoon prior to the test date. Upon receipt of the list, the Human Resources Department shall notify the Chief of Police or his/her designee. They will then meet in order to reconcile the list of officers to be screened, conferring if necessary with the AJMC. An officer selected for random testing will be notified at the start of his/her next shift.
- (4) Any randomly selected officer who has experienced a documented encounter with a drug environment within the forty-eight (48) hours prior to testing shall have that factor considered in the evaluation of any test results. The documented encounter shall be on a form provided by the Department and must be signed by the officer and

attested to by the appropriate supervisor.

Section 3. Authority of Supervisors.

FIRST LINE SUPERVISORS shall have the authority and responsibility to document occurrences which may be determined to constitute reasonable suspicion as provided in the following Section of this policy.

SECOND LEVEL SUPERVISORS shall have the authority and responsibility to document occurrences or assist the first level supervisor in documenting occurrences which may be determined to constitute reasonable suspicion.

BUREAU HEADS shall have the authority, acting in concert with Department heads, the City Attorney, and the Director, to determine that reasonable suspicion exists and to require that a drug screen be taken. In addition, the Bureau head shall have the authority to make a determination that an officer be removed from his/her position pending a drug screen if allowing the officer to continue with his/her duties might pose a threat to the safety or health of the officer, the workforce, or the public.

NOTE: ALL DETERMINATIONS REQUIRING A DRUG SCREEN AS A CONDITION OF CONTINUED EMPLOYMENT SHALL BE REVIEWED AND APPROVED BY THE CITY MANAGER PRIOR TO THE IMPLEMENTATION OF ANY REHABILITATION PROGRAM.

Section 4. Identifying and Documenting Reasonable Suspicion.

A. Situations Requiring Immediate Action.

Situations requiring immediate action (drug screen request) on the part of the supervisor include:

- (1) An on-the-job accident which appears to have been the result of, or

contributed to by, the officer's abuse of a drug;

- (2) An on-the-job incident (e.g., medical emergency) that appears to have been caused or contributed to by the use of drugs;
- (3) Direct observation by the supervisor, or information reported to and supported by documentation or subsequently verified by the supervisor, that the officer is unable to carry out the responsibilities of the job, or may be a threat to safety, because of suspected drug abuse; and
- (4) Physical on-the-job evidence of drug use by the officer.

An on-the-job accident, incident, or failure to execute job responsibilities does not necessarily indicate drug abuse. However, if a supervisor observes or learns of any of these situations -- and there is reason to believe that drugs may have been involved, the supervisor will proceed with the steps required by this policy to request that the officer undergo a drug screen.

In situations requiring immediate action (a drug screen request), the supervisor will first document the incident which led the supervisor to believe the officer may have been impaired due to drug abuse. The documentation shall include a full description of the incident, including date, time, people involved, behavior, reactions, and how performance was affected or safety threatened.

The supervisor shall continue to document the situation through notification of and confrontation with the officer as provided in this policy. If the officer may be a threat to safety or may cause undue disruption of

work activity, the supervisor shall see that the officer remains away from the immediate work area while decisions are made regarding the drug screen request.

The supervisor will then make every effort to confer with the supervisor's immediate superior or Management staff before taking action to remove the officer from the work area. However, in an emergency (accident or threat to safety) it may not be possible to make timely contact with these parties before requiring the officer to leave the work area.

B. Patterns of Deteriorating Performance.

When an officer begins to show a pattern of deteriorating job performance, the supervisor shall take a series of steps over a period of time, each of which requires full documentation. Drug abuse can affect an officer's job performance in many ways and supervisors must be aware of them. Supervisors need to document the following trends if they appear and the officer has no reasonable explanation for his/her behavior.

1. General Trends:

- (a) Excessive absenteeism; peculiar excuses for absences;
- (b) Excessive use of sick leave, particularly for minor illnesses such as colds, flu, or stomach problems;
- (c) Frequent absences after scheduled days off;
- (d) Excessive tardiness;
- (e) Long breaks; frequent trips to the bathroom, break area, or parking lot; and frequent early departures from work;
- (f) Higher-than-normal accident rates;

- (g) Changes in appearance, such as flushed face, red or bleary eyes; carelessness in dress or appearance; hand tremors; and
- (h) Needle marks on the arms.

2. Performance Related Trends:

- (a) Inconsistent work patterns or disruption of work patterns;
- (b) Decreasing reliability; procrastination; memory gaps;
- (c) Tendency to neglect details formerly not neglected;
- (d) Friction with co-workers; placing blame on others;
- (e) Making consistently bad decisions; missing deadlines;
- (f) Requesting different job assignments;
- (g) Seeking loans from co-workers;
- (h) Wasting office supplies or materials due to errors;
- (i) Poor service to/complaints from the public;
- (j) Lack of cooperation; confusion;
- (k) Decreased productivity or quality of work; and
- (l) Morale problems; unacceptable behavior.

Supervisors should be cognizant that there are obviously other explanations for such trends. Supervisors are not to jump to conclusions, must use good judgment, and must follow the procedures as outlined in this policy.

Documentation of patterns of deteriorating work performance is extremely important to the drug screening program. The documentation provides the basis for a requirement that an officer submit to a drug screen. The performance evaluation process may also be used as part of the documentation.

Supervisors must document actual events and observations rather than to rely on hearsay. Documentation will include specific dates, times, people involved, behavior, reactions, overall performance, and a general discussion of the circumstances. The supervisor shall not include medical diagnoses, conclusions about medical conditions, or opinions about the causes of the observed behavior.

A Bureau head is not to request that an officer submit to a drug screen based on an isolated situation unless the situation falls within Subsection A. above. Nor is a Bureau head to request that an officer submit to a drug screen without a supervisor having first counseled the officer about a pattern of deteriorating job performance.

During the counseling session, the supervisor is not to diagnose the officer's problem, but is to point out where and how the officer's work performance has deteriorated. No mention of the officer being a drug abuser or addicted to drugs or alcohol may be made during these counseling sessions. The supervisor shall be careful not to make statements that could be construed as defamation of character. The supervisor shall provide the officer with suggestions as to how to improve the officer's work performance to a satisfactory level during the counseling sessions. The supervisor is to encourage the officer to self-refer to the Employee Assistance Program to deal with any problems that might be causing the situation which is affecting the officer's work performance.

The supervisor must have counseled the officer at least twice in a six (6) month period before the Bureau head requests a drug screen unless such drug

screen is required pursuant to Subsection A. above. These counseling sessions must be documented thoroughly.

If an officer's job performance has not improved after two (2) documented counseling sessions and the officer continues to exhibit some of the characteristics outlined above, the confirming documentation shall be presented to the Bureau head. The supervisor and the Bureau head shall discuss and review the documentation to determine whether the circumstances constitute reasonable suspicion that drug use is the reason for the officer's deteriorating job performance. Factors to consider include the general trends and patterns outlined above and comparisons with the officer's previous work performance.

If the supervisor and the Bureau head agree that the officer's work performance has declined to a degree that further steps must be taken and that no improvement has been shown after counseling sessions, the Bureau head shall consult with the Chief of Police (or, as applicable, the AJMC), the City Attorney, and the Human Resources Director to determine whether a drug screen is warranted and shall be required as a continuing condition of employment.

APPENDIX B DEFINITIONS

The following terms, when used in this Agreement, shall be given the below-listed meanings:

1. "Interview/Investigation/Interrogate" shall mean any situation where a bargaining unit member is required to appear or reply to any questions from a superior or the Professional Standards Unit about any incident or complaint.

2. "Proper Notification" shall mean notification by the appropriate person either in person, by phone, by leaving a message on an answering machine, or by memorandum.

3. "Immediate Family" as referenced in Article 11 shall mean that group of individuals defined to include one's spouse; child; son-in-law; daughter-in-law; step-child; parent; step-parent; spouse's parent; aunt; uncle; sibling; sibling's spouse; grandparent; grandchild; great-grandchild; spouse's child; spouse's son-in-law; spouse's daughter-in-law; spouse's step-child; spouse's step-parent; spouse's sibling; spouse's grandparent; spouse's grandchild; spouse's great-grandchild; a family member of the immediate household permanently residing under the same roof; or any other person residing under the same roof in a shared living arrangement with the employee (but not including a person renting living space from the employee); or, in the case of PSO's, any other family member approved by the AJMC.

4. "Board of Directors (FOP)," shall mean any bargaining unit member holding one of the following offices in the Fraternal Order of Police Lodge #3: President; Vice President; Second Vice President; Secretary; Treasurer; Conductor; Sergeant at Arms; Chaplain; Trustee At Large; TPD Trustee; or Immediate Past

President and TPD Chief Steward.

5. "Specialty Units" shall mean Canine Program; Motorcycle; Crime Scene Investigation; Narcotics; Community Response Unit; Training; Property and Impound; Records; Hiring and Recruiting; Professional Standards; and Community Officers; School Resource Officers.

6. "Special Assignments" shall mean Response Team; ATV assignment; Bomb Disposal; Accident Reconstruction; Emergency Vehicle Operations Course (EVOC) Instructor; Defense Tactics Instructor; Firearms Instructor; CPR/First-Aid Instructor; Armorer; FTO/FTD/FTS; Polygraph Examiner; Latent Examiner; Blood Stain Analyst; Document Examiner; Honor Guard; Crisis Negotiator; and Federal and State task forces.

7. "Job Opening" shall mean a position that opens up that would be filled by seniority bidding or Management Council within the Police Department or the selection process outlined in Article 18, Section 6 for the Municipal Court.

8. "Job vacancy" shall mean a position that will be filled by promotion.

9. "Post" or "Posting" shall mean to make available or accessible by any means including, but not limited to, bulletin boards, binders, e-mail or other electronic means.

APPENDIX C MANAGEMENT COUNCIL GUIDELINES

EVALUATION CRITERIA

PERFORMANCE: 20 pts. Possible

0 - 15 pts for Evaluations. Subjective, based on what is read in past evaluations. Items in the evaluations should include, but not limited to: Work Quality; Thoroughness; Reliability; Performance under Stress; and Productivity.

0 - 5 pts for Discipline. 5 points for no disciplinary actions. Subtract from 5 as disciplinary problems are found.

EXPERIENCE: 20 pts. Possible

Years of experience and what the experience is. Not limited to the Topeka Police Department.

ABILITY: 20 pts. Possible

Personal knowledge of the candidate, past and present work assignments, and evaluations. Items in the evaluations should include, but not be limited to, Demonstration of Command Presence and Job Knowledge.

TRAINING: 20 pts. Possible

Training file, professional schools, and seminars as they relate to the job being applied for. Initiative toward improvement of skills.

EDUCATION / MILITARY: 10 pts. Possible

- .05 - 5.95 pts for college credits (.05 per credit hour);
- 6.0 pts for 4 yr. college degree;
- 7.0 pts for graduate work towards a Master's Degree;
- 8.0 pts for a Master's Degree;
- 9.0 pts for work towards a Doctorate Degree; and
- 10.0 pts for a Doctorate Degree.

Military Service points may be earned at a rate of .75 point per year of active military service up to a maximum of three (3) points for four (4) years of service. Education and Military points combined may not exceed six (6) points.

SENIORITY: 10 pts. Possible

Time on the Department; .50 point per complete year of service:

1. .50	6. 3.00	11. 5.50	16. 8.00
2. 1.00	7. 3.50	12. 6.00	17. 8.50
3. 1.50	8. 4.00	13. 6.50	18. 9.00
4. 2.00	9. 4.50	14. 7.00	19. 9.50
5. 2.50	10. 5.00	15. 7.50	20. 10.00

MANAGEMENT COUNCIL EVALUATION OF CANDIDATE
SCORE SHEET

Candidate: _____ **Date:** _____

Position: _____

Performance (0 to 20 Points):

Past Evaluations 0-15 points **SCORE:** _____

Past Discipline 0-5 points **SCORE:** _____
(See Article 16, Section 2, A)

Experience (0 to 20 Points):

Past experience which relates to the job **SCORE:** _____

Ability (0 to 20 Points):

Evaluations; past experience; job knowledge; and
Supervisory experience, if appropriate. **SCORE:** _____

Training (0 to 20 Points):

Training file, professional conferences, & seminars **SCORE:** _____

Education / Military (0 to 10 Points):

Formal Education (College) **SCORE:** _____

Military Service points are earned at a rate of .75 point
per year of active military service up to a maximum of
three (3) points for four (4) years of service. Education
and Military points combined may not exceed six (6) points.

Seniority (0 to 10 Points):

Time on the Department **SCORE:** _____

TOTAL: _____

RATER'S SIGNATURE: _____



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 25, 2020

DATE: August 25, 2020
CONTACT PERSON: Brent Trout, City Manager
DOCUMENT #:
SECOND PARTY/SUBJECT: Independent Police Auditor/Citizen Review Board
PROJECT #:
CATEGORY/SUBCATEGORY 006 Communication / 005 Other
CIP PROJECT: No
ACTION OF COUNCIL:
JOURNAL #:
PAGE #:

DOCUMENT DESCRIPTION:

VOTING REQUIREMENTS:

Presentation only. No action required by the Governing Body.

POLICY ISSUE:

The creation of a committee to research and review whether to create a Citizen Review Board in Topeka to look at Police Department issues.

STAFF RECOMMENDATION:

Presentation only. Staff is making no recommendation.

BACKGROUND:

The City of Topeka created the Independent Police Auditor position in October of 2019. The position is responsible for a couple primary areas including (1) accept and investigate complaints in regards to the Police Department from citizens; and (2) review all use of force incidents by police officers to ensure that the use of force was appropriate to the incident. The Independent Police Auditor is supervised by the City Manager.

Discussions have included requests to consider the creation of a Citizen Review Board to review actions of police officers in similar responsibility to the Independent Police Auditor.

It is important to study which of these options is the preferred for oversight of the Police Department in the City of Topeka. Information explaining each option as well as the pros and cons of each option is attached for review.

BUDGETARY IMPACT:

No budgetary impact at this time to form an committee to research and consider a Citizen Review Board in

Topeka to look at Police Department issues.

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

Presentation

Office of the Independent Police Auditor - Duties and Responsibilities

Oversight Information

Citizen's Review Board (CRB) Research

National Assoc. for Civilian Oversight of Law Enforcement (NACOLE)

NACOLE - Qualification Standards

NACOLE - Options

Independent Police Auditor

- Alternative for filing complaints against the police department personnel
- Review completed investigations on citizen complaints done by the Professional Standards Unit
- Monitor on-going investigations as deemed necessary
- Conduct their own investigations, based on access to all needed reports and videos
- Independent civilian oversight of use of force incidents such as officer involved shootings
- Conduct outreach and public awareness of the checks and balances that exist within the civilian oversight of TPD
- Supervisor of the position is the City Manager

Citizen Review Board

- Alternative for filing complaints against the police department personnel
- Review completed investigations on citizen complaints done by the Professional Standards Unit or hired board staff
- Review investigations done by staff, based on access to all needed reports and videos
- Independent civilian oversight of use of force incidents such as officer involved shootings by a civilian board
- Conduct review of Police Department policies
- Additional transparency level by citizens review
- Conduct outreach and public awareness of the checks and balances that exist within the civilian oversight of TPD
- Board members appointed by the Mayor and approved by the City Council

Comparison IPA and CRB

- Both methods need hired staff
- Both methods have same purpose of civilian oversight
- Both methods operate independent of Police Department
- Both methods provide higher level of transparency of police department activities
- IPA is one person doing work versus a board that will involve more members of the community
- IPA can complete investigations and move findings forward faster than a board
- Citizen Review Board will only be able to review a limited number of cases and will require extensive training before reviewing cases which will be an additional cost over the Independent Police Auditor



CITY OF TOPEKA

INDEPENDENT POLICE AUDITOR

THIS DOCUMENT OUTLINES THE DUTIES AND RESPONSIBILITIES OF THE
INDEPENDENT POLICE AUDITOR AND HOW THE SAME ARE TO BE EXECUTED

*OFFICE OF THE
INDEPENDENT POLICE
AUDITOR*

Edward M. Collazo

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CITY OF TOPEKA INDEPENDENT POLICE AUDITOR



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Office of the Independent Police Auditor

Introduction

On October 21, 2019, the City of Topeka hired the first independent police auditor and thereby established the office of the Independent Police Auditor (IPA). The IPA was created for the purpose of auditing the Professional Standards Unit (PSU) investigations of citizen complaints alleging misconduct and/or improper service by the Topeka Police Department (TPD) and all use of force reports. The goal of this type of civilian oversight is to instill confidence and transparency in the complaint process.

The Auditor independently reviews investigations conducted by PSU for the purpose of determining if the investigation was complete, thorough, objective and fair. The Auditor may review all reports, statements, videos, and evidence necessary to establish these goals. A complaint may be returned for further investigation should the Auditor determine that the investigation is not complete. The Auditor has authority to conduct investigations. The Auditor does not make determinations regarding disciplinary action. The IPA is appointed by and reports directly to the City Manager.

Responsibilities of the Independent Police Auditor

The responsibilities of the Office of the Independent Police Auditor are:

- (1) to serve as an alternative forum where citizens may file complaints;
- (2) to review all completed investigations of citizen complaints and use of force by TPD PSU;
- (3) to monitor on-going investigations as deemed necessary;
- (4) to do its own investigations;

(5) to be an independent civilian oversight of use of force incidents such as officer involved shootings and deaths in custody; and (6) to conduct outreach and public awareness of the checks and balances that exist within the civilian oversight of TPD.

CODE OF ETHICS

PREAMBLE

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein.

PERSONAL INTEGRITY

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

INDEPENDENT AND THOROUGH OVERSIGHT

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

TRANSPARENCY AND CONFIDENTIALITY

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

RESPECTFUL AND UNBIASED TREATMENT

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender

expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

OUTREACH AND RELATIONSHIPS WITH STAKEHOLDERS

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

AGENCY SELF-EXAMINATION AND COMMITMENT TO POLICY REVIEW

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

PROFESSIONAL EXCELLENCE

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

PRIMARY OBLIGATION TO THE COMMUNITY

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

COMPLAINTS AND ALLEGATIONS

It is important to first understand the difference between a “complaint” and an “allegation”. A complaint is the general term used to describe the dissatisfaction with an event or encounter with the Topeka Police Department. There can be several allegations per complaint and/or per officer. For instance, in a routine traffic stop with two officers you could have an allegation of poor standard of conduct, operational action, and customer service. This single complaint would result in three allegations per officer, for a total of six allegations.

THE COMPLAINT PROCESS INTAKE:

The IPA is located within City Hall, outside the scope of the Topeka Police Department, to accommodate citizens who may feel intimidated by going directly to a police facility to file a complaint. Citizens have several options for filing a complaint. Complaints may be filed in person, by telephone, email, facsimile, US mail, and an online complaint submission. The complainant is contacted to acknowledge receipt of the complaint and provide a brief description of the investigative process and options available to the complainant. An initial interview may be necessary to obtain all the necessary information for the intake file. Any complaint that is reported more than 30 days after the incident should be taken and reviewed with the City Manager for determination of further investigation

1. Investigations will normally be completed within 90 days of the complaint.
2. The City Manager may authorize an investigation to exceed the 90 day requirement.
3. Differences of opinion regarding the guilt or innocence of an accused/arrested and/or cited by an officer are matters for the courts and will not be investigated.
4. The complaint process will be available to the public.
5. The IPA shall accept all complaints regarding TPD from any source including telephone calls and anonymous tips.
 - a. Anonymous complaints shall be evaluated by the IPA to determine the extent they should be investigated. The following criteria may be considered:

- 1) Seriousness of the allegation;
- 2) Specificity of the complaint;
- 3) Any history of similar incidents or allegations against the named employee, including PSU records;
- 4) Documentation of the incident;
- 5) Cooperation of the individual filing the complaint or individuals who have knowledge of the allegations;
- 6) Ability to verify allegations; and
- 7) Any other information or material that is available.

A CONTACT IS:

A citizens may call the IPA to obtain information on police policies and General Orders, have informal inquiries regarding the complaint process, request contact information for detectives and investigating officers, and inquire on how to obtain a police report, or share their concerns or opinions regarding particular issues. These interactions are documented as “Contacts”. The IPA may also receive inquiries from citizens requesting to file complaints about other area law enforcement agencies. In these instances the IPA can only refer the individual to the Internal Affairs Office for each specific agency.

For complainants who desire to wait until their criminal cases are adjudicated to discuss the events that occurred. A complainant can call the IPA and give a brief synopsis of the date, time, location, case number, and officer(s) and a “Contact” will be generated as a notification of intent to file a complaint. This allows for information and evidence associated with the event to be preserved. Once the charges have been adjudicated the complainant can initiate contact and request the complaint be investigated. The complaint process can then move forward outside the time requirement. If the Individual does not re-initiate contact with IPA the case remains closed as a “Contact”.

INVESTIGATION

Once a complaint is filed, a copy of the IPA intake documentation is provided to the TPD PSU to initiate a complaint and conduct the appropriate investigation. PSU will contact the complainant to obtain additional information in the form of a statement. At the request of the citizen, the IPA may conduct the investigation or the IPA may be present during the PSU interviews. However, in most cases of a non-serious nature, the initial statement obtained by PSU is taken telephonically for the convenience of the individual being interviewed. The IPA also has the ability to monitor interviews conducted in support of open IPA cases. The IPA may also conduct investigations independent of the PSU as outlined by the City Manager.

IPA AUDIT

Once the investigation is complete and has been approved by the PSU commander, the IPA reviews the case file, all supporting documents, and all interviews. During the audit the IPA reviews the PSU investigative product to ensure it meets the following criteria:

1. Timeliness
2. Supporting Documents Included
3. Proper Interviews Completed
4. Logical Application of General Orders to the Facts
5. Proper Data Entry for Pattern and Practice Tracking

When the IPA finds a case that generates specific concerns about the investigation, the PSU Commander is contacted and the issue is discussed. If the IPA's concerns are not addressed to the satisfaction of the Auditor, ultimately it is forwarded to the Deputy Chief or Chief of Police for review.

IPA CLOSURE AND FINDINGS

The IPA considers the audit closed once a finding of Agree, Disagree, or Agree with Additional Action is assigned.

Sustained - Member committed the alleged violation.

Inclusive - Member committed an alleged violation and there were additional violations within the complaint.

Not Sustained - Cannot be determined if the member committed the alleged violation

Unfounded - Member did not commit the alleged violation Exonerated - Member was justified in taking the course of action, and/or it was not a violation of General Orders.

Other - The member was determined to have committed a violation other than what was originally alleged.

Training - The member's actions were justified and no Department Policy was violated. However, the investigation revealed tactical errors that could be addressed through non-disciplinary, tactical or training improvement endeavors.

COMMUNITY OUTREACH

One of the primary functions of the IPA is to inform and educate citizens throughout the community about the existence of civilian oversight and the process by which complaints are filed/received, investigated and finalized. Citizens want to be assured that this process is thorough, fair and without bias. This year the IPA made presentations to community groups, professional organizations, neighborhood associations, and City of Topeka employees. These presentations will be on-going. Citizen comments and suggestions are very beneficial in enhancing the effectiveness and credibility of the oversight process and identifying programs and services that promote partnerships between the community and the Police Department. The City of Topeka website will provide a description of the duties and responsibilities of the IPA as well as contact information and the ability to file a complaint online at any time.

A flyer (created in English and Spanish) introducing the new IPA and describing the position and job functions will be presented and distributed to the Neighborhood Associations, Council Members, community outreach events, and City Court employees. IPA brochures will be available at Council offices, City Hall, City Court, and the TPD Law Enforcement Center.

The Auditor should instruct at the Topeka Police Academy. The presentation will serve to educate the new police recruits on the duties and responsibilities of the Police Auditor as well as to provide information on the most common complaints. The Auditor will reinforce accepted methods to avoid getting a complaint and have respectful, but productive interaction with the community. The instruction provided by the IPA gives officers a citizen's perspective of police oversight, while allowing them to ask questions about the process. The Auditor emphasizes the expectations of the community in their interactions with law enforcement, particularly in the area of customer service.

CONCLUSION

Civilian oversight is an integral part of policing in the 21st century. Holding personnel accountable and celebrating law enforcement achievements are all part of the same mechanism for better relationships between the community and government.

Oversight Information – August 25, 2020

Contemporary forms of Civilian Oversight Agencies are often varied due a large degree of variance between the backgrounds of such jurisdictions. Each Agency may vary due to specific social and cultural issues unique to that location. Despite this, there are typically three overarching forms of Civilian Oversight Agencies. They are: Investigation-Focused Models, Review-Focused Models, and Auditor/monitor-focused models.

Investigation-focused model

Generally, this form of oversight agency is separate from the district's local police division. They operate by investigating reports of misconduct of police officers in their jurisdiction. The benefits of running an investigation-focused model agency is that they can complete thorough and impartial investigations into police conduct with a minimal degree of bias. It is common for those running these agencies to have a significant degree of training as to not improperly diagnose an investigation.

Further, these models heavily involve the citizens of the district they are representing. Thus, the operations of the investigation are transparent and this increases community trust in the operations of both the civilian oversight agency and the police department under which they reside. Another advantage to this model is the fact that it allows (more than others) for hiring of full-time staff to conduct the investigation - resulting in a more thorough analysis.

The negatives of this form are related to the significant costs of operation. This plays out largely in the costs of staffing full-time individuals to conduct investigations.

Review-focused models

This category of oversight agencies are focused on reviewing the quality of internal investigations and especially those conducted by internal police-run oversight agencies. These are often entirely voluntary organization, unlike the Investigation-Focused models where there are often full-time investigators on the oversight agency. They are often focused on providing community input into the police investigation process to ensure that the community that the police have jurisdiction over has a voice.

The operations that a review-focused agency often implement are: to take in community complaints, review the police investigations of complaints from the community, make community recommendations to high level police directors, listen to community appeals, and to obtain and analyze community input.

The strengths of this model are that it may seem like these sorts of agencies are more transparent to the community than ones with full-time investigators. Further, it allows for community input into police-run investigations, which can help in analyzing appropriate conduct for officers. Finally, they are also the least expensive option for oversight agencies since they are entirely volunteer run. Thus, they are more popular in areas with fewer funds to allocate.

The limitations of this sort of agency are that they tend to have a more limited authority over the conduct of police agencies. Further, they may be less independent from other oversight agencies

since they rely heavily on the police department for information. Finally, due to a lack of funding, the members of these agencies are likely to have less training and ability to complete oversight into a police department effectively.

Auditor/monitor-focused models

Finally, Auditor/Monitor-Focused models tend to be affecting systemic, large-scale reform to the police agencies within their jurisdiction. This is also one of the newest forms of citizen oversight and it tends to have a unique set of goals that distinguish it from other oversight agencies. These goals are: to monitor the internal complaint investigations process, to conduct evaluations of police training and codes of conduct, and to ensure effective public reporting.

One of the strengths of this sort of organization is that these agencies may have a broader access to critical information about police officer conduct and training. This allows for a deeper understanding of how to reform such an agency. Further, auditor and monitors of such agencies are likely to be experts in policing, allowing for a deeper fix than the other agencies. It is also likely that these agencies will conduct more change than superficial ones enacted by Investigation-Focused and Review-Focused Models. This would be because they are tackling the roots of what may cause poor police officer conduct and that it can also hold officers more accountable.

The limitations of such an agency would include a relative lack of community support for such an organization. This would stem from the fact that members of such a committee would be full-time, paid individuals and so may not "represent the community". Further, since a long-term systemic change is desired, compromises in individual cases may be made for the sake of systemic change. This may result in community backlash. Further, this form of citizen oversight can only make recommendations to law enforcement and cannot enforce changes onto them. Finally, the effectiveness of such an agency would depend heavily on the quality of individuals hired to do the task - more so than other oversight agencies. This is because ensuring a systemic change requires a high degree of technical sophistication and training to ensure effective outcomes.^[8]

List of places with civilian oversight

City	Agency Title	Official Website
Akron, OH	Independent Police Auditor	[1]
Albuquerque, NM	Civilian Police Oversight Agency	[2]
Anaheim, CA	Police Review Board	[3]
Asheville, NC	Citizens/Police Advisory Committee	[4]
Atlanta, GA	Atlanta Citizen Review Board	[5]
Austin, TX	Office of Police Oversight	[6]
Baltimore, MD	Independent Monitor Team	[7]
Berkeley, CA	Police Review Commission	[8]

Boise, ID	Office of Police Oversight	[9]
Boston, MA	Community Ombudsman Oversight Panel	[10]
Brattleboro, VT	Citizen Police Communications Committee	[11]
Buffalo, NY	Commission on Citizens' Rights and Community Relations	[12]
Cambridge, MA	Police Review & Advisory Board	[13]
Chandler, AZ	Citizens' Panel for Review of Police Complaints and Use of Force	[14]
Charlotte, NC	Citizen Review Board	[15]
Chicago, IL	Chicago Police Board	[16]
Cincinnati, OH	Citizen Complaint Authority	[17]
Cleveland, OH	Office of Professional Standards & Civilian Police Review Board	[18]
Columbia, MO	Citizens Police Review Board	[19]
Davis, CA	Professional Standards Division	[20]
Davis, CA	University of California, Davis Police Accountability Board	[21]
Dayton, OH	Human Relations Council	[22]
Denver, CO	Office of the Independent Monitor	[23]
Detroit, MI	Board Of Police Commissioners	[24]
Durham, NC	Civilian Police Review Board	[25]
Eugene, OR	The Police Commission	[26]
Fairfax, VA	Police Civilian Review Panel	[27]
Fort Collins, CO	Citizen Review Board	[28]
Greensboro, NC	Police Community Review Board	[29]
Honolulu, HI	Honolulu Police Commission	
Houston, TX	Independent Police Oversight Board	[30]
Indianapolis, IN	Citizens' Police Complaint Office	[31]
Kansas City, MO	Office of Community Complaints	[32]
Kauai, HI	Department of Human Resources	[33]
Las Vegas, NV	Citizen Review Board	[34]
Lincoln, NE	Citizen Police Advisory Board	[35]
Los Angeles, CA	Los Angeles Board of Police Commissioners	
Los Angeles County, CA	Los Angeles County Civilian Oversight Commission	[36]
Memphis, TN	Memphis Civilian Law Enforcement Review Board	[37]
Miami, FL	Civilian investigative Panel	[38]
Milwaukee, WI	Fire and Police Commission	[39]
Minneapolis, MN	Office of Police Conduct Review	[40]

Muskegon, MI	Citizen's Police Review Board	[41]
Nashville, TN	Community Oversight Board (proposed in 2018)	
Newburgh, NY	Police-Community Relations and Review Board	[42]
New York, NY	Civilian Complaint Review Board	[43]
Novato, CA	Police Advisory and Review Board	[44]
Olathe, KS	Citizens Police Advisory Council	[45]
Philadelphia, PA	Police Advisory Commission	[46]
Pittsburgh, PA	Citizen Police Review Board	[47]
Portland, ME	Police Citizen Review Subcommittee	[48]
Richmond, CA	Citizens Police Review Commission	[49]
Riverside, CA	Community Police Review Commission	[50]
Sacramento, CA	Office of Police Accountability	[51]
St. Cloud, MN	Police Citizens' Review Board	[52]
St. Louis, MO	Civilian Oversight Board	[53]
St. Paul, MN	Police Civilian Internal Affairs Review Commission	[54]
Salt Lake City, UT	Police Civilian Review Board	[55]
San Francisco, CA	Department of Police Accountability	[56]
San Diego, CA	Community Review Board on Police Practices	[57]
San Jose, CA	Office of the Independent Police Auditor	[58]
Seattle, WA	Community Police Commission	[59]
Springfield, MO	Police Civilian Review Board	[60]
Spokane, WA	Police Ombudsman	[61]
Syracuse, NY	Citizen Review Board	[62]
Tulare, CA	Citizen Complaint Police Review Board	[63]
Urbana, IL	Civilian Police Review Board	[64]
Virginia Beach, VA	Investigation Review Panel	[65]
Washington, D.C.	Office of Police Complaints	[66]
West Valley City, UT	Professional Standards Review Board	[67]

Problems with oversight

Issues civilian police review boards face

- Hostility, resistance, and obstruction by rank-and-file police officers, police department leaders, and police unions.
- An inadequate framework by which to hold officers accountable.
- The ability of police departments to routinely ignore recommendations made by civilian review agencies.
- Inadequate access to resources (funding, access to case information, etc.)

45% of oversight agencies do not have enabling statutes/ordinances that explicitly require that Law Enforcement Employees Cooperate with their agency. A further 69% do not have enabling statutes/ordinances which require police officers/command staff cooperate as a condition of their employment. This allows lack of accountability on the hands of the police allows for obstruction of investigations and reviews by oversight agencies. 54% of oversight agencies reported that police officials did not implement their recommendations very frequently/frequently. Only 6% of oversight agencies are able to impose discipline on the police departments and officers they oversee. This lack of authority allows for police departments to ignore important recommendations made by oversight agencies. It can sometimes appear that explicit cooperation is provided to civilian oversight agencies by police departments along with respect for the legitimacy of the oversight agency, while at the same time a subtle and persistent push back exists to minimize the impact of oversight agencies. The intention of this push back is to cause the citizens to lose faith in the oversight agency's effectiveness or to have elected officials question the investment in the oversight agency and ultimately cause them to lose their funding.

Citizen's Review Board (CRB) Research

Wichita CRB mission statement

The Wichita Citizen's Review Board assists the Wichita Police Department with community outreach and advises the Police Department about community concerns. The Board serves to provide assistance in policy development, education and communications related to racial and other biased-based policing. The Board also will conduct reviews of post discipline findings of the Professional Standards Bureau in alleged officer misconduct matters upon the request of the Chief of Police. There are no more than thirteen (13) members who serve on the board. The thirteen members are appointed by the City Manager.

Wichita CRB criteria

All members will have to pass a criminal background check, complete the department's Citizen's Police Academy and receive training in open-meetings and open-records law.

Here's a look at what the new board will and won't be able to do:

What it can do

- Advise the police department on policy, on request.
- Assist the police department with community outreach and education.
- Encourage dialogue between representatives of the community and the police department.
- Upon request, review cases where police officers have been disciplined for misconduct and advise on policy changes for the future.
- The board will have access to internal investigation files and relevant video, but with the names of disciplined officers removed.

What it can't do

- The board will not act as an investigative body.
 - Board deliberations will have no effect on any individual case of alleged officer misconduct.
 - When the board reviews officer disciplinary actions, members will have to comply with a confidentiality agreement and could be prosecuted for releasing information or recommendations from closed sessions.
 - The board will not have the power to subpoena information or to require officers to testify.
 - The board can't look at any active officer-discipline cases and will only be allowed to review case files after all possible appeals have been exhausted.
-

Lawrence Community Police Review Board

The Community Police Review Board was established in 2018 for the purpose of advising the Governing Body of the City of Lawrence, Kansas, regarding issues affecting the Lawrence Police Department, its policies, education, community outreach and communications related to racial or other bias-based policing. The Board provides an independent, accessible, and efficient means for which the public may submit a complaint of alleged police misconduct in a confidential manner. The Board also assists in reviewing completed racial or other bias-based policing investigations, in accordance with Chapter 1, Article 25 of the City Code, that are conducted by the police department, when appropriately appealed by a complainant. Chapter 1, Article 25 of the City Code establishes qualifications for Board members and requires members to participate in training related to the Kansas Open Records Act and Kansas Open Meetings Act, as well as racial or other bias-based policing training soon after appointment to the Board. The City Manager may recommend additional training topics.

[Bylaws – Revised/Adopted 03/26/19](#)

Click [here](#) to sign up to receive email notifications for meetings, agendas, etc.

The meeting dates for 2019 are listed below. All meetings will start at 7:00 p.m. and be held in the City Commission Room, First Floor of City Hall, unless otherwise noted.

- 01/24/19, 01/31/19 – CANCELED
- 03/26/19, 03/28/19 – CANCELED
- 07/11/19, 07/17/19 – CANCELED
- 10/10/19, 10/16/19 – CANCELED

National Assoc. for Civilian Oversight of Law Enforcement (NACOLE)

There is no right answer as to what an effective police oversight body “must” look like. As many of the FAQ’s point out, flexibility is key. You can still get to the right outcome through different mechanisms. However, here are some features, some tangible, some not, which are key to effective police oversight:

1. Independence. The oversight body must be separate from all groups in order to garner trust by being unbiased.
2. Adequate funding. Oversight bodies must have enough funding and spending authority to fulfill the duties set forth in the enabling legislation. This includes enough money for adequate staff and money to train that staff.
3. Access to all critical pieces. This includes access to all necessary information and evidence in an investigation, but it also means access to decision makers in both the law enforcement agency and elected officials.
4. Rapport. The talent, fairness, dedication, and flexibility of the key participants- in particular the oversight director, chief elected official, police chief or sheriff, and union president. The rapport between the chief players can be far more important to the success of the oversight system than the systems structure. [\[1\]](#)
5. Ample authority. Whatever the oversight model chosen, it must have enough authority to be able to accomplish those goals.
6. Ability to review police policies, training and other systematic issues. Many see this as one of the most important roles an effective oversight agency can have. This ability shifts the focus on being reactive to past events to proactive with the possibility to resolve issues before they begin.
7. Community/Stakeholder Support and Outreach. Maintaining community interest is important for sustaining an agency through difficult times when cities or government jurisdictions may need to cut services for budget reasons. [\[2\]](#)
8. Transparency. Systematic reporting provides transparency and accountability to the community, and typically includes complaint analysis and other observations about the law enforcement organization and its practices. Reporting also increases public confidence in the oversight agency, as much of the work related to complaint investigations may be confidential and protected from public disclosure

NACOLE – Qualification Standards

Being a practitioner in civilian oversight of law enforcement requires one to meet certain qualification standards and to receive ongoing training. However, training and work qualifications are different for directors, investigators, supervisors, and board members. The NACOLE website provides a list of training topics and qualifications for full time practitioners and volunteer board members [create links to relevant NACOLE pages].

For agency directors (including auditors, monitors, and ombudsmen), NACOLE recommends at minimum a Bachelor's degree in a related field, but a Master's degree, Juris Doctorate, or PhD is highly desirable. At least four years of legal or administrative experience are recommended, along with prior supervisory or managerial experience. An agency director must be innovative and possess good judgment, objectivity and integrity. An agency director must be able to work effectively with a wide array of professional and elected stakeholders as well as with a multicultural community. An agency director should have exceptional communication skills and the ability to address both community and institutional concerns. The agency director must be able to manage people and organizations by setting goals, developing and implementing programs, supervising and managing personnel, and developing and managing a budget. An agency director must be resilient and possess strong diplomatic skills. A director must also possess knowledge of general legal principals and statutory law as well as practices and procedures related to conducting investigations and administrative hearings. A director of a civilian oversight agency should have strong knowledge of the rules and regulations governing police operations, organization and administration.

A supervisory investigator should have a Bachelor's degree and at least five years of experience conducting civil, criminal or factual investigations. Supervisory investigators should possess the ability to plan, conduct and supervise complex investigations and provide training and supervision for other investigators. A supervisory investigator must have the ability to review and edit the work of other investigators to ensure that an investigation is thorough and the factual findings and analyses are sound. Supervisory investigators must have knowledge of criminal justice procedures and the ability to establish investigative procedures and standards consistent with best practices in civilian oversight. A supervisory investigator should also possess a commitment to civilian oversight and strong communication skills.

First line investigators for civilian oversight agencies should have a Bachelor's degree in a related field and three years of experience conducting civil, criminal or factual investigations. Oversight investigators should have knowledge of investigative techniques and procedures and the ability to conduct detailed factual interviews with aggrieved individuals, witnesses and police officers. Investigators should possess knowledge of evidence handling and preservation procedures, of skip-tracing techniques to locate witnesses and of legal and criminal justice procedures. Investigators must have the ability to conduct investigations in an objective and independent manner. Investigators must be able to produce clear, concise, well-organized and thorough investigative reports and communicate professionally and

NACOLE – Qualification Standards

courteously with individuals from a wide variety of cultural and socio-economic backgrounds. Investigators must be resourceful and demonstrate sound judgment in collecting and developing facts and have the ability to analyze and apply relevant laws and regulations to the facts of a case.

For an oversight agency to be perceived as credible and legitimate, board or commission members must also acquire the knowledge and skills necessary to perform their assignment responsibly. The types and depth of relevant training depend on the role, duties and authority of the board or commission. Each agency must critically assess the tasks and functions its members will perform and determine the skills, expertise or training they need to acquire in order to perform their duties.

Board and commission members should receive an initial orientation to civilian oversight including a review of the variety of models of civilian oversight. Members should be provided with an historical account of the establishment of their oversight agency and receive training on the charter, ordinance, or municipal code which established the oversight agency. Members should also be informed of the expectations the local community and government stakeholders have of the oversight agency. Additional education should include laws governing public records and public meetings; confidentiality requirements; state and local laws that affect an officer's rights and privacy; case law on stops and detentions, search and seizure and the rights of an arrestee; as well as the steps in the criminal justice process including arrest, booking, arraignment, bail, hearings, and trial.

Members should receive information on the history, organization and evolution of the local law enforcement agency and should be exposed to police training on a wide variety of police practices and procedures, including: patrol; rules of conduct; procedures for detention, arrest, booking, transport, and provision of medical care; use of force guidelines including defensive tactics, takedown and pain compliance maneuvers, handcuffing techniques, baton use, use of less lethal and restraint devices, and use of firearms. Members should receive training on procedures for the investigation and review of shootings and in-custody deaths, first amendment activities, and policies for dealing with mentally disturbed individuals and people under the influence of drugs or alcohol. Members should also become familiar with the history, culture, and concerns of the communities served by the law enforcement agency, in particular the public's potential concern with biased based policing and racial profiling.

Finally, members should receive specific training on their oversight agency's operations and procedures including complaint intake, investigation, mediation and disciplinary procedures; evaluating credibility, reaching findings and due diligence requirements; procedures for hearings and meetings; and developing policy recommendations. Ride-alongs with members of the local police agency should also be provided to board and commission members.

NACOLE - Options

Oversight systems can take a wide variety of forms and operate under a wide range of authorities. [\[1\]](#)

Each jurisdiction will have to carefully assess the needs of the community and the cost-benefits of the oversight program they adopt. The key question is whether the oversight system is sufficiently independent--in terms of political, professional and financial independence and authority—to do what is needed and what is asked of it.

It is helpful to think in terms of the goals of the community and what is being asked of the local oversight system. Specifically, what level of funding and how much authority should be given to the oversight agency in order to shoulder its identified tasks and succeed. The oversight agency's mission should bear some relationship to the size of the police department, the department's funding levels, and the level of trust or mistrust within the community—particularly among those segments of the community that historically have been the subjects of over-policing or bias-based policing.

1. Ongoing Monitoring/Auditing Authorities: Typically these systems allow for the oversight agency to be actively engaged in each, if not all, of the steps related to the complaint process.
 1. Caution: When communities adopt language referring to an oversight “monitor,” it should be distinguished from monitors created as the result of federal consent decrees or court ordered monitoring through litigation brought by the US Department of Justice to end “patterns and practices” of unconstitutional policing under federal law.

More accurately, programs stemming from the adoption of a local ordinance or charter amendment to establish a “monitoring” program typically provide some form of ongoing *review or audit* of the complaint process. Communities should not think that calling the director of a local civilian oversight program a “monitor” will lead to the same broad powers and complex programs that make up the components of federal consent decrees.

To add to the confusion, the title of auditor is often assigned to the director of an oversight program even though few people in this role conduct audits in the technical sense of the word. Likewise, the title *ombudsperson* can be misleading as the heads of oversight programs are not advocates for complainants or the public but rather advocate for and work to forward a system that results in improved police performance and accountability. Increasingly, new oversight agencies simply refer to the executive directors of the programs as directors or executive directors.

1. How it Works: The work of monitors, auditors or ombudspersons in the context of locally adopted civilian oversight typically results in a process that is *ongoing* and engaged with each, if not all, of the steps involved in when a person in the community complains about the conduct of a police employee or employees in a particular situation. A full range of authorities under this type of system would result in engagement with each of the following steps.

NACOLE - Options

1. Complaint intake—the monitor/auditor/ombudsman/director oversees the process for ensuring:

- i. Complaints are able to be received from a wide variety of sources—including in-person, telephonically, electronically, anonymously and through third persons with sufficient knowledge of the underlying circumstances;

- ii. That the system is accessible through a variety of means (including in person, telephone, electronically);

- iii. Individuals with limited English proficiency or special needs have access to the system;

- iv. That complainants are not discouraged from filing a report and are free from retaliation;

- v. The individuals receiving and screening complaints are well trained in conducting what is essentially an initial investigation;

1. Complaint classification—i.e., if proven would the alleged facts result in a finding of misconduct on the part of the named officer in violation of a specific policy or policies?
2. Investigation—assignment, plan, interviews, gathering evidence (reports, phone records, CCT, in-car, ECW or body-camera videos, medical records, etc. And requiring further investigation if information is incomplete.
3. Report Writing—reviewing the investigative reports to determine whether the investigation was timely, thorough and objective.
4. Analysis—after the investigation is complete:

- i. Analyzing information to determine whether facts are sufficient to prove (the usual standard is preponderance of evidence) the policy was violated,

- ii. Identify issues of supervision or training.

- iii. If there is authority to weigh in on or recommend corrective or disciplinary measures, the monitor may assess whether these measures were imposed in an even-handed manner consistent with the department's disciplinary matrix.

- iv. Alternative Dispute Resolution—the oversight program may be involved in administering or coordinating mediation programs.

1. Strengths: These types of agencies can be effective in identifying strengths and weaknesses in how complaints are handled, identifying areas of weakness—particularly bias—in investigations, spotting gaps in training, policy and

NACOLE - Options

supervision within the police department, providing opportunities for dialogue and understanding between the police and individuals and groups within the community, assessing the effectiveness of early warning systems and determining whether discipline is consistent and fair.

2. Weaknesses: These systems are often charged with collecting data and reporting trends. Because they are almost always complaint driven, it often takes many months to collect data that is reflective of a “trend.” Problems that exist within the police department may be systemic but are underreported because the police conduct affects people unlikely to complain—including disabled, people whose socio-economic status leaves them vulnerable and isolated. Other groups such as individuals working in sex trades or involved in gangs are not likely to report even the most egregious police misconduct. When members of marginalized groups do complain, the problem may appear to be an aberration when it is actually commonplace. Unless there is the staff and time to track the outcomes of criminal prosecutions, the oversight agency may not be aware of cases that are not filed, are dismissed or where evidence is suppressed due to police misconduct. Such data can be of use in effecting better training, clearer policy and reducing risk and liability related to the police department.

3. Review Systems:

1. These systems typically allow the oversight body to review only cases that are closed.
2. How it Works: An individual or a Board / Commission is authorized to review Internal Affairs (IA) investigations of complaints, find them adequate or not, and state whether it agrees or disagrees with the IA findings. Often such boards may recommend further investigation and/or make policy and training recommendations.

i. Oversight agencies with professional staff typically review all of the IA investigations and provide feedback. This includes reviewing interviews, recordings, evidence and IA reports checking to insure the IA investigation was thorough, timely and unbiased.

ii. Smaller agencies or volunteer review agencies may only be able to provide full review of selected cases.

iii. In some instances, agencies have the authority to require additional investigation but unless there is adequate time to review and return it to the department, it may be too late to have any practical effect on the outcome.

iv. Review boards frequently hold their meetings in public. How these meetings are conducted and what can be made public depends to a great extent on state law and union contracts.

1. Strengths: These systems can provide greater transparency and an additional layer of civilian and greater involvement by the community. When they make recommendations, the department may be more inclined to take action.

NACOLE - Options

2. Weaknesses: These systems sometimes lack the independence they need to be effective. If the review board is all-volunteer, they can review only a limited number of cases. The time commitment can be overwhelming as all members not only need to review cases, they need to go through systematic training. Attendance at NACOLE conferences and workshops can be helpful. Local attorneys and civil rights or advocacy groups may provide training opportunities. But each and every review board member needs to be trained and this is expensive in terms of both time and money. It is often tempting to rely primarily on the police department to provide the training. The review board may become too dependent on the police department and recognized as such by the larger community.
1. Investigative Authority:
 1. This allows for investigations to be conducted by the oversight agency and does not rely on investigators from within the police department. This can be particularly effective when the local police department has lost the confidence of the community to investigate itself.

In some instances, authority may be granted to monitoring type agencies or review agencies to contract with outside investigators to conduct investigation of complaints as needed. This usually occurs under a prescribed set of circumstances—typically when it is clear the general public would have no confidence in law enforcement investigators being impartial in the specific matter.

1. How it Works: An Oversight Agency or a Board/Commission is authorized to investigate the class of complaints and allegations identified in its establishing authority. Once the complaint is lodged and identified as being under the jurisdiction of the oversight agency, the oversight agency may:

- i. Identify the relevant police policy or policies that, if supported by evidence, constitute the basis of the complaint and allegations.
- ii. Conduct interviews of witnesses including civilian witnesses, police witnesses.
- iii. Gather evidence including photographs, sound and video recordings, receipts, and documents relevant to the complaint.
- iv. Prepare an investigative report identifying the witnesses interviewed and summaries of their testimonies; weigh the evidence and credibility; identify any gaps in the investigation due to lost or unavailable documents, unavailable or uncooperative witnesses, etc.
- v. Make recommendations or findings as to whether the evidence supports the allegation(s). In some oversight systems, the agency has the authority to recommend and/or impose discipline.

NACOLE - Options

1. Who Conducts the Investigations:

i. Trained, skilled investigators that work within the specific oversight agencies or commissions should perform the work.

ii. It is not necessary, or even desirable, that the investigators be formally trained law enforcement officers. What is necessary is that the investigators be well trained. There are certified investigation programs within the US; for example, civilian investigators frequently work for public defenders at the state and federal level. It is important that they receive ongoing training.

iii. Agencies that rely on volunteers should not attempt conducting investigations.

1. Strengths:

i. This system can help rebuild the trust of the community-particularly in communities in which confidence in the police department's ability to investigate itself has been compromised by a history of lackluster or inadequate investigations.

ii. This system avoids conflicts inherent in many internal affairs departments in which investigators are rotated from, then back into, other units such as patrol, SWAT, or investigations.

1. Weaknesses:

i. It adds to the size of the staff and thus costs to run the program; however, the city/county has to pay for investigators regardless of whether they are within the oversight agency or within the police department's internal affairs program.

ii. Police departments are often resistant to having non-police investigators conducting investigations.

iii. Working through the necessary administrative changes and possible challenges by local police unions may take additional time and political will.

iv. As with all oversight programs this authority will only address issues related to specific, individual complaints and may not help identify systemic issues.

1. Hearings Boards

1. Some oversight systems conduct hearings, hearing testimony or argument and rendering decisions.

NACOLE - Options

i. Evidentiary Hearings: Some larger review boards have the authority to hold evidentiary hearings on complaints. This requires support staff to organize materials, forums and assist with findings and report writing

ii. Appeals: Some larger review boards have the authority to hear appeals filed by either the named officer or the complainant and overturn any decision made by the Chief of Police or other command staff responsible for making decisions based on the IA reports and recommendations.

1. Strengths: These boards and functions can be effective in keeping the complaint system from being, or appearing to be, a closed system in which only police command staff and officers have any direct responsibility or control over the outcome of complaints from community members.
2. Weaknesses: They require additional professional and support staff. Review board members will require specific training on conducting hearings that guarantee the procedural and substantive rights of all sides.
3. Administrative Prosecutorial Units
 1. This is a fairly new development that has found success in the city of New York. It involves a special unit of attorneys and investigators responsible for investigating and prosecuting administrative complaints against police department employees.
 2. How it Works: Allegations are investigated and based on the outcome of the investigation, the case is dismissed or moves forward to an evidentiary hearing before an administrative law judge. The judge's findings and conclusions are forwarded to a police executive for a final determination.
 3. Strengths: Unlike most oversight systems addressing the complaint process, this system is highly independent from the police department and the standards for objectivity and thoroughness are high. The percentage of sustained allegations is over 85%, far above the norm for other oversight systems.
 4. Weaknesses: This system is being employed by one of the largest cities in the nation. The resources are beyond the reach of most communities. Counties or regions might find pooling resources a worthwhile investment.
4. Systemic Audits of High Risk Police Programs
 1. A few metropolitan areas have adopted a program of conducting systemic audits of high-risk police activities such as stops, arrests, and searches and high risk programs including property units, SWAT, vice and gang units. These audits are conducted according to Generally Accepted Government Accountability Standards (GAGAS).
 2. Oversight agencies or Inspectors General establish a schedule for auditing the performance specific divisions and programs much the same a financial auditor audits the procedures and policies of a business, non-profit or government agency. Within the police context these audits can uncover unconstitutional policing, problems with supervision and weaknesses in police training and existing policies.

NACOLE - Options

3. Strengths: Auditing programs are efficient in detecting trends and common practices and are statistically reliable. They can be done using in-house resources or by contract with outside agencies. Audits are useful in confirming strengths within a program or department and can accurately measure progress over time. Unlike oversight agencies that concentrate on how complaints are handled, audits can be used to establish the level of professional, constitutionally based policing throughout the department.
4. Weaknesses: Auditing programs require special training and significant independence.

1. HYBRID SYSTEMS

1. Most communities now realize that oversight is not a one-size-fits-all proposition. Many oversight practitioners are finding that it is less useful to talk about models and more useful to talk about options of authority.
2. The powers and authorities granted to an oversight agency can be combined in any manner that works best for each individual community. While a volunteer review board may not have the resources to insure each complaint and investigation is handled in a manner that guarantees transparency and accountability, it does add an important layer of involvement, communication and trust building. Review of closed cases might be frustrating for some, while other communities may choose to commit resources that are adequate to insure each review is thorough and the opportunity for feedback and change is genuine.

Is one form of oversight better than another?

1. Many oversight agencies have merged features from the different systems to address their specific needs.
2. As with any oversight systems or any combination of authorities, it can be an uphill battle to empower civilians to engage in processes that have traditionally been entirely within the bailiwick of the police. Accusations of “meddlesome amateurs,” “interfering with the police,” and “Monday morning quarterbacking,” may be among the kindest responses policy makers face from critics of civilian oversight. If systems are too weak to be effective they will fail or simply wither before healthy change in police culture can be achieved.
3. One of the first questions to consider is whether the oversight system will focus on the traditional realm of complaints or if the community sees a broader role for oversight.
4. Communities may find they are better off granting authority that may never need to be used than they would be in withholding authority that may be needed at a critical time.
5. Diluted systems should be avoided. Inadequate funding, lack of independence and the lack of access to critical information will make a skeptical public even more skeptical and will not result in the cultural change in policing the oversight system was created to address.

NACOLE - Options

6. If the investment is made and pays off in improved police performance, it should help identify high-risk law enforcement employees, reduce litigation against the city or county and lower the amount of damage awards. In short the program may help pay for itself.
7. Greater confidence in law enforcement also pays off in reduced crime and safer communities, as more people are willing to report crime and testify in criminal cases.
8. Each model derives its authority and powers from the implementing law(s), ordinance(s), and/or charter of its jurisdiction (typically its city or county). A charter amendment may be desirable to ensure the oversight program becomes a permanent part of local government and cannot be eliminated without another charter amendment.
9. All oversight bodies have limited authority and civilian oversight alone cannot ensure police accountability. Genuine change must be seen as desired by law enforcement leadership. And oversight must be seen as contributing to the solution.

Additional internal and external mechanisms will be needed. Consider characteristics of the population, law enforcement agency, statutes, and collective bargaining agreements when deciding what type of system will best suit your community's unique needs and resources.



City of Topeka
Council Action Form
Council Chambers
214 SE 8th Street
Topeka, Kansas 66603
www.topeka.org
August 25, 2020

DATE:	August 25, 2020	
CONTACT PERSON:	Brent Trout, City Manager	DOCUMENT #:
SECOND PARTY/SUBJECT:	Public Comment Protocol	PROJECT #:
CATEGORY/SUBCATEGORY	006 Communication / 005 Other	
CIP PROJECT:	No	
ACTION OF COUNCIL:		JOURNAL #:
		PAGE #:

DOCUMENT DESCRIPTION:

VOTING REQUIREMENTS:

Not Applicable

POLICY ISSUE:

In accordance with Governing Body Rules, the protocols for public comment apply. These protocols will be provided to each individual who has signed up to speak as they enter the designated "on deck" area (west hallway adjacent to the Governing Body Chambers):

- Each person shall step up to the microphone and shall state his or her name and city of residence in an audible tone for the record.
- All remarks shall be addressed to the Governing Body as a whole -- not to any individual member.
- In order to provide additional time for as many individuals as possible to address the Governing Body, each individual signed up to speak will need to complete his or her comments within four minutes.
- In order to provide additional time for as many individuals as possible to address the Governing Body, there will be no Q&A or debate between Governing Body members and individual speakers. After the last individual who has signed up to speak on a particular item has finished, the Governing Body will engage in discussion on that item then proceed with taking action (if required).

The following behavior will not be tolerated from any speaker:

1. Uttering Fighting Words
2. Slander
3. Speeches invasive of the privacy of individuals (no mention of names).
4. Unreasonably Loud Speech
5. Repetitious Speech or Debate
6. Speeches so disruptive of proceedings that the legislative process is substantially interrupted

Any speaker who engages in this type of behavior will be warned once by the presiding officer (Mayor). If the behavior continues, the speaker will be ordered to cease his or her behavior. If the speaker persists in interfering with the ability of the Governing Body to carry out its function, he or she will be escorted from the Governing Body chambers.

Members of the public, Governing Body and staff are expected to treat one another with respect at all times.

STAFF RECOMMENDATION:

Not Applicable

BACKGROUND:

Protocols have been implemented for the purpose of allowing as many individuals as possible to provide public comments.

BUDGETARY IMPACT:

Not Applicable

SOURCE OF FUNDING:

Not Applicable

ATTACHMENTS:

Description

August 25, 2020 Emails Received

Attachment A

Brenda Younger

From: Brenda Younger
Sent: Friday, August 14, 2020 12:29 PM
To: Governing Body
Cc: Department Directors; City Clerk
Subject: PUBLIC COMMENTS FW: Aug 25 Special Session

Governing Body Members,

I am forwarding comments from Ms. Reynolds regarding the August 25, 2020, Special Meeting.

Thank you.

From: Brenda Younger
Sent: Friday, August 14, 2020 12:26 PM
To: Diane Reynolds
Cc: City Clerk
Subject: RE: Aug 25 Special Session

Ms. Reynolds,

I have received your comments and will forward to the Governing Body.

Thank you.

From: Diane Reynolds [<mailto:rhstables@sbcglobal.net>]
Sent: Friday, August 14, 2020 12:10 PM
To: City Clerk
Subject: Aug 25 Special Session

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I respectfully request that the Special Session be moved to TPAC to allow a larger venue to accommodate the public.

Additionally, much more time needs to be allotted for the session, since the issues to be discussed impacts our entire community. If the end goal is to benefit our officers and the community, everyone should be heard - and this session and all sessions should be widely publicized.

Many concerned citizens are against the #8Can'tWait, the ban on no-knock warrants, and the other proposals that are being brought before the City Council from Campaign Zero and the 501c3 organization "We The Protesters". Please keep in mind that the number of people from the rest of the community that stand behind the safety and morale of our officers far outweigh the number of people in these special interest groups.

It is imperative that our great police men and women feel appreciated and want to stay working in Topeka. It is also imperative that they keep the tools and funding needed to safely keep our city free from crime, and enforce the laws written by the legislators,

and supported by case law.

While I was pleased to recently learn that there is an SPCP Council, in the interest of ALL parties concerned, it is extremely important that there be mandatory oversight and a screening process, maybe even background checks, to ensure the credibility and integrity of every member. This would certainly put the concerned citizens at ease.

Do the SPCP Council members go through the Citizens Academy? How much time have they spent shadowing a police officer such as ride-alongs? I strongly believe this experience with the officers should be made mandatory so they can make informed decisions.

I also strongly believe there should be set rules for disciplining and/or removal from the council.

I look forward to the peaceful Rally outside of City Hall that day to show appreciation and celebrate our wonderful Topeka Police Department. We are so blessed to have them. I am hoping that the special interest groups will engage with meaningful conversation at the rally and that it stays a safe rally. It is important we all work together and am praying it is not ruined by potential disrespectful and radical people encroaching on the law abiding citizens. I am hoping Topeka is better than that.

Very Respectfully,
Diane Reynolds
66606

Brenda Younger

From: Elizabeth Toyne
Sent: Monday, August 17, 2020 2:57 PM
To: Pam Arnoldy; City Council; City Clerk
Subject: RE: TOPEKA KANSAS BACK THE BLUE

Good Afternoon Ms. Arnoldy,

Thank you for contacting the Topeka City Council. This message serves as confirmation that your email has been received by the Council members.

Respectfully,

Liz Toyne
Executive Assistant to the City Council
City of Topeka
215 SE 7th St, Room 256
Topeka, KS 66603
785-368-3710



From: Pam Arnoldy [<mailto:parnoldy@cox.net>]
Sent: Monday, August 17, 2020 11:31 AM
To: City Council <Council@Topeka.org>; City Clerk <cclerk@Topeka.org>
Subject: TOPEKA KANSAS BACK THE BLUE

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We want a strong Police Department to enforce laws, prevent crime and keep us safe. We expect our local government to hire, train and equip our officers to keep them safe. We do NOT want our police department defunded.

PamArnoldy

Sent from iPad

Brenda Younger

From: Marilyn Ellenz <mellenz@cox.net>
Sent: Monday, August 17, 2020 12:45 PM
To: City Council; City Clerk
Subject: Police Reform

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I heard this morning that there is a council meeting planned for August 25th regarding Eight Can't Wait in connection with reforming our Police Department. I have seen what has happened in the democratic cities who have defunded their police, and I don't think any of us want to see that occur here. For Topeka, I understand this would incorporate more deescalation maneuvers, but I am concerned that the lives of our officers will be in jeopardy. For example, chokeholds can be dangerous when done incorrectly, but with proper training, this maneuver would save lives. Never be ashamed of law and order. The police need a strong presence, and we do not want to create a war on cops from one incident. They are the people that have to answer the calls no one else could stomach. They need all the support that we can provide to ensure that we have safe neighborhoods and a strong police presence in our city.

Thank you for taking your time on this critical issue for Topeka.

Back the Blue!

Marilyn Ellenz
Topeka, KS

Brenda Younger

From: Richard Koerth <dickanddeb@cox.net>
Sent: Tuesday, August 18, 2020 12:22 PM
To: City Clerk
Subject: Neutering Our Law Enforcement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This message is for the Mayor and every city council person. Your proposal to decrease funding for our city police is a dangerous step towards destabilizing our community! Getting rid of choke holds is ridiculous, that is something that is non-lethal that could save both the officer and the criminal.

8 Can't Wait is definitely something that is unacceptable! We will not stand for this left-winged radical agenda you have in mind for Topeka!!! We will start petitions to recall you and ruin your political careers!

See you on the 25th!

Richard & Deborah Koerth

Re: Submission of Public Comment for Special Meeting
08/25/20

Over the past few years, on a repeated basis, I've read and seen various members of Council as well as Topeka Police Department Chief Cochran refer to anyone speaking out against current practices at TPD as 'so-called leaders,' 'a minority within our community,' and other related terms. With that said, I'd like to state that I submit this public comment on behalf of myself exclusively.

The scepter of police violence, its consequences, and its place in our nation's dialogue is not a new phenomenon. If anything, the global pandemic of COVID-19 has only further exposed how inequity exists for many Americans, our failure in developing policies that close these gaps, and our misuse of policing to address these shortcomings.

In addition, there is no law enforcement agency on this American soil that I know of that is exempt from these shortcomings. To suggest that Topekans who have chosen to speak up against police violence are only doing so under the guise of a nationwide call to action is unfair and wrong. It is a betrayal of those of us you've asked to participate civilly in the processes you've put forth, who've stood within your rules of engagement, and have been patient as you find the courage to acknowledge what is and has been happening between law enforcement and the citizens of this community. It's a betrayal to our community's youth, who have bravely assembled for protest on multiple occasions in the wake of George Floyd's murder, who you stood among and told that their voices were being heard. It's a betrayal to the constant and strategic reference to Linda Brown's legacy in our community, the outcry for equal education opportunities that rang out - indeed - nationwide, and the violent upheaval of an unjust system from 1954 to this very day.

All the while, I've been asking myself where I can find a similar rebuttal for all the citizens who disagree with us, who don't believe that our experiences are true. Where is your public retort to them that we absolutely have issues to face within our law enforcement agency? Where is your reminder to them that you sat with us in the presence of dozens of citizens in late 2017 and early 2018 at our local library, listening to them describe their traumatic experiences with local police? Why did City Manager Trout see it fit to invite the Department of Justice into our community the following summer to facilitate programming for police officers and citizens from all backgrounds to come together? Why the formation of the SPCP Council and the creation of the Independent Police Auditor position? Why the visit to The National Memorial for Peace and Justice during your trip to Montgomery, Alabama last year? Why the newly released list of policing recommendations from our Human Relations Commission? What am I missing here?

I recall reading a comment from a fellow citizen in a recent newspaper article regarding his participation in a local protest for George Floyd, how Topeka needed to be proactive in its stance for Black lives before "we have a George Floyd here." My heart sank, my eyes welled with tears, and my first thought was that Dominique was not even three years buried.

You're absolutely right. I am no leader. I am only one voice. My voice is wearing thin.

Martinez Hillard

Brenda Younger

From: Monique Glaude
Sent: Thursday, August 20, 2020 12:24 PM
To: Brenda Younger
Subject: August 25th Governing Body Meeting Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

Greetings Brenda,

I received the following anonymous call this mornign and the caller would like their comments to be shared with the Governing Body:

*" I want to be assured that the Topeka Police Department is not defunded or destabilized. It is my preference that more funding be provided to the department in the future.
I am concerned that the Leftist group that will be in attendance at the meeting will attempt to defund the department."*

Thanks

To Greater Success,
Monique Y. Glaude'
Division Director of Community Engagement
City of Topeka
Department of Neighborhood Relations
620 SE Madison, 1st floor
Topeka, KS 66607
785-368-4470
www.topeka.org

The preceding email message (including any attachments) contains information that may be confidential, protected by the attorney/client or other applicable privileges or that may constitute non-public information. This message is intended to be conveyed only to the designated recipient(s). If you are not listed as a recipient of this message, please notify the sender immediately by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

Brenda Younger

From: Hannah Schumacher <herschumacher@gmail.com>
Sent: Thursday, August 20, 2020 2:10 PM
To: City Clerk
Subject: Public Comment for Special Session

Follow Up Flag: Follow up
Flag Status: Flagged

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As a white Topekan with more privileges than I deserve, my interactions with law enforcement have been few and far between compared to many of my fellow Topekans. My interactions have always been mutually respectful and calm. They haven't always been timely and have often taken more effort than they should on my part to initiate. I have heard from other Topekans they've had quite opposite experiences. I believe them and you should too.

Please also remember groups and individuals are working together in our city towards long term meaningful change that will positively impact many groups within our community including our law enforcement. This includes the list of desired outcomes I'm sure you're already aware of:

1. Evaluate the use of force policy and procedures
2. Create high standards of transparency and accountability by looking at qualified immunity
3. Create an independent citizen review board
4. increase and enhance reporting to the public

These proposed changes will require ongoing work to help ensure justice and equity for all Topekans. I sincerely hope as an elected official representing Topekans who are and aren't like you, you will take multiple differing perspectives into account and work towards change that will foster essential community partnerships and relationships.

Thank you,
Hannah Schumacher

Brenda Younger

From: Francis Slobodnik <fjslo@aol.com>
Sent: Thursday, August 20, 2020 5:07 PM
To: Brenda Younger
Subject: Written Comment for Tuesday's Meeting

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Regarding 3 B. etc.

There has been tremendous confusion about the agenda for this special meeting. I hear that it is an 8 Can't Wait agenda and then that it is not.

In these times of tremendous volatility in some parts of America I believe what we need in Topeka is stability. I have found the Topeka Police Department to be very professional. They truly both serve and protect the public. If it ain't broke, don't fix it.

How the police department is run is up to the Chief of Police who answers to his superiors. Anyone at any time can register a complaint with the Chief of Police etc.

The agenda items follow at least some of the 8 can't wait agenda items whether deliberate or not. One of the items on the 8 Can't Wait website is, "comprehensive community safety." Under that category is, "divest from police." Sounds kind of like Minneapolis, New York, Seattle or Portland. Is that what we really want for Topeka?

Without the police, personal safety and private property would be worth very little. The police keep us safe day and night. While we sleep comfortably in our beds the police protect us.

If a questionable action takes place there is already a review process. The police should be allowed to continue using time tested procedures to keep the public safe. These procedures also keep the officer and even the suspect safe. The Chief can and I am sure does review procedures frequently. Let's let him do his job.

Police work is not one size fits all. All sorts of variables can come out of nowhere that change the circumstances of a police action. The police officer in a life or death situation doesn't have the time to pull out an extensive rule book to make sure he can take appropriate action. Officers are trained to know what is appropriate action and what is not.

I am sure there are in Topeka, some individuals who would like to eliminate the police or hobble them so much as to be ineffective. If you don't believe me just look into the forbidden items at the local Good Year plant. One of the forbidden items is, "blue lives matter."

As the great St. Augustine said centuries ago, "order is the first law of heaven." The police officer maintains law and order. Law and order help our society to run smoothly. We can go to work, go shopping, go to the park and enjoy freedom and tranquility in our own homes.

Topeka is not New York, Seattle, Minneapolis or Portland. Individuals who might desire the elimination of the police know that what flies in those cities will not fly overnight in Topeka. They have to use the salami principle; one slice at a time. Topekans, be vigilant and avoid getting caught up in the frenzy of self-destructive anarchy.

Francis Slobodnik
Topeka, KS

Brenda Younger

From: Lauren Christ <laurenElizabethchrist@gmail.com>
Sent: Friday, August 21, 2020 10:27 AM
To: City Clerk
Subject: Upcoming city council special session

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am Lauren Christ, a lifelong resident of Topeka. I am in a high tax bracket and raising my two children here. I am highly invested in police reform in our city and will be attending the council meeting Tuesday.

I am writing to you to say that I am in full support of Black Lives Matter Topeka Kansas demands which are the following:

- We demand provisions to overhaul qualified immunity for law enforcement and this be placed into the actual FOP contract
- We demand prohibitions on racial profiling
- We demand a ban on chokeholds and classifying it as a criminal offense?
- We Demand establishing of registry of police misconduct maintained by the Department of Justice.
- We demand a Civilian Review Board with the Goal to represent and empower the community via promotion of citizen retaliation, prevention of future abuse, and policing the police departments use of force

When the benefits are so great and there is no harm done this community by granting these things, it just makes sense for you all as a governing body to be in agreement with every single one of these demands.

By this you are acknowledging the life and the lives of all those killed by police brutality and pledging NEVER again and NOT in this city. And to do anything less is a sign of open willingness to stand on the wrong side of history.

--

Thank you for your time,
Cassy Ainsworth, LSCSW

***** Confidentiality Notice *****

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Brenda Younger

From: Rod Bleich <bleichrod@gmail.com>
Sent: Friday, August 21, 2020 12:10 PM
To: City Clerk
Subject: NO DEFUNDING AND NO RESTRICTIONS ON POLICE

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rod Bleich here.

I live at 3409 sw 37th street in Topeka. My wife, Barb and I moved to Topeka in 1995. We have raised 3 sons, that attended Topeka West.

I am totally against defunding the police. Also, I am totally against putting any restrictions on the police.

I hear about all the crime and violence that is happening in Topeka, in Kansas, and around our country. I think it is totally crazy to do anything negative the police.

It seems, a very well planned organization is trying to do great damage to our country. We need the police to step up more to enforce our laws, put rioters in jail, etc. The Black Lives Matter Movement is actually destroying our country. I am sick to see the local and national news and observe how our country is being destroyed.

You will probably have an organized group attend your public hearing, that want to defund and put restrictions on police. Please know that countless numbers of people, just want peace, law and order.

So who will be liable, if I need the police to come and protect me, my family and property, and the police does not show? I pay taxes and I truly need and want the absolute best police protection possible.

If you want to visit with me, please call, 785 817 2363.

Thank you!
Rod Bleich

Brenda Younger

From: Elizabeth Toyne
Sent: Friday, August 21, 2020 2:24 PM
To: Echo Van Meteren; City Council; jerry.farley@washburn.edu; ChiefsOffice
Cc: Mayor; City Clerk
Subject: RE: City Council Special Session - TPD Budget

Good Afternoon Ms. Van Meteren,

Thank you for contacting the Topeka City Council. This message serves as confirmation that your email has been received by the Council members.

I am including Mayor De La Isla's office as well as the City Clerk's office in this response so that your comments may be added to the record of public comments.

In response to a few of the concerns listed in your email, the Governing Body approved a proposal to provide an additional \$20,000 to the Topeka Police Department's Behavioral Health Unit. This unit works with the homeless population as well as individuals experiencing a behavioral or mental health crisis. This proposal was passed, along with the rest of the 2021 City Budget, at the August 11, 2020 meeting. To see the minutes from that meeting, please click [here](#).

A press conference was held on Tuesday, August 18th, by Mayor De La Isla and City Manager Brent Trout to answer concerns regarding the Special Meeting on August 25. During this press conference, support for the Topeka Police Department was expressed. You can view the press conference [here](#).

I have also attached the agenda for the August 25th meeting, [here](#).

Respectfully,

Liz Toyne
Executive Assistant to the City Council
City of Topeka
215 SE 7th St, Room 256
Topeka, KS 66603
785-368-3710



From: Echo Van Meteren [<mailto:fairecho@gmail.com>]
Sent: Friday, August 21, 2020 9:58 AM

To: City Council <Council@Topeka.org>; jerry.farley@washburn.edu; ChiefsOffice <chiefsoffice@topeka.org>
Subject: City Council Special Session - TPD Budget

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

August 21,2020

Mayor De Isla
Topeka City Council
Jerry Farley, Washburn University President
Bill Cochran, Chief, TPD

Please read into the record for the special session called for on 8/26/20.

To all concerned,

Mayor De Isla's call for a special session of the City Council with the police department's budget being on the agenda is nothing more than political posturing for the national Democratic Party and is not prompted primarily out of concern about the safety and well-being of the citizens of Topeka or for anyone else that has business in Topeka.

As a parent of a Washburn University student, I could not be more disgusted with the mayor's political posturing. Thousands of students, citizens, and businesses expect a level of protection from the mayor's office. When one sends her child off to college, there is an underlying sense of concern, combined with the hopefulness that they will be safe. You trust that the city, the university, and the community are working together to ensure that students have a wholesome, safe academic learning environment and social environment.

I thank GOD every day that my child is alive. I also say a prayer every day for the families that have lost a child to a senseless act of violence in the middle of a Topeka street. My daughter bears the emotional scars of losing her best friend, a Washburn football player, to such a senseless act of violence. She will have to deal with those scars every day for the rest of her life. Unfortunately, there are too many families in Topeka who are grieving due to violent criminal behavior.

It is a slap in the face to those who have suffered in this violent community even to consider reducing or redirecting law enforcement's budget. In fact, you should be bolstering the public safety budget, increasing training, and increasing community awareness. You should be demonstrating to Topeka residents that you have a zero-tolerance for violent crime, and any criminal activity will be treated with the strictest enforcement of the law. You should support your law enforcement officers for the incredible work they perform every day and the sacrifices that their families endure.

Topeka has the highest crime rate in the State of Kansas. That is something about which city leaders should hang their heads. It is time to address this with the appropriate measures. When your citizens are suffering from violent crime, it should not be treated with party politics.

Respectfully,

Echo Van Meteren

Mom of a Washburn University Student

--

Echo Van Meteren

Kelly L. Bogner

From: kayeandtom <kayeandtom@gmail.com>
Sent: Friday, August 21, 2020 5:40 PM
To: City Clerk
Subject: Topeka Police Department

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband and I have been lifelong residents of Topeka. We can't even begin to imagine what our police go through each day only to go back and do it again the next day. Their stress levels are so high and then for people to put them all in one group and label them "bad cops" is incomprehensible.

My husband and I support the TPD. As in ANY workplace, there needs to be more training but having them contact their supervisors before engaging their weapons is absolutely ludicrous!

City council, let's work together to keep Topeka safe for ALL of our families.

We stand with the BLUE!

Tom & Kaye Stewart

Sent from my Sprint Samsung Galaxy Phone.

Kelly L. Bogner

From: mike@mrbuick.com
Sent: Saturday, August 22, 2020 11:03 AM
To: City Clerk
Subject: defunding the police

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a citizen of Topeka area , business owner, I am sending this into you to be on record. If you want the police defunded move to another region of the country. This area needs more policing rather than less. The liberal left and the media has emboldened criminals to do more crime. Every time they are arrested they want to fight the cops. If an officer has to wait for permission to protect himself or run to t trunk for his weapon that has to be the worst idea ever since the Vietnam war. (if you don't remember that's why we lost it) Stop being a coward and folding to BLM and the ANTIFA idiots. The rule of law is at stake here. BY your actions the crime rate will explode in Topeka (as if it hasn't already). Its time the silent majority told you what is proper, You are violating an officers right to his own self protection and the Topeka civilians they protect. I predict your removal if you continue these kind of policies in our county. I for one will back your opponent and help them get you ousted. FUND our POLICE not defund. Stop the political correctness.

MICHAEL GARRISON
HIGH TORQUE RACING
785-484-3245

Kelly L. Bogner

From: Nancy Gargan <ngarganwine@gmail.com>
Sent: Saturday, August 22, 2020 1:55 PM
To: City Clerk; City Council
Subject: Aug 25th Meeting 8 can't wait

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,
First I want to thank all of you for what you are doing.

Second, I would like to let you know that I do not support changes to the Topeka Police Department that diminishes what they do. I believe they have been doing a good job. If anything they need more money and more officers to be able to give more attention to things like the neighborhood car vandalization that we have had sporadically at night.

Please VOTE NO on 8 can't wait.

I would hope that you have looked it up on the internet <https://8cantwait.org/> and realize that it is "A Project of Campaign Zero".

Then if you click on or research Campaign Zero, <https://www.joincampaignzero.org/> you will find that they also support actions like "nix the 6" to eliminate police unions and more <https://nixthe6.org/>

If we start to support these radical national agendas now with the small stuff it will not be long and they will be wanting you to vote for more of their policies to defund and demolish the Police Dept.

Hopefully you have already looked at these websites and this organization, having done your own homework.

I realize on the news they said this is not a major thing, but it is step 1 of the agenda that will continue to be pushed to defund the police in the future.

CAMPAIGN ZERO



Research Contributions About Podcast  A project by Campaign Zero [VOLUNTEER](#) [DONATE](#)

#NIXTHE6

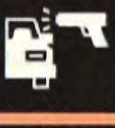
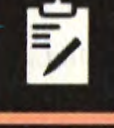
POLICE UNIONS HAVE TOO MUCH POWER.
IT'S TIME TO HOLD THEM ACCOUNTABLE.

1 NO MORE Police Union Contracts Blocking Accountability	2 NO MORE Rehiring Officers Fired for Misconduct	3 NO MORE Police Bill of Rights Laws
4 NO MORE Police Union Influence Over Police Budgets	5 NO MORE Police Unions Buying Political Power	6 NO MORE Negotiations without Community Representation

#8CANTWAIT

BAN CHOKEHOLDS & STRANGLEHOLDS	REQUIRE DE-ESCALATION	REQUIRE WARNING BEFORE SHOOTING	EXHAUST ALL ALTERNATIVES BEFORE SHOOTING
			

TOGETHER, THESE 8 POLICIES CAN
DECREASE POLICE VIOLENCE BY **72%**.

			
DUTY TO INTERVENE	BAN SHOOTING AT MOVING VEHICLES	ESTABLISH USE OF FORCE CONTINUUM	REQUIRE ALL FORCE BE REPORTED

VISIT [8CANTWAIT.ORG](https://8cantwait.org) TO FIND YOUR CITY,
CALL YOUR MAYOR, AND DEMAND CHANGE RIGHT NOW.

CAMPAIGN ZERO

Please VOTE NO,
I want to save our police department in Topeka, KS.
Thank you for your time and assistance.

Nancy Gargan
Topeka, KS 66614

"Live life to the fullest, never having wished you had done something else; live a life that inspires others"

Kelly L. Bogner

From: renealphalearn@aol.com
Sent: Saturday, August 22, 2020 3:07 PM
To: City Clerk
Subject: Aug 25 meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Council Members and Mayor De La Isla:

I am writing to respectfully ask you 2 things about the special meeting on August 25.

The first would be PLEASE have this meeting at the EXPO center so that anyone that wishes to attend this meeting may do so so that their voice can be heard. Meeting in a location where only a few can attend is not fair to those citizens that are concerned about city policies that will affect me and my family that live inside the Topeka city limits and my family that travels from out of city or state to see me. Although I live in the county and am not able to vote in the city elections, my husband works in Topeka and until his semi retirement he owned a business inside the Topeka city limits. He still works part time at that Topeka business. We also still own rental property in Topeka.

The policies you are about to make to defund the police or reallocation as I hear you are calling it, will change what Topeka looks like forever! If you listen and watch the national news, you know what chaos WILL ensue if POLICE are not able to do their job of law enforcement. Defunding the police or reallocating the funds intended for the operation of the police force will ONLY ATTRACT new criminals to the area. When the police are required by policy or instructed by the city government to step back and take a back seat approach to crime (looting, burning, mayhem, etc) NOTHING but businesses and lives are destroyed.

The Corona virus has already taken ENOUGH of our livelihood. Do not allow this new radical agenda to sweep through Topeka!!! I don't even think a task force should be assigned to this effort. First of all, those that are calling for this special session are members of BLM. YES, black lives matter as ALL LIVES matter. HOWEVER, BLM's agenda is a Marxist agenda. (If you haven't looked at their website lately, I would suggest you do so.) I have even seen a video where the founder of BLM was Marxist trained and she admits it. I won't even educate you on what Marxism is because you are all intelligent enough to research that yourself.

Many businesses in cities where the protestors, rioting, looting (stealing) and mayhem has allowed to go unchecked are leaving those cities and maybe even the state. TOPEKA CANNOT afford to lose any more tax base by driving businesses from our city.

The Topeka Police and Shawnee County Sheriff's office has done an excellent job of community service at the schools, Boys and Girls Club and through other organizations where they deem they can reach children and young adults. From what I have been told, Topeka is the most violent city in Kansas. Can we afford to defund the police or even give that job over to the "peacemakers" which would be the social workers? Those who commit violence don't care about peacemakers. I fear the social workers that would be called out would be in much danger and they wouldn't know how to subdue a violent person, male or female! Topeka even has the distinction of ranking the 32nd most dangerous city in the NATION. Can we really afford to defund the police or reallocate the money TAX PAYERS are levied to pay so that we can be ranked # 10 as the most violent city in the Nation?

Again, I say PLEASE DO NOT MAKE A DECISION BEFORE THE NOVEMBER ELECTION. This is not a quick decision that should be made without ANY TOPEKAN weighing in on the issue that wants to.

I don't need to remind you that ALL of you are elected officials. You were elected by the people of your district. Not to do what YOU WANT, but to follow the will of the people in your district. That will should be the majority not the lesser.

I also want to remind you that if you DEFUND the police, than those who own property inside the city limits SHOULD get a

rebate on their property taxes because we will no longer have the security and assurance of protection from the police that we had when we bought the property.

Thank you for reading this.

Rene Armbruster

PS: I wrote the above letter over a week ago. I was told that for this to be in public record I needed to send it to the county clerk. I only got a response from 3 of the council members. Since then, I saw a news conference with the Mayor who said that she has changed the name of 8 Can't Wait to a more "non-divisive" name and is now calling this action Best Practices. It doesn't matter what name you give it, what is on the agenda is still the same as the 8 Can't Wait campaign that is going around the country. I am thrilled to hear that many of the practices of 8 Can't Wait is already being followed by the Topeka Police Department. There are a few items that still concern me. I will not sign up to speak as I know that there are others that will speaking concerning the same thing. I will ask that person to make it known that I also am asking this question as he addresses the council.

I realize that all of you are elected officials and also have other jobs you attend to. You are very busy people and I appreciate that. Perhaps I did not hear a response from most of you because I live outside of Topeka (but pay property taxes as well as taxes whenever I spend money within the city limits). I know you are getting hundreds of calls and emails regarding this meeting on both sides of the issues. So if I don't get a response from you, I will assume that you are far too busy.

The mayor did mention that she will not listen to those who come from outside our city to make the decisions she makes. It is my understanding (perhaps a rumor that she was talking about) that one of the women who asked for the meeting was from the Kansas City area. Perhaps I was misinformed.

I will be at the rally to Back the Blue. I hope to get into the council meeting. I think it a travesty that you will not hold this elsewhere so that more than 30 people can attend. That is why I am asking that anyone who wants to make a presentation be allowed EVEN IF IT WOULD TAKE several special meetings!

Brenda Younger

From: Ricky Kennedy <rickydkennedy@yahoo.com>
Sent: Sunday, August 23, 2020 9:40 PM
To: City Clerk
Subject: Meeting 8/25/20

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City council please listen. I am sure the changes you want to implement for the Topeka police dept did not come from the people of Topeka or from you as a city council but from BLM they look like some of the same nonsense that has been offered around the country. BLM is not a civil rights movement! Their leaders have openly and proudly proclaimed that they are Marxist (if you don't know what that is look it up) and they are racist that their goal is the destruction of American and their desire is the death of all white people. These are the people you are supposed to be protecting the citizens from and yet our mayor proudly supports them. She is supposed to serve all Topekan's but has decided that only black lives matter. She wants to go to Washington DC but not apparently to serve all kansan's but only the ones she thinks matters. I am not black, but my life matters. She has openly stated that she has already started defunding the police, why, because only certain lives matter. Can none of you look further ahead then today? Can you not see that what you are doing is making people take the law into their own hands because the police will be incapable of helping. Do not believe what you have been told, BLM is not as popular as you think. That will show up this November at the polls for the mayor because she doesn't represent all kansan's she doesn't respect all life just the far far left. I want you the city council to stand up for all the people of Topeka and vote against these destructive changes that threaten the lives all Topekan's. Be strong, don't be bullied, people are counting on you to do what is right. I challenge all of you to state for the record on Tuesday that ALL lives matter (and that includes black lives) lives are at stake don't let us down and don't be afraid. Stand up and openly support the citizens and our police

[Sent from Yahoo Mail for iPad](#)

Kelly L. Bogner

From: Ann Mah <annmah@att.net>
Sent: Monday, August 24, 2020 8:09 AM
To: City Clerk
Cc: topekacpj@gmail.com
Subject: Police reform

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Honorable Mayor and Topeka City Council Members:

I am writing today in support of long-term police and justice reform in our community. As a white woman I have never had to have "that talk" with my son. You know. The one where you explain how careful he should be if he is stopped by the police. Even though my son was stopped by the police more than once, I never worried that he would not come out of that encounter okay. I cannot say the same for my friends of color who are parents. I cannot even begin to understand that fear. I can empathize, but that is not enough. I must act to make change.

As a member of the state board of education, my interest is in ensuring that our students of color have the chance to grow up, graduate, and stay out of prison. For my part, I am working on racial injustice in our public schools. But we need more than that. We need you to address better policing. Some topics that have been suggested to be discussed include the use of force, de-escalation tactics, more effective use of personnel, and other strategies that improve policing in our community. A citizens' review board is something that is working well in other communities and could work here as well.

One thing that has bothered me is how the discussion about this whole topic has turned toxic recently. There is not a binary choice between supporting our police officers and police reform. We can choose both. Our men and women in blue run toward danger every day and I appreciate their service. But we can always improve. Now is the time to address how we make that happen.

I thank you for your service and appreciate that you are taking time to listen. I know you have a difficult job, but I trust that you will make changes for the better for our community.

Sincerely,

Ann Mah

3351 SE Meadowview Dr.

Topeka, KS 66605

Brenda Younger

From: Dr. Glenda Overstreet <doctorglendao@gmail.com>
Sent: Monday, August 24, 2020 9:11 AM
To: City Clerk
Subject: Fwd: Pro Police Reform
Attachments: Police Reformatations for Topeka 2020.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please add to the records per Councilman Duncan although I think that this letter will also be part of a packet to be sent by Mainstream today. In case it is not included, you will have this info.

----- Forwarded message -----

From: Dr. Glenda Overstreet <doctorglendao@gmail.com>
Date: Fri, Aug 21, 2020 at 4:02 PM
Subject: Pro Police Reform
To: <council@topeka.org>

Please see the attached from a supporter of police reform.

My Personal Experience with Policing in Topeka, Ks

When I was about 6 or 7 years old, and residing in the North Topeka area of town, I was standing by a stop sign. I was waiting to cross the street near my home by the Topeka boulevard bridge. A police car approached my way and so I stopped to let the officers pass. Once stopped by the stop sign, one of the two officers directed my attention to a bent stop sign. The nearest officer asked me if I had damaged the stop sign, for which I replied: "Sir, I am not tall enough to reach the sign." The Officers began to laugh at me, although I did not enjoy the joke, and then they said "we are going to keep our eyes on you" This event stayed with me for some time through my early formative years, and I do vividly recall the circumstances of this event. The feelings that I was left with is that some officer might come back and arrest me for something that I could not have possibly done, but that my innocence alone would not necessarily save me.

While my adolescent life did not come into constant conflicts with the police, there were several times as a high school student, when running around with friends in my car, that patrolling police officers would routinely stop us, particularly at night, to check to see if we had a drivers license, or to question if we had robbed any banks or knew of others who might? Again, the dismal feelings that I had from my earliest encounter, would come flooding back to me in my adolescent years. The point being is that when someone with an official badge, and a gun, and a nightstick stop you, for no apparent reason (s), and no real reason is offered as to why they stopped you in the first place, that makes a young person feel powerless and uncomfortable. When these things take place under the cloak of darkness, your words to the police generally fall by the weight of their lack of interests in your explanation. As with Mr. George Floyd in Minneapolis, when he said that he could not breathe, the site officer did not adhere to that information at all. Deaf ears by police is one of the crucial elements of why many black youth vs uniform police encounters end badly.

The World Trust Educational Services, Inc

I was watching cable television on August 2, 2020, channel 348, and watched a show about restorative justice. The essence of this 45 - minute television piece was that it asked the question about the criminal justice system, "Do we want diversion and punishment, or restorative justice as the outcome of an upgraded policing system"? Underlying that question was questionings about returning angry people to society, after they have been further separated from the larger society by unequal sentence structures. Restorative Justice Groups asks of the victims of crimes the following three questions: 1. Who Was Harmed? 2. What do they need? 3. Whose obligation is it to meet those needs?

Restorative Justice is part of the online network www.world-trust.org The television piece suggested that for schools to offer restorative justice in their anti-bullying programs, would

help to turn out better morally prepared adults for the future. This would assist policing in not having crisis – oriented folks on police staffs, but people who understand how to treat people who have made a mistake or two in their lives. This would also encourage a better sentencing guidelines entourage of judges and lawyers, to provide a more equitable sentencing process for both civil and criminal cases. It would also help us to know how to measure Justice, instead of measuring Crimes.

The Need to Define the Motto: “To Protect and Serve All”

In referencing a progressive activist and independent news site resource, the Alter Net “History of the Origins of Police: Protecting and Serving the Masters of Society”, 02/2015, has indicated that “there was never a time when the big city police neutrally enforced “the law” – nor, for that matter, a time when the law itself was neutral. “Throughout the 19th century in the North, the police mostly arrested people for the vaguely defined “crimes” of disorderly conduct and vagrancy, which meant that they could target anyone they saw as a threat to “order”. “In the post bellum South, they enforced white supremacy and largely arrested black people on trumped – up charges in order to feed them into convict labor systems.”

Suggested Ideas for Policing Reform Policies Nationally

The current understanding by most citizens in most States in the U.S.A., with regards to the mission statement of our police system is: “We Serve and Protect All”, simply does not get operationalized in most police departments. I feel that if our current police officials would adopt the following training components for both veteran and new recruits, both commanding officers and subordinates, that our citizenry would have a more comfortable outlook for our working relationship with the police moving forward.

1. Re-define what is the root mission statement for operating as a police department, for either the county or the city? Is it to protect and serve all citizens, regardless of class, race, or any other characteristics? Or is it to manage the marginalized and keep a sense of societal order and social control?
2. Make it mandatory for all patrolling police officers, regardless of their conducting drug interdictions, monitoring organized crime, or other felonious activities, and to have their body cameras operating always. If an officer disrupts or stops their body cameras from operating, while working, then they must provide a written partner - corroborated explanation, as to why the camera was prevented from operating.
3. Police training should include but not limited to: Cultural and race relations, to include updated information about cultural identifications that contribute to our community. Question? When there are 3 – 4 black or Hispanic youths in starters jackets, are they different from 3-4 white youths who are wearing starters jackets under the cloak of darkness? Is one group a gang, while another group is simply a group of young people?

4. There needs to be community offices through out Topeka, where any citizen or visitors to our city, can stop by for help and assistance. While the operating hours might vary, those outposts would be helpful, as visible signs that Topeka police are a significant part of the community.
5. Every 3 months should be in-service time, for all officers to receive cultural training on it's citizenry, including Native Americans, African Americans, Asian Americans, Hispanic Americans, White Americans, LGBTQ/Tranny individuals and groups, and invite any other groups needing a voice, to be heard by the Police .
6. There needs to be an understanding that the police do interrogations, while mental health professionals do empathic responding, interviews, and social histories. If necessary, counselors or social workers should team up from time to time, to lay the ground- work for Topekans to feel that their voices are being heard during home visits or patrols.
7. All active shooter cases should have a citizen review board, made up of a broad area of professionals, to review the force used, and whether it was necessary.
8. I believe that we need an updated history book, that is a recommendation for our Topeka Public School System. Our officers are people and they operate from a personal position, based upon the historical information that they have been provided in school. Amazon.Com has The African American Experience: A History that reflects the true substance about African Americans, that should be in every classroom in America. We are all operating on false racial information, which causes great difficulties for future generations to know who they are. This is a critical educational area of concern if uniform policing upgrades are to have ultimate positive results.
9. College campuses all need to have mandatory entry level cultural relations classes, that all freshmen student must take. The college professors all must have cultural relations classes in their resumes, as part of the professionalism of the campus staff. This transforms into policing areas of interests, as many misunderstandings about race occur on college campuses everywhere.

Preston R. Williams LMSW

August 3, 2020

FINAL DRAFT

Brenda Younger

From: Dr. Glenda Overstreet <doctorglendao@gmail.com>
Sent: Monday, August 24, 2020 2:14 PM
To: City Clerk; glenda.duboise@topekacpj.org
Subject: Letter of Support - Kansas POC
Attachments: POC.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See attached.

Brenda Younger

From: Dr. Glenda Overstreet <doctorglendao@gmail.com>
Sent: Monday, August 24, 2020 2:16 PM
To: City Clerk; Glenda DuBoise
Subject: Fwd: Police reform

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attached is the letter of support from Ann Mah. Thank you Brenda.

----- Forwarded message -----

From: Ann Mah <annmah@att.net>
Date: Mon, Aug 24, 2020 at 8:09 AM
Subject: Police reform
To: cclerk@topeka.org <cclerk@topeka.org>
CC: topekacpj@gmail.com <topekacpj@gmail.com>

Honorable Mayor and Topeka City Council Members:

I am writing today in support of long-term police and justice reform in our community. As a white woman I have never had to have "that talk" with my son. You know. The one where you explain how careful he should be if he is stopped by the police. Even though my son was stopped by the police more than once, I never worried that he would not come out of that encounter okay. I cannot say the same for my friends of color who are parents. I cannot even begin to understand that fear. I can empathize, but that is not enough. I must act to make change.

As a member of the state board of education, my interest is in ensuring that our students of color have the chance to grow up, graduate, and stay out of prison. For my part, I am working on racial injustice in our public schools. But we need more than that. We need you to address better policing. Some topics that have been suggested to be discussed include the use of force, de-escalation tactics, more effective use of personnel, and other strategies that improve policing in our community. A citizens' review board is something that is working well in other communities and could work here as well.

One thing that has bothered me is how the discussion about this whole topic has turned toxic recently. There is not a binary choice between supporting our police officers and police reform. We can choose both. Our men and women in blue run toward danger every day and I appreciate their service. But we can always improve. Now is the time to address how we make that happen.

I thank you for your service and appreciate that you are taking time to listen. I know you have a difficult job, but I trust that you will make changes for the better for our community.

Sincerely,

Ann Mah

3351 SE Meadowview Dr.

Topeka, KS 66605

Brenda Younger

From: glenda.duboise@topekacpj.org
Sent: Monday, August 24, 2020 12:22 PM
To: Brenda Younger
Cc: doctorglendao@gmail.com
Subject: Fwd: KANSAS NAACP LETTER OF SUPPORT
Attachments: Kansas State NAACP Police Reform.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I apologize this was omitted in error. Please include it in the Mainstream Voices of Faith's packet.

Thanks.

Glenda DuBoise
785 220-5034

Sent from my iPhone

Begin forwarded message:

From: "Dr. Glenda Overstreet" <doctorglendao@gmail.com>
Date: August 24, 2020 at 7:34:03 AM CDT
To: glenda.duboise@topekacpj.org
Subject: KANSAS NAACP LETTER OF SUPPORT

See Attached



Kansas State Conference of NAACP Branches

For generations, black and brown parents have given their children “the talk”—instructing them never to run down the street; always keep your hands where they can be seen; do not even think of talking back to a stranger—all out of fear of how an officer with a gun will react to them.

We must not pretend that the countless people who are routinely targeted by police are “isolated.” They are the canaries in the coal mine whose deaths, civil and literal, warn us that no one can breathe in this atmosphere. ... They are the ones who recognize that unlawful police stops corrode all our civil liberties and threaten all our lives. Until their voices matter too, our justice system will continue to be anything but.

—Dissent of Justice Sonia Sotomayor in *Utah v. Strieff*

Eric Garner, Sandra Bland, Rekia Boyd, Michael Brown, Freddie Gray, Sam DuBose, Alton Sterling, Philando Castile, The litany of Black people who have lost their lives at the hands of the police or in police custody seems endless. People are killed and brutalized, but the legal system gives us no relief. Police officer after police officer is either not charged or acquitted. Police who kill are given paid vacation instead of being held accountable.

The State of Kansas and the City of Topeka are no exceptions. It is imperative that we continue to press for and support policing reform to ensure ongoing improvements are an inevitable part of our way of life.

We are committed to being strategic partners in ensuring change in policing reform while also working to eliminate systemic racism in our law enforcement, judicial and state systems.

Sincerely,

Kenya Cox
President

Dr. Glenda Overstreet Vaughn
Political Action Chair

The mission of the National Association for the Advancement of Colored People (NAACP) is to secure the political, educational, social, and economic equality of rights in order to eliminate race-based discrimination and ensure the health and well-being of all persons. The State of Kansas has a membership of over 2000.

Brenda Younger

From: Glenda DuBoise <glenda.duboise@topekacpj.org>
Sent: Tuesday, August 25, 2020 9:18 AM
To: Brenda Younger; City Clerk
Cc: Dr. Glenda Overstreet
Subject: RE: Additional Information - TCPJ Mainstream Voices of Faith Packet
Attachments: Citizen's Review Board Final Police Dept Draft Ordinance 08.25.20.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your response.

The following additional document is attached:

DRAFT ORDINANCE OF THE CITY OF TOPEKA, KANSAS REGARDING THE TOPEK CITIZEN REVIEW BOARD.

Please confirm receipt and if you have any questions or concerns.

Thanks again for your work and willingness to get this done

Glenda DuBoise

Executive Director

Topeka Center for Peace & Justice

Email: glenda.duboise@topekacpj.org

Office: 785 232-4388

Cell: 785 220-5034

2914 SW MacVicar Ave.

Topeka, KS 66611



From: [Brenda Younger](#)

Sent: Tuesday, August 25, 2020 9:10 AM

To: [Glenda DuBoise](#); [City Clerk](#)

Subject: RE: Additional Information - TCPJ Mainstream Voices of Faith Packet

Please send only the document.

Thanks

From: Glenda DuBoise [<mailto:glenda.duboise@topekacpj.org>]

Sent: Monday, August 24, 2020 11:03 PM

To: City Clerk

Subject: Additional Information - TCPJ Mainstream Voices of Faith Packet

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have a critical additional document to add to the packet of information that was sent. Would you prefer that I send that one document to be added or to resend the complete packet?

I apologize for the omission and I look forward to receiving your response.

Thanks

Glenda DuBoise

Executive Director

Topeka Center for Peace & Justice

Email: glenda.duboise@topekacpj.org

Office: 785 232-4388

Cell: 785 220-5034

2914 SW MacVicar Ave.

Topeka, KS 66611



Brenda Younger

From: teresa miller <teresa-miller@att.net>
Sent: Tuesday, August 25, 2020 6:40 AM
To: Brenda Younger; Bill Cochran; Christina Valdivia-Alcala; Brent Trout; Craig G Duke; Hannah Naeger; Karen A. Hiller; Michelle De La Isla; Michael Lesser; Michael Padilla; Neil Dobler; Spencer Duncan; Sylvia Ortiz; Tony Emerson
Subject: tonights meeting information
Attachments: letter to city,police and fire.doc; Police Dept letter to Lt. John Sturgeon.doc.wps

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please read documents before tonights meeting. See attached

I will be forewording letters I have recieved on this matter.

Teresa Miller

August 25, 2020

Teresa Miller
1820 N W Polk St
Topeka, Kansas 66608
785-234-0840

To Governing Body, Police Chief
Bill Cochran, Fire Chief Craig Duke
and others:

My name is Teresa Miller. Most of you know who I am or you have heard of me. Please read this letter with an open mind and heart. But please read it all the way through, it's very important that you hear what I have to say.

I went two weeks ago to a meeting that the police deptment held. They wanted to hear from people at the end of the meeting about concerns people had. I was the first person up. I tried to use what happened to me as an example, to explain what needs to be looked at in the department. But I was shut down as soon as I opened my mouth. And was told to talk to the Police Chief or someone else about my problem. As soon as that was said, the Police Chief and the Fire Chief left. How can anyone talk to someone that does not stay to the end of the meet to answer questions people might ask them.

I planned to come to this meeting you are holding tonight, because I believe that all of you care to help look at and fix the problems people are addressing to you. But I can not make it. This is why I am sending all of you so much paperwork. I'm on the Shawnee County Park and Recreation Board and our meeting starts at 5:30 p.m.. And this meeting is a very important meeting tonight also.

At the meeting that I went to hear and talk to the Police Department, I did talk with Mr. Ed Collazo. He was the person I was told to turn in the complaint on the officer I had a problem with. Mr. Collazo did take care of the problem with the officer in question, but nothing has been done about why I called the police in the first place. Nor what happened to me when the police got there. I have been trying since November 2019 to find someone that well listen and help me. I tried to have a conversation with the Police Chief, Bill Cocoran. But it seems every single time he sees me coming he turns and walks away or leaves. I've tried smiling at him and I've even tried to say hello to him at a City Council meeting, but I got the cold shoulder. I

just don't understand why. People should not judge another person by what they have heard from other people. They need to make up their own minds, before they treat that person badly. I'm open for suggestions on that one. I have talked with Fire Chief Craig Duke about the problem I had with getting the information I needed from the fireman that were at my house the night of the incident. I will attach the letter explaining the incident in November for you to read.

I can not get anyone to listen to me or help me in the Police or Fire Department. This is why people are so upsets with system. It's broken, they say they want to hear from you, but when you try to tell them what wrong, they don't want to hear it. And they label you as a trouble maker.

Please open your minds and hearts and listen to the people in the city that you serve. You would be surprised what you hear that needs a little tender loving care from you and others working together.

Sincerely,

Teresa Miller

Brenda Younger

From: teresa miller <teresa-miller@att.net>
Sent: Tuesday, August 25, 2020 6:45 AM
To: Brenda Younger; Bill Cochran; Christina Valdivia-Alcala; Brent Trout; Craig G Duke; Hannah Naeger; Karen A. Hiller; Michelle De La Isla; Michael Lesser; Michael Padilla; Neil Dobler; Spencer Duncan; Sylvia Ortiz; Tony Emerson
Subject: Fw: PSU complaint disposition 20TR-0006
Attachments: Calls for service changes .pdf

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----- Forwarded Message -----

From: Edward M. Collazo <ecollazo@topeka.org>
To: teresa miller <teresa-miller@att.net>
Sent: Thursday, March 19, 2020, 04:05:47 PM CDT
Subject: RE: PSU complaint disposition 20TR-0006

Dear Ms. Miller:

So sorry about your health problems! Like you, I also suffer from asthma so I understand your perspective in your complaint. These are not easy times we are living in.

The police department just put out a policy in response to the epidemic (please see attached). They are prioritizing calls to basically emergencies only. All other reports should be done by phone or email. A person may also go into the police station and provide information to the officer behind the desk. After we get through this, you can contact a shift commander, who is a lieutenant, and if you're not satisfied with the answers at this level, you can always ask to speak to their supervisor which would be a captain.

However, if you ever feel threatened or have any other need to call the police, please do not hesitate to do so.

The non-emergency number is, 368-9551. You can also file a report on-line at www.topeka.org/tpd There, towards the bottom of the page you will find a link to file a report on-line.

I believe you will find that the Topeka Police Department is willing to help and listen.

Please take care of yourself!

Best,

Ed Collazo

From: teresa miller <teresa-miller@att.net>
Sent: Thursday, March 19, 2020 3:47 PM
To: Edward M. Collazo <ecollazo@topeka.org>
Subject: Re: PSU complaint disposition 20TR-0006

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Mr. Collazo,

Thank you for getting back with me. I'm sorry I didn't call you back yesterday. I have been having stress headaches lately and not sleeping much. So it's been a little rough for me. You did explain some things to me. But can you tell me who I'm to talk to about the charges I wanted to make, plus someone I can talk to about the situation that has been going on with this person.

Teresa Miller

On Thursday, March 19, 2020, 10:09:05 AM CDT, Edward M. Collazo <ecollazo@topeka.org> wrote:

Dear Ms. Miller:

Please allow me to begin by introducing myself, my name is Ed Collazo and I am the independent police auditor for the City of Topeka. Part of my duties include reviewing any allegations against the Topeka Police Department. I work outside of the police department as a civilian who independently reviews police conduct.

In response to your email, I called and left a message for you at phone number 234-0840, yesterday at 11:23 am. In addition, I have reviewed the following:

- 4 – Axon videos (2 from each officer)
- Dispatch log
- complaint
- Disposition
- PSU case summary

After reviewing the documents and media related to this incident, I find, as did the professional standards unit, that Officer Childers contact with you was in fact inappropriate. PSU found the complaint to be sustained, which means that there was sufficient evidence to find the officer violated Topeka Police Department policy, specifically; improper conduct – courtesy, in violation of TPD policy rules of conduct 4.9.R.1.

Please note that my role is specifically related to the officer's conduct and my review of the documents and the media files are for that purpose. I note this because in your complaint you express a concern relating to a potential threat by a neighbor. I do not make any determination as to the officer's decision to file charges or not. This is a decision made by

the officer in the street and is based on the totality of the circumstances as presented to the officer at the time of the incident. I will also note that although I have access to the media files, it is for the sole purpose of my review and not to be viewed by others. I do not have the authority to share these files with anyone else.

I hope that this email helps explain any questions you may have had relating to the incident. If there is anything else I may be able to assist with, please do not hesitate to contact me. My direct number is 368-3730.

Very truly yours,

Ed Collazo

From: teresa miller <teresa-miller@att.net>
Sent: Wednesday, March 18, 2020 9:18 AM
To: Edward M. Collazo <ecollazo@topeka.org>
Cc: Christina Alcala <cvalcaladist2@gmail.com>
Subject: Fw: PSU complaint disposition 20TR-0006

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Mr. Collazo,

Chirstina Valdivia-Alcala had asked me to send you an e-mail about the problem I had with a Police Officer. Now it seems not onlt am I being miss treated by the police officer mentioned, but the dept also. Please help.

Teresa Miller

----- Forwarded Message -----

From: teresa miller <teresa-miller@att.net>
To: John Sturgeon <jsturgeon@topeka.org>
Sent: Wednesday, March 18, 2020, 08:57:27 AM CDT
Subject: Re: PSU complaint disposition 20TR-0006

Lieutenant John Sturgeon,

If I'm reading this right. It's okay to blame the victim that called for help in the first place. Then let the person that she called the police for help on, come onto her property to do bodily harm. When the person she called about vehicle was on her property setting in front of signs that said private property keep out and no trespassing. This person in the past had threatened her life. There is a 911 phone call of this. Plus was asked to testify against him to help put him away. Was not aload to issue any type of complaint or ticket. Instead it was okay for your officer in front of three firemen to put the blame on the victim. I really fill safe in my home now. You wonder why people don't trust the police dept. This is why.

Teresa Miller

On Wednesday, March 18, 2020, 07:35:31 AM CDT, John Sturgeon <jsturgeon@topeka.org> wrote:

Teresa Miller,

The Topeka Police Department Professional Standards Unit (PSU) has completed an investigation into the circumstances surrounding your contact with officers on November 19th, 2019, at your residence. Your concerns regarding how that situation was handled were detailed in a citizen complaint filed on January 8th, 2020..

The purpose of an investigation into a citizen's complaint is to determine if the officer involved in the incident in question violated any law, policy, rule, or accepted law enforcement practice. In this case we identified one issue as described in your complaint that merited such a review. That issue was:

1. The manner in which OFC Childers interacted with you.

With regard to this issue, the investigation determined that OFC Childers interacted with you contrary to TPD policy. As a result, your complaint will be classified as sustained. Sustained means that the allegation made was found to be factual and was substantiated by competent evidence.

Any administrative action taken by the department with regard to the findings in this case is considered to be a personnel matter and is not subject to disclosure under Kansas law. I am therefore unable to provide you with information regarding any administrative action or corrective steps taken.

Please understand that every effort was made to conduct an objective and thorough review of your concerns. Thank you for bringing this situation to our attention. It is important for the Police Department to look into all citizen complaints and we greatly appreciate your willingness to participate in the investigation and resolution process. Feel free to contact me if you have any further questions in this regard.



Lieutenant John Sturgeon
Certified Public Manager (CPM)
Professional Standards Unit
Topeka Police Department
320 S Kansas Ave Suite 100
Topeka, KS 66603
785-368-9214 office
785-861-9748 mobile
jsturgeon@topeka.org

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From: teresa miller [<mailto:teresa-miller@att.net>]
Sent: Wednesday, January 22, 2020 7:41 AM
To: John Sturgeon
Cc: Jeffrey Zimmerman
Subject: Officer Childers and fireman

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Lt. John Sturgeon,

Sorry it has taken so long to get this letter to you. I've been very sick this past month. If you have any questions please call. My phone number is 785-234-0840.

Thank you,

Teresa Miller



TOPEKA POLICE DEPARTMENT

Bill Cochran, Chief of Police
320 S Kansas Avenue Suite 100
Topeka, KS 66603

Tel: (785) 368-9551
www.topeka.org

Contact for further information: Gretchen Koenen, tpdmedia@topeka.org

March 19, 2020

Topeka Police announce changes in response to local disaster emergency declaration

TOPEKA, Kan. – In response to the local disaster emergency declaration in Shawnee County, the Topeka Police Department is temporarily modifying its process for responding to non-emergency calls for service. Calls for service will be prioritized by placing the greatest emphasis on emergency calls.

Effective immediately, and until further notice, individuals who are involved in non-injury crashes and other non-emergency calls for service are asked to call 785-368-9551 and speak to an officer over the phone to make a report. Citizens are also able to make reports in person at the Topeka Police Department's front desk which is located in the lobby of the Law Enforcement Center at 320 S Kansas Ave. This process is similar to the walk-in accident reporting phase. It is important to note, the front desk is protected by glass and is in compliance with social distancing guidelines.

Citizens are also able to use the online citizen reporting form at www.topeka.org/tpd/citizen-reporting/ to make various non-emergency reports. The phone lines and online reporting forms are being monitored by multiple officers.

Emergency calls, those which involve an immediate threat to a person or property should be reported to 911. If a person is not sure that what they are experiencing is an emergency, they can call 911 and a dispatcher will assist.

"I want the citizens of Topeka to know that we remain fully operational and open for business 24/7. Our lobby remains open to the public for non-emergency reports. You can rely on the Topeka Police Department during this time," said Chief Bill Cochran.

These changes are being made to limit the social spread of COVID-19 and protect our officers and the citizens we serve. We ask that if you have symptoms of COVID-19 (fever, cough, shortness of breath) to please let the dispatcher know, so we can take precautions when we interact with you. Preventative measures are also being taken to protect officers and citizens. Officers may wear masks, surgical gowns and other protective gear depending on the nature of the call for service.

This is an evolving situation and the Topeka Police Department continues to evaluate how we can best serve our community during this time. We encourage the community to follow us on social media where we will continue to provide updates and share new information.

Brenda Younger

From: teresa miller <teresa-miller@att.net>
Sent: Tuesday, August 25, 2020 6:50 AM
To: Brenda Younger; Bill Cochran; Christina Valdivia-Alcala; Brent Trout; Hannah Naeger; Karen A. Hiller; Michelle De La Isla; Michael Lesser; Michael Padilla; Neil Dobler; Spencer Duncan; Sylvia Ortiz; Tony Emerson
Subject: Fw: PSU complaint disposition 20TR-0006
Attachments: image001.png

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----- Forwarded Message -----

From: John Sturgeon <jsturgeon@topeka.org>
To: teresa miller <teresa-miller@att.net>
Cc: Jeffrey Zimmerman <jzimmerman@topeka.org>
Sent: Wednesday, March 18, 2020, 07:35:31 AM CDT
Subject: PSU complaint disposition 20TR-0006

Teresa Miller,

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The purpose of an investigation into a citizen's complaint is to determine if the officer involved in the incident in question violated any law, policy, rule, or accepted law enforcement practice. In this case we identified one issue as described in your complaint that merited such a review. That issues was:

1. The manner in which OFC Childers interacted with you.

With regard to this issue, the investigation determined that OFC Childers interacted with you contrary to TPD policy. As a result, your complaint will be classified as sustained. Sustained means that the allegation made was found to be factual and was substantiated by competent evidence.

Any administrative action taken by the department with regard to the findings in this case is considered to be a personnel matter and is not subject to disclosure under Kansas law. I am therefore unable to provide you with information regarding any administrative action or corrective steps taken.

Please understand that every effort was made to conduct an objective and thorough review of your concerns. Thank you for bringing this situation to our attention. It is important for the Police Department to look into all citizen complaints and we greatly appreciate your willingness to participate in the investigation and resolution process. Feel free to contact me if you have any further questions in this regard.



Lieutenant John Sturgeon

Certified Public Manager (CPM)

Professional Standards Unit

Topeka Police Department

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Topeka, KS 66603

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lsturgeon@topeka.org

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From: teresa miller [<mailto:teresa-miller@att.net>]

Sent: Wednesday, January 22, 2020 7:41 AM

To: John Sturgeon

Cc: Jeffrey Zimmerman

Subject: Officer Childers and fireman

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lt. John Sturgeon,

Sorry it has taken so long to get this letter to you. I've been very sick this past month. If you have any questions please call. My phone number is 785-234-0840.

Thank you,

Teresa Miller

Brenda Younger

From: teresa miller <teresa-miller@att.net>
Sent: Tuesday, August 25, 2020 7:07 AM
To: Brenda Younger; Bill Cochran; Christina Valdivia-Alcala; Brent Trout; Craig G Duke; Hannah Naeger; Karen A. Hiller; Michelle De La Isla; Michael Lesser; Michael Padilla; Neil Dobler; Spencer Duncan; Sylvia Ortiz; Tony Emerson
Subject: tonight meeting information

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Everyone,

If you have any questions about what I have sent, please send me a e-mail and I will try to answer your questions. I hope I have not left anything out.

I hope you understand, part of the system is broken and needs someone to fix it.

I have always backed the Police Dept and Fire Dept, even when I think sometimes they could do before.

That was why North Topeka West NIA that I am President of has backed our Police and fire Depts with the National Night Out. But this year due to the COVID-19 we will not be holding one. Which saddens me.

I do support both the Police and Fire Dept . I hope they understand that.

Teresa Miller

Brenda Younger

From: teresa miller <teresa-miller@att.net>
Sent: Tuesday, August 25, 2020 11:49 AM
To: Brenda Younger; Bill Cochran; Christina Valdivia-Alcala; Brent Trout; Craig G Duke; Hannah Naeger; Karen A. Hiller; Michelle De La Isla; Michael Lesser; Michael Padilla; Neil Dobler; Spencer Duncan; Sylvia Ortiz; Tony Emerson
Subject: Fw: SPCP 8/13/20 Meeting - T. Miller
Attachments: image003.png

Follow Up Flag: Follow up
Flag Status: Completed

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Everyone,

It sounds like I had some type of talk with our Police Chief. Once again this is not true. The only talk I had with he that I can remember is the five seconds at City Council I tried to talk with him.

Then he has listed how many time I have called in to the police Dept. as if I'm causing trouble by calling. Is it not there saying SEE SOMETHING SAY SOMETHING! That's what I was doing. When I seen something that was not right, I called in. Trying to be a good neighbor.

I have tried several times to tell the Police Dept I wanted to file a report on the man that was parked in my driveway screaming at me. On my house is two signs in which the Police Dept told me to put on my house when I had a drug house next door for five years that was not handled very well my the Police Dept. These signs say, "No Trespassing" and "Private Property Keep Out". This was what the man I wanted charges filed on was parked in front of in my driveway. This man has gone to prison for pistol whipping people and almost killing someone. But according to our Police Chief, there is nothing for me to file charge for.

Did anyone mention that this firefighter is a close friend of this man that was sitting in my drive. That he was always over to this man property or next door doing something he should not be doing if he is a fireman.

So now when or if I call in anything I'm listed a a trouble maker of the neighborhood.

I think it's time to elect our Police Chiefs just like we do our Sherriff. This does not mean anything against Chief Cochran. It should have been this way a long time ago.

Teresa Miller

----- Forwarded Message -----

From: Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org>
To: teresa miller <teresa-miller@att.net>
Sent: Tuesday, August 25, 2020, 07:25:29 AM CDT
Subject: Fw: SPCP 8/13/20 Meeting - T. Miller

Morning.

This is response from Chief.

Christina Valdivia-Alcalá, Councilwoman
City of Topeka District 2
(785) 233-7110
cvaldivia-alcala@topeka.org

From: Bill Cochran

Sent: Friday, August 14, 2020 1:47:56 PM
To: City Council; Michelle De La Isla
Cc: Brent Trout; Lisa Robertson; Mark S. Jones; Bryan Wheeles; Craig G Duke; Edward M. Collazo
Subject: SPCP 8/13/20 Meeting - T. Miller

CW Valdivia-Alcala:

Again, this issue has been investigated and followed-up on several times. There is nothing further to be explored here. There is no complaint for Mrs. Miller to file.

Here is information that was sent to the City Manager, Chief Duke and Mr. Collazo on July 21st:

Sir:

As you know this event took place in November of 2019 and it was in reference to an illegal burn called in by Mrs. Miller on her neighbor at 1825 NW Tyler. Mrs. Miller is under the belief that the firemen who arrived at the scene were told by the neighbor that he was going to assault her. The neighbor went over to Mrs. Miller's drive way and was yelling and cussing at her because she had called in the burn again. The neighbor was gone before officers arrived and Mrs. Miller never had contact or conversation with the neighbor, so no person to person contact or direct threat was made which means no crime took place.

Mrs. Miller is under the assumption that the firemen who were on scene told the officer that the neighbor had made a threat to them towards her. What was said by the firemen was Mrs. Miller was a frequent caller and reports stuff on the neighbor all time and he was probably over there to assault her. The officer that was told that did handle the call unprofessionally and as a result she filed a complaint on January 8, 2020. The complaint was sustained, which then made it a personnel issue.

In 2019 there were 24 calls for service at in the 1800 block NW Tyler and 1800 block of NW Polk

- Mrs. Miller was the complainant of 8 of these call
- o March 5th – 3 subjects on bikes were in her yard and the came from 1825 NW Tyler, subjects were gone
- o March 5th – Loud music complaint at 1825 NW Tyler, officers did not hear any music
- o April 21st – Call about individuals going through peoples mailboxes
- o July 14th – Reported subjects at 1825 NW Tyler are lighting sticks of dynamite, subject said it was the dumpster lid shutting
- o August 7th – Other 8-10 people behind an address smoking marijuana, officers could not locate anyone
- o September 13th – Gun shots in the area, officer did not locate any victims
- o September 27th – Other subject on a bike taking clothes out of bag and throwing them in the street, call was a domestic related call
- o November 4th – Disturbance that started after a stolen bike was returned, caller felt threatened by the juvenile because he kept staring at her
- o November 15th – Other caller called in an illegal burn, turned out to be a small contained cooking fire
- o November 19th Other caller called in an illegal burn (the call that spurred this complaint), fire reported it was not an illegal burn

When Mrs. Miller approached me at City Council I told her to contact LT Trimble, which she did not so I had him reach out to her. The following is from him on January 8, 2020 @ 1641 hours:

I spoke to Ms. Miller this afternoon. I also spoke to her back in November/December about the same incident she is still complaining about.

Summary of Complaint:

11-19-2019: She called dispatch to report neighbor for burning trash/debris in his yard causing too much smoke. TFD and TPD (OFC XXXXX and another unknown officer) responded. TFD reported to her that the neighbor was not in violation because the fire was in a pit of some sort. At some point, the neighbor made a comment to a firefighter that Ms. Miller did not hear but assumes was a threat towards her. Ms. Miller demands that the firefighter tell her what the neighbor says. He refuses. OFC Childers is demanded by Ms. Miller to find out what the firefighter was told by the neighbor. He refuses. She states that OFC Childers then tells her to quit calling in false complaints on the neighbor and to quit wasting the firefighters' time.

Ms. Miller is upset because she said she came down to file a complaint and the front desk officer told her he would give the complaint to me. I never received any complaints about this aside from our first phone call. She wanted to talk to PSU but when she found out they were not here at the LEC anymore, she just filled out the complaint at the desk.

Conclusion:

Today, as I did last time we spoke on the phone, I explained to her that the neighbor talking to the firefighter did not constitute a criminal threat based on what information she gave me. I explained to her that if she felt OFC XXXXXX was rude or unprofessional, she could definitely file a formal complaint and gave her the processes to do such. Ultimately, just as I did last time, I gave her LT Sturgeon's office number and she said that was all she needed and thanked me for my time.

It appears Mrs. Miller believes there was a threat made to the firemen by the neighbor at 1825 NW Tyler directed towards her. That is why she wants to talk to the firemen (one who is now retired) to get statements from them to try and establish probable cause for a criminal charge that does not exist. That is also why the neighbor has not been arrested and why there is no criminal report documenting the threat. I believe this incident has been investigated thoroughly.

Please let me know if there is anything else that needs to be done reference this.

Respectfully,

Chief Cochran

As far as the SPCP, there was a format that was being followed. Mrs. Miller's comments were not germane to the topics being discussed. The comments that she refers to from other attendees were pointed at the topics being discussed. I am not sure if you were at the meeting or saw it on channel 4, but Mrs. Miller's comment that I "bolted" right after that is a BOLD FACE LIE. I stayed around after both meetings and spoke with several citizens afterwards. Unfortunately, in life some people are just never satisfied with the outcome of a particular situation.

Respectfully,

Chief Cochran

[cid:image001.png@01D3944C.CF6ABAA0]

Bill Cochran
Chief
Topeka Police Department
320 S Kansas Ave Suite #100
Topeka, KS 66603
785-368-9437
wcochran@topeka.org<mailto:wcochran@topeka.org>>

From: Christina Valdivia-Alcala <cvaldivia-alcala@topeka.org><mailto:cvaldivia-alcala@topeka.org>>
Sent: Friday, August 14, 2020 8:54 AM
To: Bill Cochran <wcochran@topeka.org><mailto:wcochran@topeka.org>>
Cc: City Council <Council@topeka.org><mailto:Council@topeka.org>>; Brent Trout <btrout@topeka.org><mailto:btrout@topeka.org>>; Michelle De La Isla <MDeLalsla@topeka.org><mailto:MDeLalsla@topeka.org>>
Subject: SPCP 8/13/20 Meeting - T. Miller

Good morning.

Please see a partial excerpt from an email written by North Topeka West NIA President, Teresa Miller. Teresa is also a lifelong resident of District 2.

"Christina,

They said that this meeting takes place of the quarterly meeting they use to have. And when I tried to talk about what happened to me the lady officer shut me down. Told me that I needed to talk with the Police Chief or someone else at the end of the meeting. Well that would of been nice, but the Police Chief booked it as soon as she said that. Collaso

came up to me and gave me his card. I told him that I already had talked with him, but I need someone to take care of the rest of the problem from that night. That I needed to know what was said to the other police officer that was there. I told him that one of the firemen talked with the second police officer and that I needed to know what was said. And that I wanted to press charges on the man that threatened me. He just looked at me. He does not understand what people are needing out of them."

I watched both SPCP meetings and I witnessed a number of folks going "off topic" and even individuals highly attacking and aggressive of SPCP members that were not not shut down the way Teresa Miller was. I heard folks at the podium talk about the masks ordinance with John Nave (off topic) and she was allowed her full time to continue. I even heard a woman that declared she did not live in Topeka, however, she "spent a lot of money" in Topeka and she was awarded the right to speak until she was done.

Teresa Miller was on topic. She was speaking exactly to the type of issues SPCP states they want to hear. Both TPD and citizens on the board stated that was their mission.

Teresa spoke to a North Topeka sentiment that I heard over and over as I went door to door in the summer and fall for election. The lack of concern by many on TPD that come out for calls, the disregard and lack of respect by some on the force when they are called to citizen homes. The lack of patrols. The lack of communication and transparency. She was on point. Yet she was disrespectfully shut down. Many believe they receive this treatment because of the side of town they live on. Is it?

Teresa Miller also believes her case was not thoroughly evaluated by TPD or IPA. She believes she was threatened by her neighbor that has a history of violent tendencies and has spent time in prison. She states she was threatened twice. She wants to press charges and she needs not just my help - she needs someone on TPD to assist her. She did not need the IPA because I too have experienced, in advocating for her, that realm has been exhausted. She was told to get with you Chief after the meeting but no one but she states you had left.

Please advise on how this can be addressed. I am also forwarding this to the SPCP committee. I do believe the meetings were beneficial for the community - yet the true mission needs to be exemplified towards average folks that believe they have no where else to go and want to be part of the solution.

Teresa is well known within COT and folks can say she is "too this or that" but that makes no difference that her edges are rough. She still deserves to be heard. Teresa pays taxes and is an involved and active citizen - exactly what the SPCP and TPD state is vital and needed to help deal with a reduction in crime and to make a neighborhoods better.

Thank you.

Christina Valdivia-Alcalá, Councilwoman
City of Topeka District 2
(785) 233-7110
cvaldivia-alcala@topeka.org<mailto:cvaldivia-alcala@topeka.org>

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Brenda Younger

From: CARTER, MARIE <mcarter@tps501.org>
Sent: Tuesday, August 25, 2020 9:09 AM
To: City Clerk
Subject: Fwd: Police Reform

----- Forwarded message -----

From: **CARTER, MARIE** <mcarter@tps501.org>
Date: Tue, Aug 25, 2020, 9:06 AM
Subject: Police Reform
To: <cclerck@topeka.org>

We all know there are bad people in honorable professions. Good people who make bad decisions, need consequences.

Also police officers are trained to be police officers, not social workers psychologists. They are not given the hours to train to deal with people with mental illness.

Reform, not defund.

DRAFT ORDINANCE OF THE CITY OF TOPEKA, KANSAS REGARDING THE TOPEKA CITIZEN REVIEW BOARD

Section 1: Membership

- A. The Board shall consist of no more than thirteen (13) members consisting of a cross section of citizens.
- B. Board membership shall reflect the diversity of the residents of the City of Topeka, including ethnicity, race, gender, religion, sexual orientation, socio-economic, and residency.
- C. Board members selected will be individuals with an interest or experience in police and/or community relations.
- D. Board members will exclude spouses, friends, chaplains, employees, and relatives of law enforcement.

Section 2: Qualifications:

- A. Individuals must possess the following qualifications to be appointed to the Board:
 - 1. Adult members: At least 18 years of Age.
 - 2. Be a resident of the City of Topeka and Shawnee County.
 - 3. Not employed by the City of Topeka or be a family member of an employee of the City of Topeka (see other restrictions above in Section 1D).
 - 4. Be a citizen of the United States.
 - 5. Have no pending criminal charges in any local, state or federal jurisdiction or court of law.
 - 6. May not be on probation, parole, or participating in a diversion or deferred judgment agreement for any misdemeanor conviction for the following offenses:
 - a. Possession of controlled substances;
 - b. Battery or resist of a law enforcement officer;
 - c. Crimes of dishonesty or false statements; or
 - d. Crimes of moral turpitude;
 - 7. Is not registered as a sex offender with any state, country or local government.
 - 8. At least one full year after completion of sentence if convicted of a felony.
 - 9. Is not an elected local, state, or federal public official or a candidate for any such office.
 - 10. Is not a party or representative of a party making a claim against the City of Topeka for any action or inaction of an employee of the City of Topeka.

In addition to the above qualifications, all applicants (or members, where applicable) for appointment to the board must:

1. Be enrolled in the Topeka Police Departments Citizen's Police Academy within the third available academy session beginning after appointment;
2. Complete racial profiling training presented by the Kansas Attorney General within six (6) months of appointment.
3. Participate in KOMA/KORA training provided by the Kansas Attorney General's Office within a reasonable time after appointment.
4. Sign a confidentiality agreement that individual information reviewed and discussed regarding the post discipline review of a Professional Standards Investigation will be kept confidential but reported to the public with aggregate data in a quarterly reporting online or in print.

SECTION 3: Terms of Office and Removal

- A. Board members shall serve a term of four years. In order to establish staggered terms, appointments shall begin January 1, 2021 and will include five members for a four-year term, four members for a three-year term, and four members for a two-year term. Thereafter, all members shall be appointed for a four-year term. No member shall serve more than two consecutive terms.
- B. In the event a vacancy occurs or the individual no longer meets the eligibility requirements during the term of any member, the City Council may appoint a successor to serve the unexpired term.
- C. A member may be removed by the City Council from the Board for the following reasons:
 1. No longer meets the eligibility requirements described in Section 2;
 2. Misses more than two (2) consecutive board meetings or fifty (50%) percent of board meetings in a twelve (12) month period;
 3. Fails to attend or complete racial profile training, KOMA/KORA training, and the Topeka Police Citizen Academy within the times specified in Section 2;
 4. Fails to comply with and abide by the terms of the confidentiality agreement for board membership.

SECTION 4: Meeting and Officers

- A. The Board shall meet at least once monthly at the times and places established by the Board unless there is no business to conduct. Should there be no business to conduct or brought to the attention of the Board, a written notification will be sent to the board members noting the reason why such monthly meeting is not required. The meetings shall be subject to and shall abide by all applicable provisions of the Kansas Open Meetings Act, K.S.A. 75-4317 and the Kansas Open Records Act, K.S.A. 45-215 et seq. The Chair, after notice, may call additional meetings if necessary to address significant or time sensitive issues.

- B. On or before February 1 of each year, the Board shall meet and organize its membership by electing a chairperson vice-chairperson and secretary. The terms of such offices shall be for a period not to exceed two years.
- C. A member of the Topeka Police Department shall attend all meetings.
- D. It is appropriate for the Board to determine if it is beneficial to create a youth sub-committee that is used to share communication regarding best practices for enhancing police relations with community youth.
- E. It is appropriate for the Board to determine if it would be effective to set up semi-annual Town Hall meetings with the Topeka and Shawnee County community to engage in dialogue with the community at large regarding reporting of aggregate statistics and to hear feedback from the community on ways to enhance police relations. These Town Hall meetings can be scheduled in place of monthly Board meetings.
- F. Notice and minutes of all meetings shall be provided to the City Clerk to be posted on the City's website for community access.

SECTION 5: Board Recommendations

- A. Recommendations of the Board shall be approved by majority vote of the members present and voting. The quorum required for the Board to conduct business shall be the number of members representing at least one half (1/2) of the total number of members duly appointed to the Board. The Board may adopt lawful rules, regulations, and by-laws consistent with the provisions of this ordinance as it deems necessary for its operation.

SECTION 6: Review of Post Discipline or Administrative Matters

- A. In addition to investigating complaints provided to the Board by the Community and other responsibilities, the Board may review cases of misconduct of Topeka Police Department personnel investigated by Professional Standards Bureau. Only cases which are post discipline may be reviewed. Review shall not be heard until all pending case(s) and any applicable appeals, grievances or other review of the incident have been concluded. An automatic transition of information will be forwarded to the Board to review post discipline findings within three months from the date of discipline was imposed or completion of the investigation by Professional standards.
- B. Review of post discipline or administrative matters heard by the Board shall be considered to be the review of personnel matters. Disciplinary action is a confidential personnel matter and will only be revealed to the public in a reporting of aggregate data. Pursuant to K.S.A. 75-4319(b)(1), the review of these matters will not be open to the public.

- C. The Board shall establish all necessary procedures to implement the review of post discipline matters brought before them. Including within these procedures will be notification to applicable police personnel involved in the review in accordance with the police Department Procedure Manual. All police reports, videos, interview or other investigative files submitted to the Board for review shall have the personal identifiers of all involved citizens, witnesses and officers redacted.
- D. The Board's review will be for the purpose of reviewing any applicable administrative regulations and advising the Chief of Police on practices, procedures and training relevant to issues or concerns uncovered as part of the investigation. Such advice will be put in writing follow-up data provided such as date submitted to Chief of Police, disposition taken, and appropriate timelines. The Board's review of community complaints will also be summarized for reporting to the community best practices, advising community of policies and procedures, and how to submit information for review.

SECTION 7: Funding

- A. The funding shall be provided by the City of Topeka to an independent organization structured to support a Topeka Community Office of Accountability and Transparency. Total proposed funding will be determined after a budget has been created to address administrative and investigative support. The budget allocated should reflect the importance and value of the CRB to effectively meet the demands presented by the community.

SECTION 8: Subpoena Power

- A. The Board shall by passage of this ordinance be provided with subpoena power to secure testimony as needed in its investigation and review of complaints or disciplinary action. As to whether such authority is used or needed during investigations is solely to the discretion of the Board.

SECTION 9: Effective upon Passage

- A. This ordinance shall be included in the Code of the City of Topeka, Kansas and shall be effective upon its passage and publication once in the official city paper.

Brenda Younger

From: Franklin Williams <frank1fearless@yahoo.com>
Sent: Tuesday, August 25, 2020 8:44 AM
To: City Clerk; City Council; Brent Trout; brian.hill@snco.us; Gayle Mollenkamp; John Bradford; Lebailey49; Debra&Larry Dolecheck; Gerald Pfeiffer; A & S VODRASKA; Lois Winter; Jane Kobach; Ron Highland; Harold A. Stones; Barker John [house]; BRENDA DIETRICH; Rockie Broaddus; Bret Landrith; Shallenburger Tim [GO]; Eric Rucker; Morgan Chilson; tim hrenchir; Frank J. Buchman; Roe Garrett [KSOS]; Mykel Rae Taylor; Stanton County Director; Connie Mellies; Jerry Loney; Dwight Burnison; Dick Jones; Ken Corbet; Cyndi Beck; fred.patton@house.ks.gov; nosleeves21@gmail.com; William Falley; Kevin Cook; Myron Holter; heather.marten@snco.com; Aaron Mays; Bruce; Paul degener; Wagle Susan [Senate]; Josh Roe; Athena Andaya; Billy; paul@chapter7.ok.com; Phyllis Dawes; Brandon Bohning; ronald.ryckman@house.ks.gov; Bill Riphahn; Y Allen; Dale Dennis; Ernie Claudel; John Davis; Dr. John Rubin; Phyllis Dawes; bill.cochran@topeka.org; Brenda Younger
Subject: Subject: Written comments plus much much more:
Attachments: A Reform request 2020-08-25.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Reform and More for All:

Thank Tim Hrenchir and the Cap-Journal:

Now with the reaching out for reform let us go to the basics for resolve and results.

With a 7/28/2020 printout - - "Name on birth certificate does not match drivers license and"

Then in reverse for a valid review which came first any Birth Certificate would seemingly come first and any drivers licence to be developed and printed later.

Seemingly false writings is to be in review by those with Official duty or authority.

Now whom would that be - - Question OATH followed by filings.

Just what Question needs Answer for a place to start.

Any Reform some one was responsible or erudition required.

Then the next the - - mocourtreform@yahoo.com - - Dated
Thur, Mar 2006 12:19:35 - 0800 (PST)

Had I had evidence that would show locals were in place that Mo. Reform could follow, otherwise it has left us to deal at best or not.

I am seeking the day and date certain with the Name of the one with duty or authority going forward from the point of existence.

That then took me to the proof for Authentication, Finalized, Certified.

Please see that this review evolves out of the best records and not otherwise.

The Title 18 USC Sections 4. and 1001 should be clear enough written and in print for which the Art. 1. Section 8. also printed clear enough for anyone with any learning self or otherwise would find it necessary.

This clearly is not all yet a place to start or just E-Mail me your best place to get started going forward.

Ask yourself just who you have proof of the first Official Act past or current.

Then see that I ge a copy Certified.

More soon just let me know when you will be inreview for what contents reveals.

Thanks to Tim Hrenchir and let me know what I should fully understand?

Franklin Dee Williams

cc: Others.

P.S.: Also re-incorporate all of the previously offered.

Some attachments refused to attach so let me know if you need more.

More specific any timely filed Charter?

Brenda Younger

From: Sara Keckeisen <sarajkeckeisen@gmail.com>
Sent: Tuesday, August 25, 2020 10:27 AM
To: City Clerk
Subject: Topeka Human Relations Commission recommendations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Topeka City Council,

I would like to add my voice to those of the Topeka Human Relations Commission, regarding their several recommendations relating to the Topeka police force.

I am in support of most of those recommendations, believing that--though we don't have the problems with our police force that many cities do--it is best to NOT let problems happen here in the first place. These recommendations--especially that to establish some sort of review or oversight group NOT affiliated with the police--deserve to be considered and implemented. Not firing a weapon at a fleeing suspect, abolishing no-knock warrants (when the police barged into Stephen Shively's apartment all those years ago without announcing themselves, over a minor drug issue, it was a policeman who suffered the consequences so the police themselves should be against that item), continuing to redirect some law enforcement funds to behavioral institutions to take the care of mentally ill people out of the hands of law enforcement, and so many other common sense suggestions should be adopted by our city.

Help Topeka remain a good, pretty safe place to live.

Thank you,
Sara J. Keckeisen
Topeka, KS

Brenda Younger

From: Cindy Branson <luvnjohnson@gmail.com>
Sent: Tuesday, August 25, 2020 12:24 PM
To: City Council
Cc: City Clerk
Subject: Special Session

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon ALCON:

I am writing this email as a concerned citizen of Topeka, Shawnee County, Kansas.

I would like to first say that I am at a loss for words after reading the "changes" that are in the HRC document regarding the Topeka Police Department. Are the folks proposing all of this aware that many things are already in place for the citizens of Topeka? The police department as a whole has an outstanding police force with accreditation that they have earned. They have continued to maintain that through training and taking appropriate action when necessary.

I would like to know exactly what training each member of the HRC, the City Council members, City of Topeka Mayor and City Manager Brent Trout along with any other appointed committee members have gone through to show the citizens of Topeka that you are fully aware of the training and procedures not only taught to Topeka Police Officers, but used by them on a day to day basis. Can you explain this to the entire City of Topeka?

Have any of you ever gone through the Citizens Academy to understand the various departments and what they do to ensure community safety and community involvement? Other than Mr. Padilla who from my understanding was a Topeka Police officer at one time, how many of you truly know what it is like to be a police officer? How many of you have undergone training and been put in situations of split second decisions for the safety of citizens as well as yourself?

I went through the Citizens Academy many years ago and I have seen many good programs within the Topeka Police Department that have since been decreased or completely dissolved. Bring back some of the programs that seemed to be beneficial in not only deterring crime, but having more officers out there for the community to interact with and discuss concerns of citizens.

I truly hope and pray that each and every council member will take the entire community into consideration before making decisions to change policies and defund the Topeka Police Department.

It saddens me and many others to know that the picture being painted in the media is that our City Council members, our City Mayor and our City Manager do not truly care what happens to this city. The police are here to enforce the laws that are put into place. And I pray that each and everyone of you who choose to decrease their ability to maintain order and protect the citizens as well as themselves and their families, with such items on your session as the "qualified immunity" understand that you are taking away the confidence of our law enforcement officers to uphold their oath to protect and serve.

Respectfully

--

Concerned Registered Voter & Citizen

Cindy

Brenda Younger

From: Addie Juedes <chattyaddie@hotmail.com>
Sent: Tuesday, August 25, 2020 11:27 AM
To: City Clerk
Subject: I support our police department!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

This message is to state my and my husbands support of our Topeka Police Department. They put their lives on the line every time they work a shift and their pay doesn't come close to what they deserve for the risk and now disrespect they are receiving. Just because there is a teacher who misuses their position or hurts a child doesn't mean we throw all of those in education out! There are those in politics that aren't honest and do terrible things, do we throw the whole system out? NO! Hold those accountable who need to be and teach everyone to respect, honor, and protect! While we do not LIVE in Topeka but right outside, my husband and I spend a majority of our work time in Topeka and do a lot of shopping, our son is cared for in Topeka, and more!! If we need to call on the TPD, because we need them, I don't want them having to call a supervisor to use the force needed to protect my family and others! If an officer is only supposed to be writing tickets and isn't allowed to carry a firearm and then happens upon someone who needs protected or someone attacks them because they know those who "may not need a firearm for their shift" is a sitting duck and our city has taken away what they need to protect, how is that helpful??? Do we want those who protect and serve to leave our city? Do we want those who pay taxes and are good citizens to want to move elsewhere because of what you have done to our law enforcement? They need to be held accountable just like EVERY person and ESPECIALLY those in leadership and power. Let's support, empower, keep accountable, and give them the tools needed to keep Topeka a great place to raise a family and work!

Thank you,
Addie Juedes (and family)

Get [Outlook for iOS](#)

Brenda Younger

From: Brenda Younger
Sent: Tuesday, August 25, 2020 2:25 PM
To: Governing Body
Cc: Department Directors; City Clerk
Subject: Aug 25 PC - L. Kaine Letter
Attachments: Lauren Kaine Public Comment.pdf

Governing Body Members,

Attached is a letter delivered by Lauren Kaine.

Thank you.

Brenda Younger, M.M.C
City Clerk, City of Topeka
215 SE 7th St., Rm 166
Topeka, KS 66603
785-368-3940
byounger@topeka.org



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1182 SW Plass Ave
Topeka, KS 66604
August 25, 2020

Mayor De La Isla
215 SE 7th
Topeka, KS

Dear Sir or Madam:

I was planning to speak at tonight's City Council meeting but decided the agenda items, with all their complexities, I am not knowledgeable enough to address. What looms large over any and all consideration and formulation of police reforms and corrective policies is the organization Black Lives Matter. It is a subversive organization, self-identified as Marxist (communist) by definition, one hell-bent on creating chaos in/ tearing down the democratic republic of the United States. (Google the organization and read what THEY say about their organization.)

What I can speak to is the certain danger of giving the insidious organization BLM a foothold through imprudent reforms or new/ modified policies governing the Topeka police.

Not one individual I know disagrees with the slogan "black lives matter." No one I know disagrees with a citizen's right to "assemble PEACEABLY" and to "petition the government for a redress of grievances," a right guaranteed in the First Amendment of the Constitution.

The organization Black Lives Matters is all about lawlessness and ravaging: looting; shuttering and burning down businesses; and killing and injuring in real time across the nation in Seattle, Washington; Chicago, Illinois; Minneapolis, Minnesota; Portland, Oregon etc. We must not allow it to gain a foothold in Topeka.

Any parent or grandparent in Topeka who has the God-given instincts to protect their children and grandchildren from evil and harm surely will take a stand to protect them from BLM.

God hates lawlessness and He loves justice. How can the two work hand in hand in the BLM movement and be right in His sight?

In the Bible (Romans 13: 1-4) God admonishes us to be "subject to the governing authorities...that rulers are not a terror to good works, but to evil..." He further says, "if you do evil, be afraid; for (the authority) does not BEAR THE SWORD in vain; for he is God's minister...to execute wrath on him who practices evil."

Defunding police; dismantling police; taking the "sword" out of their hands—BLM and their wrong-headed supporters and sympathizers, by intimidation and enlisting authorities in leveraging misguided policy, are engaged in a ruthless campaign to DESTROY the very fabric of our institutions and culture; and, most certainly, the rule of law and order.

Sincerely yours,
Lauren Kaine

phone : 704 775 3564

Brenda Younger

From: Gale Wollenberg <gwollenberg@gmail.com>
Sent: Tuesday, August 25, 2020 1:39 PM
To: City Clerk
Subject: Reform topeka? or reform the police?
Attachments: Scan0002.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

You really need to address the real issue, abusing the elderly home owners by enforcing the 2012 international property maintenance code.

The other real issue is that the city of topeka doesn't legally exist, see attachment.

A criminal enterprise known as

The City of Topeka

A while ago this author visited the city clerk's office to check on some information I had heard that the city of Topeka had no charter and was unincorporated. I wanted to check on the non-existence of these documents myself.

It turns out that the document that is being passed off to the unsuspecting as a city charter is nothing more than the constitution and record of minutes for the old town company that has come to be called "The City of Topeka". It definitely is not a city charter.

This "town company" constitution document also contains other items that appear to be descriptions of various plots of ground around the area. Again, nothing that appeared to be legally binding.

Then, in asking to view the city of Topeka papers of incorporation, the clerk could not locate any papers of incorporation and she then told me that there are none.

She then showed me the record of Topeka "charter ordinances". I have personally examined the city charter ordinances of another city in Kansas, and the first several pages were of the city charter, which were then followed by the pages of charter ordinances. You cannot have charter ordinances or enforce them without a city charter.

The city charter is the document that authorizes and authenticates the "charter ordinances".

The city "papers of incorporation" are the instruments of authentication for the "governing body" of any city or town. They are proof of entitlement for the city to obtain state grants, federal grants, matching funds, and other "entitlements".

Without a city charter and without papers of incorporation, the collective body calling itself "The City of Topeka" is nothing more than a criminal enterprise and cannot legally collect fines or levy taxes from anyone. The collection of such by that body is a criminal act. Will the RICO act eventually catch up to this criminal enterprise?

THE COMMITTEE TO RESTORE JUDICIAL PRUDENCE IN KANSAS

Brenda Younger

From: Dawn Buttery <davery710@gmail.com>
Sent: Tuesday, August 25, 2020 2:27 PM
To: City Clerk
Subject: 8 Can't Wait proposal meeting today

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am on the schedule to share comments regarding item 3B on the agenda this evening. I am worried about how crowded it might be. We will try to make it but if we see that is too crowded for our comfort level I would like these comments shared. If we can speak via zoom we would rather do that if it isn't too late.

We are concerned about the push for this meeting to happen now. We feel like this is a knee jerk reaction to the social climate around our country and has not been thought out in a way that builds trust in the transparency and full disclosure of our city government. It does not allow time for research or community involvement in the process of making this important decision.

My husband Rick and I talk extensively about this topic and we are proud of the Topeka Police Department for their community involvement and were happy with the mostly peaceful demonstrations that have taken place in Topeka recently. We believe this is a testament to the faith our citizens have in the police force here.

According to an email I received from a council member the law codes that they want to add are already guidelines followed by the TPD. If that is the case my argument will be that this proposal is too restrictive in its definitions and redundant, therefore, unnecessary.

We do believe some improvements can be made. We believe all training for the police, especially in relation to mental health is money well spent. We also believe that body cameras should be worn and turned on in every interaction the police have with the public and during all searches. A camera that is off should be considered tampering with evidence and any evidence found should be inadmissible and there should be disciplinary measures for the officer. We believe that "no knock warrants" during the night are dangerous for the police, suspects and innocent bystanders and should be discontinued. We think there needs to be an outside disciplinary board of multiple professionals that investigates all complaints, the police should not be policing themselves, checks and balances are important.

We do not support the passing of 8 Can't Wait due to its specific restrictive language and the redundancy of guidelines the TPD already follow. We are proud of TPD presence and the relationships we see them building in the community just don't see it as necessary.

Thank you for your time,
Sincerely,
Dawn and Rick Buttery

Good evening, council.

My name is Shelby Fehrenbacher and I am a constituent in the 8th district.

I stand before you today to express both my support for unions and my dissatisfaction for qualified immunity for police officers simultaneously. If time allots, I will also address my concerns about the Independent Police Auditor and the chokehold ordinance put forth by Councilman Duncan.

One thing I feel needs to be made clear is that I, along with many I know advocating for abolishing qualified immunity here today, are NOT anti-union. Our desire is not to tear down the FOP and leave police officers without union protection.

Unions, as a whole, offer so many vital protections for those in any workforce. I stand behind ensuring that police officers in the City of Topeka get proper employment benefits, adequate work hours, good pay and an avenue to address complaints against them in a way that makes them feel heard. If you watch closely many of the same individuals speaking in favor of police reform today are the same individuals that have stood, both figuratively and literally, with and for unions across Topeka. So hear me clear when I say: we are not anti-union.

But NO OTHER union so readily gives their members a license to kill so much as the qualified immunity offered to police officers. Imagine a world where other workers could shoot their client for walking in the door Black and be protected. Would the people be in uproar then? Then why, as we sit here today, are police officers allotted a protection for the criminal act of killing without cause?

Lets talk about what it means to have qualified immunity. Qualified immunity applies when in a government official is in the beginning of a civil lawsuit. For those declaring that a police officer has violated their rights or the rights of their deceased loved one, it is often the first hurdle they have to jump in order to even get the facts of their case heard. It requires that the Plaintiff, or the one bringing the claim against the officer, prove that the officer has knowingly "violated clearly established statutory or constitutional rights". You'll hear people argue that is a persons rights were violated then this step should be easy to prove but thats not what the law requires. The law requires there to be a clear precedent or previous case in the same district court for the same conduct with the same or extremely similar facts. If the first time the court you're in has heard a case like yours? You dont get to have a trial. If one small detail can be offered to differentiate the facts of your case from those of another previous case? You dont even get to tell a judge or jury the pain youve suffered to let them decide.

Qualified immunity is the bouncer at the doorway but rather than an assumption that you're simply trying to come into the court to be heard he shields the officer who harmed you inside while you plead your case to even be able to enter.

You know what getting rid of qualified immunity WONT do?

It wont mean that just anybody for any reason can sue a police officer. The law protects all defendants of civil suits by ensuring that the person who brought the claim proves their case. A citizen would still need to show that the officer violated their rights through legal elements.

It wont allow for millions of frivolous lawsuits. Lawyers would still held to the same standards that ensure they are held accountable for bringing about lawsuits without real cause and the law surrounding what must be shown to plead a case would still exist.

It wont financially ruin good officers. As I said before, there are still so many aspects to a civil case to overcome. The justice system is designed to settle cases before they get to full trial and less than 1 percent of cases are ever paid out by an individual officer.

So what WILL ending qualified immunity do?

It will allow citizens their right to court. To step through the door and show the facts of their case to a judge or jury without being first stopped by the bouncer.

It will mean that police officers get the same rights that every other person defending a civil suit does. They don't get a license to kill simply because they are an officer. They are held accountable for the decisions they make. They will look better to their community. When an officer gets a chance to explain the facts as he saw them and fully address the concerns of the citizen before him, the whole community benefits from that transparency.

Its time to end qualified immunity so that people can have faith in our system to actually providing justice rather than turn a blind eye to injustice because the actor was a uniformed officer.

Speaking of faith in the system?

Why is the Independent Police Auditor an employee of the same City Manager that the Chief of Police and all under him are? The truth about transparency does not lie in the job description or the title that states it is all meant to be independent and apart from the police department. Transparency lies in what the community is able to see and believe with their own eyes based upon the facts.

The facts here are:

The Independent Police Auditor works under the City Manager.

The police department is in the same position under the City Manager.

The IPA is a single individual.

The IPA works closely with many officers.

The IPA reviewed 37 cases dealing with excessive force last quarter.

The IPA did not find a single case of misconduct in his reviews.

There is nothing about these facts that sit well with me or help me sleep at night.

We need a Citizens Review Board where selected citizens of this city can, unemployed and directed by the City Manager, evaluate cases and complaints to create a transparent approach to review.