

Human Relations Commission Policing Recommendations

The Topeka Human Relations Commission (Commission) has a responsibility to promote justice and contribute to the cooperation of Topekans. Given the protests that have occurred in our city, our nation, and around the world, it is clear that problems in policing remain an experience with which far too many are familiar. In accordance with the Commission's role in Topeka, we believe that we have assembled a broad selection of policy initiatives that can begin to alleviate the concerns that many Topekans have in regards to policing.

The Commission understands that the Council, the Mayor, and the Police Chief in our city all support the promotion of justice and the furthering of cooperation among the people of Topeka. While we can appreciate this sentiment, the Commission also finds that codifying norms into policy keeps all parties accountable and enforces standards on whoever might occupy any particular position in the future.

It is also true that no matter the quality of our own department or who might occupy certain city positions, many Americans have strong negative associations with police. These are associations that individuals - particularly in certain communities - bring to every interaction that they have with police.

The following proposals include changes that are already on the 2020 agenda for the Council and ideas that are already in place. Given the time and care that was invested in the preparation of this document, the decision was made to provide the Council with a broad set of options rather than prematurely narrow potential. Even as first steps listed here are pursued, such as eliminating no knock warrants, meaningful change requires challenging work. The public outcry is about fundamentally changing the experience of being policed - not a narrow set of circumstances. As we all come together to make this the best capitol city in America, we have every reason to do our best to meet the moment.

Although it is known that the following list includes policies that are already in various phases of implementation in Topeka, these issues are not restricted to our locality. We hope that this might start a conversation for interested governing bodies that are interested and invested in these challenges.

The work of policing is demanding, and many police do well and mean well. These changes should not interfere with their practices or punish their behavior as the following ideas are aimed toward building trust and accountability. Additionally, some of these policies should ease the expectations and alleviate the pressure on officers. The broad concepts and specific policy priorities are outlined below.

Hold everyone responsible, and uphold the integrity of the police.

Institute a community oversight board that is outside of the structure of the police department.

Investigate and prosecute wrongdoers outside of the structure of the police department.

Implement body cameras for on-duty officers and a punishment for tampering with body cameras or the resulting footage.

Eliminate any cooling off period that might otherwise be provided to an officer suspect before beginning questioning. The questioning and investigation process should be the same as if a citizen suspect was to be questioned.

Simplify the process of charging officers who use excessive force.

Do not base future accountability on how accountability has been applied in the past.

Prevent the most excessive and violent police activities.

Ban no knock warrants.

Ban the use of chokeholds.

Ban the use of strangleholds.

Require a warning before shooting by an officer unless the suspect has shot first.

Require that shooting be used only when it is the last remaining alternative.

Never shoot a person if they are running away.

Institute a duty to intervene for officers who are present while another officer is using excessive force.

Ban shooting at moving vehicles.

Ban warrior style training of police.

Establish a use of force continuum.

Avoid the most extreme scenarios, and reduce police contribution to the escalation of a situation.

Prioritize violent crimes over low level offenses like possession of drugs.

Investigate non-lethal incidents as rigorously and with as many resources as their lethal counterparts. This can bring the rate of solved cases in non-lethal incidents higher and prevent future lethal crimes from ever taking place.

Limit militarized equipment and tactics regardless of the situation at hand. As the city is in a challenging financial situation anyway, decreasing militarization of the department should be an opportunity to aid in balancing the budget.

Reassess which functions of the department have been assigned to police simply because it is an available institution. If a police duty would be better handled by a social worker or a physical or mental health professional, restructure responses to provide those services. Less militarized equipment and reassigned duties could result in a smaller

- police budget even as pay and benefits may increase to attract and maintain quality and new expectations.
- Reassess whether every on-duty officer requires a lethal weapon. If a portion of officers working on any particular shift do not need weapons for actions such as police reports, there could be benefit to avoiding the escalatory nature of the presence of a lethal weapon. In the same way that not every officer has the equipment on hand necessary to defuse a bomb, there may be lethal weapons that not every officer needs to have. Alternatively, there could be a procedure of requiring a supervisor's approval to permit escalating to deadly force. This could be achieved through a call to such a supervisor that would permit access and use of lethal weapons that are located in a police vehicle's trunk.
 - Search for situations in which some police position other than an officer could fulfill the expectations.
 - Require a de-escalation checklist and de-escalation training.
 - Require that any use of force be thoroughly documented.
 - Require that any time a gun is removed from its holster during a citizen interaction or pointed at a person that the occurrence is thoroughly documented.
 - Shift the approach to scenarios that might result in use of lethal force to favor use of options such as pepper spray.
 - Explore shifting officers away from duties likely to cause stress during the shifts that follow an escalated situation.

Empower policing institutions to meet communities where they are.

- Provide implicit bias training for all officers. Even a one-day procedural justice training in Chicago resulted in decreased complaints against officers, decreased use of force against citizens, and decreased instances of financial liability for the city.
- Have designated liaisons for communities that tend to have disproportionately poor outcomes with police such as individuals with mental or physical disabilities, people of color, religious communities, individuals who do not speak English, and individuals who are LGBTQ+. Providing options through multiple liaisons in various institutional roles allows distressed community members to choose whichever alternative they trust the most. There is an impression that some of these liaisons are in place, but during a search through city media, there is not information readily available to the public in regards to who this might be. This position is only useful if widely accessible.
- Ensure that policing strategies keep in mind the variety of religious communities in the city. This is particularly salient for those whose

- practices make them identifiably religious practitioners in their everyday lives.
- Remove mandated or pro-arrest policy to allow for officer discretion in instances of intimate partner violence where there is probable cause. Greater officer discretion in these situations can avoid additional trauma.
 - Do not base the seriousness or legitimacy of intimate partner violence on the genders of those involved. Treat same sex and different sex intimate partner violence with the same gravity when given otherwise similar facts.
 - Require a wellness check in the following days after a report of intimate partner violence. There may be a new opportunity for progress once the situation is no longer escalated.
 - Permit police to fine buyers of sex work and commercial sexual exploitation. Allow police to order these individuals to an interventional educational program. This sort of approach focuses penalties on those participants who have the most freedom to choose whether or not they affiliate with sex work or with commercial sexual exploitation. A policy specific to Topeka's circumstances and needs has been promoted by the Anti-Human Trafficking Coalition, the YWCA, and Dr. Sharon Sullivan at Washburn University.
 - Ensure that the department's workforce reflects the policed population. This has been shown to increase reporting to police while decreasing the types of crimes that are reported more. Emphasizing career prospects and the challenges offered by the work has been shown to attract more applicants than a message that is limited to a call to service.
 - Do not misgender people or deadname trans individuals whose interactions with police are documented. Not only is it a disrespectful practice - if there is a call to find a missing woman but everyone knows this person as a man, the authorities have hindered their own search process and lost the most valuable time when looking for a missing person.
 - Do not obstruct local authorities' potential relationships with any local community by straying from the mission to protect and serve all in favor of becoming an instrument of a federal policy that has its own enforcement mechanisms.

Uphold the vital First Amendment rights to free speech and to assemble. The government is capable of de-escalating situations without using dangerous or harmful tactics.

- Ban any tracking without a warrant of individuals such as protesters through social media or internet activity even if done through third party contractors.

Ban tracking of individuals through the use of “sting rays” without a warrant. These are devices which act similar to phone towers and can track cell phones.

Do not pressure social media sites or similar institutions to end an individual's live feed or any other transmission of information.

Ban any targeting of medical supplies for protestors, water for protestors, or targeting of journalists.

Ban the use of tear gas or similar irritants on unarmed civilians.

Ban the deployment of unmarked agents to suppress the public. Enforce visible identifying information and discipline for covering such information.

Set clear boundaries or completely prohibit the use of face recognition software. These sort of programs tend to be tested on subjects that are more likely to be white and male than the general public. As such these softwares are less likely to be accurate when used with subjects of color or women. Given these technological flaws and rigorous reporting by journalists such as Kashmir Hill, there are clear detrimental implications of using this sort of technology. Public bodies should be willing to set the standard to protect individual privacy and liberty when tech corporations focused on profit refuse to do so.

Establish a central set of information around police interactions with the general public to aid in the identification of both successes and problems.

Create and maintain a database that ideally could be integrated with regional and national data for a fuller picture. Any department budget changes should be implemented to permit continued data assembly and research.

Make such data available to researchers, journalists, and the general public. This is particularly important when measuring the impact of any newly implemented changes.

Track how the department uses its time.

Track retention of officers and the characteristics of those officers.

Track information such as ethnicity of the policed to measure potential disparities.

Track information on misconduct and what, if any, repercussions are brought against misconduct.

Use data in partnership with other departments to prevent corrupt, i.e., “wandering” officers from regaining employment in another policing institution.

Ensure that police union contracts prioritize protection and service alongside the department's working conditions and benefits.

Union contracts should not be used to (1) shape decisions around discipline for misconduct, (2) govern how complaints from the general public are evaluated, (3) direct investigations into potential wrongdoing, or (4) reinstate delinquent officers even if fired by the police chief or the mayor.

Prioritize these concerns even if it means financial concessions. The city should be prepared to pay for quality service and protection, particularly if it means addressing issues that have hindered the larger vision of the city's people.

Acknowledge that poor policing outcomes are not only the result of poor policing policy.

Actions can be taken by the governing body to alleviate the broader situation, even if at first glance they don't appear to be associated with the police department's place in our city. Identifying ways to ensure that all communities have full access to the ability of improving their own lives reduces the chances that negative police encounters even occur.

Ensure that the cost of pursuing evictions encourages that they be used as a rare tool that reflects its impact and not as a negotiation tactic.

Move to desegregate the locality's neighborhoods, school districts, and beyond.

Implement a zoning policy that does not prevent necessary developments but instead permits growth that will provide opportunities for all individuals. Zoning that uses mixed use, medium density, multi-family units, or semi-detached residences, can provide paths to personal improvement and offer affordable options without changing the character of neighborhoods. This is particularly true when these advances are focused on high land value lots nearest to larger thoroughfares.

Tell our history while including the full range of our achievements and tragedies. This will best equip us to face the challenges that are specific to Topeka, Kansas. Examples include: Brown vs. Board of Education National Historic Site and Constitution Hall. Murals that tell stories shown at the Law Enforcement Center, Brown vs. Board site and embracing new pieces as they arrive such as the George Floyd mural and Black Lives Matter piece in NOTO.

The Commission's intention is that the number of conversations, extent of care, and quantity of work that went into the process of developing these suggestions is reflected throughout this document. Additionally, it is the hope of the Commission that the same amount of serious consideration is exercised by the Council, the Mayor, the Police Chief, the City Manager, and city staff.

The Commission's limited expertise and resources mean that it is not equipped to produce a document that considers all potential exigencies. The Commission is aware that some of these policies have already been implemented in some form and given the length of this list, it is entirely possible that fine tuning of the recommendations is needed. We hope that fine tuning or challenging hurdles do not result in leaving behind changes that could save lives and bring Topekans cooperation and justice.

It is incumbent on the city's elected officials and supportive bureaucracy to make this document into a reality that improves our city. The Commission does not have the authority or the assets to go further without that initiative on the part of our elected officials and supportive bureaucracy.

The Commission is in part an institution that facilitates outreach and educational activities in our city. As such, the Commission invites any person who is impacted by these decisions or finds them to be salient to participate in this process. This includes speaking to groups that are invested in these issues and reaching out to the Council and Mayor regarding their priorities on this subject.

We eagerly anticipate individuals' engagement with this process and the cumulative impact as implemented by the governing body.

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