



# CITY OF TOPEKA

CITY COUNCIL COMMITTEE  
MEETING MINUTES

## SPECIAL COMMITTEE: POLICE & COMMUNITY

CITY COUNCIL  
City Hall, 215 SE 7<sup>th</sup> Street, Suite 255  
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**Date:** December 17, 2020

**Time:** 3:00pm

**Location:** 1<sup>st</sup> Floor Conference Room; Cyrus K. Holliday Bldg 620 SE Madison

**Committee members present:** Councilmembers Karen Hiller, Sylvia Ortiz (Chair), Michael Padilla

**City staff present:** City Manager Brent Trout, CPT Jamey Haltom (TPD), Lisa Robertson (City Attorney), Mark Jones (TPD Legal), Ed Collazo (Independent Police Auditor), Chief Bill Cochran (TPD), Deputy Chief Bryan Wheelles (TPD)

### 1) Call to Order

Chairwoman Ortiz called the meeting to order at 3:05pm. Committee members introduced themselves.

### 2) Approve minutes from November 30, 2020 meeting

Committee member Hiller made a motion to approve the minutes. Committee member Padilla seconded the motion. Motion approved 3:0.

### 3) Review & Discuss

Chairwoman Ortiz spoke with Chief Cochran about a recent article that had been posted to the Capital Journal discussing change of language to the Use of Force. [<https://www.cjonline.com/story/news/2020/12/16/topeka-police-department-updates-use-force-policy/3923237001>]. She would like to be more informed of changes to policies, specifically those that effect the Use of Force. Chief Cochran and Deputy Chief Wheelles requested specific guidance for proceeding, noting there are regular minor changes to department policies, and they would like to provide the correct information. Chairwoman Ortiz stated she would like to be informed on changes that pertain to the list of topics that will be reviewed by the committee, specifically. However, if there are other policies that will be changing in any significance, she would appreciate the committee or all of the Governing Body, being informed of the information.

Committee member Hiller agreed with the requests for information. She inquired if the policies posted online sent notifications out when changes were made. Deputy Chief Wheelles noted there was no mechanism to inform when changes

were made to the website, however the public version is linked to the PowerDMS system, and the most current policy is automatically updated online.

Committee member Padilla stated it was not his intent to have the department to bring everything to the committee or the Governing Body for approval, but would appreciate being included in communication of things that may be sent to the media, to allow Council members to be able to answer questions.

**a. Annual Use of Force Reports (2016-2019) [Video 31:00 minute mark]**

CPT Jamey Haltom, TPD, began a presentation to review the Use of Force annual reports from 2016 to 2019. The Professional Standards Unit accepts all complaints regarding the department or its employees. This policy, 3.15 Professional Standards Unit, can be found on the Committee's webpage. CPT Haltom read the definitions of the types of citizen complaints:

Sustained - The allegation is found to be factual and is sustained by competent evidence.

Not Sustained - Insufficient evidence exists to prove or disprove the allegation.

Unfounded - The allegation is not supported by the facts or is a false allegation.

Exonerated - The allegation is factual and did occur; however involved employee acted lawfully and properly within policy and acceptable conduct.

Misconduct not alleged in complaint - Violations were discovered and confirmed that were not included in the original complaint, but occurred during the incident being investigated.

Policy failure - The allegation is factual and appears improper; however it does not violate departmental policy because no such policy exists.

Department policy may have to be addressed regarding the allegation.

Closed - Investigation of the allegation was terminated. The reason for closing the case file shall be stated therein. This disposition shall also be assigned to any anonymous complaint, which after investigation, lacks corroborative information or evidence to exonerate the employee.

Committee member Hiller noted "Policy Failure" was not on the list and inquired about the process for identifying that component, and changing it. CPT Haltom stated none of the reports resulted in a "Policy Failure", which is why they were not shown. Committee member Hiller felt part of the charge of the committee would be to assess whether or not citizen

complaints had stemmed back to a failure of policy. Deputy Chief Wheelles felt the lack of “Policy Failure” in the final reports spoke to the strength of how the policy has been written. He stated the evolution of a policy, or adaptation of a policy does not point to a failure of the policy. He pointed out technology as a possible policy failure, and provided the example of license plate readers as prior to receiving that technology, there had not been a policy for how to use the equipment.

CPT Haltom noted there had been some questions at an earlier meeting regarding Use of Force. He reviewed the three-year comparison found on the presentation. He summarized that the information shows the high volume of calls for service. There is a low rate of arrests that come from the calls for service. There are even fewer Use of Force incidents that occur, and fewer than that numbers of complaints that are reported regarding those incidents.

Chairwoman Ortiz inquired about a statute of limitations for when a report can be made. CPT Haltom stated there is no statute of limitations, however the more time that occurs between an incident and a report, may pose challenges in finding information.

Committee member Hiller referenced the 2017 Use of Force report, noting different information found under the “Types of Use of Force Utilized” columns. CPT Haltom explained that in some cases, there are different layers of the Use of Force that is used. Each layer is recorded separately into those columns of the report. This explains why the number of types of force added together is higher than the total number of incidents.

Committee member Hiller also stated that racial disparity was brought up over the past few months. She noted the TPD is ahead of the game with keeping records and training for those disparities, and asked for an explanation as to how those numbers are tracked, and how they reflect against the population. CPT Haltom responded that for each Use of Force incident, the gender and race of the individuals involved are recorded to produce statistics for the annual report. CPT Haltom noted many of the cases begin from a call for service and are not self-initiated activities. Many of these are a call for service that an officer may have limited information until arrival. Deputy Chief Wheelles added that the TPD began a program

where demographic information is recorded for citations and self-initiated suspicious person contacts. The areas where demographic information is recorded, is not a requirement nor common practice for a lot of agencies, however TPD feels it is important to have for review. He noted that there are still many other reasons that need to be looked at as to why those numbers are the way they are.

Committee member Hiller inquired if the Use of Force incidents generally a response to a call rather than an officer-initiated contact. Deputy Chief Wheelles noted that the information could be found, but that it is not currently a category that has been broken out. He appreciated the question and stated it would be something he would have interest in tracking as well.

Use of Force (policy 4.2) Lethal Force (policy 4.2.8 Deadly Force) - From years 2013-2019, there were 803,292 calls for service and from those, six were lethal force incidents. This is a percentage of .0000075%.

**b. Fleeing Vehicles [video 1:02:00 minute mark]**

Policy 4.11 Vehicle Operations can be found on the Committee's webpage. Vehicle Pursuits 4.11.5 definition and three year comparisons of apprehension rate, termination rate, crash data, and injury data were presented for review. A policy change occurred in 2018 to restrict vehicle pursuits. The data showed a dramatic decrease in the number of pursuits initiated. CPT Haltom shared he felt it was important for the committee to understand the number of pursuits that have been initiated and the number of pursuits that are terminated. He noted 20-30 years ago, it was standard practice to pursue a vehicle. In more recent years, best practice has shown that these pursuits, within a city, can be dangerous. In the pursuits that did take place during 2017, 2018, and 2019, the majority were terminated either by the officer or a supervisor.

Chairwoman Ortiz inquired if CPT Haltom could provide some reasons for why a pursuit would be terminated. There have been constituents who have asked why that would happen if officers were close to catching a suspect. CPT Haltom provided a few examples of why an officer would terminate a pursuit and why a supervisor would terminate a pursuit. There are many factors that have to be weighed when deciding whether to continue with a pursuit. Deputy Chief Wheelles noted that there are many instances where a

pursuit may have ended, however a perimeter was set up and an apprehension occurred “out of sight” of where the initial incident occurred.

Committee member Padilla noted there are some constituents who feel that policies such as this prevent officers from doing their job. He spoke from past experience and stated he commended the department for keeping the safety of the public at large in mind when developing this policy.

Committee member Hiller spoke about the percentages found in apprehension rate slide. She inquired the success rate in apprehending the suspects by other means following a potential pursuit. Deputy Chief Wheelles was not able to provide a number or percent to this inquiry, however noted that the department is able to apprehend and address a number of the individuals involved in these incidents at some point. He also provided examples of situations where a pursuit would be considered, and some that would not rise to the level of requiring a pursuit.

**c. Fleeing Persons (Foot Pursuits) [video 1:33:55 minute mark]**

Policy 6.40 Foot Pursuits can be found on the Committee’s webpage. CPT Haltom read the policy.

Committee member Hiller inquired if there was a way for supervisors to track a pattern of an officer who does not engage in incidents where they perhaps should have. Deputy Chief Wheelles stated the supervisor would be aware of the situation, and that post-incident conversations take place between the officers and their supervisors shortly after an incident. The supervisor is called to respond to any foot pursuit incidents, and would be able to verify the circumstances cited by an officer for the decision to terminate a pursuit.

Mark Jones, TPD Legal Advisor, stated he has worked for other law enforcement agencies before, and feels the Topeka Police Department has been doing an exceptional job with their policies. He stated he felt the review process is very detailed and thorough.

**4) Set meeting schedule, next meeting date**

Citizens wanting to speak on the items may contact the committee. Questions or comments should be sent to the Liz Toyne, City Council Assistant, at [etoyme@topeka.org](mailto:etoyme@topeka.org) .

Next meeting will be at January 15, 2021 at 3:00pm. Location TBD.

## **5) Adjourn**

Chairwoman Ortiz adjourned the meeting at 4:56pm.

Meeting video can be viewed at: [https://youtu.be/bxcv5QNB\\_XM](https://youtu.be/bxcv5QNB_XM)