



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

SPECIAL COMMITTEE: POLICE & COMMUNITY

CITY COUNCIL
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Date: January 28, 2022

Time: 3:00pm

Location: 1st floor conference room; Holliday Bldg 620 SE Madison (*virtual attendance was available as well*)

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

City staff present: Chief Bryan Wheelers (TPD), Director Jacque Russell (HR)

1) Call to Order

Chairwoman Ortiz called the meeting to order at 3:00pm. Committee members introduced themselves.

2) Approve minutes from December 17, 2021 meeting

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

3) City of Topeka's Civil Service Commission [*This presentation can be found on the Committee's webpage*].

Civil Service Commission Chairwoman Doria Watson presented information about the City's Civil Service Commission.

Highlights:

- The Civil Service Commission is a City-created board composed of five volunteer members.
- There are currently two openings on the Commission.
- The Mayor appoints the five Civil Service Commissioners who serve a four-year term.
- The City Manager designates a representative of the City to serve as a non-voting member of the Commission. The non-voting member serves as the technical advisor to the Commission. A quorum for conducting business is three voting members.
- There were fourteen overall meetings of the Commission in 2021.

- Challenges facing the Civil Service Commission:
 - The Commission does not meet unless the Chief's call for a meeting, or if there are applicants who need to be certified.
 - Commissioner Watson suggested the Board and the City review the language of the code. There are some areas of vagueness of the Code, they lack specifics and direction, and the Board is then unsure of the complete intent.
 - Commissioner Watson would like to see the Commission meet more regularly to ensure Commissioners are staying on top of the goings on within the departments. Currently, the Commission does not create the annual reports that are sent to the City Manager. Those reports are created by the Human Resources Department.
 - The Commission is not currently notified of vacancies by the TPD/TFD. The departments are notifying HR, who then relays the information. Commissioner Watson noted that at the time these codes were written, this process likely made more sense and worked well, however she suggested revisiting some of these areas to rewrite changes to reflect current times.
 - Commissioner Watson would also like to become more engaged with the City Manager to have a better understanding of the intent of the office for the Commission in order for the Commission to be better utilized.

Questions/Comments:

- Is the civil service only engaged solely for Police and Fire?

Yes, only for the Police Department (TPD) and Fire Department (TFD) new hires. Perspective new applicants apply to TPD or TFD and then move through a number of different boards and testing as part of the application process. After those processes, they come through the Civil Service Commission for an eligibility list which if passed certifies them. They then move into their training academies.
- Mayor Padilla referenced the frequency with how often the commission meets. He inquired as to how much conversation is had so that the Commission understands where the Police Department and Fire Departments are going with regard to what they would like to see in potential candidates and what they can bring into the services.

Commissioner Watson stated the Chiefs could call a meeting with the Commission whenever they would like to do so. The Commission would welcome additional conversation with them. She noted that if the Commission

met on a more regular basis, it would likely provide such conversations to be had.

- Mayor Padilla and Commissioner Watson felt more communication would be beneficial for the Commission and the process in whole. She stated the information that is provided to the Commission are very simple, there is not a lot of detail included from the Police Department. She noted the forms from the Fire Department provides adequate detail. She felt that the lack of information from the Police Department has been a more recent development. The TPD Majors used to sit with this board, however recently there have been other ranks, and with this newness, there also comes unawareness as to how much information they should provide to the Commission.
- Chairwoman Ortiz thanked Commissioner Watson for her presentation. She noted that although she had somewhat of an understanding of the Commission, she also had felt it might be time to review and revise the language of the Code.

- Chairwoman Ortiz inquired as to how the appointment process.

Human Resources Director Jacque Russell responded that there are five positions total, although currently there are only three active serving members. The positions are nominated by the individual City Council members, Mayor appoints, and the City Council approves.

- Chairwoman Ortiz inquired as to why the Commission is not notified of vacancies.

HR Director Russell stated that the number of vacancies are withheld until approval is received for an academy. Upon that approval, the Commission is informed so that the interview process can begin. The Commission is not notified of each individual vacancy because attrition occurs periodically, so it has been practice to reserve those vacancy numbers until the academy has been approved.

Chairwoman Ortiz inquired if there could be a change to the Code, and/or change to the notice of vacancy process. Commissioner Watson clarified that the Code was written at a time when this notification would have been needed, however the way the process is now, that language is not needed.

- Chairwoman Ortiz inquired as to how frequent the Commission felt would be necessary for meeting with the Chiefs?

Commissioner Watson stated meetings were currently held upon the request of either Chief, and to certify applicants. She noted it would be ideal for the Commission to meet on a bi-monthly basis.

- Commissioner Watson stated the Commission has never met with the City Manager. She felt this would be an important conversation to understand their position on the Commission. Director Russell noted the City was still in a Mayor-strong form of government at the time the Code was written. There would need to be some direction as to whether there was a need for the City Manager to directly communicate to the Commission or if it would be through the line of communication coming from the City Manager to the Chiefs and Technical Advisor would be sufficient.
- Commissioner Watson inquired if the Commission would instead be under the responsibility of the City Council, and requested follow up for clarification as to who the leading force is now. Other questions the Commission would like to know include where the direction of the Commission is going? Accountability? Expectations? The intent behind all of it? Are these things the Commission should be considering in addition to certifying applicants?
- Committee member Hiller noted that the Commission is charged with certifying new employees, but that there is also a role, upon request, to address removal of employees. What is the Commission's role in the process of advising, and who is the Commission reporting the findings to?

Commissioner Watson responded that the Commission is only interviewing candidates for the entry-level police officers and entry-level fire fighters. Director Russell noted that the Commission's authorization is provided jointly to the Technical Advisor, and to the Police/Fire personnel that is assigned to that recruitment function.

Director Russell outlined the hiring process for Police applicants, both prior to the Civil Service review and post-review. Applicants have successfully:

- Completed a written examination
- Passed a physical agility component
- Brief review of their employment application and preliminary background screening by the Majors
- Certification by the Civil Service Commission, where if certified they then:
- Go through a more in-depth interview process
- If they pass that, they receive a conditional offer of employment. Once the conditional offer is accepted, the City/TPD then run a full-on background screening which includes:
 - Polygraph interview
 - Psychological examination
 - Physical examination
- Once those are complete, a final offer of employment is extended.

- Committee member Hiller inquired if the Commission turned any applicant down in 2021?

Commissioner Watson stated that no one was turned down in 2021, but that does happen occasionally. She stated that in some cases, the applicant has been screened out in the steps prior to coming to the Civil Service Commission.

- Committee member Hiller noted that Mayor Padilla was a seasoned police officer prior to his service on the Commission, whereas many others are not. She inquired as to what type of training the Commissioners receive upon appointment?

Commissioner Watson stated there was no formal training. There are some application qualification requirements that are provided. Director Russell stated that the only training provided was a review of the Code. The qualification for Commissioners is to have at least three years in a responsible position that requires knowledge of legal issues involving hiring or discipline of employees. Director Russell continued that the Commissioners also received an introduction to the hiring processes of both TPD and TFD, so that they know where their piece is within that process.

Commissioner Watson noted that important qualities for a Commissioner would be someone who is able to read and understand the Code piece, however to also be a non-biased person with a clear understanding to represent a voice of the community.

- Committee member Hiller inquired about the process for “removal of employment” and how the Civil Service Commission was involved?

Director Russell referenced section 21.20 within the Code, and stated that the process involves pairing the language in the Code with each of the bargaining unit agreements. When an action is taken against the employee, prior to the arbitration phase, TPD/TFD bargaining agreements have a choice whether to take that to the Civil Service Commission or to arbitration. Director Russell stated that in her 15 years with the City, there has not been any removal process sent to the Commission. They have chosen binding arbitration rights. However, Director Russell could recall one police situation where the decision was made to move to the Civil Service Commission, in the early 2000’s, it just does not happen on a frequent basis.

- Director Russell stated the Civil Service piece was only a piece of the process. There are additional steps. Once an applicant is certified by the Commission, it does not automatically mean the applicant will receive a conditional offer of employment.

- Committee member Hiller inquired if the Commission receives notice of applicants who receive certification from the Commission, however do not receive a final offer of employment?

Commissioner Watson responded that if asked, the departments are able to provide the information, but that information is not automatically provided. Commissioner Watson commended SGT Salamanca for his efforts in recruitment, and stated that since his time in his position, the Commission has seen the most amount of diverse applicants. Prior to that, the diversity pool was very low. The Fire Department does not get the same number of applicants, and that the hope is to see that change with the new EMT class portion of the program being introduced.

- Committee member Hiller referenced the qualifications for changes to the testing and asked for clarification on how the Commission is involved with that process.

Commissioner Watson noted the Code says that any changes to the exams must come through the Civil Service Commission first to ensure the integrity of the exam remains equitable.

- Committee member Hiller inquired as to how often the Commission is able to review the exams, and if the Board felt they could have a stronger role in that process?

Commissioner Watson stated the Commission is as involved as they want to be. They are invited to attend the exams, the physical testing and that both departments have been very open to involving the Commission.

- Committee member Hiller inquired if attending the various areas of testing and participating in ride-alongs was mandatory for Commissioners to partake in, as part of their training, or optional?

Commissioner Watson noted it was optional, however she felt there would be value to making some of it mandatory to have a better understanding as to what the officers really do.

- Director Russell added clarification to the exam change process. Any time there are thoughts to change the exam, the Commission is advised as to what the changes are and why they will be changed. There is also a bullet point hiring process, and if the City wants to change or amend anything within that hiring process, it will be brought to the Commission. If those changes are not certified by the Commission, the changes are not made.

- Mayor Padilla inquired about mandatory training. He noted that the Commissioners were serving in a volunteer capacity, and there needed to be

some respect and recognize they have different conditions in their lives. However, he suggested using the Citizens Academy training program as a way to get Commissioners, or Commission applicants, a large amount of information about the department within a fairly short amount of time. The program is also a great opportunity to not only learn about the department, but to ask questions and have conversations with the officers and other volunteers about the department.

- Chief Wheelles stated there was great value added to the Department by having this Commission, and that the individuals who serve as volunteers are invaluable.
- Committee member Hiller noted there was a comment related to capacity and as to how the Commission could be improved. Commissioner Watson stated she felt the Commission could be utilized more, and to a more frequent degree than only when certifying potential hires. She did not feel there was a need for numerous different citizen boards, however being able to be more engaged with the current Commission would benefit the process as a whole.
- Chairwoman Ortiz thanked Commissioner Watson for her time and information shared.
- Mayor Padilla stated he had given thought to the Commission. He had briefly spoken to his vision with Chief Wheelles. He would like to have dedicated community participants involved in every aspect of the hiring process for both TPD/TFD. He has always considered this Commission to be the first line of citizen review for the departments in the hiring or non-hiring of applicants for the Police Department and Fire Department. He feels there is room for growth in this Commission, and for what the charge is for the Civil Service Commission.

4) Citizen's Review Board (video 1:01:20 minute mark)

[This presentation can be found on the Committee's webpage]

Dr. Glenda Overstreet-Vaughn and Danielle Twemlow are members of the Topeka Alliance for Good Government (TAGG). Dr. Overstreet-Vaughn provided a presentation as to how TAGG would like to see a Citizen Review Board utilized within the Topeka Police Department.

The background of a local effort to create Citizen Review, or oversight board in Topeka. Ms. Twemlow noted that the Strengthening Police & Community Partnerships program (SCPC) had made the recommendation in 2018 that they would like to see the creation of a Citizen Review Board. In response, the City hired an Independent Police Auditor. Although this occurred, Ms. Twemlow made clear this was not the initial request of the SPCP.

Dr. Overstreet-Vaughn noted the ultimate goal would be to strive for community trust by providing a neutral entity for the community to seek justice.

Dr. Overstreet-Vaughn voiced concern for the questioning that had occurred with Commissioner Watson's presentation. She stated she felt the community would step up to participate in a citizen review board capacity.

Questions/Comments:

- Chairwoman Ortiz noted the Police & Community Special Committee was tasked with taking the concerns that citizens have had, or have brought forward, and the committee has worked to address those concerns.
- Mayor Padilla thanked Dr. Overstreet-Vaughn for her enthusiasm and work that she has been doing to make the community a better place. He noted he did not want his earlier comments to be misunderstood. He would not minimize the work of the Civil Service Commission, even if additional training and work could be done through them.
- Chairwoman Ortiz noted that the Council members serving on this committee were tasked with doing a thorough review of the process and department. She would like to have some time to read through this presentation and invite Dr. Overstreet-Vaughn back to a future meeting for more discussion. She had some immediate concern about the subpoena power, but would like to discuss further at a future time.
- Committee member Hiller stated she valued independent voices to provide different perspectives to the department. Did you have discussions in the group to be independent and not linked to Government?

Dr. Overstreet-Vaughn stated most of the individuals she spoke to felt it would need to be an independent board, not to fall under the City. That by being independent and partnering with the City, there would be two entities that were looking at the overall process. However, they felt it was important that the City financially invest into the independent entity because it was serving the community itself.

- Committee member Hiller noted reference was made to social workers and medical personnel being involved with calls. Was the thought to have them go alone or to attend as a team member with the officers?

Dr. Overstreet-Vaughn answered to be included as part of a team. Committee member Hiller stated there was currently a partnership in place between the Police Department and Valeo, the Crisis Intervention Team (CIT). Dr. Overstreet-Vaughn stated that a piece missing from the current program was oversight.

- Chairwoman Ortiz inquired how the board members would be selected.

The community would select the board members. There would be a review process, and possibly through some type of validation process with the City, but that it would be very community driven.

- Chairwoman Ortiz inquired as to how the number of thirteen board members was selected?

Dr. Overstreet-Vaughn stated they reviewed other Citizen Review processes, including Wichita which has 12, and decided that in the case where a vote would need to be taken, having an odd number of individuals would help to break a tie.

- Committee member Hiller inquired if there was thought that a larger group would be difficult to schedule meetings to be effective?

Dr. Overstreet-Vaughn referenced the information shared by Commissioner Watson earlier as it related to the challenge of having a quorum at their meetings, with 5 commissioners. Further, she stated that with a larger group, it may avoid any quorum issues.

5) Other Items

No additional items.

6) Adjourn

Chairwoman Ortiz adjourned the meeting at 5:00pm.

Meeting recording can be found at: <https://youtu.be/gEtZgVaq4Bw>