



# 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:** June 10, 2022

**Time:** 2:00pm

**Location:** 1<sup>st</sup> 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 Wheelles (TPD)

### 1) Call to Order

Chairwoman Ortiz called the meeting to order at 2:00pm. Committee members introduced themselves.

### 2) Approve minutes from June 3, 2022 meeting

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

### 3) Continued Discussion: Review of Draft Recommendations

Chairwoman Ortiz brought up three emails that had been received by the Committee.

School Resource Officers - Email inquired about SROs. Committee member Hiller inquired if there were SROs assigned to the grade schools? Chairwoman Ortiz stated it was her understanding that there were not, and that they would only respond to a grade school to assist. A second question inquired about the funding for the SRO program. Chief Wheelles spoke to the current agreement between the Topeka Police Department (TPD) and the Topeka Public School (TPS) USD 501. The current contract states that TPD SROs are employed at the middle schools and reads as follows "Six (6) Officers and one (1) Sargent payment of \$247,598". This is about 38% of the salary and benefits for those seven employees. Chief Wheelles explained that the TPS-PD is its own law enforcement entity that is contained within the USD 501 and, as such, all aspects of that program are funded by the school district within their budget.

Committee member Hiller noted that the draft document addressed the SROs and their function within how they work at the schools. She inquired as to the difference between the Topeka Police Department SROs and the TPS-PD Officers. Chief Wheelles noted that the TPS-PD were a fully-authorized police department that are bound by the school district. The School Resource Offices that are employed by the Topeka Police Department /City of Topeka, are fully-authorized police officers that are assigned to the schools as part of the collaboration between the TPD and TPS. Further, both entities and all officers involved, are fully-certified, accredited law enforcement officers within the state of Kansas. USD 501 TPS-PD has their own agency number, and their own agency hierarchy. The Topeka Police Department collaborates with the school district and the TPS-PD on a number of things, but as far as employment, they are two separate entities including employment. Committee member Hiller read from the draft recommendation document b1 School Resource Officers that states "School Resource Officers play a significant role in building positive relationship with youth, schools, and parents. Selection of SROs must be based on an officer's suitability for daily interaction in a school setting. SROs are not enforcers of school disciplinary actions. SROs are mentors and should continue to serve in this capacity...". Committee member Hiller stated there had been a perennial issue about policing, in terms of if a complaint comes from a school property, the City police refer it to the TPS-PD to take over. Chief Wheelles clarified that action was inaccurate for the schools that have Topeka Police SROs assigned to them. Committee member Hiller stated that if the recommendation is for the TPD SROs to not be enforcers but rather mentors to the youth, there is a conflict. Chief Wheelles referenced the Juvenile Justice Act and said that legislation made it very clear as to the duties. The Topeka Police SROs are not utilized in the function of upholding administrative policies for the school. That is the assignment of the principal and teaching staff. Chief Wheelles declined to speak on behalf of the roles of TPS-PD within the schools, as they have their own police Chief and their own rules and regulations, however, he noted that the TPD SROs are currently very much in-line with the recommendations that are laid out within the draft recommendations. With regard to Order Maintenance and other types of similar functions, Chief Wheelles stated the SROs are sometimes utilized as police officers in those cases when laws are violated. Committee member Hiller briefly shared about a situation that had recently occurred at a TPS elementary school where the Topeka Police Department was called and referred the call to the TPS-PD. The TPS-PD responded and became involved. Chief Wheelles explained that if the TPS-PD stepped in, the incident would be handled internally through the Topeka Public School system, and not the City of Topeka's Police Department. He offered additional clarification of the type of school and noted that TPD SROs are not assigned within the elementary schools. Without more information, Chief Wheelles did not speculate as to why, in this specific incident, TPD would have been called and been the responding agency, yet ultimately turned the case over to TPS-PD. Committee member Hiller noted that the incident report was taken by a TPS-PD

officer. Chief Wheelles noted that with that information, the entire case is then an internal TPS USD 501 involved personnel school issue. Committee member Hiller stated that the draft recommendation document references SROs in general terms, and inquired as to the difference between SROs and TPS-PD. Chief Wheelles clarified that the SROs, as officers within the Topeka Police Department that are assigned to the middle schools, are paid for through a collaborative contract between the Topeka Public Schools USD 501 and the City of Topeka.

Chief Wheelles provided a clarified definition: Topeka Public School Officers are employees of the school district and work within that agency's hierarchy. School Resource Officers reference the Topeka Police Department officers who are assigned to the middle schools through the collaborative partnership. The broader term of "School Resource Officers", as it relates to other outside areas may be different, but for the consideration of this draft recommendation document, it is only meaning the Topeka Police Department SROs.

Chairwoman Ortiz stated she had inserted the language found within the recommendations to clarify that the Topeka Police SRO's function is not to serve as disciplinarians but as a resource to address issues that carry over from school activities into the community and keep order. She provided an example where a student had been experiencing abuse at home, and that by having a Topeka Police SRO, the situation was able to be addressed outside of school grounds. The SROs are also called to meet a school social worker at a home address. The TPS-PD is only able to have jurisdiction of incidents that occur on Topeka Public School property.

Chairwoman Ortiz suggested providing an educational piece to the schools to share with families about the functions of TPD vs. TPS-PD SROs. Additionally, she would like to have the middle school SROs play a more involved role during enrollment and family nights to introduce and educate families about their role and who they are. She noted that without the presence of SROs at the elementary school level, some families may be a little concerned at the first day of middle school when they show up and see an SRO stationed there. Being out front with some education may help them to know the presence is okay.

Committee member Hiller suggested adding a definition section to help clarify the difference between the TPD and TPS-PD, and SRO, and that it may not be clear where the line is, within the current draft. Chairwoman Ortiz accepted that there may be confusion of those lines of authority.

Committee member Padilla suggested spelling out "Topeka Police Department School Resource Officers" to better distinguish between the two entities.

Chief Wheelles inquired about the purpose of the Special Committee, and that he had been under the impression about the recommendations being set forward, and if the recommendations were only to cover the Topeka Police Department and the Topeka community. He sought clarity as to if recommendations were to be made only for the TPD SROs or to include the TPS-PD as well. Chairwoman Ortiz stated she had taken some of the other concerns into consideration, however had meant these recommendations to be for the Topeka Police Department SRO program. She referenced the Attorney General's plan to provide additional funding for SROs. Chief Wheelles provided additional information about this, stating that the Attorney General has a six-point plan as his response to concerns about school safety. One of those points was to include additional funding for SROs. There are also conversations on the Federal level about reallocations of COVID-19 money toward hardening schools with regard to safety and security. The position of SRO, as discussed in these types of plans and conversations, are much broader. Chief Wheelles noted that in Topeka, the system and partnership between the TPD and TPS are unique. There are a lot of places where it is either a standalone school district police department or it's the local municipal police department who provides School Resource Officers.

Administrative Policy Review [video 25:35 minutes mark] - Committee member Hiller had submitted an email to inquire if TPD had updated administrative policies. Chief Wheelles stated the short answer was "no". This question had centered around the annual employee review policies. The paper forms have not yet been changed as they will be moving away from the printed copies and toward an electronic version of the form. Those changes will be reflected within the online form. Committee member Hiller wanted to ensure this update should be a priority to be reflected within the personnel review.

Committee member Padilla inquired if the Duty to Intervene, as noted by Chief Wheelles, was intertwined throughout a number of TPD policies, and sought clarification from Committee member Hiller as to if it would be her recommendation to create a specific checkbox or criteria on the personnel review form for a supervisor to have the ability to indicate whether or not an office understands and practices that? Committee member Hiller confirmed and stated that the de-escalation portion on the personnel review form is clear to understand, and stated that she felt the TPD did a wonderful job with the layout and style of the forms, but that the sections each have an overall heading with a few examples of the criteria they are looking for listed below. She noted that although de-escalation seemed to be pretty well covered, that there was not as much defined for multicultural comfort and people of diverse race, gender identity, abilities and disabilities, and suggested it may be appropriate to place it either under the "Teamwork" or "Leadership" areas. Committee member Hiller also stated she felt Use of Force was addressed adequately, so it was really only

the two areas (Duty to Intervene and Multi-cultural comfort) that had yet to be brought in. Chief Wheelles stated he understood the suggestion.

Email received from citizen, Ariane Davis [video 32:30 minute mark] - Key subjects included wanting to know how policy is changed, what that process entails, and for the Committee to work with Chief to rewrite the policing policy. Chairwoman Ortiz made clear the recommendations were not going to please everyone, and asked Chief Wheelles to address the email.

Chief Wheelles stated that, as a Commission on Accreditation for Law Enforcement Agencies (CALEA) accredited organization, TPD is in a constant state of policy review. There are several things that TPD has been doing voluntarily, for a number of years, such as posting policies to the TPD's website. The decision to make these public was for citizen education and also to solicit citizen participation. From time to time, citizens have reached out to the TPD with input for a particular policy. CALEA, is an internationally recognized outside organization that does policy audits on a regular basis. As part of that process, they require the department to provide proofs, which show that TPD is doing what the policies say they are doing. This may be case works or case studies or documentations of corrective actions. CALEA meets with TPD annually, in some capacity. The type of review method is cyclical, from virtual policy reviews some years and full on-site inspections every two or three years. In addition to that review from the outside source, TPD has an internal Policy Review Committee which is comprised of commanders, legal staff, and other staff, which always review the policies. They are reviewed on an incident basis, when court case precedent when the law changes. Additionally, review, input and participation from all levels of City government, are also available. To make the point short, Chief Wheelles stated that TPD, and the City of Topeka, has the ability to evolve and morph the policy on any specific topic. To be able to be flexible, as a modern law enforcement agency, and to adhere to the community expectations, but also within the legal parameters and personnel matters that must be followed, the policy review process is very robust. The Policy Review Committee meets "all of the time" to look at the large amount of differing information that is received by many sources, including the community, that we look at as they relate to policy and which often bring up changes and evolutions in the policy, as well as CALEA.

Chairwoman Ortiz restated the review process is extensive. Chief Wheelles confirmed and added that the Policy Review Committee is regularly looking at policies, as well as making recommendations to change or include changes. These changes can be made whenever deemed necessary. If there is nothing to change, within a year, on a specific topic, it is set on a regular schedule where it comes forward for review even if nothing is changed. When policies change, all TPD employees receive a notification through the department's Power DMS electronic system. This requires each employee to read the revised policy, and provide an

electronic signature to show they have read and understand the policy. It also sets a specific amount of time in which they are required to review that information. The acknowledgment of each individual employee to these policy changes within the Power DMS system also allows for tracking and production of accountability.

Committee member Hiller referenced the letter received and had a few comments. One was that although the Civil Service Commission may take on extra duties, if there is not additional citizen discussion, there was not much point. The recommendations regarding SROs mention the school district and City getting together quarterly to review, but does not mention citizen input. She suggested that the citizen input would not necessarily need to occur on a quarterly basis but perhaps at some point within that citizen input should be added to occur on a regular basis.

Similarly, Committee member Hiller suggested adding “civilian input” into the Use of Force recommendation (Number 3, line 3) to now say “...it is recommended that this policy be reviewed, with civilian input, on an ongoing basis...”. Chief Wheelles stated that, with technology the way it is, citizen input is always available. There are numerous ways for that contact to occur, Chief’s office email and phone number was specifically mentioned. Committee member Hiller suggested that by including the specific language within the Committee’s recommendations, it would send the message to citizens that their input is wanted and expected. Chief Wheelles stated he was also eager to have citizen input on policy as well.

Committee member Hiller referenced Recommendation 6, Civilian Oversight, and suggested adding a line to the end of the first paragraph which states, “...The Civil Service Commission’s duties would include advocating to the Topeka Police Department and/or the Governing Body where they see evidence of the need for consideration of policy or procedure change.”. And that language would clarify that, if they saw something that needed improvement, it would be able to get addressed. Chairwoman Ortiz noted that she had not included that type of language within the draft recommendations because that topic had not come up within in the individual recommendations, and because the Civil Service Commission was going to need to be completely revamped, and as such was not something to be added for them at this time. Committee member Padilla noted that he had some thoughts and ideas, as it related to the revision of the Civil Service Commission, and that he wanted to solicit input from the other Governing Body members and public, however he did not want to put the Commission in a corner for their duties. When Commissioners accept the position to serve, they are accepting the responsibilities of what the position requires. Committee member Hiller noted that one of the most important pieces that had been received from citizens was to have a clear understanding of where citizen concerns could be addressed. She felt it was appropriate to include a piece within the Special

Committee's recommendations to provide information about where citizens can raise concerns.

*Recommendation b1 - School Resource Officers*

Chairwoman Ortiz inquired about the suggested language relating to the SRO recommendation. Committee member Padilla restated that the recommendation heading should change from School Resource Officers to Topeka Police Department School Resource Officers, to distinguish the TPD staff from the Topeka Public School Police Department personnel.

MOTION: To revise title of recommendation b1, from *School Resource Officers* to now say *Topeka Police Department School Resource Officers*. Motion made by Committee member Padilla. Seconded by Committee member Hiller. Motion approved 3-0-0.

Committee member Hiller reviewed her recommendation regarding when TPD and TPS-PD should meet. Current language states it will occur quarterly. Committee member Padilla cautioned that without having the ability to oversee TPS-PD, there may be conflict with the current language for the departments to meet quarterly. Committee member Hiller suggested changing from "quarterly" to "regularly". Input was solicited by Chief Wheelles to speak to how TPD's SROs could facilitate these meetings. Chief Wheelles stated he saw potential conflict in the recommendation where it linked TPD with other entities that are outside of the City's scope and purview. He suggested only creating recommendations to reflect what the Topeka Police Department should do. And to only put the responsibility on the employees that the City/Department have control over. He noted that TPD has a great working relationship with the School District, and have regular meetings that occur. He also stated that there were some meetings that occurred between TPD and school staff that would not be appropriate for parents to attend, as the material discussed would be opened up to litigation and liability exposure, and personnel matters, etc. The challenge would be to make recommendations that are outside of the City's scope and purview, and that the meetings are taking place. There is always room to improve communications and building relationships between TPD and TPS, TPS and parents, and between TPD and parents, but that the issue would be for the Committee to make a recommendation that reaches outside of the City's authority and purview.

MOTION: To remove the last two sentences from recommendation b1 - *Topeka Police Department School Resource Officers*, "SROs and school staff should establish personal relationships with parents through meeting them early in the school year. Local school administrators and the city should meet quarterly to discuss how things are going and how practices can be improved". Motion made

by Committee member Padilla. Seconded by Committee member Hiller. Motion approved 3-0-0.

Recommendation b3 Use of Force - Committee member Hiller suggested adding a civilian input piece into the current recommendation (b3 *Use of Force* line 3) to say "...it is recommended that this policy be reviewed, with civilian input, on an ongoing basis...". Committee member Padilla inquired if the civilian participation could be the Civil Service Commission? Committee member Hiller confirmed, and stated the details about the meeting or the specific group would be something that would need to be worked out administratively.

MOTION: To revise recommendation to include civilian input within the third sentence of the original recommendation to now read "With consideration for the topics addressed, it is recommended that this policy be reviewed, with civilian input, on an ongoing basis." Motion made by Committee member Hiller and seconded by Committee member Padilla. Motion carried 3-0-0.

MOTION: To strike sentence "This will require funding and additional officers to supplement the current staffing levels" from recommendation b3. Motion made by Committee member Padilla, who seconded for discussion.

Committee member Hiller stated she did not feel comfortable with the Committee making, as part of these recommendations, something that was a budget imperative to the Governing Body. She expanded to say that she did not want to get specific as to the way that recommendation to increase training and use of mental health co-responders would occur. Committee member Padilla agreed, and stated the Chief knows the abilities of his staff, and that he can come to the Governing Body with an idea or recommendation as to how to meet that criteria. Following the discussion, Committee member Padilla held his second to the motion made by Committee member Hiller.

Motion approved 2-1-0. Chairwoman Ortiz voted "no".

Recommendation b4 Content of Officer Training - Committee member Hiller referenced an earlier meeting where the question had come up regarding performance reports and if the items related to the Performance Review documents had been upgraded with changes made to the training and administrative policies.

Recommendation b6 Civilian Oversight - Committee member Hiller clarified her suggestion was to add an additional line to the first paragraph of the recommendation, if it was the intent to have the Civil Service Commission be the



entity that takes citizen complaints, to make clear to the citizens and Governing Body as to where those complaints should go.

Committee member Padilla inquired with Chief Wheelles as to whether he felt there were currently adequate ways in which citizens could voice concerns pertaining to the Police Department? And that if the Chief felt that the current outside entities of the Independent Police Auditor, City Ombudsman, and City Manager have fallen short somehow on taking complaints? Chief Wheelles responded that he felt the entities that Mayor listed, as well as the Mayor himself, the Council members, and the Chief of Staff also being included within that structure, as well as the myriad of ways a citizen can file a complaint within the Police Department itself. He stated that he felt adding an additional layer of bureaucratic components in an effort to achieve the results would be counterintuitive in the current era of increased skepticism. But the short answer was that he felt the current ways to receive citizen input and complaints were adequate. Committee member Padilla stated he felt there was an adequate number of ways for citizens to communicate concerns about the TPD. He added that sometimes, although a concern had been addressed, it may not have been resolved the way the citizen wanted for it to be resolved, however it does not mean that what they wanted was the right thing. He was concerned this language may insinuate that the current structure was not good enough, and that perhaps the current things could be reaffirmed and strengthened.

Committee member Hiller stated that she did not feel comfortable with moving concerns brought to one entity to another for being addressed. That she would feel more comfortable with the entity that received the concern being the same that reviewed the matter and provided final decision. Chairwoman Ortiz suggested placing a decision for this recommendation on hold for current time, and come back to it.

*Recommendation b7 Employment Decisions* [video 1:22:50 minute mark] - Committee member Hiller suggested to delete last line of this recommendation, and to replace it with "The City should continue affirmative and creative efforts for minority and disadvantaged recruitment and advancement, with a goal that the department fully reflects the diversity in the community." She clarified that the word "continue" was used because she felt the City was already doing a good job in this area. She clarified that she appreciated the current recruitment efforts that were being done by the Department, and did not know that additional efforts needed to be supported through GO Topeka.

Chairwoman Ortiz explained that GO Topeka was referenced within a couple of the recommendations and that one reason it was included within this section was to reflect that they can help the City and TPD in recruitment efforts, but also in

promoting the city, City of Topeka, and TPD and the reasons to move here. She also suggested having GO Topeka help with the recruitment of minorities.

Committee member Padilla felt the City, and specifically TPD, was doing a very good job at thinking outside of the box in terms of recruiting and hiring for their programs, and did not require GO Topeka or the Greater Topeka Partnership to directly assist with the recruiting of officers. He felt that the Greater Topeka Partnership could assist with partnering with the City, and TPD, to include and promote the ways in which we have been recruiting, and the diversity found within the TPD and City, but did not feel there was a need to receive input from the Greater Topeka Partnership or GO Topeka on the hiring process. He suggested that one area that could improve would be to increase information on the Choose Topeka program, as that program is specifically aimed encourage people to come to Topeka for those occupations that are critical to the community, it may be beneficial for the City to work with GO Topeka on that Choose Topeka program. He recognized that the City would not have direct control over directing GO Topeka, or the Greater Topeka Partnership, but a continued partnership in getting people to Topeka would be a positive thing.

Committee member Hiller stated she felt she understood her initial confusion on this language, and provided an alternate suggestion which would be to keep the sentence about GO Topeka, but to add a second paragraph and move the GO Topeka sentence to the end of the suggested new paragraph to say “The City should continue affirmative and creative efforts for minority and disadvantaged recruitment and advancement, with a goal that the department fully reflects the diversity in the community. The City should identify partners such as Go Topeka that can support efforts to recruit officers.”, adding it may help provide clarity.

Committee member Padilla stated he would prefer changing the term “minority” to “people of color and women”. Committee member Hiller provided some additional language about also changing this terminology. Chairwoman Ortiz suggested putting this item on hold as well and directed the Committee to submit their suggested language to her.

*Committee member Hiller’s additional suggestion on Community Policing-*

Chairwoman Ortiz noted this was not on the original set of recommendations. Committee member Hiller expanded that this suggestion is about policing, and race as well. That the Community Policing unit has changed over time and that issues within her Council District neighborhoods about who you can go to and who can help prevent and resolve issues in your neighborhood have been a concern.

Chairwoman Ortiz noted that this was something that had changed from time to time, depending on preference of the Chief.

Committee member Padilla noted that he was an advocate of Community Policing and that community policing has evolved over the decades. Community Policing is part of police function and that it must adapt to the situations within the community. There is not a police department that has been effective without some type of a Community Policing unit. He noted that it was his understanding that there was not any intent by the Chief to move away from community policing.

Chief Wheelles stated he felt that this piece may speak directly to those officers that are designated as Community Police Officers, however, agreed that all officers are some form of a community officer in one way or another.

Committee member Padilla stated he had always felt that all officers should think of themselves as community officers. And that making it a part of everyone's responsibility, it would be a department-wide concept. He pondered about the ability to record, on personnel review forms, to show ability to have that community policing mindset regardless of what unit they are assigned to.

Chief Wheelles agreed and noted that it is a holistic approach. Chairwoman Ortiz noted that she had made an earlier suggestion to Chief Wheelles that he get out into the community more. And appreciated that he had taken that suggestion to heart and understood that the change needed to come from the top down. She noted she felt having all officers feel they are part of the community policing was important. She stated that with this being the first time reviewing the new recommendation, she needed time to reflect on it, and felt the Community Policing Unit was ultimately the Chief's decision, but that she understood the importance of having one.

Committee member Hiller noted that the subject of community policing was an underling thing and not something that the Committee had actively reviewed. But felt it was something that could work within prevention efforts. The reason she phrased it as she did was to indicate the importance of the dedicated unit, and the difference that is made within neighborhoods by people feeling comfortable with having one person to go to with concerns, but also for the other officers who may need information that could be shared.

Chairwoman Ortiz polled the Committee as to if they felt more discussion was needed on Committee member Hiller's item regarding Community Policing, or not. There was not additional discussion on the item.

Committee member Hiller inquired about the two outstanding items. Chairwoman Ortiz responded that she would take the language provided from both committee members at this meeting, and combine it to the draft resolution, and that another review and vote would be taken at the next meeting. The items would be reflected

on Committee member Hiller's items 4 and 5, as they relate to the draft recommendation document number b6, *Civilian Oversight*.

Chairwoman Ortiz stated that the SRO program had been discussed at the March 19, 2021 Committee meeting, if anyone wanted to go back and review that meeting they could.

#### **4) Other Items**

Chairwoman Ortiz reminded that a public input meeting would take place Friday, June 17<sup>th</sup> at 2:00pm. Virtual and in-person attendance would be available. The meeting agenda can be found on the City's website [<https://www.topeka.org/citycouncil/police-community>]. Participants will have four minutes to speak. Any questions asked will be responded to following the meeting. If time allows, the Committee will review the outstanding items. However, if time does not allow, the Committee will schedule a final meeting to do that work.

Committee member Hiller thanked everyone involved with reviewing and working through all of the items that have been done throughout the process. Chairwoman Ortiz concurred and thanked the Committee members for their patience throughout the process.

#### **5) Adjourn**

Chairwoman Ortiz adjourned the meeting at 3:55pm.

Meeting recording can be found at: <https://youtu.be/3cSe2LkPCDY>