



CITY OF TOPEKA

Human Relations Commission
City Hall, 215 SE 7th Street
Topeka, KS 66603

Tel: 785-368-3897
www.topeka.org

Upcoming Meeting Information:

Date: Monday, August 1, 2022

Time: 5:30 PM

Location: City Hall, 215 SE 7th Street, Topeka, Kansas

Meeting Agenda

- I. Call to Order and Roll Call
- II. Agenda and Prior Meeting Minutes
- III. Reports
 - a. Guest Reports
 - i. Independent Police Auditor Report – Action Item: Adopt with Approval, Adopt with Comment, Received without Comment.
 - b. Commissioner Reports
 - i. Chair's Report
 - ii. Vice Chair's Report
 - iii. Subcommittee Reports
- IV. Old Business
 - a. THRC Focus: Rebuilding and Reintroducing the THRC – continued discussion
- V. New Business
- VI. Public Comment
- VII. Adjournment

Public Comment Notice: To honor safety mandates surrounding the COVID-19 pandemic, in-person public comments will be limited; please contact Brenda Younger, City Clerk, at cclerk@topeka.org regarding meeting attendance or to submit written public comments. Written comments may also be mailed to: 215 SE 7th Street, Room 166, Topeka, Kansas 66603. All attendance requests and comments must be received 2 business days prior to the meeting.

To request an ADA Accommodation, please contact 785-368-3725 between the hours of 8:00am – 5:00pm no later than 3 working days in advance of this meeting.



CITY OF TOPEKA

HUMAN RELATIONS COMMISSION

MEETING MINUTES

Date: July 11, 2022

Time: 5:30pm

Location: City Hall – 1st Floor Conference Room; 215 SE 7th Street

Call to Order. Chair Nicholas Smith called the meeting to order at 5:35pm.

Roll Call. Present: Chair Nicholas Smith; Commissioner Bensimon; Commissioner Roberts; and Commissioner Romero-Nichols. Absent: Vice Chair Goetz; Commissioner Hopp; and Commissioner Brown.

Guests. Ed Collazo, Independent Police Auditor (By Zoom); Ruth Glover, Kansas Human Rights Commission (By Zoom); Mary Kuckelman, City Attorney's Office; Lorean Williams (By Zoom); Kaitlyn Willis, City Manager's Office (By Zoom); LeRoy Younger, City Manager's Office.

LeRoy Younger, Executive Assistant to Bill Cochran, introduced Kaitlyn Willis, Senior Executive Assistant to the City Manager, to the HRC Commissioners. In August, Ms. Willis will start taking minutes and assisting the HRC with administrative duties.

Adoption of July 11, 2022 Agenda. Commissioner Romero-Nichols moved and Commissioner Roberts seconded a motion to adopt the agenda as written. Motion carried.

Adoption of June 6, 2022 Minutes. Commissioner Roberts moved and Commissioner Bensimon seconded a motion to adopt the minutes as written. Motion carried.

Guest Reports.

- **Independent Police Auditor Report.** Ed Collazo reviewed the monthly Independent Police Auditor Report and answered questions from the Commissioners.
Commissioner Roberts moved and Commissioner Romero-Nichols seconded a motion to adopt the IPA report. Motion carried.
- **Kansas Human Rights Commission.** Ruth Glover, Executive Director of the State Human Rights Commission, gave a presentation with a commission overview and answered questions from the Commissioners. Topics included the makeup of the KHRC Commissioners, office locations in the state, the Kansas Act against Discrimination, and harassment complaints and components.

Commissioner Reports. No reports.

Old Business.

- **THRC Focus: Rebuilding and Reintroducing the THRC.** Chair Smith discussed rebuilding and reintroducing the HRC and requested that the Commissioners send their thoughts and ideas on the mission statement and renaming of the HRC to him via email.

New Business. No new business.

Public Comment. No public comment.

Adjournment. Meeting adjourned at 6:55pm.

****Next Meeting is scheduled for August 1, 2022 at 5:30pm****



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August 1, 2022

RE: July 1, 2022 – July 30, 2022 – use of force cases reviewed

The Independent Police Auditor (IPA) has reviewed 15 (5 administrative investigations and 10 use of force) cases with some of the use of force cases falling into more than one category. The cases are categorized as follows:

Firearm Discharge – 0

Taser (ECD) – 2

Pepper (OC) Spray – 0

K-9 Deployment - 0

Physical use of force (the officer uses take down and control techniques to achieve compliance) – **5**

Show of Force (force not actually used but pointing a weapon (taser or firearm) at the citizen) – **3**

Less than Lethal - 0

After review of the cases, the IPA has determined that the use of force in nine (9) out of the ten (10) cases by the officers were in accordance with Topeka Police Department policy as well as current case law. There was one case where the officer tased the subject for a period longer than allowed by policy and the subject was not medically cleared per policy. These violations were noted within the review process and addressed accordingly.

The IPA has also reviewed/completed:

- 0- Administrative investigation review (initiated by IPA)
- 2 - Citizen Complaints to IPA
- 0 - Citizen Complaint to PSU
- 3 – Internal reviews

A breakdown of force used and administrative complaints are listed below as well as police discipline for this reporting period.

Respectfully submitted,

Edward M. Collazo



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IPA notes that there were ten (10) use of force cases during this reporting period. There were three subjects that were identified as suffering from mental health issues or otherwise impaired in this reporting period. There was one case that, as noted above, had two policy violations. These violations were initially identified and addressed within the internal review process. One of the administrative reviews is that of an officer involved shooting from September of 2021.

Administrative review of use of deadly force

- Officers were in a foot chase with a subject wanted for a homicide. The subject turned towards the officers and fired as he continued to run. Officers fired back and struck the subject. The firearm usage was within policy.

Administrative reviews:

- Off duty conduct of two employees and former employee – sustained
- Unlawful detention of a subject - sustained

Administrative complaints to IPA:

- Citizen complaint – Officer harassing and targeting citizen (traffic stop of subject’s vehicle where the subject was not present) – unsubstantiated
 - o Date of incident – 07/07/2022
 - o Date reported – 07/07/2022
- Citizen complaint (third party) – Citizen was treated rudely by officers when the citizen responded to a relative’s residence where the relative was a victim of a crime and a crime scene was established – unsubstantiated
 - o Date of incident – 07/16/2022
 - o Date reported – 07/17/2022

FIREARM DISCHARGE:

NONE FOR THIS REPORTING PERIOD

ELECTRONIC CONTROLLED DEVICE (ECD) TASER:

1. Officers were dispatched to the case address in reference to an unwanted intoxicated subject refusing to leave the porch of the residence. The people at the residence did not know the subject, but he continued to refuse to leave the porch. The resident stated that the subject tried to enter the house twice. The subject left twice for a short time then came back. The subject was verbally assaultive with officers and citizens when officers arrived on scene. The subject told officers he was going to put them in the ground as he was pounding on his chest with his fist.



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The subject was yelling profanities and racial slurs throughout the encounter. The subject was given multiple opportunities to leave the area, but he refused to do so and continued to be assaultive and disorderly. One of the officers pulled his taser and ordered the subject to the ground. The subject refused to comply and was taken into custody after an ECD deployment and ground control tactics. The subject continued to yell profanities and racial slurs after he was placed into handcuffs. AMR responded to the scene. The subject refused medical treatment and he was transported to DOC. There were no injuries reported.

W/M – ECD - MI/Imp

2. Officers were working off duty at Wal-Mart, when Wal-Mart security reported to officers that a subject was attempting to exchange stolen merchandise while concealing possible stolen merchandise into a bag. Security advised the female subject could not provide a receipt for the items she was concealing into her bag. The officers attempted to conduct a “Terry Stop” (*Terry v. Ohio* – The Supreme Court held that the police can briefly detain and do an exterior pat-down of a person they reasonably suspect to be engaged in or about to be engaged in criminal conduct) on this subject as she was attempting to exit the store with stolen merchandise. Both officers were in uniform, and presented themselves as Topeka police officers. Both officers advised that the female subject which was later identified, became confrontational by yelling cuss words and refusing to stop. The subject refused the officers commands, and attempted to leave the store. One of the officers attempted to grab the subject's wrist to detain her, but she pulled away. They also tried other control tactics but failed. They used a dynamic takedown, however, the subject continued to fight officers and refused to present her hands to officers so officers could apply handcuffs. The subject was squeezing her water bottle at the officers, splashing water on the floor making the floor extremely slick. One of the officers reported that the subject kicked him multiple times in the knee and leg area. One of the officers BWC fell off his shirt, but was still audible. The subject attempted to kick the other officer. The subject continued to resist while she was on the ground by failing to place her hands behind her back and refusing to follow the officer's orders. One of the officers attempted control techniques, but the subject's highly aggressive behavior caused the techniques not to be effective. After evaluating the subject's behavior and lack of cooperation, one of the officers decided to deploy his Taser to prevent injuries from a continued scuffle. The taser hit the subject in the lower mid back. The officer deployed one cycle for approximately 17 seconds until the subject complied and placed her hands behind her back. The taser was effective. One of the officers removed the probes, AMR medically cleared the subject and she was taken to jail. Photographs were taken of the subject as she was handcuffed sitting in the back of an on-duty officer's patrol car. There were no apparent injuries.

B/F – ECD **two policy violations were noted – 2.8.8.F.2 (tasing longer than 15 seconds) & 4.2.C.7(hospital clearance after tasing) These violations were identified and addressed by the chain of command**



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PEPPER (OC) SPRAY:

NONE FOR THIS REPORTING PERIOD

LESS THAN LETHAL

NONE FOR THIS REPORTING PERIOD

PHYSICAL USE OF FORCE:

1. An officer observed a subject walking in the roadway in violation of STO 68 (C) – pedestrian walking on the roadway where a sidewalk is provided. The officer conducted a traffic stop and identified the subject. While speaking to the subject, the officer noted that the subject quickly scanned the area then attempted to flee on foot from the officer. The officer pursued the subject and caught him when he fell in the alley. The officer fell on the subject and gave the subject commands to put his hands behind his back. During the struggle on the ground the officer's Axon camera fell off of his shirt, so there is only the audio recording of most of the incident. You can hear the officer say several times "PUT YOUR ARMS BEHIND YOUR BACK", and the subject replying "WHY ARE YOU STOCKING ME"? the subject is able to get to his feet and attempts to evade the arrest. While the officer's camera is on the ground you can see the officer struggling with the subject while the two are on their feet. The officer attempts control tactics, but they fail. The officer then uses a dynamic takedown to gain control of the subject. The subject was able to break away and ran to the South where the subject was eventually taken into custody. The officer used control tactics to effectively place handcuffs on the subject. A second officer arrived on scene and stated that the subject was on the ground with his hands behind his back and the officer standing beside the subject, actively pointing his Taser. The second officer approached the two and placed handcuffs on the subject without incident.
W/M – PF
2. An officer was detaining a subject for allegedly brandishing a firearm at a caller near Gage Park. The officer was struggling to control the subject and his step-daughter. When the lieutenant arrived he saw the step-daughter approaching the officer that was struggling with the officer aggressively, and refusing to move back despite orders to do so from the officer and the lieutenant. The lieutenant attempts to physically pull her away by her elbow. The female set the child down she was carrying on the ground and began to strike the lieutenant in the head with a closed fist. The lieutenant pulled the subject to the ground. He attempted to get her into custody with the lowest amount of force, but she continued to struggle to get free. Eventually,



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the lieutenant used ground control tactics to place handcuffs on the subject. No injuries were reported.

B/F – P/F

3. Officers were dispatched to Gage Park for a report of a domestic disturbance where an involved party was brandishing a firearm. The first responding officer made contact with the suspect who was reported to be armed as the suspect was attempting to leave the scene. The suspect was failing to comply with the officer's instructions. The officer then used ground control tactics to take the suspect into custody. This case is related to the one listed above noting the arrest of the step-daughter.

B/M – P/F

4. Officers were dispatched two different times for an unwanted subject outside of a town house. The first time an officer arrived he told the subject that he had no reason to be at the house and to leave. That Officer spoke to the reporting party and was informed that the subject was her ex-boyfriend and did not live at the house. The reporting party also placed a sign on the door telling the subject he is not welcome. Upon arriving the second time officers went to detain the subject who was outside the front door of the house. As officers approached the subject he began taking off his jacket. When officers went to control the hands the subject began grunting and flexing to prevent officers placing him into handcuffs. The officers took the subject to the ground to effect the arrest.

W/M – P/F-MI/Imp

5. An officer was involved in a vehicle pursuit that started at SW Twilight and Gage. The pursuit ended on SW 29th Street when the suspect vehicle crashed through a metal fence. The subject got out of his vehicle and initiated a foot pursuit. The officer chased him on foot until the suspect slipped and fell to the ground. The officer was able to close the distance and tackled the subject as he attempted to get up. The officer was able to pin the subject to the ground. The subject resisted arrest and was able to place his left hand underneath his body at his waist band. The officer used a closed hand strike with his right hand connecting to the subject's right facial area. The officer was then able to control the subject's left hand. While attempting to use handcuffs, the officer utilized ground control techniques. The subject was taken into custody without further incident.

B/M – P/F



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SHOW OF FORCE

1. An officer attempted to stop a vehicle for operating without any taillights. The subject parked the vehicle on a public sidewalk and fled on foot. The officer gave chase and during the chase, the suspect reached near his waistband, disobeyed lawful commands, and resisted arrest. The officer actively pointed his duty firearm at the subject when he was reaching near his waistband as the officer perceived that the subject was attempting to reach for a weapon that could place his life in danger. A second officer joined the foot pursuit and caught up to the subject who was in a prone position on the ground and taken into custody without further incident. Topeka Fire Department was summoned to the scene as the suspect was complaining of shortness of breath. He was medically cleared. No injuries to officers or the suspect resulted from this incident.

W/M – S/F (firearm)

2. Officers responded to the case address reference a disturbance. Upon arrival, the officers spoke with the security officer who stated a subject had struck his vehicle with a large object while he was patrolling the lot. While checking the car lot the officers made contact with a subject who was exiting a vehicle on the car lot that the alarm was going off. The officers started giving commands to the subject to get on the ground which he complied. A request was made for a back officer to be dispatched and the officers on the scene decided they were going to wait for the responding officer. As the officers waited, it was decided that one of the officers would utilize his Taser as a less lethal option while the other officer continued with to provide lethal cover. While the officers were waiting for the back officer to arrive the subject attempted to stand up and officers gave commands for him to get back on the ground. The subject complied, however, when he got back on the ground the officers observed him reaching at his mid sections at which time the officers gave commands to stop reaching. Due to the subject's abnormal behavior the officers approached him to effect and arrest. The officers were able to complete the arrest without further incident.

W/M – S/F (ECD) – MI/Imp

3. Officers were dispatched to the case address in reference to a single vehicle roll-over injury crash that was reportedly turning into a fight. A subject was located on foot in the area after he fled from the vehicle. While taking him into custody, one of the officers actively pointed his taser at the subject while the other officer was handcuffing him. The subject had minor injuries from the crash only and was transported to Stormont Vail to be medically cleared before being taken to DOC

W/M – S/F (ECD)



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K-9 DEPLOYMENT

NONE FOR THIS REPORTING PERIOD

Police Discipline/corrective actions – not due to excessive use of force:

- Terminations: 0
- Suspensions: 0
- Written warning: 1
- Caution/Counsel: 1
- Coaching: 0

Police Discipline/corrective actions – due to excessive use of force: NONE

Acronyms:

B/M – black male

B/F – Black Female

MDT – Mobile Data Device

W/M – white male

W/F- White Female

MI/IMP – Mental Illness/Impairment

NA/M – Native American Male

NA/F – Native American Female

DOC – Department of Corrections

LEO – Law Enforcement Officer

MVA – Motor Vehicle Accident

RP – Reporting party

ACO – Animal Control officer

P.F – Physical Force

ECD – Electronic Controlled Device (Taser)

LL – Less than Lethal

S.F. – show of force

PSD – Police Service Dog