4.72 NON-DISCRIMINATION

4.72.1 PURPOSE

It is the policy of the Topeka Police Department that all individuals have the right to participate in employment, programs and activities operated by Topeka Police Department regardless of race, color, national origin, sex, religion, disability, and age.

4.72.2 CIVIL RIGHTS POLICY & PROCEDURES

A. The Topeka Police Department operates in compliance with federal and state statutes and City of Topeka regulations and all other regulations implementing the same.

B. Policy Dissemination
   The Topeka Police Department Non-Discrimination Policy will be made available to all Topeka Police Department staff, contractors, and program beneficiaries. Staff and contractors must acknowledge receiving and reviewing the policy and a copy will be placed in their agency file. Non-Discrimination policy and contact information will be posted in a public area at office locations for employees and program beneficiaries.

C. Training
   The City of Topeka will provide training for staff on the Non-Discrimination Policy once a year. The training will include an overview of complaint policies and procedures, including staff responsibility to refer discrimination complaints from program beneficiaries to the designated Civil Rights Liaison. The Topeka Police Department staff will sign a form certifying completion of Non-Discrimination Policy training. New Topeka Police Department staff will receive Non-Discrimination Policy training within 60 days of start date.

4.72.3 ADA COMPLIANCE

A. Department employees shall ensure that people with disabilities are afforded all rights, privileges and access to the Department as the same with those without a disability.

B. When individuals have questions, complaints, or want to file a grievance, refer them to the City of Topeka website https://www.topeka.org/Pages/ADA-Policy.aspx, or provide the phone number to them. (368-3801 or TTY 368-
4.72.4 IMMIGRATION STATUS OFFENDERS

A. In General:

According to 8 US Code 1357, the enforcement of civil federal immigration laws falls exclusively within the authority of the United States Immigration and Customs Enforcement Agency (ICE).

B. Illegal Immigration Enforcement

1. No person with illegal immigration status will be stopped solely for that civil law violation. Officers shall not initiate police action where the primary objective is discovery of the immigration status of any person and no arrest for illegal entry into the country shall be made unless in conjunction with detention for another crime.

2. When attempting to determine the immigration status of a criminal suspect, officers may use any reasonable means available, including:
   a. Use of any authorized federal identification data base;
   b. Identification methods authorized by federal law;
   c. Use of electronic fingerprint readers or similar devices; or
   d. Contacting an appropriate federal agency.

C. If during the course of a criminal investigation, the officer receives verification that a suspect has illegal immigration offender status; the officer may take action as authorized by law.

1. The decision to verify immigration status shall not be based on race, color or national origin of the suspect.

4.72.5 ADULTS IN NEED OF CARE

A. Officer Response

1. In adults in need of care cases, officers must file a report, an Offense or Incident Report, and indicate that copies should be sent to:

   a. CIB;
   b. The Department of Health and Environment (for residents of adult care homes or medical care facilities); or
   c. The Department for Children and Families for Adult Protective Services.

2. Report contents shall contain:
a. The name and address of the person making the report;  
b. The name and address of the caretaker caring for the involved adult;  
c. The name and address of the involved adult;  
d. Information regarding the nature and extent of the abuse, neglect or exploitation;  
e. The name of the next of kin of the involved adult, if known; and  
f. Any other information that the person making the report believes might be helpful in an investigation of the case and the protection of the involved adult.

3. Failing to make a required report constitutes a Class B Misdemeanor (KSA 39-1402(e), and amendments thereto).

4.72.6 UNSHELTERED POPULATION

A. In General

Employees shall be sensitive to the needs and rights of the unsheltered population and provide appropriate law enforcement services for the entire community, while protecting the rights, dignity, and personal property.

B. Assistance

1. Officers may approach the unsheltered and advise them of the availability of shelters and services. The officer may also call a supervisor for assistance in placing the unsheltered person. The person may or may not accept the assistance or referral, and may walk away before help arrives.

2. Upon supervisory approval, officers may transport unsheltered persons to a shelter when the person accepts such a referral. Before transporting, officers shall search all individuals for weapons and contraband. If they refuse to consent to the search, absent legal grounds for a nonconsensual search, officers shall refrain from searching but shall not transport the unsheltered person.

C. Arrests of the unsheltered

1. Officers may allow the person to take a limited amount of personal items with them when arrested on criminal matters.

2. If it is necessary for an officer to collect such items during a criminal arrest, exercise care when handling and packaging these items, taking into consideration the health and safety of those who may have exposure to these items in Property and Evidence Room.

3. Items which are considered personal property and may include, but are not limited to, radios, audio and video equipment, medication, personal papers, photographs, books and other reading materials, luggage, backpacks or other
storage containers, clothing, shoes, toiletries and cosmetics, clocks and watches, eye glasses, bed rolls, blankets and pillows (if not damp or soiled with urine or fecal matter).

4. When it is necessary to dispose of such items for health and safety reasons, officers shall note the reason for the destruction or non-admittance of the property in the arrest report.