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ORDINANCE NO. 51-729

AN ORDINANCE AMENDING SECTIONS 2.10.030, 2.10.040, 2.10.050 AND 2.10.090 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE WICHITA CITIZEN’S REVIEW BOARD.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. Section 2.10.030 of the Code of the City of Wichita is hereby amended to read as follows:

**“Specific duties of the Wichita Citizen's Review Board.**

The Wichita Citizen's Review Board shall:

1. Assist the Police Department with community outreach opportunities.
2. Advise the Police Department about community concerns.
3. Receive annual reports regarding racial and other biased-based policies from the Wichita Police Department.
4. Serve as the Community Advisory Board, as set forth in K.S.A. 22-4611b, to assist the City of Wichita and its police department in policy development, education, community outreach and communications related to racial and other biased-based policing.
5. Review existing police department policies, procedures, and practices when necessary.

6. Review post discipline findings of an official Professional Standards Bureau Investigation of misconduct by law enforcement officers upon request of the Chief of Police or the Board. The Board may issue a written report of the Board's findings and recommendations of such review of a Professional Standards investigation. This written report shall be considered an "open record" under the Kansas Open Records Act."

SECTION 2. Section 2.10.040 of the Code of the City of Wichita is hereby amended to read as follows:

**"Membership.**

- a. The Board shall consist of thirteen (13) members. The Mayor and City Council will appoint seven members. Six members will be appointed by the City Manager. Members shall be residents of the City of Wichita.
- b. Membership of the Board will reflect the diversity of the residents of the City of Wichita, including ethnicity, race, gender, religion, sexual orientation, socio-economic, age, and residency.
- c. Board members selected should be individuals with an interest or experience in police and/or community relations."

SECTION 3. Section 2.10.050 of the Code of the City of Wichita is hereby amended to read as follows:

**"Terms of office. Members of the Wichita Citizen's Review Board shall serve two-year terms. Removal.**

- a. Members of the Board shall serve a term of two years. All Board appointments shall begin on April 1<sup>st</sup> of each year. Except as set forth below, no member shall

serve more than four consecutive full terms. Any individual serving as an appointed board member, on the date of passage of these amendments, shall continue to serve until a successor has been duly appointed and qualified. Such individuals shall be eligible for re-appointment of no more than two additional two-year terms. Members shall be notified in writing as to whether they will be reappointed to the Board.

- b. In the event a vacancy occurs or the individual no longer meets the eligibility requirements during the term of any member, the City Manager, Mayor or City Council Member may appoint a successor to serve the unexpired term. A successor appointed to complete an unexpired term shall be eligible to serve up to four consecutive terms in addition to the unexpired term. Members appointed by the Mayor or City Council will be replaced by the Mayor or City Council. Members appointed by the City Manager will be replaced by the City Manager.
- c. A member may be removed from the Board for the following reasons:
  - 1. No longer meets the eligibility requirements described in Section 2.10.045;
  - 2. Misses more than three consecutive (3) board meetings or fifty percent of board meetings in a twelve (12) month period;
  - 3. Fails to attend and complete racial profile training, KOMA and KORA training, and the Wichita Police Department's Citizens Police Academy within the times specified in Section 2.10.045;

4. Does not pass the criminal background check in accordance with the criteria set forth in Section 2.10.045 of the Code of the City of Wichita, except subsection (7)(b), “battery or resist law enforcement officer”;
5. Fails to comply with and abide by the terms of the confidentiality agreement for board membership.

Members appointed by the Mayor and City Council shall be subject to removal by the Mayor or City Council. Members appointed by the City Manager shall be subject to removal by the City Manager.”

SECTION 4. Section 2.10.090 of the Code of the City of Wichita is hereby amended to read as follows:

**“Review of post discipline or administrative matters.**

a. In addition to the responsibilities set forth in this Chapter, the Board may review, at the request of the Chief of Police or the Board, cases of misconduct of Wichita Police Department personnel investigated by Professional Standards Bureau. Only cases which are post discipline may be reviewed. Review shall not be heard until all pending case(s) and any applicable appeals, grievances or other review of the incident have been concluded. A request by the Board to review post discipline findings must be made no later than ~~one~~ five years from the date the discipline was imposed or completion of the investigation by Professional Standards. The Board, in executive session, shall be provided the disciplinary summary of any officer(s) involved in a complaint reviewed by the Board. Personal identifiers of the officers will be redacted. The disciplinary summary may include disciplinary history surrounding excessive force, officer-involved shootings and false or dishonest reports of any officer(s) involved,

whether the complaint was founded or unfounded and detail any disciplined administered, if there was any discipline.

- b. Review of post discipline or administrative matters heard by the Board shall be considered to be the review of personnel matters. Disciplinary action is a confidential personnel matter and will not be revealed to the public. Pursuant to K.S.A 75-4319(b)(1), the review of these matters will not be open to the public.
- c. The Board shall establish all necessary procedures to implement the review of post discipline matters brought before them. Included within these procedures will be notification to all applicable police personnel involved in the review in accordance with the Police Department Procedure Manual. The individual making the initial complaint to the Professional Standards Bureau shall be notified of the Board's review of PSB findings and may address the Board during the executive session portion of the meeting when the Board is reviewing the matter. Such individual will not be allowed to attend the Board's deliberation or discussion of the complaint while in executive session. A copy of any written decision or findings made by the Board after its review will be provided to the complainant. All police reports, videos, interviews, or other investigative files submitted to the Board for review shall have the personal identifiers of all involved citizens, witnesses and officers redacted.
- d. The Board's review will be for the purpose of reviewing any applicable administrative regulations and advising the Chief of Police, the City Manager, the Mayor and City Council on practices and training relevant to issues or concerns uncovered as part of the investigation.

- e. All deliberations of the Board will be confidential. Following such deliberations, the Board may issue a written report regarding its findings and recommendations. This written report shall be considered an “open record” under the Kansas Open Records Act. The report shall not name the officer or officers involved in the Professional Standard’s Investigation.

The individual bringing the initial PSB complaint, Chief of Police, Professional Standards Bureau, City Manager, the Mayor, City Council, and any involved personnel will be notified in writing of the Board's decision and receive a copy of any written report issued by the Board.”

SECTION 5. The originals of Sections 2.10.030, 2.10.040, 2.10.050 and 2.10.090 are hereby repealed.

SECTION 6. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 5th day of April, 2022.

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Jennifer Magaña  
City Attorney and Director of Law

