

(Published in the Topeka Metro News July 27, 2020)

**ORDINANCE NO. 20249**

AN ORDINANCE introduced by Councilmember Spencer Duncan creating Article IV of Chapter 2.35 of the Topeka Municipal Code to be entitled "Execution of Search Warrants."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 2.35.160, which said section reads as follows:

**Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Law enforcement officer" means a sworn law enforcement officer employed by the City of Topeka Police Department.

"No-knock warrant" means any search warrant issued by a judge of the district court that does not require the law enforcement officer(s) executing the warrant to knock and announce themselves, and their purpose, prior to entering a specified premises.

"Search warrant" for purposes of this chapter means a legal document authorizing a law enforcement officer to enter and search a specified premises.

Section 2. That the Code of the City of Topeka, Kansas, is hereby amended by adding a section to be numbered 2.35.170, which said section reads as follows:

**Execution of search warrants.**

(a) Any law enforcement officer tasked with execution of any search warrant

29 shall be accompanied by such other persons as may be reasonably necessary for the  
30 successful execution of the warrant with all practicable safety.

31 (b) Before entering a premises for the purpose of executing a search warrant,  
32 a law enforcement officer shall:

33 (1) Absent exigent circumstances, physically knock on the structure in  
34 a manner and duration reasonably likely to be heard by the occupants; and

35 (2) Clearly and verbally announce as law enforcement having a search  
36 warrant in a manner reasonably likely to be heard by the occupants; and

37 (3) Absent exigent circumstances, wait a minimum of fifteen (15)  
38 seconds before entering the premises.

39 Section 3. That the Code of the City of Topeka, Kansas, is hereby amended  
40 by adding a section to be numbered 2.35.180, which said section reads as follows:

41 **Use of no-knock warrant banned.**

42 No law enforcement officer, including those assigned to serve as a member of a  
43 federal task force (i.e., ATF, DEA, FBI), shall serve a no-knock warrant at any location  
44 in the City of Topeka.

45 Section 4. That the Code of the City of Topeka, Kansas, is hereby amended  
46 by adding a section to be numbered 2.35.190, which said section reads as follows:

47 **Complaints.**

48 Any complaint received alleging that a no-knock warrant was served shall be  
49 presented to the Chief of Police who shall refer the matter to the Professional Standards  
50 Unit for investigation and such investigation shall be subject to review by the  
51 Independent Police Auditor. The results of the investigation shall be provided to the

52 complainant, in writing, within seven (7) days following the completion of the  
53 investigation, which shall occur no later than one (1) year after receipt of the complaint  
54 or in accordance with time frames specified in any applicable collective bargaining  
55 agreement, whichever is shorter.

56 Section 5. This ordinance shall take effect on July 28, 2020, after its approval  
57 and publication in the official City newspaper.

58 Section 6. This ordinance shall supersede all ordinances, resolutions or rules,  
59 or portions thereof, which are in conflict with the provisions of this ordinance.

60 Section 7. Should any section, clause or phrase of this ordinance be declared  
61 invalid by a court of competent jurisdiction, the same shall not affect the validity of this  
62 ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

63 PASSED AND APPROVED by the City Council on July 21, 2020.

64 CITY OF TOPEKA, KANSAS  
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70 Michelle De La Isla, Mayor

71 ATTEST:

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76 Brenda Younger, City Clerk