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July 18, 2016

Jim Colson
City Manager
City of Topeka
215 SE 7th Street, Room 352
Topeka, KS 66603

Dear Mr. Colson:

I write to you today on behalf of the Topeka Steering Committee of the American Civil Liberties Union (ACLU) of Kansas. The Topeka Steering Committee is made up of Topeka residents who are deeply engaged in defending and strengthening the civil liberties and civil rights that belong to all Kansans, including the right to due process and equal protection under the law. **It is because of our interest in the rights of due process and equal protection that we are concerned about the process used to select the City of Topeka's municipal judge.**

Based on information gathered by members of our Topeka Steering Committee, it is our understanding that the municipal judge is appointed directly by the city manager. It is also our understanding that this appointment is made after consultation by the city manager with the city attorney and with police leadership. If our understanding of the appointment process is incorrect, we would greatly appreciate knowing what the actual process involved is.

Although we are aware that a new municipal judge was recently selected, and that no new openings are contemplated in the near future, we wanted to take this opportunity to urge you to consider a more robust and inclusive process in the future. Specifically, **we urge you to consider making use of a citizen-led panel to screen and recommend candidates for the municipal judge's position.** We recommend that such a panel include a representative of the Shawnee County bar, a representative of a civil rights organization (such as the NAACP), a representative of the civil liberties movement, one or more representatives from neighborhood or community groups, a representative from the police department, and a representative from the city attorney's office. Although the final power of selection might remain with the City Manager, we believe this more inclusive process for screening and recommending candidates would be a significant improvement because:

- **It would improve police-community and judicial-community relations.** Current events around the country have demonstrated that the relationship between the community, law enforcement, and the justice system are fraught with tension. More consultation and engagement of citizens, in all stages of the process, result in a lower level of tension.
- **It would reduce the potential for perceiving a judge as a biased official, rather than as an objective arbiter.** The current system, where only law enforcement officials are formally consulted, can lead to perceptions that the municipal judge is "hand-picked" by police and prosecutors. Even with a judge applying the law in a uniformly fair fashion, the perception that a judge is beholden to law enforcement for his/her position undermines the court's credibility.

- **It would increase the likelihood of appointing judges that are representative of the diversity of experiences of Topeka residents.** Topeka is a city rich in demographic, economic, and racial diversity. All types of people are proud to call Topeka home. Topekans deserve a justice system that is representative, or understanding, of that diversity. Opening up the screening process will bring new perspectives into the discussion, and increase the likelihood that different types of candidates will be considered.

In our view, the current process is too insular and relies too heavily—to the point of excluding all others—on the opinions of law enforcement. The law enforcement view is essential to the selection process, and should be maintained, but not at the expense of the views of other stakeholders in the justice system. We strongly encourage you to consider formally adopting a new process for the selection of the municipal judge, one that is more open to public involvement, more transparent, and that facilitates a robust exchange of views.

Members of our Topeka Steering Committee would be delighted to have the opportunity to visit with you in person about this proposal. Should you have any questions or concerns, please do not hesitate to call on us.

Sincerely,

A handwritten signature in black ink, appearing to read "Micah W. Kubic", with a long horizontal flourish extending to the right.

Micah W. Kubic, Ph.D.
Executive Director

CC: Topeka City Council