



CITY OF TOPEKA

CITY COUNCIL COMMITTEE
MEETING MINUTES

SPECIAL COMMITTEE: POLICE & COMMUNITY

CITY COUNCIL
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Date: June 29, 2021

Time: 3:00pm

Location: 1st Floor Conference Room; Cyrus K. Holliday Bldg 620 SE Madison
(virtual attendance was available as well)

Committee members present: Councilmembers Karen Hiller, Sylvia Ortiz (Chair), Michael Padilla

City staff present: City Manager Brent Trout, Interim Police Chief Bryan Wheelles, CPT Colleen Stuart, LT Matt Danielson, Director Jacque Russell (HR)

1) Call to Order

Chairwoman Ortiz called the meeting to order at 3:00pm. Committee members introduced themselves.

2) Approve minutes from May 28, 2021 meeting

Committee member Padilla made a motion to approve the minutes. Committee member Hiller seconded the motion. Motion approved 3:0.

3) Shawnee County District Attorney's Cold Case Homicide Unit

[This presentation can be found on the committee's webpage at <https://www.topeka.org/citycouncil/police-community>]

Shawnee County District Attorney Michael Kagay introduced Special Investigator Pat Mclaughlin, who is embedded at the Topeka Police Department through a partnership, and the Cold Case Homicide Investigations has been an effective program. Mr. Mclaughlin will share about the specifics on the procedures for conducting investigations, however will not get into details of ongoing investigations nor cases that their office has filed, based on the partnership that is in place.

Mr. Mclaughlin stated he has been with the District Attorney's office since January 2020. He works closely with the Topeka Police Department's Homicide Unit. The presentation will include some information that is relevant to the topic.

Highlights from presentation:

- The definition of “cold case” is not time specific and does not only mean cases from 20+ years ago. It is an unsolved investigation that remains open, pending the discovery of new evidence.
- National homicide clearance rate is 61%. Topeka’s homicide clearance rate, encompassing cases from 2011 until now, is at 81%.
- Current cold cases: From 1980-1999, approximately 30. From 2000-2020, there are 43.
- Missing persons can sometimes lead to solving a cold case, or opening a new case. Prior to 2019, there are four cold cases where a suspected homicide was related to missing persons.
- Cold cases, and any case is solved, through witness statements or video surveillance, confessions, and/or physical evidence.
- Mr. Mclaughlin’s responsibilities: Civilian position created by D.A. Mike Kagay in January 2020. He mainly does analysis and provides support to the TPD Homicide Unit.

Questions:

- You mention not having a timeframe, do you bring cases back on a rotation?
Sort of both. There will sometimes be random tips that come up which will push a case into a priority for that moment. With my previous background as a detective with TPD, I am fairly knowledgeable on most of the cases to begin with. From there, I work through the older cases or cases with less solvability.
- I hear from constituents that the family does not receive communication, and that sometimes the detective assigned are moved. What is the process and how can families continue to be notified?

Some families do not want to be notified unless there has been a good lead as it may provide a false hope. The main thing I would like to express is that the Topeka Police Department and the District Attorney’s office do care and those cases have not been forgotten.

DA Kagay added that he receives correspondence from family members wanting to know about those cases and those are sent to Mr. Mclaughlin to make contact with. With respect to families who are seeking justice for their

loved ones, DA Kagay felt it was important to have this position dedicated to cold cases to help ensure families knew the cases were not being forgotten.

- How do family members get in contact with the office to provide tips or to reach out?

If family members are wishing to be contacted, they can call the DA's main number, 785-251-4330. However, if someone has a tip from a case, he would prefer they call the CrimeStoppers hotline: 785-234-0007.

Committee member Hiller suggested sending an annual letter to family members to simply let them know the case is still under review, and to provide any updated contact information.

Committee member Padilla appreciated the DA Kagay's decision to put this position and cold case unit into place.

- Has the department increased its ability to maintain evidence to keep destruction from happening again, such as a flooded room or fire?

Most of the past files and reports have been saved electronically. Newer information is all recorded electronically. Enhancements to technology for evidence collection and identification has improved as well. Preservation of evidence is a key component as well. The way evidence is preserved is much more advanced than it had been previously.

- Is there a good working relationship or program with the Department of Corrections?

Mr. Mclaughlin stated there was a good working relationship with the DoC, however, there is not a formal program.

DA Kagay stated that most of the people housed in the DoC are represented by legal counsel, so when they have an interest in sharing information on an unsolved investigation, we go through what is called a "Proper Letter", where my office will contact the defense attorney to set up a meeting. If the information is credible and leads to a successful prosecution of another individual, the witness will receive consideration on their end. There have been successes with this process.

- Has the public been helpful in providing video surveillance or witness information for the cases?

For most of the cases Mr. Mclaughlin is working on, video is usually gone by then or has already been documented in the initial investigation. As far as

witnesses and tips are concerned, a lot of information is coming from second-hand or third-hand accounts. If there is someone who witnessed something first-hand, it may be able to be very helpful with solving a case.

Chairwoman Ortiz concluded this segment with reminding that the community needs this unit, and that this unit needs the community. Chief Bryan Wheelles added that when a community is invested in solving a case, it shows. The high percentage of clearance rate proves that having help from the community helps with the success. DA Kagay agreed with comments made by Chief Wheelles, and stated that when a community is invested in the outcome of the investigation, those investigations produce good results, and the offenders are held accountable.

Chairwoman Ortiz reminded that the CrimeStoppers hotline is completely anonymous. That the calls go to a place out of state, and are then transferred back to the local organization's team.

4) Continued Discussion: ABLE Training (video 41:45 minute mark)

[This presentation was initially presented at the May 28, 2021 meeting and can be found on the committee's webpage]

Questions from presentation on 5/28/2021:

- How did the ABLE training come about, and the history of the program?

SGT Hayden gave a brief outline:

- Developed by man named Dr. Ervin Staub, who was a Holocaust survivor.
 - Dr. Staub researched into the reasoning of whether or not someone can be following orders, even if that order is to kill someone else.
 - During research, he found it to be true.
 - This work led him to develop a program called EPIC (Ethical Policing Is Courageous), which has morphed into what is now known as the ABLE program.
- At the core, is the program intended to set that standard, and keep that standard high, and insist on the practice of those standards in how you provide police service to the community?

That is one facet of it. The big thing behind most of the training is internally. We are trying to reduce mistakes, prevent misconduct, and then promote health and wellness among officers. Everything we do, bleeds into our

interactions with the community. The goal of this training is that it will help prevent harm to self and the community, by policing ourselves. This is something that the Department has been doing for years, but a lot of the research and techniques of the ABLÉ program help to formalize the process. Part of the big thrust in this program is to teach techniques for how to overcome some of the obstacles to make it easier to talk to each other. And then, potentially to internally make it easier for us to accept any kind of intervention that might be offered.

- Committee member Padilla commented that oftentimes, edicts from Command Staff only go so far. In order for programs and philosophies to be accepted, the mid-level officers will need to buy into the program and voice support for the training as well as leading by example. Can either Chief Wheelles or SGT Hayden speak to personal observations as to how well the program has been accepted throughout the department?

The instructors chosen for the program would be the most important place to begin. As much as management believes in the program, having the buy-in from the front line officers and seeing the progression of the training evolve have been positive. The program is still in the infancy stage and there is more to do.

SGT Hayden feels that as important as choosing the instructors are, it is also important that the people receiving the training are hearing from somebody they think are as invested in the training and not just doing it out of other ulterior motives. It was not an easy step to step into this role, because police officers are not usually comfortable with talking about their emotions and feelings and some of the things they do that may or may not be right. Some of the topics are difficult, and asking them to talk to each other about those things can be even harder. As the program rolled out, many of the officers would make a comment about “we’re doing this already”, which generally is true, however some of the peer interactions and then interactions with the public can always improve. I have also been surprised with the reactions from some of the oldest officers at the department, where you don’t think you will make a lot of headway and are just hoping they will sit through the training, and then to see they are some of the most invested in the program and are involved in the role playing.

Committee member Padilla expressed it is important to bring out the depth of the effort the department is putting forth with this program. Simply seeing it on a piece of paper does not give that same level of review as talking through

it and asking questions. Seeing the buy-in from the rank and file supervisors out in the field has a big impact on the officers.

- What does the “100+ ABLÉ certified agencies” mean?

The training is being pushed out on a national level, with the goal to have at least 100 agencies agree to get into the program. Some of the ABLÉ instructors were nervous about having to roll the program out, nationwide, virtually while during the COVID-19 pandemic, but the program actually worked well, and they have found it was easier and more accessible for departments to certify instructors with. It has also been more cost effective than sending the trainer out of state, as would normally be done.

- I also see where it says there is no cost to local law enforcement agencies, but that the agency must commit to the creation and sustainment of culture of active bystandership and peer intervention, through the policy, training support and accountability. So we have to agree to that?

Yes. There were some guidelines that the department had to agree to, to even get us on the roster.

Chief Wheelés added that this program is an example of the Topeka Police Department being one of the flagship agencies for this new type of training in the state of Kansas, if not the Midwest, and we didn't wait for it to become the standard for everyone else. There are a number of policies that were already in place, so that was less of an issue. The bigger challenge was to make sure we vetted the program, and that we were on board with the program. But the commitment that they were asking for was something we already felt we could meet.

- Use of Force policy 4.2.13(b) Duty to Intervene, 4.9.3(E) Rules of Conduct Intervention...so those policies are holding you to that standard?

Chief Wheelés confirmed and restated that the policy piece was mostly in place and the ABLÉ program was a natural progression for that.

- The importance of instructor selection was discussed as being very important. This model seems to be a change in culture, and shows the department is a team but in a different way. The way to be the best possible team member is to stay accountable. How is it really going over in terms of results?

Chief Wheelés stated that from an officer standpoint, there is still a moral, legal and ethical obligation to do what's right. According to the law, and our department policy, you do not have to follow an order that is illegal, unethical

or immoral. That has always been a choice. This provides a lot more dialogue, framework and allows for support for a newer, or lower ranking officer to make that courageous decision. Another big point is what Committee member Padilla spoke to, which is getting the training from the classroom to the field, and you (Committee member Hiller) spoke on accountability and being know its working. Part of it is to get a new program that speaks to the current generation, in terms of what they do, and supports them individually to make those decisions. And as management, we support them through policy and training. When those things occur, across the board from upper management as well, we reinforce those things. The scenario-based aspect of the training has been a huge piece that sold me on it. Community expectations change generationally. In reality, we have seen officers intervene during de-escalation and working with the public, and within internal situations such as a heated roll call conversation. The bigger piece is being able to explain the program more in depth to the community.

- Committee member Padilla noted there have always been people within the department that have not hesitated to step up and intervene. With this ABLE program, it encourages even more people to step up and act knowing that the department is supportive of this type of intervention.

CPT Colleen Stuart echoed many of the comments. The ABLE program breaks down the stigma and encourages officers to step up and do the right thing. It also has allowed the command staff to participate fully in the training and roll playing and speaks to the investment that Command has in the program.

5) Peer-Support Team & City's Employee Assistance Program (video 1:18:00 minute mark)

LT Matt Danielson serves as the commander of the Peer Support program, and presented information on the program. [*This presentation can be found on the Committee's webpage*].

Highlights:

- This program has been in place since 2013, and was not commonplace for most agencies at that time.
- It is not unknown that law enforcement sees more trauma than the general individual, so the reason for needing a peer support program is understood.

- The TPD Peer Support team is composed of all levels of command and civilian members. Gracie is a therapy dog-in-training. We are working on the certification program. The department also works with Dr. Jennifer Prohaska, who is the department psychologist.
- The purpose of the Peer Support Team:
 - Is to help officers, and their family members, through any personal or professional issues that may come up throughout their careers.
 - Team members work largely on a volunteer basis. Unless traveling out of town for another agency, or responding to the LEC at the request of the Peer Support Coordinator, many off-duty contacts are not compensated. Team members are available 24/7 through phone calls, texts, emails, or face-to-face visits; and that information is put out to the employees regularly so that everyone knows how they can get in touch with the team.
 - Team members have all received, at minimum, a 40-hour Peer Support training by a certified clinical psychologist.
 - Annually, the Peer Support Team spends countless hours helping their brothers and sisters in blue through tough times.
 - Some contacts are handled between the individual and the PS member, whereas some are referred to professionals &/or clinicians for specific treatment options.
 - Hundreds of contacts are recorded, however details are kept confidential between the individual and the PS member.
 - PS members also conduct Critical Incident Stress debriefings following traumatic incidents that effect numerous employees.
- Moving forward:
 - Main areas of concern in 2020 were job related stressors, family concerns, marital issues, and critical incidents/trauma.
 - More time and energy is being spent on preventative maintenance in regard to officers and their mental health.
 - A Peer Support library is currently being put together as a resource for employees.
 - Efforts to increase the team size are underway.
 - The Therapy Dog Program was implemented in 2020 and is working toward proper certifications. This will be ongoing. Gracie goes to work with the Program Coordinator and responds to needs for her presence on a case-by-case basis.

- Policy and Procedure - General Order 3.7 Mental/Emotional Wellness guides the Peer Support Program. Confidentiality is the backbone of the program. Legislation was passed that keeps all conversations between officers and a Peer Support Team member protected the same as attorney/client privilege **unless** the officer has committed a crime, is in danger to themselves or others, or when they ask for divulgence.

Question:

- Are there circumstances where the confidentiality is broken?
Yes, but the circle is kept very tight. Circumstances such as suicidal or self-harm ideations, or things that are criminal are reported.
- The Topeka Shawnee County Public Library may be a good resource with setting up a virtual portal for the department to receive resources. This would also help with confidentiality.
LT Danielson noted he has been in communication with the library.
- Would things like substance abuse, financial hardships, and such be things that would fall under the Peer Support umbrella?
Yes.
- A comment was made earlier that officers are human too, and may be having a bad day. I assume that may be a trigger for intervention...how does that work? Is the delay a little bit shorter in terms of getting somebody connected?
Chief Wheelles rephrased to state that there is an important balance between keeping confidentiality and also making sure, in the public safety positions, that our employees receive help but are aware that they can be held accountable.
CPT Stuart noted creating the team environment and being supportive of both first and secondary trauma. Corrective action can be addressed, while also recognizing and providing resources for the other factors that may be at play.
Chief Wheelles noted that it is not uncommon to place someone on administrative leave or administrative duty while working with an employee through an issue. A lot of times, those efforts are successful and result in long-standing careers of successful employees.

City of Topeka Employee Assistance Program (video 1:37:40 minute mark)
Jacque Russell, City's Human Resources Director, provided information on the City of Topeka's Employee Assistance Program (EAP). [*This information can be found on the Committee's webpage*].

Director Russell started that the Peer Support Team is not only utilized at the Police Department. She recounted that following the tiger attack at the Zoo, she

called on the Peer Support Team to help meet with those employees who had been on scene, and that the help was so valuable.

Mental health and wellbeing is important to Director Russell and to the City of Topeka, and employees need to be met where they are, to make sure they are taking care of their whole person. The City offers the traditional EAP, we have also done a lot in the area of mental health over the past several years. Our core EAP includes traditional counseling for marital problems, stress, grief loss, major life changes, and challenges at work. We also use an alternatives EAP, which is a 24/7 availability where employees have access to a local counselor on-site, and we provide up to six visits at no cost to the employee. Other services that are part of the traditional program include access to, and discounts on, legal advice, financial coaching and budgeting, and resources to work through money issues. A network to provide local resources for childcare issues is also offered. These services can be accessed over the phone, in-person, or over video.

Starting July 9, the City is extending the traditional program to include an on-site provider at our on-site clinic, twice monthly. In addition to the traditional EAP, the health plan was modified to include the first six mental health visits. If the employee prefers not to see the EAP provider, but the whole Blue Cross Blue Shield network of providers is then opened up. Employees are also able to leverage those visits in that if the EAP provider is also a Blue Cross Blue Shield provider, they would get 12 visits without a co-pay. The City also offers mental health services through "Talk Space". This is a texting mental health counselor, where the employee can text with a counselor 24/7. Signing up through the EAP with Talk Space gives the employee six weeks of 24/7 texting with a mental health professional at no cost to the employee.

During the COVID-19 pandemic, challenges of availability of providers were recognized, so last fall the City added First Stop Health, which allows for telephonic health care, but also mental health care 24/7. The biggest objective is to remove barriers to taking care of your mental health, and that while some of the performance issues come to light that you notice on the job, we try to get the person the resources they need first, and then come back and deal with whatever conduct was at work or whatever the performance issue was.

Chairwoman Ortiz inquired about the date that the new on-site provider program would be available. Director Russell stated that information was included in the June Benefits newsletter, but that email blasts and other reminders would be going out too.

Director Russell noted that Ludy Sapp, the new counselor, has training and experience with working with First Responders, and the types of additional assistance they may need.

Committee member Padilla suggested pointing out the EAP and mental health resources offered by the City at recruitment opportunities.

City Manager Trout noted that the change for employee services, is that being able to provide a stop-gap measure to be able to receive assistance immediately, while waiting for an appointment with another provider is a great benefit. Mental health resources have been flooded over recent years and it often takes time for new patients to be seen. The City's on-site program is available to any City employee regardless if they are on the City's healthcare program. Family members who reside with the employee are also able to receive this benefit. The six visits are per-issue, so there may be an individual issue but also family issue, and each would be able to receive the six visits.

6) Set Next Meeting Agenda & Date [Video minute mark]

Chairwoman Ortiz will be coordinating the agenda and next meeting date with the City Council Assistant. To receive notice of future meetings when they are posted to the City of Topeka's Public Calendar, please complete the information found on the E-Notify program at: <https://www.topeka.org/e-notify/> Citizens wanting to speak on the items may contact the committee. Questions or comments should be sent to the Liz Toyne, City Council Assistant, at etoyne@topeka.org .

7) Adjourn

Chairwoman Ortiz adjourned the meeting at 4:52pm.

Meeting video can be viewed at: <https://youtu.be/YN9aT7-bbdA>