

OPERATING AGREEMENT BETWEEN THE KNOXVILLE POLICE DEPARTMENT AND THE CITY OF KNOXVILLE POLICE ADVISORY AND REVIEW COMMITTEE

INTRODUCTION

The Knoxville Police Department and the City of Knoxville Police Advisory and Review Committee enter into this Operating Agreement with the goal of ensuring cooperative interaction such that police services are delivered in the City of Knoxville in a manner that effectively ensures officer and public safety and promotes public confidence in the Police Advisory and Review Committee and the Knoxville Police Department and in the services each delivers.

DEFINITIONS

The following words and phrases are used in this Operating Agreement shall have the following meanings.

Department- means the Knoxville Police Department.

Director or Executive Director-means the Executive Director of the PARC, who reports to the PARC and oversees the other PARC personnel.

"PARC"- means the Police Advisory and Review Committee as described in City Code § 2-1101.

PARC Staff- Refers to full-time employees (i.e. Investigative Manager and Executive Director) that support the Police Advisory and Review Committee members.

PARC Members- Refers to volunteer community members that are appointed to the committee by the City of Knoxville Mayor.

EXECUTIVE MEETINGS

The PARC Executive Director and the Chief of Police agree to have regular and frequent contacts. At a minimum, meetings will occur bi-monthly to discuss successes and opportunities for further growth in their overall collaboration.

COMPLAINT MANAGEMENT

To accomplish the mutual goals of effective and efficient investigative processes of the PARC and the Department, and to ensure cooperative review of allegations of misconduct, while also recognizing the need for the public to have a choice of venue in making a complaint:

- A. Complaints received by the PARC staff will be evaluated, processed, and forwarded by the PARC staff to the Department in a manner consistent with the Knoxville City Code and established PARC policies and procedures; and
- B. Complaints received by the Department will be evaluated and investigated by the Department in a manner consistent with established Department policies and procedures.

CIVILIAN COMPLAINTS TAKEN BY PARC

The PARC staff may receive complaints from any source regarding alleged misconduct by a Department member. Complaints may be filed by telephone, in writing, by mail, email, in person at designated locations or on the PARC's website. Complaints may be submitted by third parties not directly involved with the complaint or incident and they may be submitted anonymously.

- 1. Anonymous complaints filed, must contain relevant information (i.e. Officer(s) Name(s), time, date, and location) to ensure that the incident in question can be identified and reviewed.
- 2. The PARC staff shall establish relationships with community and civic groups that may receive civilian and anonymous complaints of police misconduct. PARC can accept complaints from these groups on behalf of individuals who complained to them.
- 3. The PARC staff shall refer complaints to the Department within five (5) days of receipt.
- 4. Alternatively, the PARC staff or the Department may recommend such complaints for mediations.

COMMUNICATION REGARDING STATUS OF COMPLAINTS

The Department will acknowledge receipt of a civilian complaint from the PARC staff within ten (10) days and identify the investigator that will be handling said civilian complaint.

Upon a request for a status report from PARC staff on an investigation, the Department will provide the PARC staff with the following information:

- 1. The name of the currently assigned investigator and his/her contact information.
- 2. Any actions taken thus far by the Department.
- 3. The outcome of the investigation if it has been completed, including any discipline imposed.

In turn, the PARC staff will provide the complainant with the following information about the status of the investigation:

- 1. Whether the investigation is still open (ongoing) or closed; and

2. The name of the currently assigned investigator and his/her contact information

COOPERATION AND ACCESS TO RECORDS AND INFORMATION

The Department agrees to adopt policies to facilitate and promote cooperation with the PARC as to the PARC's review of investigations of police misconduct and/or use of force, serious bodily injury or deaths in or related to police custody. These policies will ensure PARC's access to documents and information consistent with the City Code, state law and the provisions herein.

Documentation to which the PARC staff shall have routine access includes:

1. Current departmental manuals and any updated policies and procedures (as they are updated);
2. Any Department-issued written directives, roll-call training and briefings, memoranda, rules, procedures, and regulations that may be issued to supplement departmental manuals; and any Department accreditation standards.

Documentation and information that the Department will make available to the PARC staff on an expedited basis upon receipt of a written request includes:

1. Police documents, reports, and other information, including but not limited to in-car camera, body camera, and other recordings related to the subject matter of a closed investigation under review by PARC.

Database Access:

1. The Department will automate an export of the Early Warning Database (IAPro) on a monthly basis to a folder shared by the Department and the PARC staff. Exports will include, at a minimum, to the extent permitted by law or agreement: Uses of force, sworn employees with demographics and assignment, and disciplinary data (civilian and supervisory complaints). Exports will not include any information made confidential or restricted to law enforcement use by law.

CONFIDENTIALITY

The PARC will maintain the confidentiality of any confidential document(s) or confidential information received from the Department, and of any confidential information derived from any such confidential document or confidential information obtained from the Department, as required by TENN. CODE ANN. § 38-8-312(e) and City Code. The Department shall mark or otherwise clearly designate what documents or information it is providing to the PARC that are confidential.

DISCIPLINE AND HEARINGS

1. The Department shall provide the PARC staff with notice prior to all predisciplinary hearings.
2. The Department shall permit the Executive Director and/or Investigative Manager to attend any predisciplinary hearing in an observing capacity only.
3. The Department will provide the PARC staff with notice of the outcome of the hearings within seven (7) days of their issuance.

MEDIATION AND RESTORATIVE JUSTICE PROGRAMS

1. In certain cases, except in those alleging use of serious misconduct, excessive force, serious bodily injury or deaths in or related to police custody, the PARC staff may offer an opportunity to participate in mediation of a complaint received by PARC staff. The Department will encourage its employees to participate in such voluntary mediation programs. The purpose of such mediation is to enhance police-community trust, relationships, and understanding. Subject to the limitations of City purchasing regulations, the PARC staff may contract with third-party private providers who are listed as Rule 31 mediators in Tennessee, or have been jointly approved by the PARC staff and the Department, for assistance in implementing such mediation.
2. The Department and PARC staff will offer mediation as a voluntary alternative to the traditional complaint process.
3. The Executive Director and the Chief of Police will develop and implement procedures for voluntary mediation of complaints. The procedure developed will be appropriately disseminated to both the PARC members, staff, and Department employees.

POLICY ADVISORY

The Department agrees to invite PARC staff to participate in quarterly (or as needed) policy meetings to discuss concerns related to policies.

NOTIFICATION OF CRITICAL INCIDENTS

The Department agrees provide the Executive Director with notification of critical incidents involving police officers, including but not limited to uses of force involving serious bodily injury, or deaths, in or related to police custody.

TRAINING PROVIDED BY DEPARTMENT

The Department will provide access to its Citizens Police Academy (CPA) for PARC members and staff. In order to document compliance with attendance requirements, certification of completion will be provided upon physical

attendance and successful completion of all sessions. When available, PARC members and staff will be afforded the opportunity to attend make up classes when their schedules do not permit attendance at an originally scheduled class. Additionally, the Department may offer a condensed CPA schedule for PARC members and staff.

The five key objectives of the academy program will be to:

1. Familiarize the PARC members and staff with Department structure, functions, operations, and policies, and the Department with the operations and concerns of the PARC;
2. Provide the PARC with an understanding of why the Department handles particular situations in certain ways;
3. Provide another channel of communication between the PARC and the Department;
4. Promote oversight support within the department; and,
5. Promote mutual respect and understanding between the PARC and the Department.

Upon request, and with the approval of the Chief of Police or designee, the Director, staff, and PARC members will be allowed to ride along with Department officers for training purposes. There shall be no special limitations on the number of ride-alongs taken, so long as Departmental operations are not disrupted.

POLICY AND PROCEDURES

The PARC members and staff shall review specific issues regarding supervision, training, discipline, and other issues to identify problems and make recommendations for improvement.

The Department will provide access to training programs and the PARC staff may review training sessions and schedules to identify best practices and any need for improvements to training curriculum or frequency.

EXECUTED THIS 17 **DAY OF** November, 2022.

KNOXVILLE POLICE DEPARTMENT

**POLICE ADVISORY AND REVIEW
COMMITTEE**

By: Paul M. Noel
Paul M. Noel
Chief of Police

By: Tiffany Davidson
Tiffany Davidson
Executive Director