



**First Quarter Meeting Minutes  
(January 1, 2023- March 31, 2023)**

Meeting was called to order by Jered Croom at 6:02 p.m.

<b>PARC Members Present</b>	Star Starks, Jered Croom, Heidi Barcus, Jonathan Haskell
<b>PARC Members Absent</b>	Leticia Flores, Ken St. Germain, Reico Hopewell
<b>PARC Staff Present</b>	Tiffany Davidson
<b>KPD/City of Knoxville Staff</b>	Ron Mills, Chief Paul Noel, Asst. Chief Mark Fortner, Deputy Chief Brooklyn Belk, Captain Brian Evans

**Introduction:**

Star Starks welcomed attendees to the First Quarter Police Advisory and Review Committee meeting for 2023.

**Approval of Minutes:**

Jered Croom moved to approve the minutes of the fourth meeting; Heidi Barcus seconded the motion. There were no changes or adjustments to the minutes and they were approved unanimously.

**Executive Director's Report**

Tiffany Davidson provided the Executive Director's report for the first quarter review.

**Audit of Discipline Process**

The committee audits all completed investigations from the Internal Affairs Unit of the Knoxville Police Department. The results of the first quarter audits are as followed:

Total Cases Audited by the Committee	12
Officers Disciplined	9
Civilian Employees Disciplined	N/A

<b>Disciplines Imposed by KPD</b>	<b>Number of Officers</b>	<b>Number of Civilian Employees</b>
Written Reprimand	0	N/A
Oral Reprimand	2	N/A
Verbal Counseling	2	N/A
Suspension	4	N/A
Termination	1	N/A

\*\* 2 officers resigned prior to the completion of the Internal Affairs investigation. \*\*



### **Audits of KPD Policies and Procedures**

The Executive Director reviewed the following policies and procedures as part of the evaluation of the Internal Affairs Investigations and complaints.

- General Orders
  - 1.6 Use of Force
  - 2.3 Prisoner Restraint, Search, and Transportation
  - 2.16 Digital Audio/Video Recording Equipment
  - 3.11 Traffic Crash Investigation
  - 4.8 Procedures for the use of Controlled Informants
- Code of Conduct/Standard Operating Procedures:
  - 1.00 Insubordination
  - 1.02 Neglect of Duty
  - 1.03 Knowledge of Laws and Regulations
  - 1.19 Unbecoming Conduct
  - 1.21 Unsatisfactory Performance
  - 1.24 Use of Force
  - 1.25 Use of Weapons
  - 1.33 Submitting False Reports
  - 1.34 Processing Property and Evidence-Negligent Actions
  - 1.45 Procedures for the Use of Controlled Informants
  - 2.07 Truthfulness
  - 2.09 Respect between Ranks
  - 4.06 Arrest, Transportation, and Detention of Prisoners
  - 4.10 Unconscious Persons

### **Advocacy**

**The Executive Director met the following individuals:**

- Denise Dean (Race Equity through Community)
- Charles Lomax (Knoxville Area Urban League)
- Jen Comiskey and Jackie Kittrell (Community Mediation Center)
- Deputy Chief Brooklyn Belk
- City Councilwoman Amelia Parker
- Chief Paul Noel

### **Networking, Speaking Engagements, Training, etc.**

- The Executive Director:
  - Attended Pre-Disciplinary and Disciplinary Hearings

### **KPD Chief's Report**

#### **Internal Affairs Changes**

- Name changed from Internal Affairs to Office of Professional Standards
- Clearing backlog of old cases
- Building policies, procedures & practices to adjudicate internal investigations expediently and fairly.

#### **21CP Progress**

- Develop KPD Policy Manual from existing General Orders
  - Review & update policies
  - Create policy review schedule
  - Post revised policies on our new website



### Move into the New Building

- By the end of this week, most KPD units will be moved into the new building except units in the lobby which interact with the public such as Teleserve, Hit and Run, Records, City Court, and NCIC. These units are scheduled to move the week of June 5.

### Training

- Active Bystandership for Law Enforcement (ABLE) – Command Staff received the initial training to kick off the training for the rest of the department. Lieutenants and below will start their training in June and will continue for the rest of the year until the entire department has been trained, both sworn and professional support staff
- Captain Sammy Shaffer is attending the Policing Leadership Academy at the University of Chicago. The PLA is the only police management and leadership education program in the country specifically designed to increase safety and fairness in America's most violent neighborhoods. The PLA's six-month curriculum is hands-on and interactive, culminating in a community capstone project to turn lessons learned into saving lives.
- I have been selected to join the newly formed National Law Enforcement Knowledge Lab's Advisory Group. The Knowledge Lab will provide critical tools and technical assistance to help law enforcement and the communities they serve advance justice and ensure public safety through the principles of fairness, equity, procedural justice, legitimacy, transparency, and accountability.

### Community

- District Commander Forums – Monthly opportunities for community members to interact with district leadership. Held the East District Commander Forum in April and the Central District Commander Forum in May. The West District Commander Forum will be in June.
- Community Walks – Our Command Staff is back walking through neighborhoods on a monthly bases in neighborhoods anchored by a Boys & Girls Club

### Recruiting

- Cadet Program – Prepare 18-21 year olds to join Academy
  - Pay: 36K
  - Rotate cadets through various KPD jobs to gain experience
  - Uniform presence in Downtown
  - Physical fitness / Academic preparation for KPD Academy
  - Work around college schedule
- Aggressively Recruiting using Digitally Advertising
- Just hired one of, if not the, most diverse group of Public Safety Recruits in recent department history



## **Subcommittee Reports**

### **Audio/Video**

Committee member Jonathan Haskell provided the First Quarter Audio/Visual Report. Of the twelve (12) Internal Affairs Cases reviewed by the PARC, seven (7) cases included documented audio and video recordings based on body worn cameras and/or the incident took place in the vicinity of the officers' patrol vehicles (within a recordable range).

**The Audio/Video Subcommittee submits the following findings for our 1<sup>st</sup> Quarter review:**

<b>File Number</b>	<b>Type of Report</b>	<b>Review</b>
1	IAU Case # 22-2875	The officer failed to activate his body camera for the duration of an encounter where he used force. The officer also turned his body camera off prematurely.
2	IAU Case # 22-2886	The officer did not have his body camera audio on during contact with community members.
5	IAU Case # 22-2876	The officer failed to activate his audio throughout the duration of communication with a community member.
6	IAU Case # 21-2849	One officer failed to unmute his body camera during the traffic stop. Whereas the other officer failed to unmute his body camera during the arrest of an individual.
8	IAU Case # 22-2872	The audio/video equipment for the involved officer was functioning properly and captured the incident being reviewed.
11	IAU Case # 22-2877	The audio/video equipment for the involved officer was functioning properly and captured the incident being reviewed.
12	IAU Case # 22-2887	The audio/video equipment for the involved officer was functioning properly and captured the incident being reviewed.

**\*Body camera/patrol car footage was not applicable to the review of cases 3, 4, 7, 9, and 10. \***

### **Summary**

The Knoxville Police Department's General Order 2.16 (Digital Audio/Video Recording Equipment) details that Officers and vehicles equipped with audio/video recording equipment shall be always in a record mode when there is potential for contact with a person in the community, whether on-duty, or during secondary employment. The purpose of digital audio/video recording equipment is to monitor all contacts with a person in the community in all situations possible.

In addition, Knoxville Police Department requires Sergeants to review officers' audio and visual footage twice per month (at random) to ensure that their equipment is operating properly.

### **Racial Profiling**

Committee Member Jered Croom provided the First Quarter Racial Profiling Report.

During the First Quarter review, PARC did not receive any community complaints or audit any Internal Affairs cases involving Racial Profiling/Bias Based Policing.

### **General Order 1.41 Bias Based Policing**



## **I. Policy**

It is the policy of Knoxville Police Department that we are committed to preserving the peace and maintaining order in the City of Knoxville by practicing bias-free policing and respecting the rights and dignity of all citizens.

## **II. Definition**

Bias Based Profiling- The practice of stopping, detaining or searching a person based solely upon a common trait or a group that includes but is not limited to their race, color, ethnicity, age, gender, sexual orientation, religion, economic status, or any other identifiable group characteristic.

## **Operations**

Committee Member Heidi Barcus provided the First Quarter Operations Report.

<b>-Cases Reviewed-</b>	
<b>KPD</b>	
Closed IAU and/or Referral Action Form Cases	<b>12</b>
<b>PARC</b>	
Community Complaints received via PARC office	<b>13</b>
Community Complaints referred to IAU or a Captain	<b>5</b>
<b>-Total Cases Received</b> *Includes IAU and Complaints to PARC	<b>25</b>
<b>-Total Case(s) Pending-</b> *Complaint(s) that are awaiting review by PARC upon the completion of a KPD investigation.	<b>2</b>
<b>-Total Cases Closed-</b> *Overall number of cases reviewed and closed by PARC staff	<b>28</b> <b>*Includes 5 complaints from 2022-Q4</b>
<b>-Resolution of Community Complaint Cases-</b>	
PARC Staff	<b>7</b>
KPD *KPD contacted the complainant and the complainant decided to not move forward with a formal investigation <u>or</u> KPD conducted the investigation and shared their findings with the complainant directly	<b>4</b>
Mediation: PARC Staff & KPD *PARC staff met with the complainant and KPD to provide mediation services to resolve issues & concerns	<b>1</b>
Referrals to Appropriate Agencies *PARC office received a call(s) regarding issues involving other law enforcement departments	<b>5</b>



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**Guest Speaker(s):**

Emily Gwydir (PARC Intern), a Howard Baker Center student from UTK provided a 21 Pillars analysis of redefining Community Safety in partnership with the Knoxville Area Urban League.

Deputy Chief Brooklyn Belk address the committee and provided updates on new transitions within the newly named Office of Professional Standards office.

**Case Matters Addressed by the Committee:**

**File 1:**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2875

**Are new employers notified of an officer's findings if they quit in the middle of an investigation?**

We have no way of knowing who new employers are. Our closed OPS cases are public information and would be available to any employer upon request. As part of our personnel management process, separating employees are coded as retired, resigned or resigned under investigation, and that separation status is disclosed during prior employment checks. In TN police officers are required to maintain certification. POST makes policy determinations about officer's continued post eligibility, not the separating Police department.

**File #: 2**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2886

**Has the policy failure described on p 11 of the file been adequately addressed with the Chief's new order regarding minor accidents?**

Yes. A policy team was convened to review all policies and to ensure a Deputy Chief addressed any potential policy violations. Effective September 1, 2022, KPD's new policy (3.11 – Traffic Crash Investigation) involving crashes is that we do not respond to minor crashes. Our new policy specifically outlines officers will make a written report in the following circumstances.

- Hit and Run
- Injury, fatality, trapped or incapacitated persons
- Crashes involving suspected impairment (alcohol, drugs or medical condition)
- Crashes involving an unlicensed or uninsured driver
- Crash resulting in a disabled vehicle in the roadway
- Disturbance involved hazardous materials
- City of Knoxville vehicle or another government agency vehicle, to include KAT and any school bus

**Is a one-day suspension in this case consistent with the department's progressive disciplinary structure?**



Yes. The officer was counseled and disciplined at the Bureau level through documented counseling sessions, oral and written reprimands prior to appearing before me for discipline.

**Is it unusual for one officer to have multiple technical problems with audio/video equipment or is it more likely user error? If technical problems are indeed the cause, what steps have been taken to address these recurring problems with equipment?**

A lot of our equipment is electronic, and problems may occur. We depend on officers to report any issues to our Technical Services Unit or our Fleet Services to be addressed. We have a limited amount of spare equipment for officers to use if they do encounter issues.

**If the officer has a history of not submitting reports and his direct supervisor has concerns about his performance since 2017, why did he only receive a 1-day suspension?**

The discipline the officer received was consistent with the City's progressive discipline for matters such as this. The totality of the circumstances involving both the officer and his performance were considered. This included that the officer had outside personal issues that impacted his performance, which I considered as a factor.

#### **File #3**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 21-2857

**According to the affidavit, KPD was billing the car dealership. Should KPD have noticed the discrepancy sooner?**

The policy was addressed and recommendations for oversight were made to the Chief of Police and a 3<sup>rd</sup> party vendor has been secured to manage this process.

In this case, the officer verified his time before an invoice was submitted to the employer. The officer has a responsibility to make sure they are submitting their time correctly.

#### **File #4**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2890

**Although the comments didn't arise of a sexual nature, will there be a conversation around making appropriate comments amongst staff? Additionally, what does constitute as harassment if reporting uncomfortable feelings around inappropriate comments are not enough?**

KPD prides itself on providing an environment for its employees and the citizens it serves that is free from harassment. We have policies in place (General Order 1.36 – Harassment) that directs employees to how to report harassment, and how those complaints are investigated. Harassment is a legal term of art that includes: 1) conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment; 2) any unwanted sexual behavior that makes someone feel upset, scared, offended, or humiliated, or is meant to make them feel that way.

#### **File #5**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2876



**Is the 2-day suspension consistent with the department's progressive disciplinary structure?**

The 2-day suspension was consistent with our progressive discipline policy. We talked earlier about the process of going from counseling to written documentation to suspension and ultimately termination if the officer does not respond to the corrective action.

**At what point does the department conclude that this officer is not responding to discipline?**

We look at the officer's overall performance and how have they have responded to counseling, training, and discipline.

**File #6**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2867

**Do K9 units search patrol vehicles for hidden drugs?**

Officers are required to search their vehicles prior to placing anyone in their vehicle and also when they take them out.

We do not utilize K9's to search patrol vehicles. Without going into great detail, K9's search is based off of scent. Most police cars have been exposed to those scents and would result in an alert by the K9. Similarly, K9's are typically not used in sniff searches of currency due to most currency being exposed to narcotics, which would result in a positive alert.

**Concerned about the equipment functioning properly. On page 19 of the file there is a video monitor that is not functioning, on page 20 a metal detector, and later the video software. Is this a "normal" situation?**

A lot of our equipment is electronic, and problems may occur. We require officers to report any issues to our Technical Services Unit or our Fleet Services to be addressed. We have a limited amount of spare equipment for officers to use if they do encounter issues.

**It seems that the amount of narcotics that was on this person could have been discovered with a more thorough search before loading him into the transport – maybe not all, but some. Does a policy change need to be made? It seems like an especially dangerous opportunity when the person is handcuffed in the front.**

No. I think our policy on search is sufficient.

**What would it take to have 2 officers in the transport vehicle? This is the second situation in the last year where a person in custody has died because the driver can't also keep an eye on the video monitors. In my opinion, we need to a.) ensure that all compartments can be clearly seen on the video and b.) have someone monitoring the video during transport.**

It is not feasible for 2 officers to be assigned to a transport vehicle (staffing). The old transport vans were grounded, not because of searches, but out of safety concerns for our officers and the suspects we transport. New transport vehicles have been ordered. Currently transporting prisoners in patrol vehicles has dramatically decreased the number of people we can transport – but necessary until new transport vehicles arrive.

**Is it standard practice for inmates to be left alone in a wagon for 20 – 30 minutes at a given time? What are the policies around protection when a person enters police custody?**



The search, care, and transportation of prisoners is outlined in our Policy and Procedure manual (G.O. 2.3). Our policy dictates that a prisoner must arrive at the intake center within 2 hours of being taken into custody with any extension being approved by a supervisor. This may seem like a long time, but if we arrest someone in West Knoxville (Turkey Creek – the wagon must go to them, or them to wagon and just the drive time on an average day from Turkey Creek to KCSO jail is 34 minutes)

**File #7**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 21-2854

**Why is consensual sex with a person involved in an investigation not a violation of rules?**

We have policies in place that address sexual conduct with “involved parties”. The investigation by outside agencies revealed that the officer's actions were not a violation of the law, and he was not on duty or in a city vehicle.

**File #8**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2872

**Does a citizen have to complain before a use of force is investigated? In this case, was the use of force justified; if so, please explain.**

No, Officers are required to report and document all Uses of Force (G.O. 1.6 – Use of Force). Officers must report and complete a report under the following circumstances:

- There is apparent injury to the suspect
- The suspect complains of injury
- If the force was sufficient that it requires medical attention or requests of medical attention.
- Any less lethal weapon was actually used, not merely displayed.
- Any empty hand hard technique

Once any force is used, the officer must immediately notify the on-duty supervisor and request they respond to the scene. The responding supervisor shall immediately respond to the scene and start the review / investigation process.

Also – supervisors are required to investigate UOF and forward through Chain of Command and OPS reviews all UOF.

**I thought that SOP for stops of vehicles with more than 1 person in the vehicle usually required 2 patrol cars? This incident seemed to begin at an escalated level judging from the officer's excited/aggressive demeanor, and he seemed immediately outmanned (3 people in car, one was able to escape). It would seem that he should have waited for backup to approach the vehicle in order to arrest the teenager. Am I misunderstanding SOP?**

The officer knew the subject had warrants so he made a decision to approach the vehicle that was already stopped rather than allow it to flee or become involved in a pursuit. He stated in his interview, waiting was not an option in this case.

**Was there any reprimand for the search of this child?**

It was within policy. The officer received a counseling form.



**Was the sister questioned at all about the age of the child?**

The mother who was not on the scene provided the age of the child. The sister was the suspect.

**Did the officer seek out a female officer?**

This is not required by General Order 2.3 – Prisoner Transportation – “26) When practical and officer safety is not jeopardized, safeguards shall include the following: a) if an officer of the same sex is on the scene, or in close proximity, then the same sex officer should conduct the search or; b) request an officer be present to witness the search. The name of the witnessing officer should be noted on the arrest report. 27) No officer is expected to jeopardize their safety by refraining from a thorough search of a prisoner who is of the opposite sex. However, the potential for impropriety should be considered and all searches should be conducted in a professional manner.

**Did anyone interview the off-duty officer who stopped to assist?**

The off-duty officer was contacted he did not see any of the search or the alleged assault.

**File #9**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2884

**Is this situation and the subsequent resignation likely to keep him from seeking employment with law enforcement in the future?**

In TN police officers are required to maintain certification. POST makes policy determinations about officer's continued post eligibility, not the separating Police department.

**As a thought exercise, what would be the discipline handed down for this case? And would Substance Abuse counseling be considered/required?**

We are not going to opine on hypothetical questions because the Chief makes discipline determinations based on the totality of the investigation. The City of Knoxville and KPD does have substance abuse counseling available at no cost to employees.

**Is there any way to incorporate a change in policy that revokes resignation until the closure of pending IAU matters? This seems to be a recurring issue with officers who are guilty of infractions.**

No.

**File #10**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2881

**No questions were asked regarding this case.**

**File #11**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2877

**No questions were asked regarding this case.**



**File #12**

**Referral Action Form:** Yes or No

**Internal Affairs Case #:** 22-2887

**No questions were asked regarding this case.**

**Public Forum:**

Six members of the community requested to speak during public forum.

**Adjourn:**

Meeting adjourned at 8:00 p.m.