

# Use of Force Workshop



City Council Workshop

August 20, 2020

# Agenda

- Welcome – Mayor Kincannon & Chief Eve Thomas
- Use of Force Overview – Lts. Keith Debow, Sammy Shaffer
- Response to Resistance Data – Sgt. Amanda Bunch
- Use of Force Management & Review – Sgt. Amanda Bunch
- Use of Force PARC Review – LaKenya Middlebrook



# Use of Force Intro & Overview

*“It is the policy of the Knoxville Police Department to value and preserve human life.”*

- KPD's Use of Force Policy

# General Information

Use of Force may be exercised to:

- Effect an arrest or take someone into custody
- Protect public safety
- Defend officer

Regardless of situation, KPD officers should only use force that is **objectively reasonable** and only use force when **no reasonably effective alternative** appears to exist.

# What Guides KPD's Use of Force?

- U.S. Constitution – 4<sup>th</sup> Amendment
- State of Tennessee Law
- KPD Policy
  - Code of Conduct
  - Use of Force Policy
  - Both Code of Conduct and Use of Force Policy are available on the [KPD Open Records](#) page on the City of Knoxville website

# How is the KPD Use of Force Policy Assembled?

- *CALEA* Guidelines
- Review of Applicable Case Law & Standards
- Instructor Training and Certifications
- *Force Science Institute* Guidelines
- Use of Force Analysis
- Use of Force Committee recommendations
- KPD Command Staff Approval

# “Eight Can’t Wait” in KPD Policy

## Policies Previously In Place:

- Ban chokeholds
- Required de-escalation
- Required warning before shooting
- Exhausting all alternatives before shooting
- Ban shooting at moving vehicles
- Use of Force Continuum
- Require comprehensive reporting



# “Eight Can’t Wait” in KPD Policy

## Policies added June 2020:

- Ban Bi-Lateral Neck Restraint (similar to chokehold)
- Duty to intervene (previously in Code of Conduct)
- Use of Force Continuum (added graphic)



# Beyond the Eight: Additional KPD Best Practice

- Reporting requirement if a weapon is displayed, not just discharged.
  - Added in June 2020
- No lethal force in situations involving misdemeanors.
- Unauthorized weapons (e.g. vehicles, flashlights, radios) may not be used except when there is immediate threat of death or serious bodily injury, and no other option is readily available.
- Use of Canines is always reported, regardless of bite.

# KPD Use of Force Policy

## General Order 1.6

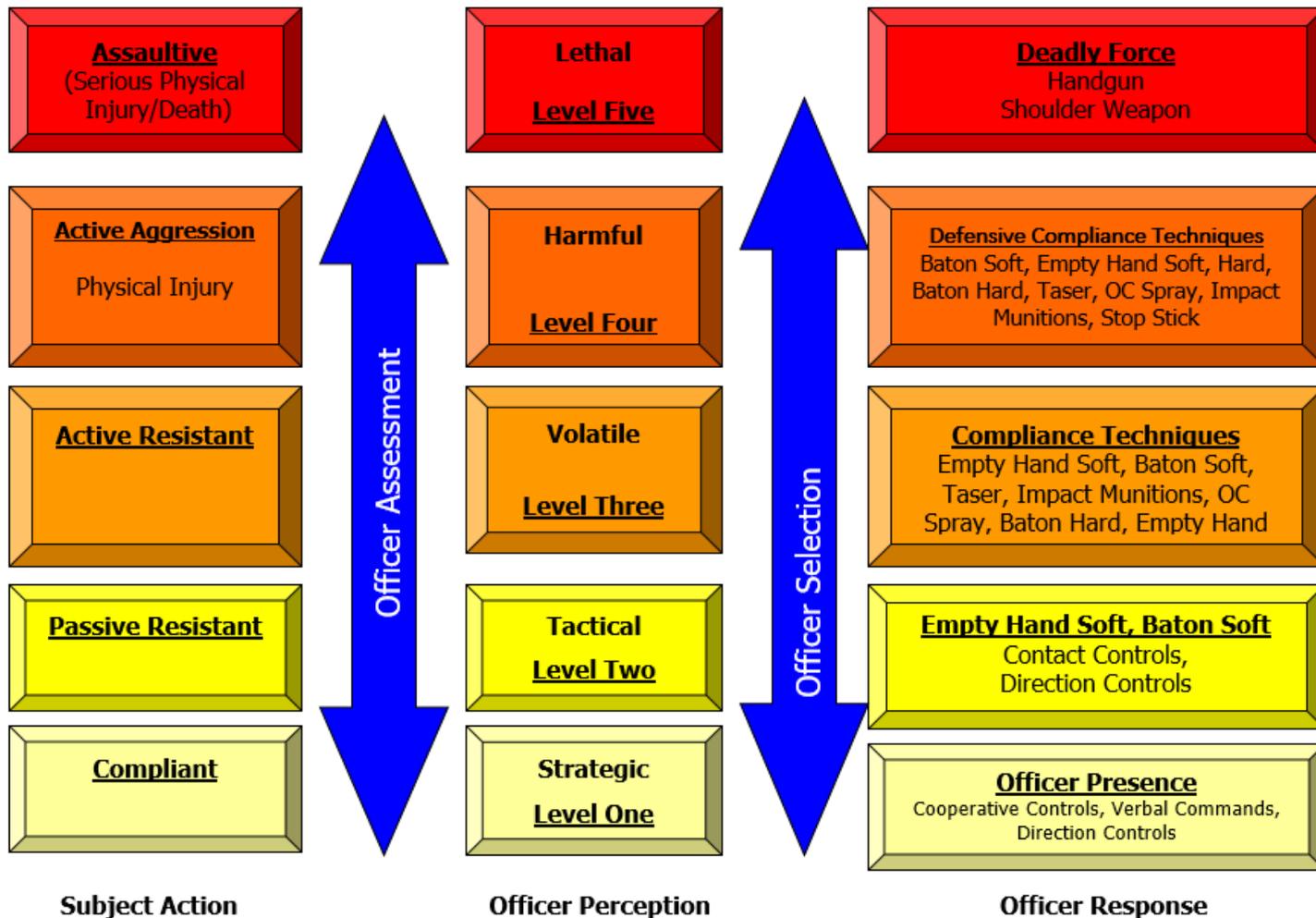
Full Policy available on the [KPD Open Records](#) page on City website

- I. Policy
- II. Definitions
- III. Use of Force Policy
- IV. Less Lethal Force
- V. Lethal Force
- VI. Documentation and Responsibilities of Members Who Use Less Lethal Force
- VII. Documentation and Responsibilities of Members Who Use Lethal Force
- VIII. Initiatives

# I. Policy

- It is the policy of the Knoxville Police Department to value and preserve human life.
- Members shall use only force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others.
- Members shall only use force when no reasonably effective alternative appears to exist.
- The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

# KNOXVILLE POLICE DEPARTMENT USE OF FORCE CONTINUUM



# VIII. Initiatives

**KPD teaches and reinforces Use of Policy through multiple training initiatives designed to increase competence and reduce complaints:**

- A. Thorough and rigid basic recruit training
  - Specific Training on polices and throughout with other classes, scenario based training
- B. A strong Field Training Officer Program
- C. Continued firearms training with a department certified firearms instructor
- D. Ongoing in-service training
- E. Roll call training, both verbal and video
- F. Formal and flexible remedial training in indicated areas
- G. De-escalation techniques
- H. Crisis intervention training
- I. Cultural awareness training
- J. Supervisory training

# KPD Response to Resistance Stats

2019 Report Year

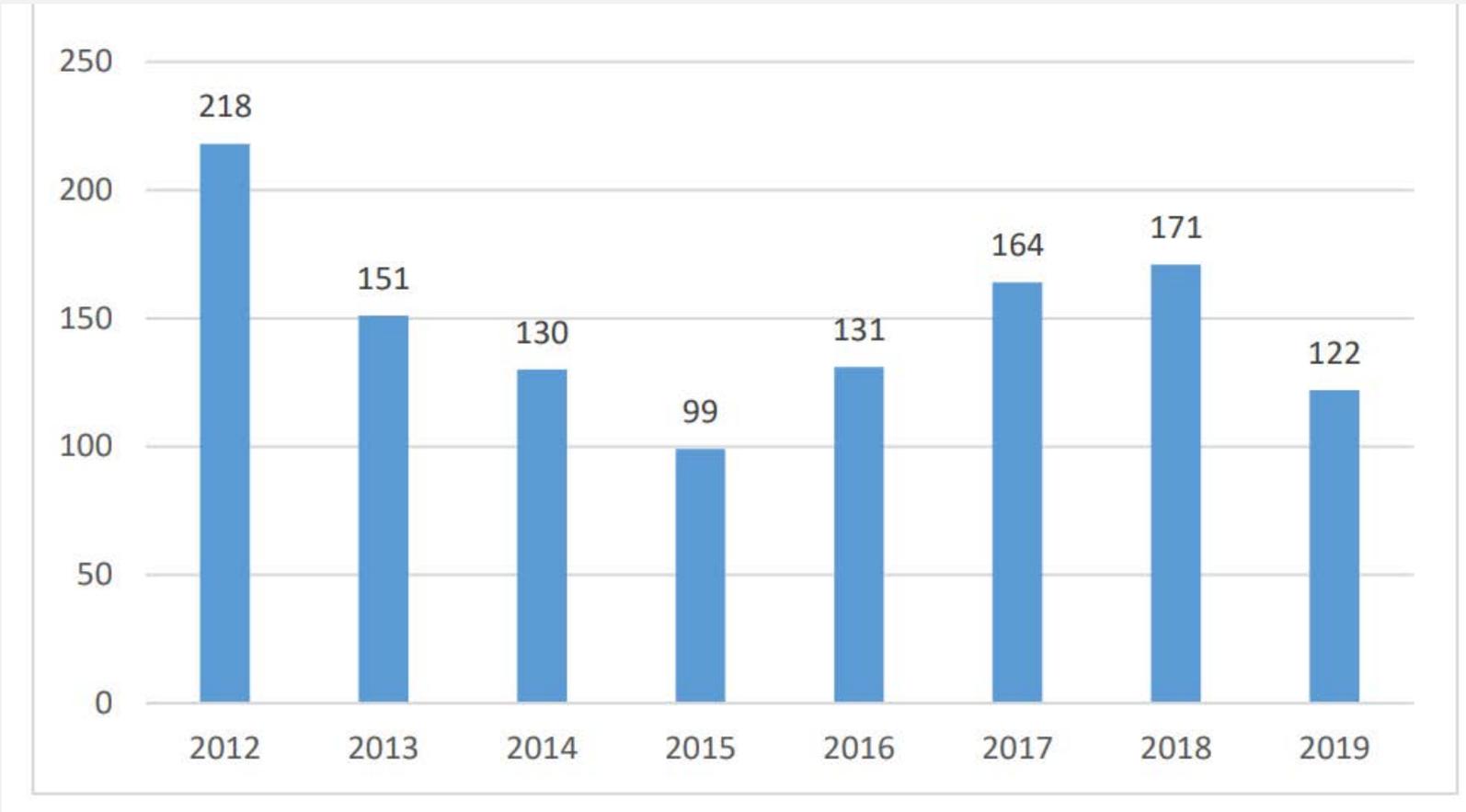
Full Response to Resistance Report Available on the [KPD Open Records](#) page on  
City website



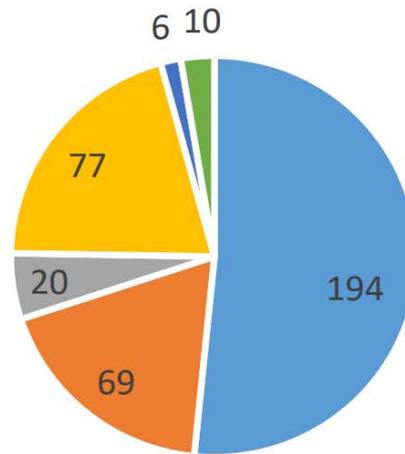
# Key Statistics

- In 2019, 122 documentable force incidents
  - 28% decrease from 2018
  - Force required in 0.07% of calls requiring in-person officer response
- Firearm Discharge (outside of training): 11 discharges in 2019
  - 8 incidents used against animals
  - 3 officer-involved shootings
- De-escalation training and tactics are working!
  - 2018 In-Service Crisis Intervention Training has had beneficial impact.

# Response to Resistance 2012-2019

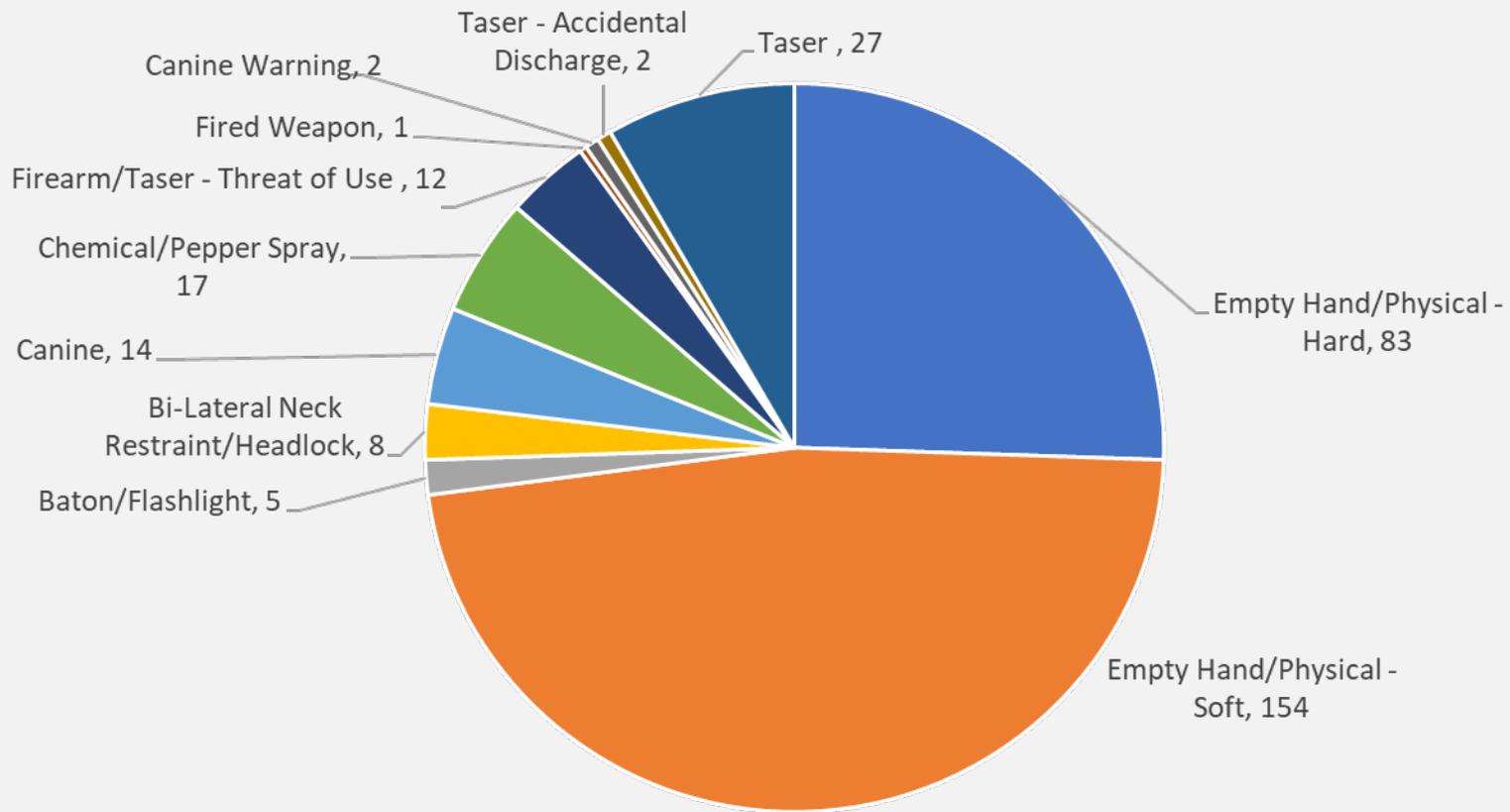


## 2019 Instances of Resistance

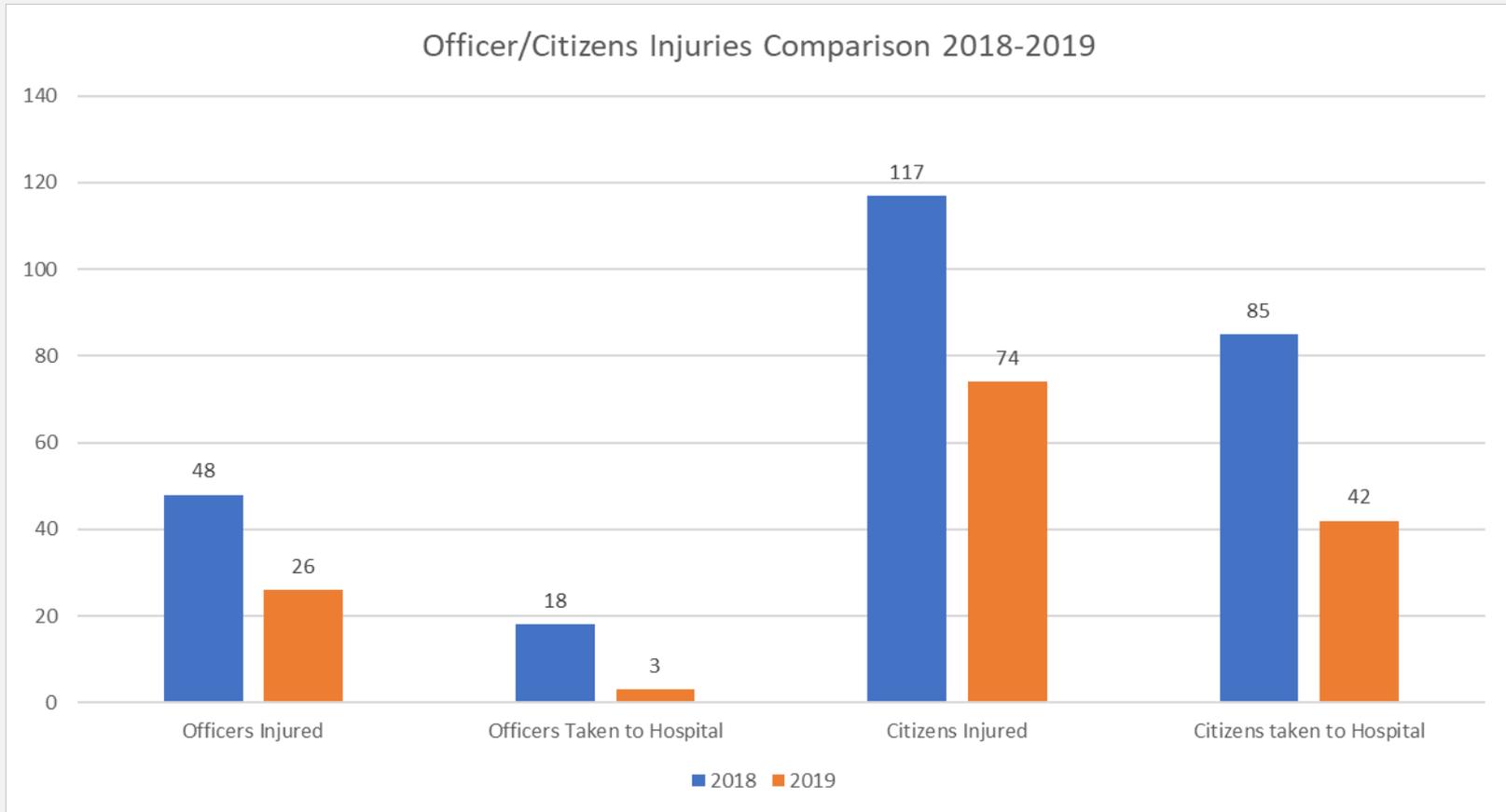


- Active Resistance
- Verbal Non-compliance
- Possession of Weapon
- Fleeing
- Aggression/Assault on an Officer
- Other

# KPD Use of Force by Type (2019)



Officer/Citizens Injuries Comparison 2018-2019





# **Use of Force Management & Review**



# Show & Use of Force Reports

- Officers must immediately notify supervisors when any reportable force is used.
- Show of Force report required whenever a firearm is intentionally & directly pointed.
- Use of Force report required for less lethal force in instances of:
  - Apparent injury or complaint of injury;
  - Force results in need or request for medical attention;
  - Less lethal weapon is used (not merely displayed); or
  - Use of any empty hand hard technique
- Reporting always required for use of lethal force and discharge of firearm, with additional reporting and investigative requirements.

# Use of Force Report Oversight

Required Steps in Oversight Process (less lethal force):

- Officer use of the force triggers required reporting to supervisor
- Supervisor response in field for preliminary investigation
- Officer watches field video and completes Use of Force Report
- Supervisor reviews
  - Sergeant
  - Lieutenant
  - Captain
- Internal Affairs Review to determine:
  - If use of force was within policy or not within policy
  - If follow-up investigation is needed
  - If any discrepancies or other issues need to be addressed

Lethal force triggers additional investigation & oversight, including by TBI in cases of injury or death.

# Use of Force Management and Review

## Early Warning System

*“to identify and monitor members who exhibit behaviors contrary to the mission and goals of the department.”*

1. Trigger system
2. Alerts
3. Immediate supervisor responsibilities
4. Plan of Action
  1. Recommendations
  2. 6 months of follow-up
5. Monthly tape reviews

*General Order 1.40 – Available on the [KPD Open Records](#) page on City website*

# Use of Force PARC Review

# PARC's Role in Reviews

- **Receive**

- Citizen complaints involving use of force are referred to IAU for investigation

- **Review**

- PARC reviews IAU completed investigations: Transcripts, interviews, photos, audio/video recordings, written documentation, media reports, etc.
- PARC assesses thoroughness, completeness, and ask for additional information when needed.

- **Recommend**

- PARC can recommend that an investigation be reopened
- PARC can make recommendations regarding policies, procedures, training, and case specific follow up

- **Report**

- PARC documents case information, including complaint type, parties involved and outcome
- PARC Annual Report includes the numbers and types of cases reviewed

# **Appendix: Detail on Use of Force Policy Language**

# II. Definitions

Examples...

- C. De-escalation – An attempt to reduce the intensity of a conflict or potentially violent situation by remaining calm, using active listening skills and speaking techniques in trying to resolve an issue.
- J. Objectively Reasonable – The determination that the necessity for using force and the level of force used is based upon the officer’s evaluation of the situation in light of the totality of the circumstances known to the officer at the time that force is used and upon what a reasonably prudent officer would use under the same or similar situations.

# II. Definitions continued

Examples...

- D. Empty Hand Hard – Techniques that include kicks, punches, strikes, or take downs that result in an impact (such as leg sweeps, tackling, tripping and shoving to the ground).
- E. Empty Hand Soft – Techniques that includes empty hand escort controls, pressure points, come-a-longs, and directional controls that have a minimal chance of inflicting injury.

# III. Use of Force Policy

- Captures options available when responding to calls, dealing with resistant subjects, and for self/public defense.
- Recognizes fluidity between response options and directs officers to employ “Use of Force Continuum” as a guide whenever possible.
  - Not all response options constitute an application of force
- Training recognizes the unique nature of each encounter and the many factors that may influence decision making.
- The preferred outcome of an encounter is that mere officer presence and/or de-escalation techniques are successful in achieving compliance.

# Numerous factors inform Objectively Reasonable Response:

1. Seriousness of the subject's actions or potential actions (that would reasonably occur without police intervention).
2. The perception of the threat presented by the subject's verbalization and body language.
3. Physical size and strength of both the subject and the officer.
4. The reasonableness of a response given the options available to an individual officer
5. The presence of additional subjects that may participate in an altercation with an officer if the principal subject's actions are not stopped.
6. The perception of visible threats based on the conditions depending on the time of day.
7. The availability of backup officer(s).
8. ...and more.

# IV. Less Lethal Force

When possibility of violence or resistance to lawful arrest is present but diminished:

- Attempt to remedy the situation through advice, persuasion, or warning.
- De-escalate the situation by remaining calm, using active listening skills, and attempting to work with the subject
- If a subject continues to be noncompliant or engages in passive resistance, a higher response may be permissible:
  - Empty Hand
  - OC Spray
  - Baton
  - Conductive Energy Weapon
  - Other Weapons
  - K9

# V. Lethal Force

- Members of the Knoxville Police Department, when feasible, **shall exhaust all other means** of apprehension or arrest, including attempts of de-escalation, and **shall only use lethal force/response in the following circumstances:**
  - To protect the member or others from what is reasonably believed to be an **imminent threat of death or serious bodily injury**.
  - In accordance to T.C.A. 39-11-620, to **effect an arrest only if all other reasonable means of apprehension have been exhausted** or are unavailable, and where feasible, the officer has given notice of the officer's identity as such and given a warning that lethal force may be used unless resistance or flight ceases, and:
    - Probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; or
    - Probable cause to believe that the individual to be arrested poses a threat of serious bodily injury, either to the officer or to others unless immediately apprehended.
  - To **destroy an animal to protect the public safety or for humanitarian reasons** in cases of extreme or prolonged suffering. Permission to destroy an animal for humanitarian reason must be obtained from a first line supervisor prior to discharge of the weapon.