

POLICE ADVISORY AND REVIEW COMMITTEE
MINUTES, JUNE 25, 2020

Chairperson Rosa Mar called the meeting to order at 6:00 p.m. on Thursday, June 25, 2020, at the Large Assembly Room of the City-County Building, located in Knoxville, Tennessee.

PARC members present: Rosa Mar; LaKenya Middlebrook; Frank Shanklin, Jr.; Ken St. Germain; Anne Barker; and Jered Croom

PARC members not present: Leticia Flores

PARC staff present: Ola Blackmon-McBride, Interim Executive Director

KPD/City of Knoxville Staff: Chief Eve Thomas; Attorney Ronald Mills; Erin Gill, Deputy Mayor for Policy; Dr. Charles Lomax, Jr., Community Empowerment Director; Tatia Harris, Diversity and Inclusion Officer

INTRODUCTION

Chairperson Mar welcomed attendees to the First Quarter Police Advisory and Review Committee meeting. Chairperson Mar reminded attendees that this meeting was rescheduled due to postponement of the April meeting due to Covid-10. Ms. Mar acknowledged the resignation of Mr. Clarence Vaughn as PARC Executive Director and announced that Mrs. Ola Blackmon-McBride was serving as Interim Director. Ms. Mar reminded attendees that those desiring to speak during public forum could sign up in the designated area. Ms. Mar congratulated Jered Croom on being appointed to a second term on PARC and welcomed Ken St. Germain, as a newly appointed member of PARC. Mr. St. Germain stated that he is honored to serve and looks forward to contributing to PARC.

APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes of the January 30, 2020 meeting. There were no changes or adjustments to the minutes; the minutes passed unanimously.

CONFIRMATION OF APPOINTMENT OF EXECUTIVE DIRECTOR

Chairperson Rosa Mar recognized Dr. Charles Lomax, Director of Community Empowerment for the City of Knoxville. Director Lomax announced to the Committee that Mayor Indya Kincannon was presenting LaKenya Middlebrook for appointment as Executive Director of the Police Advisory and Review Committee and called for a motion to approve the appointment. Chairperson Rosa Mar moved that the Committee approve the appointment of Ms. Middlebrook as Executive Director. The motion was properly seconded and passed without object. Ms. Middlebrook abstained from voting. Director Lomax announced that Ms. Middlebrook would begin as Executive Director on July 13, 2020.

Director Lomax thanked Mrs. Ola Blackmon-McBride for her service as Interim Executive Director.

SPEAKING ENGAGEMENTS

Interim Director Blackmon-McBride reported the 1st Quarter engagements as follows:

February 26, 2020 Director Vaughn served as a guest on the "Community Talk" radio show, hosted by Gene Thomas, on WJBE 99.7 FM radio station. Director Vaughn provided an



update on the 2019 PARC Annual Report along with upcoming meetings and information related to police-community relations.

February 26, 2020 Executive Director Vaughn was invited to serve as a guest speaker for the Real Talk Mentoring Program at Maynard Elementary School. Director Vaughn spoke to the students on the differences between rights and responsibilities. Students received materials and information regarding the Police Advisory and Review Committee’s service to the City of Knoxville.

EXECUTIVE DIRECTOR’S REPORT

Interim Director Blackmon-McBride gave the following Executive Director’s report for the 1st Quarter: The Committee audits all completed investigations from the Internal Affairs Unit of the Knoxville Police Department for completeness. The results of the first quarter audits were as follows:

Total cases audited by the Police Advisory and Review Committee were seven (7) Referral Action Forms and three (3) Internal Affairs cases:

Officers Disciplined	5	Civilian Employees Disciplined	0
<u>Action Imposed</u>	<u>Number of Officers</u>	<u>Number of Civilian Employees</u>	
Verbal Counseling	4	0	
Suspension without pay	1	0	

The Police Advisory and Review Committee and the Executive Director concurred with Internal Affairs’ conclusions on eight of the ten cases reviewed. The Executive Director and committee members asked for additional information on six of the ten cases reviewed.

The following ordinances, policies, and procedures were reviewed as a result of the Executive Director’s evaluation of the Internal Affairs investigations and complaints brought to the Executive Director:

- General Order 1.36 (Harrassment)
- General Order 1.41 (Bias Based Policing)
- General Order 1.60 (Response to Resistance)
- General Order 3.0 (Traffic Ancillary Services)
- General Order 4.6 (Criminal Investigations)
- Standard Operating Procedure 1.0 (Insubordination)
- Standard Operating Procedure 1.03 (Knowledge of Laws and Regulations)
- Standard Operating Procedure 1.13 (Use of Alcohol and Drugs)
- Standard Operating Procedure 1.19 (Unbecoming Conduct)
- Standard Operating Procedure 1.24 (Use of Force)
- Standard Operating Procedure 2.04 (Conduct—General)
- Standard Operating Procedure 2.07 (Truthfulness)
- Standard Operating Procedure 3.00 (Courtesy)
- Standard Operating Procedure 3.01 (Responding to Calls)
- Standard Operating Procedure 4.05 (Advising Person of the Reason for Arrest)



Advocacy (Strengthening the relationship between Civilians and the KPD)

- The Executive Director continues to meet with members of the Knoxville Police Department's Command Staff and Internal Affairs Unit on a regular basis to discuss concerns and best practices that will result in effective ways to improve relationships with community members.
- The Executive Director facilitated a training session for newly promoted supervisors within the Knoxville Police Department on topics outlining Civilian Oversight and Cultural Competency. The training served as part of the training process for officers selected transition into higher rankings.
- The Executive Director along with members of the Community Empowerment Department for the City of Knoxville met with the Knoxville Police Department's Chief of Police, Eve Thomas. The discussion was centered on hiring practices from underrepresented communities, along with ways to enhance existing recruitment efforts identified by the Knoxville Police Department.

Community Outreach

- The Executive Director continues to meet with citizens, community groups, and neighborhood associations to discuss concerns and complaints to develop plans for helpful resolutions. The resolutions are based on the areas of concern presented by community members and the information is shared with the appropriate agency or department involved.
- The Executive Director, along with Board Chair, Rosa Mar, presented the 2019 PARC Annual Report to the Knoxville Mayor, City Council, and citizens of the City of Knoxville. The discussion outlined PARC's complaints received and reviewed during the 2019 calendar year, and the topic provided further detail into the origin and nature of complaints received.

Networking

- The Executive Director was elected to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Board of Directors as a Member-at-Large, in which he attended the Mid-Year Board meeting in Tucson, Arizona. The National Board of Directors serve as the governing body for the organization, which represents civilian oversight agencies and practitioners nationwide.

SUBCOMMITTEE REPORTS

Audio/Video Subcommittee Report (LaKenya Midldebrook)

Of the (7) Referral Action Forms and (3) Internal Affairs Case reviewed by the PARC, there were **eight** cases which documented audio and video recording based on the incident taking place in the vicinity of the officer's patrol vehicle and within a recordable range.

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

- File #1 Referral Action Form**
The officer involved properly activated their wireless microphone, and the audio recording received provided assistance in reviewing the alleged incident. The complainant was overheard explaining their concerns, and the response from the officer involved was successfully documented and reviewed.
- File #2 Referral Action Form**
The incident involved a traffic stop, in which the officer properly activated his wireless microphone. The audio and video recording provided further insight into the interaction between the complainant and officer involved.
- File #3 Referral Action Form**



Upon conducting a traffic stop, the officer involved properly activated their wireless microphone, and the audio recording received provided assistance in reviewing the alleged incident. The interaction was recorded in its entirety, and the conversation between the complainant and officer involved was properly documented.

File #4 Referral Action Form

The wireless microphone was properly activated involving the case reviewed. The incident took place near a busy intersection; therefore, the audio was not fully audible. However, the officer and complainant were overheard discussing the basis of the initial complaint.

File #5 IAU Case #19-2816

The officer's wireless microphone was correctly activated, in which the conversation between the complainant and officer involved was recorded. However, there was an additional video recording provided via Facebook of the alleged incident. The officer's dashboard camera and wireless microphone documented occurrences that took place prior to and after the alleged incident.

File #6 Referral Action Form

The officer involved in the allegation properly activated his wireless microphone and dashboard camera. The audio and video recordings were essential to accurately review the alleged incident.

File #8 Referral Action Form

There was ample audio and video recording provided to review the allegations presented by the complainant. The officer properly activated his wireless microphone, which recorded his conversation with the complainant in its entirety. In addition, the complainant provided access to video recordings that were uploaded onto Facebook.

File #10 Referral Action Form

The officer involved was documented as having violated the Knoxville Police Department's General Order 2.16 for failing to activate his wireless microphone in which twenty minutes of time of public interfacing was not recorded with community members present at the scene of the incident

Summary

The Knoxville Police Department's General Order 2.16 (Digital In-Car Recording Equipment) details that Officers shall turn on their audio and video equipment when they are out of their patrol unit on a call-for-service in the event audio is needed to substantiate or assist with documentation of their law enforcement duties, i.e., domestic disturbance, etc. It should be remembered that the purpose of the in-car video equipment is to monitor all contacts with a person in the community in all situations possible. We would also like to mention that the Knoxville Police Department requires Sergeants to review officers' audio and visual footage twice per month to ensure that their wireless microphones are operating properly.

Racial Profiling Subcommittee Report (Jered Croom)

There were two alleged racial profiling cases reviewed by PARC during the 1st Quarter.

Case #1 Summary:

The Police Advisory and Review Committee received a complaint involving an alleged assault and battery incident. The complainant shared that he provided information to a member of the Knoxville Police Department regarding being allegedly assaulted by an individual while waiting near a transit line. The member of the Knoxville Police Department allegedly refused to investigate the



incident. The allegation involved the complainant’s thoughts of being discriminated against due to his disability, in which the premise of the complaint was directed towards discrimination related to the Americans with Disabilities Act. In addition, the complainant shared that his concern was provided via email to the Knoxville Police Department in which he shared that a response was not received.

Conclusion:

Due to a request made for more detailed information of the allegations made against the Knoxville Police Department, the complaint has been placed on a PENDING status awaiting further review.

Case #2 Summary:

The Police Advisory and Review Committee involving an alleged altercation that took place at a local night club in Knoxville, Tennessee. The complainant shared that security personnel, “grabbed me by my arm yanking me aggressively to tell me stop blowing a whistle”. The complainant continued by sharing that the security personnel, “then quickly switched to choking me out”. There were law enforcement officers present, in which the complainant informed the officers. The officers informed the complainant that they would not be able to provide any assistance. The allegation was directed towards being racially profiled by security personnel for the night club establishment.

Conclusion:

The complaint received involving an alleged incident that took place at a local nightclub in Knoxville, TN was reviewed based on the statement provided by the complainant. The complainant was informed that the matter falls outside of the Police Advisory and Review Committee and Knoxville Police Department jurisdictions. The matter would have to be addressed by management or the owner of the nightclub. The complainant was informed that the matter could also be addressed with an internal review or a request made to press charges against the alleged suspect for assault and battery.

KPD Policy and Procedure Reviewed:

General Order 1.41 Bias Based Policing

I. Policy

It is the policy of the 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 Subcommittee Report (Ann Barker)

Quarter-to-date Operations Report (January 1, 2020-March 31, 2020)

Total Cases for the Quarter	11
Cases Closed in the Quarter	15*
Resolution of Cases Closed for the Quarter	



Executive Director	7
Mediation: Executive Director & KPD	0
Referrals to Appropriate Agencies	5
KPD	3
Total Cases Resolved	15*
Total Cases Pending for the Quarter	2
PARC <i>Initiated</i> Cases Referred to IAU for the Quarter	0
IAU Completed Cases Reviewed by PARC for the Quarter	3
IAU Referral Action Forms Reviewed by PARC for the Quarter	7
IAU <i>Initiated</i> Referrals and Cases	0

***6 Cases Closed from 2019**

TRAINING SESSION

Chief Eve Thomas provided an overview of revisions to the Knoxville Police Department Use of Force Policy. Chief Thomas reported that the policy is reviewed on an annual basis, at minimum, and that annual review is required for accreditation. Summary of changes: removed use of the bilateral neck restraint and the lateral vascular neck restraint, require de-escalation was further emphasized, added more specificity to duty to intervene, added graphic representations of use of force continuum. Chief Thomas emphasized that many of the “8 Can’t Wait” recommendations are already a part of the KPD Use of Force policy.

CASE MATTERS ADDRESSED BY THE COMMITTEE

Case 5: Jered Croom asked for clarification for when BHUUC is used. Chief Thomas reported that BHUUC is offered to individuals that are charged with non-violent offenses.

Case 7: Jered Croom asks what are the support systems for officers who suffer with alcohol and drug abuse. Chief Thomas stated that KPD insurance covers treatment programs and officers are given time off to attend treatment and/or aftercare programs. Chairperson Mar expressed concern that mishandling of the policies resulted in the case not being able to move forward and inquired about the status of the



officer involved. Chief Thomas reported that the officer remains employed with KPD and has a desk assignment.

Case 10: Jered Croom asked if photos of the alleged abuser were taken the night of the incident, if there is an arrest policy if there is mutual harm is evidenced stemming from a domestic incident, and if there is an automatic dispatch of crime lab to document evidence. Chief Thomas stated that ideally photographs will be taken but if the person has to go to the hospital, forensics will gather photos at the crime lab. If they primary aggressor can be determined, an arrest is made; in domestic assault incidents it is rare that both parties are arrested. Chairperson Mar asks how much training in domestic assault and sexual assault do officers get and if the training is recurring. Chief Thomas stated that the officers receive scenario training conducted by the family justice center but could not state the specific number of hours off hand. Chairperson Mar asks if there are resources deployed beyond law enforcement when there is a domestic violence incident. Chief Thomas states that referrals are made to the Family Justice Center.

Jered Croom asks if there are metrics for measuring when officers use discretion in issuing citations. Chief Thomas states that warnings are now issued in writing and can be tracked.

Chairperson Mar asks if officers are able to campaign/lobby for political candidates. Chief Thomas states that officers cannot publicly support political activity while in uniform or on official duty. Chairperson Mar asks if that policy extends to officers communicating with each other about politics while on duty. Chief Thomas states that it difficult to address because co-workers have often have private conversations.

CITIZENS THAT HAVE REQUESTED TO APPEAR BEFORE PARC

- Moira Conley presented recommendations submitted to the Mayor, City Council and some members of PARC regarding reforms to policing practices and PARC, prepared by the Knox County Democratic Party Progressive Action Committee.

PUBLIC FORUM

Constance Every, Denzel Grant, Rick Roach, and Robert Lee spoke during public forum.

COMMUNITY UPDATES

There were no community updates

ADJOURN

Jered Croom moved to adjourn, seconded by Ann Barker. Chairperson Mar called the meeting adjourned.

