

POLICE ADVISORY AND REVIEW COMMITTEE
MINUTES, SEPTEMBER 10, 2020

Chairperson Rosa Mar called the meeting to order at 6:00 p.m. on Thursday, September 10, 2020, via Zoom.

PARC members present: Rosa Mar; Leticia Florese; Jenaé Easterly; Ken St. Germain; Anne Barker; and Jered Croom

PARC members not present: Frank Shanklin, Jr.

PARC staff present: LaKenya Middlebrook, 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; Debbie Sharp, Office of Neighborhood Empowerment Director; Sgt. Amanda Bunch; Lt. Steve Still; Lt. Samuel Shaffer

INTRODUCTION

Chairperson Mar welcomed attendees to the 2nd Quarter Police Advisory and Review Committee meeting. A motion was made by Ann Barker to hold the 2nd Quarter PARC meeting virtually out of necessity and public health concerns due to Covid-19; Leticia Flores seconded the motion. Ms. Mar conducted a roll call vote of the members present; the motion passed unanimously. Ms. Mar informed participants that questions and comments could be submitted via the “Chat” or “Q&A” features. Ms. Mar welcomed and introduced Jenaé Easterly, as a newly appointed member of PARC. Mrs. Easterly stated that she is happy to be a part of the Committee and looks forward to serving the community through PARC.

APPROVAL OF MINUTES

Ken St. Germain moved to approve the minutes of the June 25, 2020 meeting; Ms. Barker seconded the motion. There were no changes or adjustments to the minutes; the minutes were approved unanimously via roll call vote.

EXECUTIVE DIRECTOR’S REPORT & SPEAKING ENGAGEMENTS

Executive Director LaKenya Middlebrook gave the following Executive Director’s report for the 2nd Quarter:

Executive Director Clarence Vaughn completed his service as Executive Director of the Police Advisory and Review Committee on April 3, 2020; Ola Blackmon-McBride served as Interim Director of PARC during the remainder of the time represented in this report.

AUDIT OF DISCIPLINE PROCESS

The Committee audits all completed investigations from the Internal Affairs Unit of the Knoxville Police Department. The results of the second quarter audits were as follows:

Total Cases Audited by Committee:	4
Officers Disciplined	4
Civilian Employees Disciplined	0

<u>Disciplines Imposed</u>	<u>Number of Officers</u>	<u>Number of Civilian Employees</u>
Written Reprimand	3	n/a
Verbal Counseling	1	n/a

The Police Advisory and Review Committee concurred with the Internal Affairs Unit's conclusions on two of the cases reviewed.

AUDITS OF KPD POLICIES AND PROCEDURES

The Executive Director reviewed the following ordinances, policies, and procedures as part of the evaluation of the Internal Affairs Investigations and complaints brought to the Executive Director:

- Administrative Rule 1.06 (Harassment)
- Administrative Rule 1.07 (Workplace Violence)
- General Order 1.36 (Harassment)
- General Order 1.41 (Bias Based Policing)
- General Order 2.16 (Microphone Use)
- General Order 2.19 (Notification of Consular Officials)
- General Order 2.3 (Prisoner Transportation Handcuffing)
- General Order 7IA (Procedure)
- Standard Operating Procedure 1.03 (Knowledge of Laws and Regulations)
- Standard Operating Procedure 1.19 (Unbecoming Conduct)
- Standard Operating Procedure 1.21 (Unsatisfactory Performance)
- Standard Operating Procedure 1.41 (Court Responsibility)
- 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)

ADVOCACY (STRENGTHENING THE RELATIONSHIP BETWEEN THE CITIZENS AND THE KPD)

- The Interim Executive Director, PARC Board members and community volunteers provided Cultural Competency Training to the Knoxville Police Department Recruit Class. The training included a panel of community members and small group discussions that focused on community member experiences, perceptions, biases and best practices to improve relationships between community members and law enforcement.

Due to Covid-19, speaking engagements and networking opportunities were not available to the Interim Executive Director.

SUBCOMMITTEE REPORTS

Audio/Video Subcommittee Report (Dr. Leticia Flores)

Of the one (1) Referral Action Form and three (3) Internal Affairs Cases reviewed by the PARC, there were **three** cases with documented audio and video recording based on the incidents taking place in the vicinities of the officers' patrol vehicle and within a recordable range.

Audio/Video Subcommittee submits the following findings for our **2nd Quarter** review:

File #1 IAU Case #19-2814

The incident involved a traffic stop and arrest in which multiple officers became involved. The officer initiating the stop and most officers involved properly activated their wireless



microphones, and the audio recording received provided assistance in reviewing the alleged incident. One officer responding after the initial stop did not properly activate their body microphone. Failure to activate the microphone made one less vantage point of the arrest and surrounding events unavailable. The officer was documented as having violated KPD General Order 2.16 for failing to activate his wireless microphone.

File #2 IAU Case #19-2818

The officers and transportation wagon driver properly activated their in-car and wireless microphones. The officers can be heard talking to the individual that called for service and the exchange with the complainant can be heard. The video from the wagon shows the complainant's behaviors and verbal exchanges while being transported. The audio and video provided significant insight into the incident.

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.

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 and LaKenya Middlebrook)

There were three alleged racial profiling cases reviewed by PARC during the 3rd Quarter.

Case #1 Summary:

The Police Advisory and Review Committee received a citizen complaint form regarding an alleged incident that took place in May 2020. The Complainant stated that he was racially profiled by an officer from the Knoxville Police Department. The Complainant stated that he was traveling on Sutherland Avenue and the Officer was "a half a mile away." The Complainant states that he turned right onto Newcomb Avenue and was pulled over by the Officer. The Complainant further states that the incident transpired as follows: the Officer did not identify himself; the Officer asked him to step out of the car; the Complainant stated that he did not feel comfortable exiting the car without knowing why he was stopped; the Officer informed him that he was stopped because of the license plate cover on the rear of the car; the Officer asked the Complainant for license, registration and proof of insurance; after checking the vehicle registration, the Officer issued the Complainant a warning; the Complainant asked the Officer his name and the Officer told him "it was none of [his] business." Therefore, the complainant requested for the Police Advisory and Review Committee to review the actions of the officers involved in the alleged incident.



Conclusion: The audio and video of the traffic stop in question were reviewed. The stop was determined to be legal based on City Ordinance 17-209. The Officer immediately stated the reason for the stop. The Officer asked for the Complainant's license, registration and insurance and stated that he would only issue the Complainant a warning. The Complainant initially could not produce the vehicle registration. Once the Officer verified the vehicle registration, he issued the Complainant a warning and confirmed his name, badge number and reason for the stop on the warning. The Complainant asked the Officer his age and the Officer responded that it was "none of your business." Based on the recordings of the incident, it is determined that the allegations of racial profiling are unfounded. The Interim Executive Director attempted to contact the Complainant several times via phone and email but received no response. The matter was closed by the Interim Executive Director.

Case #2 Summary:

The Police Advisory and Review Committee received a written complaint regarding an alleged incident that took place in 2017. The Complainant alleges that she was helping a friend at their place of business when the business was raided by undercover officers. The Complainant states that the officers did not have warrants, searched the business, and falsely arrested the Complainant and another person at the business. The Complainant states that the officers targeted the business because "it was owned by minorities" and many of the staff are "non-English speaking immigrants." Therefore, the Police Advisory and Review Committee was asked to review the allegations against the Knoxville Police Department officer involved.

Conclusion: Due to the ransom ware attack on the City of Knoxville, the Interim Executive Director was not able to investigate this matter. The case is *PENDING* further review.

Case #3 Summary:

The Police Advisory and Review Committee received a written complaint regarding an incident that took place in June 2020. The Complainant states that her son, who is biracial, was stopped by law enforcement while driving. The Complainant states that the reason given for the stop was that the Officer believed her son was not wearing a seatbelt. The complainant states that the Officer discovered that her son was wearing his seat belt and verified his license, registration and insurance. The Complainant states that her son was then handcuffed and the vehicle was searched even though her son has no criminal record and had not done anything wrong. The Complainant states that she believes her son would not have been stopped, handcuffed and searched if he were white. The complainant states that no citations or warnings were issued. The Complainant states that she is not sure if the incident involved the Knoxville Police Department or the Knox County Sheriff Office. Therefore, the Police Advisory and Review Committee was asked to review the allegations against the Knoxville Police Department officer involved, if applicable.

Conclusion: Due to the ransom ware attack on the City of Knoxville, the Interim Executive Director was not able to investigate this matter. The case is *PENDING* further review.

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 (April 1, 2020-June 30, 2020)

Total Cases for the Quarter	11
Cases Closed in the Quarter	4
Resolution of Cases Closed for the Quarter	
Executive Director	4
Mediation: Executive Director & KPD	0
Referrals to Appropriate Agencies	0
KPD	0
Total Cases Resolved	4
Total Cases Pending for the Quarter	
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	1



TRAINING SESSION

Lt. Samuel Shaffer provided an overview of the KPD Training Academy Curriculum. KPD requires 880 hours of Basic Training for recruits. Recruits complete a 22 weeks basic program and 22 weeks Field Academy Training. All officers must complete annual in-service training. Training categories are determined by the accreditation agencies, but KPD does more training in most categories than is required.

Chairperson Mar asked Chief Thomas for an update on body cameras. Chief Thomas reported that training for equipment would be starting in late September/early October and that, once training was completed, KPD would begin installing and using the first 50 cameras.

Director Middlebrook acknowledged and congratulated Lt. Sammy Shaffer on receiving the Tennessee Department of Homeland Security Outstanding First Responder award.

CASE MATTERS ADDRESSED BY THE COMMITTEE

File 1: Leticia Flores asked why the officer was cited for violations of the general order regarding Courtesy instead of Unbecoming conduct. Chief Thomas explained that the conduct in question was more directly covered by the Order regarding Courtesy.

File 2: Leticia Flores asked if “resisting arrest” is a judgement call on the part of the officer. Chief Thomas states that there are specific actions that someone can take to obstruct them being taken into custody. Ms. Flores asks if it matters if an individual is using marijuana or CBD. Chief Thomas states making the distinction is difficult for law enforcement agencies because of similar smell and appearance. The difference is the amount of THC. Ms. Flores asks when KPD began requiring documentation of why the Behavioral Health Urgent Care Center (BHUCC) is not used and what process is used in determining when to take someone to BHUCC or the detention center. Chief Thomas explained that there are 8 charges that are eligible for diversion to BHUCC. If someone is violent they cannot be taken to BHUCC. Ann Barker asked how one can justify not having their microphone on. Chief Thomas explained that unless the microphones are activated by the car lights being turned on or the speed of the vehicle, the microphone has to be physically turned on and sometimes officers forget.

File 3: Leticia Flores asked why the complainant in this matter was taken to BHUCC and the person from File 2 was not. Chief Thomas states that if a person is not violent they are eligible for BHUCC. Rosa Mar stated that courtesy and professionalism needs to be reinforced.

File 4: Leticia Flores reiterated the need for tact.

Jered Croom asked for clarity on the policy regarding license plate coverings. Mr. Croom asked about the Whistleblower protections for KPD staff.

Jered Croom moves to have a workshop to discuss the recommendations of the Progressive Action Committee, with a date and time to be scheduled by the Executive Director; Ann Barker seconded the motion. The motion passed unanimously, via roll call vote. The committee invited KPD to participate in the workshop.



PUBLIC FORUM

There were no individuals signed up to speak.

COMMUNITY UPDATES

There were no community updates

ADJOURN

Leticia Flores moved to adjourn, seconded by Ken St. Germain. Chairperson Mar called the meeting adjourned.

