

Police Advisory and Review Committee
January 31, 2022 (2021- 4th Quarter)
Meeting Minutes

Meeting was called to order by Vice Chairperson, Jenaé Easterly at 6:00 p.m.

PARC Members Present	Ken St. Germain, Star Starks, Dr. Leticia Flores, Heidi Barcus, Jenaé Easterly, Frank Shanklin, Jered Croom
PARC Members Absent	N/A
PARC Staff Present	Marcus Rudolph (Investigative Manager), Tiffany Davidson (Executive Director)
KPD/City of Knoxville Staff	Mayor Indya Kincannon, Chief of Police Eve Thomas, Assistant Chief of Police Mark Fortner, Sgt. Amanda Bunch, Sgt. Rachel Britt, Inv. Michael Dabbelt, Attorney Ron Mills, Charles Lomax

Introduction:

Executive Director, Tiffany Davidson welcomed attendees to the 4th Quarter Police Advisory and Review Committee meeting.

Speaker:

Mayor Kincannon addressed the committee to provide an update regarding the search:

- Job was posted last week (posted on COK website) and with PERF (Police Executive Research Forum). Deadline for acceptance of applications is February 20, 2022.

As well as ask for the committee for their input regarding the next Chief of Police. At which committee members suggested the following:

- An external contractor that will conduct an assessment on the culture of KPD so that the incoming Chief will have an accurate understanding of the nature that KPD is current in.
- Consideration of a review around the model by which PARC currently operates.

Approval of Minutes:

Frank Shanklin made the motion approve the minutes of the Q2 and Q3 meetings. Heidi Barcus seconded. There were no changes or adjustments to the minutes and they were approved unanimously.

Executive Director's Report

Tiffany Davidson gave the following Executive Director's report for the 4th Quarter.

Audit of Discipline Process:

The committee audits all completed investigations from the Internal Affairs Unit of the Knoxville Police Department. The results of the 3rd quarter audits were as followed.

Total Cases Audited by Committee	13
Officers Disciplined	12
Civilian Employees Disciplined	0

Disciplines Imposed	Number of Officers	Number of Civilian Employees
Written Reprimand	2	0
Oral Reprimand	0	0
Verbal Counseling	9	0
Suspension	1	0

*1 case involved an officer that resigned prior to the completion of the investigation.

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 PARC office:

- General Orders
 - 1.02 Neglect of Duty
 - 1.6 Use of Force
 - 1.35 Training
 - 1.41 Bias Based Policing
 - 1.46 Duty to Render Aid
 - 2.16 Digital Audio
 - 2.3 Prisoner Transportation
- Standard Operating Procedures
 - 1.19 Unbecoming Conduct
 - 1.25 Use of Weapons
 - 1.35 Processing Property & Evidence-Negligent Actions
 - 3.00 Courtesy

Advocacy

The Executive Director and Investigative Manager met the following staff of KPD for an introductory meeting as well as follow up meetings as deemed appropriate to discuss quarterly cases which includes questions asked by PARC of IAU, and training materials/processes:

- Chief of Police, Eve Thomas
 - Internal Affairs Unit: Lt. Steven Still, Sgt. Rachel Britt., Sgt. Amanda Bunch, Investigator Mike Washam
 - Captains: Don Jones, Susan Coker, Brian Evans
 - Police Technology Manager, Julie Small
 - Training Director, Lt. Sammy Shaffer
- The Executive Director and Investigative Manager also met with members of the community to discuss concerns about law enforcement, receive complaints, answer questions and offer assistance with addressing concerns.

Networking, Outreach, Speaking Engagements, and Training

- The Executive Director:
 - Participated in the Mayor's Night Out event in West Knoxville.
 - Provided training on PARC to KPD recruiting class
- The Investigative Manager:
 - Participated in a webinar hosted by the National Association for Civilian Oversight of Law Enforcement (also known as NACOLE)
 - Continues to serve on the State of Tennessee Alternative Dispute Resolution Committee and the Community Mediation Center Board of Directors.

Subcommittee Reports

Audio/Video:

Committee member Dr. Leticia Flores provided the 4th Quarter Audio/Visual Report.

Of the four (4) Referral Action form and nine (9) Internal Affairs cases reviewed by the PARC, there were eleven (11) cases with documented audio and video recordings based on body worn camera, and/or the incident taking place in the vicinity of the officer's patrol vehicle and within a recordable range.

The Audio/Video Subcommittee submits the following findings for our 4th Quarter review:

File Number	Type of Report	Review
1	IAU Case #20-2830	The audio/video equipment of the officer involved was functioning properly. The officer's body camera was turned off briefly during the arrest (possibly due to the elbow of the complainant), but the officer quickly reengaged his body camera.
2	IAU Case #21-2855	The audio/video equipment of the officers involved functioned properly. However, the initial/responding officer failed to unmute his body camera upon re-engaging with a resident.
3	IAU Case #21-2845	No audio/video footage was included or essential to this case as it did not involve a member of the community.
4	IAU Case #21-2840	The involved officer's body and car cameras were operating properly and captured the interaction between the officers and the complainant.
5	Referral Action Form	The involved officer's body camera worked visually for the duration of the traffic stop. However, body camera was muted for a duration of time during the engagement between the officer and the complainant.
6	Referral Action Form	The involved officer's body and car cameras were operating properly and captured the interaction between the officers and the complainant.
7	Referral Action Form	Body camera mics were not used properly during this traffic stop. Both officers failed to activate their body cameras for approximately 12 minutes during the traffic stop.
8	IAU Case # 21-2848	No audio/video footage was included or essential to this case as it did not involve a member of the community.
9	IAU Case #20-2832	No audio/video footage was included or essential to this case as it did not involve a member of the community.
10	IAU Case #21-2841	The involved officer's body and car cameras were operating properly and captured the interaction between the officers and the complainant prior to the visit to the hospital. During that time,

		there was an interaction between the complainant and the officer that was not captured via audio.
11	IAU Case #21-2858	The involved officer's car cameras were operating properly and captured the interaction between the officers and the complainant.
12	Referral Action form	The involved officer's body and car cameras were operating properly and captured the interaction between the officers and the complainant.
13	IAU Case #21-2856	The involved officer's (KCSO) body cameras were operating properly and captured the interaction between themselves and the KPD officer.

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 in a record mode at all times 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.

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 equipment is operating properly.

Racial Profiling:

Committee member Jered Croom provided the Racial Profiling Report for the 4th Quarter.

File 1 Summary

PARC reviewed an IAU case that involved a traffic stop that took place on June 19th at approximately 1:30 a.m. The complainant was driving an alleged 100 mph in a 65 mph zone at which they were pulled over. The complainant stated that she was being racially profiled as the officer has pulled her over before in the same area of town, but in a different vehicle.

Conclusion

The information provided by IAU included audio/visual information. After further review of the traffic stop, the officer's actions were in accordance with the Knoxville police Department's policy and procedure. Hence, the involved officer was not identified as showcasing signs of blatant bias or racial undertones towards the complainant.

File 7 Summary

On September 27, 2021, KPD Officers conducted a traffic stop on a vehicle with expired tags. The traffic violator/complainant stated in the complaint that one of the officers approached his vehicle and asked questions that he felt were unnecessary.

The complainant provided the officers his car insurance information for the vehicle. During the dialogue between the officer and the complainant, the officer asked a series of questions such as: Where are you coming from and where are you going? Consequently, officers requested a K-9 unit to inspect ("sniff") the complainant's vehicle and explained to the complainant that the K-9 request was due to the suspicious nature of the complainant's answers to the officer's questions. No drugs, alcohol or any other illegal items were found in the car and the complainant was issued a traffic citation for the expired tags.

Conclusion

Due to the expired tags, officer's had a justified reason to stop the complainant. Upon speaking with the complainant, officer's deemed that the inconsistencies in the answers given resulted in further investigation of the complainant/vehicle. Based on the policy of the Knoxville Police Department, the officer did not show any signs of biases by initiating the stop towards the complainant.

KPD Policy and Procedure Reviewed:

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 Ken St. Germain provided the Quarter-to-Date Operations Report for October 1, 2021-December 31, 2021

Total Cases Reviewed	13
PARC Initiated Cases referred to IAU	1
Reviewed IAU Completed Cases	9
Reviewed IAU-Referral Action Forms	4
Total Cases Closed	13
*Amount of cases reviewed, investigated, and closed by PARC staff	
Total Cases Pending	1
*Cases that are awaiting review/investigation by PARC upon the completion of IAU investigation.	
Resolution of Cases	
Mediation: PARC Staff & KPD *PARC staff met with complainant and KPD to provide mediation services to resolve issues & concerns	0
Referrals to Appropriate Agencies *PARC office received a call(s) regarding issues involving other law enforcement departments	3
KPD *KPD made contact with complainant and the complainant decided to not move forward with a formal investigation	2

Training Session:

Prior to addressing Case Matters, Sgt. Rachel Britt of KPD's Internal Affairs Units provided an overview of the Investigative Process.

Case Matters Addressed by the Committee:

The committee addressed 11 out of the 13 cases reviewed during the 4th Quarter. Matters addressed are as followed:

File 1: IAU Case #21-2852

1. Is it possible for the complainant to be charged with making false reports against the KPD?
Yes, it is possible for the complainant to be charged with making false police reports against KPD.
2. Is it typical that once an arrest is decided that back up units are called? If so, why?
Yes, it is typical. Officers are trained to have backup on any traffic stop due to the inherent dangers presented therein. In this case, the officer smelled marijuana and required additional units to assist in searching the complainant's vehicle.

File 2: IAU Case #21-2855

1. Was the alleged offender advised that he was being detained/or under arrest at the time of the initial KPD encounter?
The Officer in ordered the alleged offender twice to "come over here". Officers are not required to specifically tell individuals they are being detained or arrested. Here, the Officer's orders are considered a detainment.
2. Why wasn't any field sobriety test given if the person was charged with public intoxication?
Field sobriety tests are not administered for a charge of public intoxication. Field sobriety tests are administered on those considered to be driving under the influence.
3. Do Miranda rights need to be given to a suspect for detainment with handcuffs?
No, Miranda rights do not necessarily need to be read to a suspect just because handcuffs are placed on someone.
4. The officer alluded to increasing violence, what initial violent act or violence prompted concern for the safety of everyone there?
That would be subjective to that officer.
5. If an officer presents a command for a resident/suspect to come here and if that person does not abide, yet does not flee, is that act considered resistance towards an officer? If so, how?
Not obeying an officer's verbal commands is considered passive resistance.
6. Is loud talking to or around an officer by a resident/suspect considered resistance or disorderly conduct? If so, why?
TCA 39-17-305: States in part:

A person commits an offense who, in a public place and with intent to cause public annoyance alarm. A person also violates this section who makes unreasonable noise that prevents others from carrying on lawful activities.

File 3: IAU Case #21-2845

1. What penalty or punishment is associated with the written reprimand that the officer received?
A written reprimand is a documented level of discipline. A written reprimand is the second level of discipline documented discipline stays in an Officer's "jacket" permanently. Furthermore, should any other issues arise from the same officer doing similar behavior in a

given amount time, there can be an escalation in future discipline. Further, supervisors may weigh recent discipline as it relates to: evaluations, schools/training, transfers, etc.

2. Based on the officer's sworn statement, do officers have the authority to just destroy evidence without it first being formerly submitted to KPD? If not, what is the recourse of that action?
There are certain instances when evidence can be destroyed (including sometimes in the field). Examples would include glass drug paraphernalia and syringes. The reason evidence such as this can be destroyed is typically because they are of little evidentiary value and there is risk of Officers being "stuck" with needles or being cut by broken glass. Officers also have the option of confiscating contraband and not charging someone (discretion). This evidence would typically be destroyed as there would be no prosecution.
3. What was the resolution of the community member who was alleged to have had the baggie of drugs due to the officer's mishandling of property?
Based on the Officer's sworn testimony, the subject(s) found to be in possession of the marijuana were not charged with the possession of marijuana.

File 4: IAU Case #21-2840

1. What reason would cause an officer to mute the microphone/camera? Is there a compelling reason why an officer would mute his microphone?
There are a multitude of reasons for an officer(s) to mute their microphone. Officers may be discussing tactics, may be talking about confidential information (i.e. confidential informant), may be on the phone with another officer, etc. the need for microphones being muted (specifically the nature of how compelling) may be subjective to an officer on a given call.
2. Is it correct that if one officer has muted his/her body camera microphone, another officer can unmute said officer's microphone?
A supervisor could order an officer to un-mute their microphone. Fellow officers can remind another officer to turn their microphone back on or ask partners so as to ensure that their microphones are on. The act of physically touching another officer's body camera would likely be an invasion of that officer's personal space (although there likely could be an exception).
3. If an officer chooses to resign during an investigation that later warrants a sustained finding, is said officer's file still documented with the misconduct finding?
That is case dependent; factors could include how far an investigator is into the given case, the seriousness of the charge(s), the ability to document evidence, etc.

File 5: Referral Action Form

1. Does the Officer have any other reports of verbal taunting towards civilians (outside of an additional Referral Action Form this quarter)? If so, how many reports resulted in verbal and written reprimands? Even more, how many verbal and written reprimands is needed to justify a harsher discipline?
A check of the database for the Officer indicated that these two incidents are the only documented issues for that quarter. With regards to the number of verbal and written reprimands necessary to justify harsher discipline-discipline is up to the Chief of Police. There are a multitude of factors which determine appropriate discipline.

File 6: Referral Action Form

1. Does KPD not have an alternative computer to compare footage on if provided by a civilian? If not, what actions are being taken to be responsive to the community members' complaints outside of what is provided by KPD footage?

At this point, there is no designated computer to review footage provided by civilians as they relate to complaints. There are legitimate concerns related to possible viruses or malware being on electronic items provided by civilians. Depending on the complaint as well as the availability, investigators could view footage on a subject's phone or computer while investigating complaints.

2. Is there any public relations training done for officers who are known to be "gruff" in their dealings with residents as a public servant?

Officers who receive counseling for rudeness are advised and reminded of proper etiquette while dealing with the public. Supervisors and/or partners may ensure that there are no personal issues which may be affecting an officer (specifically in this case rudeness towards civilians).

File 7: Referral Action Form

1. Why does a driver have to share their personal plans or destinations with police officers? They do not. (See more in 2nd question).

2. Why in this scenario, drugs were the first suspicions by officers towards the driver?

Wilson and Castle is located in a known high crime and drug area. It is the experience of many officers that the majority of the general public is forthcoming and consistent with information. When members of the public are instantly vague and inconsistent concerning their actions within high crime and drug areas. Officer suspecting criminal activity may be at play.

Also, this traffic stop occurred during a time when a record-breaking number homicides were occurring in the city, specifically East Knoxville. Officers know that being proactive and conducting quality traffic stops often lead to identification of individuals, recovery weapons and drugs, and additional information that would be helpful in both solving and preventing crimes.

3. In this situation, why were the body cameras and microphones not automatically triggered during this specific traffic stop?

The officers must have had them powered "off" which wouldn't trigger them. A possible reason for body cameras being turned off may consist of officer's returning from break and failing to power their body cameras back on.

4. How does an expired tag lead to a drug search?

The officer used his training and experience to conduct the investigation and that is where it led him.

5. What were the trigger answers for officers that prompted a probable cause to search the driver's vehicle (i.e. was there a smell in the car)?

The K9 alert is what provided the probable cause of the search of the vehicle, not answers from the driver.

6. What is the consequence for an officer(s) failing to activate body cam?

This is a violation of General Order 2.16. The consequence is dependent upon the officer's history regarding activation of his or her camera system.

7. Is there a cumulative accounting for failure to turn on body cameras and is there a technology that can automatically engage them similar to when the lights on the car come on the video records?
That technology exists and we deploy it. However, the body camera will not turn on if it is powered off. The only way to power it on is by manually pressing a button on the camera.
8. If an officer runs the 10-29 check on a resident, which yields no nefarious history, what was the purpose of calling for a K-9 Unit?
The individual was from out of town in a known high crime and drug area, and was vague and inconsistent with his answers to officers. See question 2 above.

File 8: IAU Case #21-2848

1. What is KPD's plan if such a behavior persists?
Usually some form of progressive discipline is administered depending on the situation.
2. There seems to have been a multitude of passes given to the officer in the form of a written reprimand. What is the policy/process regarding reprimands? More specifically, how many incidents are officers allowed to essentially get away with by simply receiving a verbal and/or written reprimand before a harsher discipline such as suspension and termination is raised?
In this case, the officer was placed on a "Plan of Improvement" to deal with the problems encountered. The officer has done well since this was implemented.

File 9: IAU Case #21-2832

1. Was their counseling about how to deal with this video in the future?
The case file makes clear that training curriculum is being better reviewed for approval prior to being used as course material.
2. The use of past arrests for trainings-does that require any permission from the citizen? If so, what does that process entail?
Closed cases where police body camera and/or other police footage was utilized does not require any specific permission normally as they are public record.

File 10: IAU Case #21-2841

1. Are there seatbelts or restraints in the back of the vehicle?
There are no seat belts in the back of the transportation wagons.
2. How does KPD help officers manage the stress of the job?
Officers receive stress management training in the academy. Further, some in-service training over the years has dealt with officer mental health. Officers have access to peer support officers, chaplains and well as free counseling with psychologists.
3. Is this a systemic concern, or does KPD believe it is related to only certain officers? What steps are being considered given either possibility?
If the concern is a systemic concern of stress with officers, there are genuine concerns for every officer's stress level. There are a multitude of resources (mentioned above) to help officers deal with stress.

File 13: IAU Case #21-2856

1. If a KPD officer/staff/personnel is presumed guilty on a charge or case such as this one, what enacts the internal investigation and is this process standard?

I am not sure of what the question is in regards to "presumed guilty" but there is no presumption of guilt or innocence, but rather a need to investigate based on allegations or information presented. In this case, when the Chief of Police was made aware that the officer was being investigated by the Knox County Sheriff's Department, she requested an Internal Affairs case be opened. That is standard practice in such a matter and the results of the investigation are in the file supplied.

Committee Business and Concerns to be addressed:

Vice Chairperson, Jenaé Easterly informed the committee that Rules of Decorum will be sent out electronically for them to review and be prepared to vote on during the 2022-Q1 meeting.

Public Forum:

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

Community Updates:

No community updates were given.

Adjourn:

Committee member made a motion to adjourn the meeting. The motion was seconded by another committee member.