

POLICE ADVISORY AND REVIEW COMMITTEE MINUTES

Chairperson Cole called the meeting to order at 6:00 p.m. on July 23, 2009 at Bearden United Methodist Church.

Attending Committee: Chairperson Bill Cole, Vice-Chairperson Waneta Long, Bob Murrian, Ola Blackmon-McBride, Rev. John Butler, Lysette Aviles-Kok, Rabbi Schwartz

Not Attending:

Attending PARC Staff: Executive Director Avice Reid and Executive Assistant Lisa Chambers

Attending KPD/City of Knoxville Staff: Chief Sterling Owen, Attorney Ron Mills, Thomas Strickland

Chairperson Cole called the meeting to order and thanked United Methodist Church for allowing PARC to meet at their facility.

APPROVAL OF MINUTES

Chairperson Cole asked if committee members had reviewed the April 16, 2009 minutes. A motion was made by Reverend John Butler to approve the minutes and seconded by Lysette Aviles-Kok. By unanimous voice vote, the April 16, 2009 minutes were approved.

SPEAKING ENGAGEMENTS

Chairperson Cole reported on the following speaking engagements for the quarter:

May 7, 2009 PARC Presentation to KPD CPA class – Avice Reid

June 23, 2009 PARC Presentation to the University of TN, College of Social Work Class – Avice Reid

EXECUTIVE DIRECTOR'S REPORT

Executive Director Reid reported that the committee audited **twenty-seven** Internal Affairs Unit cases for the quarter. Of the **twenty-seven** cases, no officers or civilian employees were disciplined. One officer resigned before the investigation was completed. In **seventeen** of those **twenty-seven** cases, the Police Advisory and Review Committee and the Executive Director concurred with Internal Affairs' conclusions. The Committee and the Executive Director requested additional information on **ten** of the **twenty-seven** cases. The Committee and the Executive Director concurred with Internal Affairs findings after they received and again reviewed the additional information on **nine** of the **ten** remaining cases. When the Committee receives and has reviewed the requested information on the **one** remaining case, they will reevaluate that case for closure. There were four pending cases at the end of the 2009 first quarter. The information for those was received and reviewed by the Committee. Those four cases were closed.

Audits of KPD Policies and Procedures:

In order to adequately review cases and address citizen's concerns, the Executive Director and/or Committee Members reviewed and audited the following KPD policies and procedures during the quarter:

- Radar Enforcement
- Required Licensing for Dogs and Cats
- Standard Operating Procedures of the K9 Detail
- Collection, Handling, Documentation and Storage of Property Taken From Citizens During an Arrest
- Motorcycle Audio/Video Equipment
- Use of Force Directive
- Warrants for Residential Searches

Advocacy Activities for the Quarter:

The Executive Director continues to accompany residents to the KPD Internal Affairs Unit to file formal complaints and discuss related issues when the resident does not trust the process or is ill at ease and unsure of the process.

The Executive Director met with KPD's Internal Affairs staff to view tapes, discuss concerns and to get clarification on specific cases.

The Executive Director continues to encourage mediation between citizens and police to resolve issues that involve areas such as; understanding of laws, perceptions of professional behavior, lack of communication and actions or verbiage that may be perceived as threatening, rude or disrespectful.

The Executive Director continues to assist individual citizens and neighborhood groups in resolving their complaints by working with various police officers and KPD Units to effectuate a plan to concentrate on current neighborhood and individual concerns.

The Executive Director continues to serve on the Knoxville Police Department's Training Committee to be a vehicle for citizen input on future training projects as well as to continue to update KPD's recruit and in-service training.

Community Outreach for the Quarter:

The Executive Director met with Chief Sterling Owen and Mike Hill of the University Of Tennessee Law Enforcement Innovation Center to discuss collaboration between KPD, LEIC and PARC to produce a video to accompany the KPD/PARC brochure entitled "What To Do If Stopped By The Police". This brochure and video will be used when speaking to youth groups.

The Executive Director continues to meet with community members outside of the PARC office to discuss concerns, complaints and develop a plan for a successful resolution.

The Executive Director continues to meet with neighborhood associations to discuss neighborhood concerns and solutions. The Executive Director communicates this information to KPD for follow up.

Networking Activities for the Quarter:

The Executive Director met with K. T. Harper of the FBI for the purpose of resolving concerns involving civil rights cases that have been brought to the attention of PARC.

The Executive Director meets monthly with the East Tennessee Civil Rights Working Group. The East Tennessee Civil Rights Working Group is a networking group of community leaders, civil rights advocates, law enforcement agencies, and concerned citizens who work together to help detect and prevent hate crimes along with other civil rights violations like color of law crimes and human trafficking in their communities.

PARC SUBCOMMITTEE REPORTS

Audio/Video Subcommittee – Lysette Aviles-Kok & Waneta Long

Ms. Aviles-Kok explained that of the **twenty-seven** IAU cases reviewed for the quarter, the audio/video equipment was functioning properly in **nineteen** of those cases.

Of the **eight** remaining cases, the audio/video was not available because of the following reasons:

- 1 Case There was no audio/video because it was a motorcycle officer that made the stop. There is no audio/video equipment on the motorcycles.
- 1 Case There was no video due to the location of the vehicles. There was audio but it was not clear enough to hear the whole incident.
- 1 Case The audio/video was operating properly for all of the officers involved except for the transportation (paddy wagon) officer. He had no audio/video because his system ran out before the complainant was placed into the wagon.
- 1 Case There was no audio/video due to the officer's vehicles being too far away.
- 1 Case No audio/video because the officer was assigned to a Walking Patrol and was not within range of his vehicle.
- 1 Case There was a foot chase and the officer in training attempted to activate the microphone and thought it was on, but it was not. There was no video because the foot chase took them out of the range of the camera.
- 1 Case No Audio/Video because the officer was an investigator and working a second job. His vehicle does not have audio/video equipment like the vehicles assigned to patrol.
- 1 Case There was a problem with the Audio/Video when the Capt did the investigation. He asked Technical Services to find the problem. They determined that the officer's files did not upload until several days later.

In summary, there were no officers disciplined for violation of KPD's Audio/Video policy for the quarter.

Racial Profiling Subcommittee – Reverend John Butler & Rabbi Beth Schwartz

Reverend Butler reported that PARC had no alleged racial profiling complaints for the second quarter of 2009.

He added that PARC did have one pending alleged racial profiling complaint from the first quarter of 2009. The complainant did

not return the Citizen's Complaint Form with the additional information needed for the Executive Director to investigate. Therefore, the Executive Director has closed the case. Reverend Butler noted that if the complainant should send the necessary information at a later date, the case will be reopened.

Operations/Case Review Subcommittee - Bob Murrian & Ola Blackmon-McBride

Ms. Blackmon-McBride summarized, for the committee, the second quarter PARC Operations Report. She gave the total for new cases received in the second quarter as **27**. There were no neighborhood cases received in this quarter. She noted that the number of cases closed for the quarter was **17**. She explained the resolutions of the cases that were closed; **13** resolved by Executive Director, **3** resolved through mediation by the Executive Director and KPD, **0** Referrals to Appropriate Agencies and **1** resolved by KPD. She reported that there were **27** pending cases for the quarter. She noted that there was **1** PARC case referred to IAU for the quarter. The Committee reviewed **1** PARC to IAU case for the quarter and reviewed **26** IAU initiated referrals and/or cases for the quarter.

Mr. Murrian summarized, for the committee, the year-to-date totals of the PARC Operations Report. He gave the total of cases received for the year as **52** including **0** neighborhood cases. He noted that the number of cases closed for the year was **42** which included **1** case closed from 2007 and **16** cases closed from 2008. He explained the resolutions of the cases that were closed; **29** resolved by Executive Director, **7** resolved through mediation by the Executive Director and KPD, **0** were referred to the appropriate agencies and **6** were resolved by KPD. Mr. Murrian noted that the total cases pending for the year was **46** which included **19** cases from 2008. He reported that **2** PARC cases were referred to IAU for the year. The number of PARC to IAU cases reviewed by the committee for the year was **1** and the number of IAU Only referrals and/or cases reviewed by the committee was **39**.

CASE MATTERS TO BE ADDRESSED BY THE COMMITTEE

Chairperson Cole asked committee members if there were any specific issues, from the cases reviewed for the quarter that needed to be addressed. The following issues were discussed:

Chairperson Cole voiced concerns for the Committee regarding the availability of audio/video equipment for Motor (*Motorcycle*) Officers. He noted that when a complaint is received on these officers, it is hard to assess the complaint. He asked Chief Owen to address this issue.

Before addressing that concern, Chief Owen wanted to introduce/recognize members of his Command Staff that were in attendance. He introduced the following staff:

Deputy Chief Gary Price of the Criminal Investigations Division – Investigations.

Capt. David Rausch of the Patrol Division – He is the Patrol Commander for the west side. The West side area includes everything west of I75.

Lt. Eve Thomas of the Traffic Services Unit – This unit includes the motorcycle officers and has the responsibility of putting together traffic plans for special events such as football games, Boomsday, foot races and etc.

Officer Bobby Solomon of the KPD Property Unit – He is in charge of the unit, inside the police department, where confiscated property is stored once it has been taken off the street.

Lt. Ferguson, Sgt. Pappas and Sgt. Evans from the Internal Affairs Unit.

After those introductions, Chief Owen asked Lt. Thomas to discuss audio/video equipment for motor officers.

Lt. Thomas explained that currently there are 14 motorcycle officers. They do not have audio/video on the motorcycles but the motor officers are also issued patrol vehicles to use when there is inclement weather.

She explained that there are several issues that make it hard to put audio/video on motorcycles such as: motorcycle vibrations, heat, antennas and a secure location and space to mount the equipment. She noted that since January 2009 there had only been seven complaints on motor officers. In the year 2008, motor officers had 28,000 contacts with citizens and only 4 complaints. Chief Owen added that with those statistics, it is hard to justify putting audio/video on the motorcycles. He clarified that this did not mean that they were never going to put audio/video on the motorcycles, but it wasn't feasible at this time.

Reverend Butler asked that Chief Owen address the question of KPD's policy on searching private property when looking for a wanted person. Chief Owen asked Capt. Rausch to explain the policies.

Capt. Rausch explained that if the officers are pursuing a known wanted person and that person enters into a private residence, the law allows the officers to continue the chase.

He added that another scenario could be that the officers have knowledge that the wanted person could be at a specific residence and they can ask for permission to enter. The resident who comes to the door has the right to refuse to give the officers permission to enter. He noted that they have had circumstances where one officer will go to the front door and another officer may go to the back door of a house. The resident at the front door may deny that officer access but the resident who goes to the back door may give the other officer access. In this scenario, the officers can then enter the residence and search.

Chairperson Cole conveyed another concern from the Committee regarding the transfer and storage of personal property of an arrestee. Chief Owen asked Lt. Eve Thomas and Officer Solomon to explain the process.

Several committee members wanted to clarify that there were two different types of cases involving lost or damaged property and wanted both issues addressed. The details of the cases were discussed as to clarify what procedures should have been followed for each case.

Lt. Thomas explained the process officers follow when collecting personal property during an arrest. When a person is arrested, the officer tries to search them in front of the cameras and then place personal items on the hood of the cruiser. They usually send personal property with the arrestee, via the Paddy Wagon Driver, (sometimes in an evidence bag) to give to an intake officer. An arrestee's wallet may be searched and then put back in their pocket to take with them to the intake center.

Officer Solomon explained the extensive documentation that is required to process evidence/property collected by the officers and the protected storage of the property once it reaches the police department. If a person's property is proven to be damaged or lost by KPD, a form is filed with the City of Knoxville's Risk Management Department to determine the reimbursement amount for those items.

(Moved from Open Forum section)

Committee member Rabbi Beth Schwartz asked that an officer give her an example of what they consider to be a "Command Voice" when talking to a citizen. She added that she feels that the tone of voice that an officer sometimes uses is perceived as rude by the citizen. Capt. Rausch explained that it is a very direct tone of voice to get the person's attention and then he gave a brief demonstration.

Chairperson Cole asked if there were any other cases or issues that needed to be discussed by the Committee. There were none.

OPEN FORUM

Before open forum began, Chairperson Cole wanted to recognize Carol Scott who was in the audience. Ms. Scott served as the City of Knoxville's Executive Director of PARC from 1999 until her retirement in 2007. Ms. Scott commended the Committee and KPD for continuing to work together to resolve the concerns of Knoxville's citizens.

Chief Owen wanted to recognize Jack and Mae Moody. He explained that Jack and Mae have been a great deal of assistance to KPD for many years. They work with Citizen Police Academy (CPA) graduates and are now working at Safety City on behalf of 911. They have been very committed to helping Knoxville become a better city.

Ms. Moody wanted to tell everyone that they are now recruiting for their next CPA class and she encouraged anyone that had not been through the program to enroll. Executive Director Reid added that it is a requirement for all PARC members to complete the CPA Program.

Chief Owen asked to recognize his wife, Jolene, who was in attendance. Chairperson Cole added that Jolene Owen is serving as the Chairperson of the Knoxville Rescue Squad.

Chairperson Cole asked if anyone else had concerns they would like to have addressed. There was no response.

Meeting adjourned.

Respectfully Submitted
Lisa Chambers