PARC

POLICE ADVISORY & REVIEW COMMITTEE

2020 PARC Annual Report

CITY OF KNOXVILLE

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Creation of PARC

Mission & Purpose

Police Advisory & Review Committee

PARC was created by Executive Order on September 22, 1998 and was adopted by City Ordinance on May 29, 2001. It is designed to be an independent agency with the authority to review and/or investigate allegations of misconduct filed by the public against the Knoxville Police Department (KPD).

The Committee is composed of seven residents of Knoxville, appointed by the Mayor and approved by City Council for a term of three years. No member may serve more than two (2) consecutive terms.

Mission

The mission of the Police Advisory and Review Committee (PARC) is to provide Knoxville residents a civilian-oversight committee to audit the discipline process and the policies and procedures of the Knoxville Police Department.

Purpose

The purpose is to strengthen the relationship between the Knoxville citizens and the KPD, to assure timely, fair and objective review of citizen complaints while protecting the individual rights of police officers, and to make recommendations concerning citizen complaints to the Chief of Police and to the Mayor.

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POLICE ADVISORY & REVIEW COMMITTEE

COMMITTEE MEMBERS

Committee Members

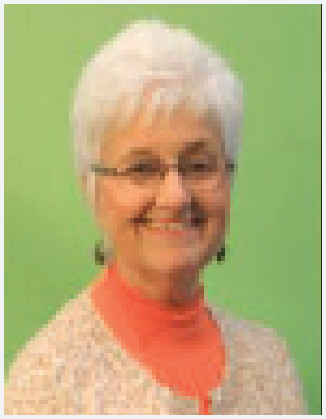
Police Advisory & Review Committee 2020

Rosa Mar, Chairperson
Community Volunteer

Jenaé Easterly, Esq.
Attorney

Leticia Flores, Ph.D.
Associate Professor

Ken St. Germain
Retired FBI Agent



Ann Barker , Esq.
Attorney

Jered Croom
Social Worker

Frank Shanklin, Jr.
Entrepreneur

PARC
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PARC Committee Members

Term Status

December 31, 2020

TERM STATUS OF COMMITTEE MEMBERS

Rosa Mar Community Volunteer	*Term to Expire June 30, 2021*
Jenaé Easterly, Esq. Attorney	*Term to Expire June 30, 2022*
Jered Croom Social Worker	*Term to Expire June 30, 2023*
Leticia Flores, Ph.D. Associate Professor	*Term to Expire June 30, 2022*
Ann Barker, Esq. Attorney	*Term to Expire June 30, 2021*
Ken St. Germain Retired FBI Agent	*Term to Expire June 30, 2023*
Frank Shanklin Entrepreneur	*Term to Expire June 30, 2022*

PARC
POLICE ADVISORY & REVIEW COMMITTEE

CHAIRMAN’S REPORT

Chair Report

Police Advisory & Review Committee
400 Main Street, Suite 538
Knoxville, Tennessee 37902

Rosa Mar
Chairperson

Jenaé Easterly, Esq.

Frank Shanklin

Jered Croom

Leticia Flores, Ph.D.

Ken St. Germain

Ann Barker

Staff:
LaKenya Middlebrook
Executive Director

Phone:
(865) 215-3869

Fax:
(865) 215-2211

E-mail:
lmiddlebrook@knoxvilletn.gov

Established by

Executive Order
September 22, 1998

&

Adopted by
City Ordinance

May 29, 2001

January 27, 2021

The Honorable Indya Kincannon, Mayor
Knoxville City Council
Eve Thomas, Chief of Police

Dear Mayor Kincannon, Council Members, and Chief Thomas:

Enclosed is the 2020 annual report of the Police Advisory and Review Committee (PARC) prepared in accordance with the City of Knoxville Ordinance Number 0-194-01 adopting the Police Advisory and Review Committee (PARC or the Committee) approved May 29, 2001.

In 2020, PARC received 39 cases, which is a significant decrease from the number received in 2019. Given the impact of the COVID-19 pandemic and the social engagement guidelines implemented to limit its spread, we are hesitant to compare data from 2020 to previous years. Regardless, PARC pledges to maintain its vigilance in resolving issues and complaints to improve upon the relationship between KPD and the community it serves.

The PARC closed a total of 39 citizen complaints in 2020, which includes 6 cases from 2019. Of the closed cases, 28 were resolved by the Executive Director, 1 was resolved through mediation by the Executive Director and KPD, 1 was referred to appropriate agencies and 1 was resolved by KPD.

This year presented significant challenges and opportunities for PARC. In addition to navigating the challenges of effectively continuing our work during a global health pandemic, PARC experienced staffing and committee changes. After several dedicated years of service, Executive Director Clarence Vaughn, III transitioned to a new career in April. Executive Assistant Ola Blackmon-McBride served as Interim Director through mid-July, until an Executive Director was selected. We are grateful to Mr. Vaughn and Mrs. McBride for their leadership of PARC and commitment to civilian oversight. On July 13, 2020, LaKenya Middlebrook assumed the role of PARC Executive Director. Ms. Middlebrook was in her fourth year as a PARC member and Vice-Chair of the committee.

In addition, Mayor Kincannon appointed new committee members who have skills, experiences and perspectives that will continue to support the effectiveness and credibility of our work. Jered Croom, a social worker, was appointed to a second term on the committee. Ken St. Germain, a retired agent with the Federal Bureau of Investigations, was appointed in July, and Jenaé Easterly, an attorney, was appointed to serve the remainder of the term vacated by Ms. Middlebrook. Each

Chair Report

new member has a history of service to the Knoxville community and brings useful insight to civilian oversight. New appointees to the committee received insight and training on Committee members' roles and responsibilities. Due to COVID-19, new appointees have not had the opportunity to participate in the Knoxville Police Department Citizens' Police Academy (CPA) but will complete the CPA when the program resumes.

Engagement with residents, community-serving organizations and law enforcement is critical to the work of PARC. While COVID-19 precautions have limited our ability to hold in-person public meetings or attend many of the events and activities that we traditionally attend, the Executive Director has continued to attend virtual events, help individuals navigate the complaint process, hear and address concerns regarding law enforcement and, when necessary, connect persons with the appropriate agency or department to address their concerns.

PARC members have reviewed and discussed during quarterly meetings a total of 12 Internal Affairs Cases and 11 Referral Action Forms provided by the Internal Affairs Unit of the Knoxville Police Department. When additional information was needed, PARC members submitted case evaluation forms with detailed questions pertaining to cases reviewed. The Knoxville Police Department Internal Affairs Unit has provided responses to the questions posed by PARC members. PARC members concurred with the findings in 20 of the cases reviewed and requested additional information in multiple cases.

Throughout the year, the Committee and the Executive Director strive to improve coordination and communication with the Internal Affairs Unit and senior staff of the KPD. KPD's participation in quarterly PARC meetings coupled with their willingness to answer questions and meet with citizens as a result of issues brought up at the meetings continues to be commendable. PARC's three subcommittees monitor cases specifically reviewing racial profiling, KPD audio/video equipment usage, and trends in complaints. The Executive Director meets with KPD's Internal Affairs staff regularly to discuss concerns and to obtain clarification on specific cases.

In 2020, PARC held two in-person quarterly meetings, at the Emerald Foundation Complex in Lonsdale and the City County Building, and two virtually via Zoom webinar. All PARC meetings air on Community Television and are archived on the Community Television website at CTVKnox.org. In addition to our quarterly meetings, PARC held its first workshop to discuss recommendations regarding police reform submitted by members of the community. PARC is fortunate to have support from many members of the Knoxville community. We have witnessed growing interest in community-police engagement, approaches to public safety, and civilian oversight. We appreciate the commitment of community members, advocates, law enforcement, elected officials and City staff to ensure we continue to build trust by prioritizing transparency and accountability.

On a final note, please be assured that PARC strives to ensure that its procedures, operations and communications are always courteous, respectful and in full

PARC
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Chair Report

compliance with the Tennessee Open Records Act, as well as other statutes and ordinances. As always, the Committee welcomes any input from the Mayor, City Council, Knoxville Police Department, and Knoxville residents. Any concerns or issues raised will be addressed and responded to in a timely manner. Attached to this letter is a comparative report of matters addressed by PARC and its Executive Director for the years 2019 and 2020.

Sincerely,

Rosa Mar, Chairperson
Police Advisory and Review Committee

PARC
POLICE ADVISORY & REVIEW COMMITTEE

EXECUTIVE DIRECTOR'S LETTER

Executive Director's Letter

For more than two decades, PARC has been committed to ensuring that policing in Knoxville reflects the needs of our communities. Central to this mission is providing an independent process for complaints, opportunities for information sharing, engaging the community in developing policies and procedures, and building fruitful relationships.

As a community, we faced significant challenges in 2020, and PARC was not immune from those challenges. Our ability to hold public meetings and engagement opportunities were drastically impacted by the pandemic. We experienced staffing changes and technological attacks on our City. Additionally, we experienced national events that forced many to begin to reckon with disparities in how communities are policed and sources of distrust in how we approach public safety. While these experiences have taken a toll on us individually and collectively, each also provided us the opportunity to consider the root causes of difficult challenges and how best to approach addressing them.

In the coming year, PARC plans to remain heavily involved in community-led groups and organizations that are focused on the betterment of the City of Knoxville. In addition to continuing to partner with community-led groups and organizations, PARC intends to engage with members of the community through safe in-person interactions and virtual/digital contacts. We will continue to process and investigate complaints, assist persons with navigating interactions with law enforcement, and advocate for effective training, policies and procedures within the Knoxville Police Department. In addition to complaints, we plan to provide opportunities to individuals to share insight into their experiences and expectations related to law enforcement and public safety. I am grateful to Mayor Kincannon for asking PARC to participate in the City of Knoxville's goals for reimaging public safety. I look forward to working with community members, service providers and City staff to shape a public safety approach that best serves our communities. Civilian Oversight provides community members and law enforcement with effective ways to enhance transparency and review best practices in maintaining a welcoming environment for all citizens.

As Executive Director of the Police Advisory Review Committee, I would like to thank our Knoxville City Mayor, City Council, and the Knoxville Community for their continued support

Respectfully,

LaKenya R. Middlebrook
Executive Director
Police Advisory and Review Committee

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POLICE ADVISORY & REVIEW COMMITTEE

REPORT OF OPERATIONS

Report of Operations

January 1, —

December 31, 2020

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POLICE ADVISORY AND REVIEW COMMITTEE

CITY OF KNOXVILLEREPORT OF OPERATIONS

	1/01/19 - 12/31/19	1/01/20 - 12/31/2020
1. TOTAL CASES BROUGHT TO PARC 9/22/98 TO PRESENT: 2579	85	39
2. TOTAL CASES CLOSED 9/22/98 TO PRESENT: 2555	79	39*
A) Resolved by Executive Director	53	28
B) Resolved by Mediation Executive Director & KPD	2	1
C) Referrals to Appropriate Agencies	11	1
D) Resolved by KPD	13	1
E) Resolved by Executive Assistant	0	0
F) Resolved by Executive Assistant & KPD	0	0
3. TOTAL CASES PENDING	6	3
4. PARC Cases Referred to KPD Internal Affairs Unit (IAU) for the year	3	1
5. IAU Cases Reviewed by PARC Executive Director & Committee	23	23
A) IAU Cases	12	12
B) IAU Referral Action Forms	11	11
6. IAU case conclusions concurred with the Executive Director & Committee without further review or questions	22	20
7. IAU case conclusions not concurred with the Executive Director or Committee members	1	
8. IAU cases reviewed by the Executive Director & Committee with additional information requested	16	

***Includes six cases closed from 2019**

PARC ORIGIN OF CASE COMPLAINANTS
Ethnic/Gender Origin of Case Complaints Received

	1/01/2019-12/31/2019		1/01/2020 – 12/31/2020	
Ethnic Background/ Origin	**Total #**	**%**	**Total #**	**%**
White Male	19	22%	6	15%
White Female	23	27%	10	26%
Total	**42**	**49%**	**16**	**41%**
African-American Male	18	21%	5	13%
Africa-American Female	14	16%	8	21%
Total	**32**	**38%**	**32**	**38%**
Hispanic Male	3	4%	0	0%
Hispanic Female	0	0%	1	2.5%
Total	**3**	**4%**	**1**	**2.5%**
Asian Male	0	0%	0	0%
Asian Female	1	1%	1	2.5%
Total	**1**	**1%**	**1**	**2.5%**
Native American Male	0	0%	0	0%
Native American Female	0	0%	0	0%
Total	**0**	**0%**	**0**	**0%**
Unknown Male	0	0%	2	5%
Unknown Female	0	0%	6	15%
Unknown	2	2%	5	13%
Total	**2**	**2%**	**13**	**33%**
Other Male	3	4%	0	0%
Other Female	5	6%	0	0%
Total	**5**	**6%**	**0**	**0%**
TOTAL	**85**	**100%**	**39**	**100%**

PARC NATURE OF CASES (YEAR-TO-DATE)
01/01/20–12/31/2020

(Note: Some complaints involve more than one type of allegation; therefore, the total may exceed the total number of complaints received)

Nature of Cases

Assault (Alleged or Attempted)	1
Conspiracy	1
Discrimination	1
Excessive Force	1
Failure to Arrest Person(s) Responsible for Crime	2
Failure to Perform Duty (In a Timely Manner)	1
Dissemination of Information	1
Employee Misconduct	1
Excessive Force	1
Failure to Arrest Person(s) Responsible for Crime	2
Failure to Perform/Provide Duty or Services	5
Failure to Return Personal Items/ Money, Items Taken By Officer	1
Failure/Refusal to Make/Complete A Report	2
Harassment	2
Illegal Search	1
Improper/Inappropriate Police Action	2
Improper Parking Enforcement	1
Inaccurate Information on Citation	2
Inappropriate/Unprofessional Conduct (Laughing, Profanity, Over-Reaction)	2
Intimidation/Antagonize	1
KPD Lack of Enforcement : Crowd Control	1
Performance of Duty	1
Police Misconduct	6

Privacy Violation	1
Profiling: Other	1
Rudeness – Courtesy Violation – Disrespectful Attitude	3
Racial Profiling	2
Unbecoming/Unprofessional Conduct	2
Unfair Treatment	1
Unlawful/Illegal Citation	1
Unsatisfactory Performance	1
Use of Force/Assault	3
Wrongfully Arrested	3
Total	**54**

POLICE ADVISORY & REVIEW COMMITTEE

KNOXVILLE CITY CODE CHAPTER 2, ARTICLE X

Ordinance No: 0-194-01

ARTICLE X. - POLICE ADVISORY AND REVIEW COMMITTEE

Sec. 2-1101. - Title and Authority.

(a) There is hereby created the police advisory and review committee for the city.

(b) The police advisory and review committee is established pursuant to the council's authority under article II, § 234 of the Charter of the city and § 2-7 of the Code of Ordinances of the city.

Sec. 2-1102. - Purpose.

The purpose of the police advisory and review committee is to strengthen the relationship between the citizens of the city and the city police department, to assure timely, fair and objective review of citizen complaints while protecting the individual rights of police officers, and to make recommendations concerning citizen complaints to the chief of police, the mayor and to the council.

Sec. 2-1103. - Members of the committee.

(a) The committee shall consist of seven (7) members, who shall:

(1) Possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service;

(2) Be qualified to vote in Knox County, Tennessee; and

(3) Not be a current employee of any governmental body except for those employed in the field of education.

(b) All committee members shall be appointed by the mayor and confirmed by the council. Initial appointments to the committee shall be made for the following terms:

(1) Two (2) members of the committee shall be appointed for one-year terms;

(2) Two (2) members of the committee shall be appointed for two-year terms; and

(3) Three (3) members of the Committee shall be appointed for three-year terms.

All subsequent appointments, except to fill vacancies, shall be for three-year terms. Vacancies occurring other than through the expiration of terms shall be filled for the remainder of the term of the member being replaced. No member appointed pursuant to this article may serve more than two (2) consecutive terms. Upon making the initial appointments to the committee, the mayor shall designate one (1) member of the committee to convene the first regular meeting of the committee. At its first regular meeting, the committee shall elect one of its members to serve as chairman. The chairman shall serve a term of one year or until a successor is elected. The chairman may appoint such other officers as deemed appropriate.

(c) Upon the recommendation of the majority of the committee or upon his own volition, the mayor, with approval of the council, may remove any member of the committee for official misconduct or neglect of duty including but not limited to neglect of any duty specifically enumerated in subsection (f) below. In addition, members who fail to attend three (3) consecutive

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POLICE ADVISORY & REVIEW COMMITTEE

Ordinance No: 0-194-01

regular meetings may be considered to have vacated their positions and may be replaced, as provided for herein. Members who cease to have the qualifications provided in subsection (a) of this section shall be deemed to have forfeited their position.

(d) No member of the committee shall receive compensation for services performed.

(e) Within six (6) months of being appointed to the committee, each member shall complete the citizen's police academy course offered by the city police department and such other training as may be deemed appropriate by the chief of police.

(f) Members of the committee shall at all times:

(1) Obey all laws regarding an individual's right to privacy and confidentiality of records;
(2) Maintain the integrity of internal affairs unit files, personnel files or other files, records or tapes received as a result of the work of the committee;
(3) Excuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest; and
(4) Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality and integrity of the committee, and refrain from making any inappropriate or prejudicial comments regarding any matter being reviewed by the committee or which may be reasonably expected to be reviewed by the committee.

Sec. 2-1104. - Committee staff.

(a) The committee shall be served by an executive director who is selected by the mayor and approved by the committee. Upon employment, the executive director shall be designated as a non-classified exempt employee of the department of community relations of the city. The executive director shall be provided with any necessary support staff or services that may be required in order to fulfill the duties and responsibilities of the position.

(b) The executive director shall be furnished with adequate office space, equipment and supplies to carry out duties imposed by this article.

(c) The executive director shall:

(1) Possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service;
(2) Be qualified to vote in Knox County, Tennessee;
(3) Not be a former employee of the city police department or the county sheriff's department; and
(4) Possess prior investigative experience such as would be possessed by an attorney or a law enforcement officer.

(d) The executive director shall at all times:

(1) Obey all laws regarding an individual's right to privacy and confidentiality of records;
(2) Maintain the integrity of Internal Affairs Unit files, personnel files or other files, records or tapes received as a result of the work of the committee;
(3) Excuse himself from participating in the review of any complaint in which he has a personal, professional or financial conflict of interest;

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(4) Conduct himself at all times in a manner that will maintain public confidence in the fairness, impartiality and integrity of the committee, and refrain from making any inappropriate or prejudicial comments regarding any matter being reviewed by the committee or which may be reasonably expected to be reviewed by the committee; and

(5) Comply with all rules and regulations applicable to other employees of the city.

Sec. 2-1105. - Powers and duties of the Executive Director.

(a) The executive director shall accept written, sworn complaints from members of the public regarding misconduct of police officers and shall forward these complaints to the commander of the internal affairs unit of the city police department (IAU) within three (3) working days. Upon receipt of any such complaint, the IAU shall immediately undertake an investigation of the allegations pursuant to the standard operating procedures of the city police department. The executive director may also accept unsworn or anonymous complaints and shall either attempt to resolve such complaints or, if warranted, refer the complaints to the IAU for investigation.

(b) Upon notification by the commander of the IAU that an investigation of an allegation of police misconduct is closed, whether such investigation was prompted by a complaint received by the executive director or otherwise, the executive director shall review the IAU file or the referral action form and determine whether the investigation is complete.

(1) If the executive director finds that the investigation is complete, he shall so report to the committee at its next regularly scheduled meeting, attaching to his report a copy of the IAU case summary or the referral action form and any documentation of disciplinary action pertaining thereto.

(2) If the executive director finds that the investigation is not complete, he shall so report to the committee at its next regularly scheduled meeting and shall include in his report an explanation of the specific information needed in his opinion for the investigation to be complete.

(c) At each of the regularly scheduled meetings of the committee, the executive director shall provide a report to the committee that details the resolution of any unsworn or anonymous complaints that the executive director is able to resolve without any investigation by the IAU.

(d) The executive director, in his discretion, may request legal services and advice from the law department. Where, in the judgment of the law director, the provisions of legal services and advice would constitute a conflict of interest with the law department's duties to the city or any department thereof, the law director shall so advise the executive director, who may then request the law director to provide outside counsel to the executive director.

(e) The executive director shall ensure the proper recording of the minutes of the committee, shall be responsible for the maintenance of proper records and files pertaining to committee business, and shall receive and record all exhibits, petitions, documents, or other materials presented to the committee in support of or in opposition to any question before the committee. The executive director shall also be responsible for complying with all statutes and city ordinances regarding notice of meetings and for

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providing complainants with information regarding the complaint process.

(f) The executive director shall be a notary public and shall be responsible for administering oaths to complainants and to witnesses.

(g) The executive director shall compile information concerning complaints of police misconduct and any information relevant thereto, whether such complaints are received by the IAU or by the executive director, and shall include such information in an annual report to the mayor, the chief of police and the council of the committee's activities.

Sec. 2-1106. - Powers and duties of the committee.

(a) The committee shall review all reports of the executive director submitted in accordance with the provisions of subsections 2-1105(b) and (c).

(b) After a finding by the executive director that an investigation is not complete, the committee, by a majority vote of its members, may:

(1) Request the chief of police to conduct a further investigation of the incident specifying additional information needed; or

(2) In the event the chief of police fails to conduct a further investigation as requested by the committee, direct the executive director to further investigate the incident.

Any additional investigative findings shall be reported to the committee. Upon completion of its inquiry, the committee shall report its written findings and conclusions to the chief of police, the mayor and the council.

(c) As it deems necessary to conduct its affairs in furtherance of its mandate, the committee shall have access to all public records of the city, including those of the city police department. Such records may include, but are not necessarily limited to, complaints and supporting documents provided by complainants, offense, incident and arrest reports, incident-related documents such as schedules, dispatch notes, dispatch tapes and transcriptions, citations, photographs and records of interviews with complainants, employees, and witnesses. The committee shall not have access to any nonpublic records of the city, including employee medical records, or any records that are otherwise exempt from disclosure.

(d) Based upon any specific findings and conclusions of the committee, the committee shall have the authority to make recommendations to the chief of police designed to improve police policies and activities and to benefit the community. The chief of police or his designee shall attend all meetings of the committee to provide information and advice to the committee and to accept the recommendations of the committee, if any.

(e) The committee shall, at least annually, compile a comprehensive report on its activities. The report shall contain statistics and summaries of citizen complaints, including a comparison of the committee's findings and conclusions with those of the IAU, along with the actions taken by the chief of police. The committee's annual report shall be submitted to the executive director for inclusion in his annual report to the chief of police, the mayor and the council.

(f) The committee, in its discretion, may request legal services and advice from the law department. Where, in the judgment of the law director, the provisions of legal services and advice would constitute a conflict of interest with the law department's duties to the city or any department thereof, the law director shall so advise the committee. The committee may then request the law director to provide outside counsel to the committee. In

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addition, where the executive director excuses himself from participating in the review of a complaint pursuant to § 2-1104(d)(3), the committee may petition the mayor to appointment a temporary assistant to perform the duties of the executive director.

Sec. 2-1107. - Procedure.

(a) The committee shall adopt rules of procedure for the transaction of committee business not inconsistent with the letter and intent of this article.

(b) Four (4) members of the committee shall constitute a quorum. No meeting of the committee shall commence or continue in the absence of a quorum, and a majority vote of those forming a quorum shall be required for any action by the committee except where otherwise specified in this article.

(c) Regular meetings of the committee shall be held no less than quarterly, on the first Wednesday of January, April, July and October or as the committee may otherwise elect. Any scheduled meeting may be rescheduled at the preceding regular meeting. The chairman and any three (3) members of the committee may call a special meeting of the committee upon at least five (5) day's notice.

(d) Committee meetings and records shall be open to the public. The committee shall provide an opportunity for public comment as to any investigation being reviewed by the committee pursuant to rules and regulations established by the committee.

(e) The committee shall have the power to subpoena witnesses to the IAU or to the executive director, as appropriate, and may utilize such power only when necessary to compel witnesses to provide statements in furtherance of an investigation.

Sec. 2-1108. - Limitations.

(a) The committee shall not review any investigation:

(1) Concerning any incident occurring prior to September 22, 1998;

(2) Prior to the closure of any IAU or criminal investigation;

(3) While the complainant, the officer(s) complained of, or any witness is actively engaged in pursuing any remedy provided by the rules and regulations of the civil service merit board of the city; or

(4) Where the complainant has initiated, threatened or given notice of the intent to initiate litigation against the city or any of its employees.

(b) The committee shall have no authority to direct the chief of police to alter or to impose any disciplinary action against any employee of the city police department.