Recommendations for Knoxville Criminal Justice Reform

By Knox County Democratic Party Progressive Action Committee
June 5, 2020

Executive Summary

Since the summer of 2017, the Knox County Democratic Party (KCDP) Progressive Action Committee (PAC) has been tracking issues related to police/community interaction through the PAC Criminal Justice Reform Taskforce. The Taskforce was formed in response to a May 2017 incident in which a North Carolina resident named Tonya Jameson was held at gun-point by off-duty Knoxville Police Department (KPD) Officer Matthew Janish while Ms. Jameson was changing the license plate of a vehicle she had bought in Jefferson City, TN.[1] Since that time, KPD officers have shot and killed multiple civilians under questionable circumstances, including Sierra McCauley in November 2018, who was naked and in the midst of a mental health crisis when shot by Officer James Gadd in South Knoxville,[2] and Channara Tom "Philly" Pheap in August 2019, who according to the preliminary autopsy report was shot in the back by KPD Officer Dylan Williams in North Knoxville.[3]

We believe these incidents occurred as a result of racial bias, excessive use of force, and/or insufficient mental health crisis intervention training of the officers involved. The fact that none of these incidents resulted in disciplinary action toward the officers involved, including when Knoxville's Police Advisory Review Committee (PARC) publicly recommended that disciplinary action should be taken, shows a failure of the incident review process and accountability systems currently in place.

To ensure public safety and prevent abuses of power such as these we urge adoption of the below reform measures related to KPD and PARC policies and practices:
- Improved and expanded cultural competency training for all KPD Officers, using a procedural justice framework and an examination of structural bias,
- Mandatory, annual crisis intervention training, including mental health and addiction-related crises, for all KPD officers, not just new recruits,

---

[1] https://www.knoxnews.com/story/news/crime/2017/07/27/black-woman-held-gunpoint-off-duty-officer-takes-case-kpd-review-panel/516043001/
[2] https://www.knoxnews.com/story/news/crime/2019/01/09/knoxville-police-shooting-sierra-mccauley/2530467002/
[3] https://www.knoxnews.com/story/news/crime/2019/10/24/knoxville-police-shooting-channara-pheap-autopsy-records/4077177002/

- Increased focus in cases of use of force on whether an officer's actions were reasonable, whether the officer engaged in de-escalation measures, and whether the conduct of the officer prior to the use of force increased the risk of a deadly confrontation,
- Institution of response to resistance policies that facilitate de-escalation and prohibit unnecessary use of force, including prohibition of maneuvers that cut off oxygen or blood flow, including chokeholds or carotid restraints,
- Transparency in the use of body cams and timely public access to body cam footage in incidents of use of force,
- Assessment and reform of PARC's purpose and processes to ensure accessibility and achievement of purpose,
- Provision of authority and additional paid staff for PARC to conduct parallel, independent investigations of cases/complaints prior to the cases being closed by KPD, and
- Establishment of a more proactive focus by PARC on identifying and addressing underlying and systemic issues in policing in Knoxville rather than remaining reactive.

In addition to the above, we support reduction of unnecessary detentions rather than establishment of a new KPD intake center in order to address overpopulation at the Knox County Corrections Facilities. This can be achieved by:
- Increasing support for pre-trial services programs,
- Strengthening liaison and partnership relationships between the local law enforcement agencies, mental health/social service agencies, and peer-to-peer crisis intervention experts in order to better identify which individuals could benefit from jail diversion and reduce direct KPD engagement with individuals experiencing a mental health crisis,
- Investing in people by exploring establishment of a wellness center, in partnership with community mental health, addiction, and homelessness service providers, that provides meaningful activities for individuals experiencing homelessness, substance abuse, and/or mental health challenges, and
- Acknowledging KPD's role in detainment of immigrants by US Immigration and Customs Enforcement (ICE) through the 287g program of the Knox County Sheriff's Office (KCSO) and avoiding detention of individuals with misdemeanor charges whenever possible, regardless of immigration or citizenship status.

Detailed recommendations on how to implement the above reform measures are outlined below this Executive Summary.

Contributors to this document include the following (in alphabetical order by last name):

- Brittany Bonner
- André Canty
- Allie Cohn, Leader, Democratic Socialists of America - Knoxville and Jewish Voice for Peace - Knoxville
- Moira Connelly, Leader, Allies for Knoxville's Immigrant Neighbors
- Michael Davis, Chair, KCDP Progressive Action Committee; Co-Representative, KCDP District 2
- Constance Every, Founder, Sleeves 4 Needs and Black Coffee Justice; Black Lives Matter Activist
- Denzel Grant, Founder, Men on a Mission
- David Hayes, Black Lives Matter Activist; City Council Movement Member
- Matthew Park, Candidate for State Representative District 15
- Amelia Parker, City Council Member At-Large Seat C
- Kimberly Peterson, Leader, Women's March Coalition of East Tennessee; Candidate for Knox County Commission District 5
- Elizabeth Rowland, Candidate for State Representative District 16
- Min. Wenona Russ, Concerned Citizen, Advocate for Police Reform

_____

The policies and practices of the City of Knoxville Police Department should be revised as follows:

1. **Cultural Competency Training for All KPD Officers:**
   a. We recommend that cultural competency training should be:
      i. Led by a trainer experienced in delivering cultural competency trainings for law enforcement, including the following minimum qualifications:
         - ideally one recommended by another civilian review body;
         - able to secure three positive references from past trainings, etc.
      ii. Required of all officers--new-hires and veterans
         - While quarterly cultural competency training during roll call meetings is welcomed, roll call meetings do not provide sufficient time for truly effective training and should not be used as a replacement for dedicated cultural competency trainings.
      iii. Inclusive, including information on interactions with members of the following community sectors: African American, Latino, Muslim and other religious minorities, LGBTQ+, disabled, senior citizens, English language

learners, individuals experiencing homelessness, youth/millennials, and immigrants (if community volunteers are used for this training, they should be compensated);

    iv. Community-based, including a "reverse ride-along" in which officers get an idea of what it is like to be African American in the community and to hear stories from community members about their interactions with law enforcement;

    v. Conducted on a frequent basis;

- Cultural competency is not something gained at a one-time training; it is something developed over time through multiple trainings and engagements.
- Cultural competency training should be provided via multiple avenues such as:
  - Field Training Officers training officers on cultural competency in the field
  - Community members doing training
  - Experienced cultural competency trainers doing training
  - Reverse-Ride-Alongs
  - Roll call trainings
  - New recruits trainings
  - More substantive, stand-alone cultural competency training for all officers

b. We recommend that cultural competency training should include:

    i. Space for attendees to recognize, reflect on, and feel remorse for their own bias

    ii. A holistic approach to the problem of bias, addressing not only individual bias of officers, but also structural issues and policies that are more prone to lead to a biased outcome

    iii. An understanding of procedural justice, identifying areas needing improvement in KPD practices and policies regarding communicating and following clear procedures (such as voluntarily sharing information including name, badge number, purpose of stop, and available complaint mechanisms) implemented in an equitable manner that will strengthen public confidence

c. If roundtables are used during the cultural competency training, each table should be led by an experienced facilitator guiding discussion

2. Crisis Intervention Training (CIT) for All KPD Officers:

a. We urge KPD to ensure that all KPD officers, both new recruits and veteran officers, are required to receive (and do receive) crisis intervention training, including mental health crisis as well as addiction crisis intervention.

b. In April 2017, the City of Knoxville, Knox County, KPD, and KCSO "committed to working with the Helen Ross McNabb Center to provide all officers with CIT training over the next two years." It is our understanding that new recruits receive 24 hours of CIT training, and that a 40 hour CIT certification is offered to all officers, but that veteran officers that have not received CIT are not required to receive it. We urge KPD to live up to its commitment that all officers, new recruits and veterans alike, receive CIT. Further, we recommend that CIT is carried out on an annual basis with all officers to ensure that their crisis intervention skills stay current.

3. **Evaluation of Response to Resistance (Use of Force) Based on Beliefs and Actions of Officers:**

a. We recommend that KPD add to its training for officers a recognition that non-compliance is not necessarily aggression that requires an escalating use of force. Someone not complying with an officer's request is not necessarily an admission of guilt nor an act of aggression. It may simply be an individual's effort to protect their rights.

b. We recommend that when an officer claims justifiable use of force, their use of force should be evaluated on two levels. First, was the officer's belief in the need to use force to protect against a threat of death or serious bodily injury honest and reasonable? And second, were the officer's actions reasonable?

Focusing on actions as well as beliefs is very important for several reasons. If the focus is solely on the officer's beliefs, the question becomes simply whether the officer's fear was reasonable. Given the difficult job police officers do, it is too easy to conclude that an officer's fear was reasonable.

If the focus is on actions as well as beliefs, however, the fact finder can get beyond an assessment of the officer's fear. In assessing the reasonableness of the officer's actions, the fact finder should consider whether the officer engaged in de-escalation measures and whether the conduct of the officer prior to the use of force increased the risk of a deadly confrontation.[4]

---

[4] Language for this bullet point quoted from article written by Cynthia Lee, professor of law: https://www.usatoday.com/story/opinion/2018/11/15/jemel-roberson-killed-deadly-force-require-police-de-escalation-column/2002341002/

4. **Institute Response to Resistance Policies that Facilitate De-escalation and Prohibit Unnecessary Use of Force**
    a. In order to avoid unnecessary use of force, we recommend that KPD ensure the following measures are in place[5]:
        i. Require officers to de-escalate situations, where possible, through communication, maintaining distance, slowing things down, and otherwise eliminating the need to use force.
        ii. Prohibit officers from using maneuvers that cut off oxygen or blood flow, including chokeholds or carotid restraints, which often result in unnecessary death or serious injury.
        iii. Require officers to intervene and stop excessive or unnecessary force used by other officers and report these incidents immediately to a supervisor.
        iv. Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.
        v. Limit the types of force and/or weapons that can be used to respond to specific types of resistance and specific characteristics such as age, size, or disability.
        vi. Require officers to exhaust all other reasonable means before resorting to deadly force.
        vii. Require officers to give a verbal warning, when possible, before using serious force such as shooting, tasing, or pepper spraying someone.
        viii. Require officers to report each time they use force or threaten to use force (e.g., pointing a gun at a person).

5. **Transparency in the Use of Body Cams:**
    a. As the KPD rolls out the use of body worn cameras, or "body cams", for police officers, it is crucial that the public have timely access to the video footage, especially after incidents of use of force. Such transparent, timely access to video footage will help build public trust in the system, while delayed release of footage could lead to a loss of trust and speculation of worst-case scenarios among impacted communities.
    b. While it is important to have transparent, timely release of body cam video footage to the public, it is also important to protect the privacy of individuals inadvertently caught on camera.

---

[5] The following list related to use of force was drawn from https://www.obama.org/mayor-pledge/

    c.   KPD Administrative Memorandum EMT 19-09 (memo starts on page 6 of link) with the subject of "Body Worn Cameras" states that "[r]elease of body worn camera files will follow the same procedures as described in General Order 2.16 , In-car Recording Equipment." GO 2.16 seems to state that recordings may not be released to the public unless the Chief of Police authorizes as such, even in "[u]nusual or exceptional incidents".

    d.   We urge KPD to develop a more detailed policy that lays out more transparent standards for when a recording of an incident of use of force could be released. Leaving the matter entirely to the discretion of the Chief of Police greatly reduces the level of transparency, when the body cam policy should be intended to increase transparency. Some police reform advocates already see body cams as another way to surveil marginalized communities, and not providing transparent public access to those recordings after incidents of use of force will only reinforce that fear.

    e.   We also believe it is important to note that not all police reform advocates support investing in body cams when so often, across the US, even the existence of video footage that clearly shows excessive use of force by law enforcement officers has not resulted in punishment of the offending law enforcement officers. Many police reform advocates instead support investing those funds into community building, education, and job training programs - programs that can help prevent crime from occurring in the first place.

6. **Reduce Unnecessary Jail Detention:**
    a.   We support reduction of unnecessary jail detentions rather than establishment of a new KPD intake center in order to address overpopulation at the Knox County Corrections Facilities. It is not necessary to spend more money on incarcerating our community members when that money could be better spent investing in people and communities as well as mental health and addiction services - investments which can help reduce incidents of criminal activity in the first place.

    b.   As outlined in the Justice Planners' "Jail Population & Justice System Analysis" commissioned by the Knox County Commission,[6] the Knox County Corrections combined secure facilities (jail, detention facility, and work release center) population increased 30.6% from 2015 to 2019 (YTD as of the report). Approximately 80% of the Knox County Corrections population is made up of pretrial detainees. According to the Sycamore Institute, Knox County has the

---

[6] https://compassknox.com/wp-content/uploads/2019/09/10093_Knox_Jail_Needs_Assess_Deck_9-16-19-1.pdf

third highest rate of pretrial detention out of all 95 counties in Tennessee, and by far the highest rate for any major city. The Tennessee state average is 51.9%.[7]

    i.   According to the Justice Planners report mentioned above, 20.4% of the average daily population (ADP) in Knox County Corrections Facilities were identified as having a mental health issue, though no details on diagnosis or acuity were provided. This population's average length of stay (ALOS) is over two and a half times the ALOS of detainees without identified mental health issues. Individuals with mental health issues should be diverted to appropriate facilities rather than placed in a Knox County Corrections facility.

    ii.   In addition to detainees with mental/behavioral health issues, some detainees in the Knox County Corrections Facilities are being held for US Immigration and Customs Enforcement (ICE) under the 287(g) program and/or the Knox County Sheriff's intergovernmental services agreement with ICE, which reserves bed space in the jail for people detained by ICE. This also unnecessarily adds to facility overcrowding.

c. **The City of Knoxville and KPD must do their part to reduce overcrowding of the Knox County Corrections facilities**, which is where all KPD detainees must go once arrested since there is no City of Knoxville intake center. We recommend:

    i.   Working with the Knox County Sheriff's Office and the Knox County Commission to implement some of the diversionary programs, such as increased support for the Pretrial Services Program, recommended in the Justice Planners September 2019 report to Knox County Commission.

    ii.   **Increasing the number of low-level offenders with behavioral health issues who benefit from jail diversion programs**, such as the Behavioral Health Urgent Care Center (also known as the "Safety Center"), by:

- Requiring all officers to complete crisis intervention training so that they are better equipped to identify individuals experiencing a mental health crisis, diffuse the situation, and then safely transfer them to diversion programs, and
- Strengthening liaison relationships between the local law enforcement agencies and mental health and social service providers in order to better identify which individuals could benefit from jail diversion and to ensure that treatment options account for risk factors that could lead individuals to reoffend.

---

[7] https://www.sycamoreinstitutetn.org/wp-content/uploads/2019/03/Pre-Trial-Detention-in-Tennessee.pdf

iii. **Reducing direct KPD engagement with individuals experiencing a mental health crisis** by relying more on or partnering with peer-to-peer and mental health crisis intervention experts.

iv. **Investing in people** by exploring establishment of a wellness center in partnership with community mental health, addiction, and homelessness service providers that provides meaningful activities for individuals experiencing homelessness, substance abuse, and/or mental health challenges. Studies have shown that providing a safe and supportive environment in which individuals can participate in activities that add meaning and value in their lives, such as art, music, exercise, job training, etc., can help prevent potential criminal behaviors and future engagement with law enforcement. Such a center could also be a good way for service providers to build relationships with at-risk individuals as well - relationships which could be beneficial for engaging those individuals in longer-term treatment plans or if they have subsequent encounters with law enforcement.

v. **Acknowledging KPD's role in detainment of immigrants by US Immigration and Customs Enforcement (ICE) through the 287g program** of the Knox County Sheriff's Office (KCSO) (seeing as the majority of people booked into the Knox County jail are arrested by KPD officers) **and avoiding detention of individuals with misdemeanor charges whenever possible**, regardless of immigration or citizenship status.

The policies and practices of the City of Knoxville's Police Advisory & Review Committee (PARC) should be revised as follows:

   7. **PARC Complaint Process**
      a. **An independent investigation of cases should be conducted by PARC in addition to the Knoxville Police Department (KPD) Internal Affairs Unit (IAU) investigation.** PARC should not rely on the report of the KPD IAU. (2-1105a)
         i. PARC should interview any civilians, witnesses, and officers involved.
         ii. PARC should have access to the IAU investigation after PARC's own investigation is complete, so as not to bias PARC's independent investigation.
         iii. PARC should be able to include a notation in an officer's file related to PARC's conclusion regarding civilian complaints.

        iv.   Additional paid PARC staff should be hired in order to enable effective and timely independent PARC investigation of all complaints brought to PARC.

   b. **The City of Knoxville should establish some form of enforceability of PARC's case reviews and recommendations.** If the KPD Chief of Police rejects PARC's recommendations, some next step (such as independent mediation) towards accountability, equity, and change, should be required.

   c. **The complaint form needs to be changed to establish equity between complainant and law enforcement.**

        i.   Remove line about threat of lawsuit if false statements made, and instead include something like this example from the Albuquerque Police Review:

           ● The information provided in this statement is true and factual to the best of my knowledge. I understand I may be required to appear in the Civilian Police Oversight Agency Office for an interview or to provide other investigative assistance, as necessary.[8]

        ii.   Remove or provide options for "type of complaint" box. It is unclear what this is asking. Clear choices should be named, such as: excessive use of force, racial bias, etc.[9] Also, allow for complainants to select more than one option. Recommend looking through past complaints and ensuring the categories match-up or are current based on the types of complaints received.

        iii. Make "Badge ID" and "Officers Name" field optional or say "If known"; provide a box for a description of the officer in the case the complainant does not know the name or badge number.[10]

        iv. Add a box asking the complainant: "Did you require medical attention during or as a result of this incident?"[11]

        v.   Identify and provide the public with a list of trained community agencies that are willing to help with completion of the complaint form.[12] Include on

---

[8] http://www.cabq.gov/cpoa/documents/CPCForm2.pdf

[9] Atlanta CRB identifies these categories: abusive use of language; false arrest; false imprisonment; harassment; use of excessive force; serious bodily injury; or death that is alleged to be the result of the actions of a sworn employee of the Atlanta Police Department or the Atlanta Department of Corrections; a wide range of discrimination, discriminatory reference; abuse of authority; an officer's conduct; retaliation; failure to provide identification.

[10] https://charlottenc.seamlessdocs.com/f/Misconduct

[11] http://www.city.cleveland.oh.us/sites/default/files/forms_publications/citizen_complaint_form.pdf

[12] From Albany, NY Citizen's Complaint Police Review Board: "The Board recognizes that completing the Citizen Complaint Form and submitting or filing such complaint can be intimidating and stressful. The Board, therefore, has arranged with supportive civic groups and organizations to provide assistance in

the website and form a statement about how complainants can get assistance with translations.[13] A Spanish language version of the form and instructions should be available.

d. PARC should post all civilian complaints to be accessible to the public via the PARC website, redacting identifying information of any civilians, and including: status of complaint, result of investigation, recommendations by PARC, and response by KPD.[14]

8. **PARC's existence, purpose, and processes need to be more accessible and assessed for achievement of purpose.**

a. **PARC Name:** Change the name of PARC to clarify the purpose and mission of the committee. Leading with the word "Police" does not give the indication this is a place for civilian complaint. The current name communicates this is a place for Police. Include words like Civilian, Community, Oversight, Complaint, Independent Review. (e.g., Civilian Complaint Review Board (New York City)). We also recommend avoiding the use of the word Citizen in the title of the organization, because such wording might deter noncitizen residents of Knoxville from availing themselves of the PARC complaint/review system (e.g., Citizen Review Board - Charlotte, NC).

b. **PARC Purpose:** Article X Section 2-1102 of the City of Knoxville Ordinance 0-194-01 that established PARC states PARC review exists "while protecting the individual rights of police officers" but never mentions the rights of civilians. We recommend a change in the language to communicate equity of officers and civilians.

c. **PARC Outreach:** We understand that PARC already responds to invitations by community groups to speak. We believe that not enough community outreach is done, however, considering the vast number of people in Knoxville that do not know PARC exists. We recommend that PARC engage in a concerted, proactive, and ongoing publicity campaign to inform the community about the existence and purpose of PARC, with at least one community engagement per week, or approximately 12 per month. Such engagement can include schools (high

---

filling out the Complaint Form and in following up the complaint process. The Board believes that these good faith offers of assistance to individuals who wish to lodge a complaint will serve not only the individual, but also the community at large and the Albany Police Department."
https://www.albanyny.org/Libraries/Boards_and_Commissions/2016Aug12_CO_Eng_Vers_FINAL.sflb.ashx

[13] See Dunn on the importance of inclusivity and accessibility regarding immigrants

[14] Philadelphia is doing this: http://www.philly.com/philly/news/crime/philly-to-post-civilian-complaints-against-police-20170802.html

schools, colleges, and community college campuses) as well as visits to targeted neighborhood and community organizations, particularly in those communities historically most affected by police bias (homeless, disabled, LGBTQ, refugee, immigrant, people of color, mentally ill, etc.). If PARC only speaks reactively to groups that request, then PARC is not reaching those who truly need to hear about PARC - those who don't even know PARC exists or those who may have a lack of trust in PARC and/or KPD.

d. **PARC Assessment:** We recommend PARC develop a process for assessing whether it is meeting its goals related to "ensur[ing] timely, fair and objective review of citizen complaints", such as by conducting pre- and post-surveys of complainants.

   i. There is very little research on this, though it is proven to be ineffective to perform this research once time has lapsed (eg., doing a follow up survey every x number of years).[151617] We recommend that surveys of closed complaints be completed every quarter or every year to ensure accuracy and timeliness.

   ii. Surveys should assess satisfaction of complainants with the complaint and resolution process and seek suggestions for improving the system. For example, such surveys could include questions evaluating the program's:
      - integrity (whether the complaints process is fair, thorough, and objective);
      - legitimacy (how the complaints processes are perceived); and
      - learning (feedback from the process contributes to improvements).

e. **PARC Promotional Materials:**
   i. We recommend PARC's promotional materials and meeting announcements be redrafted to be better targeted to the audience that should be receiving them. Rather than providing an institutional description of PARC, the materials should focus on the needs/concerns of

---

[15] "There are a number of criteria that can be used for assessing the success of oversight agencies which can be measured using methods such as audits, reviews and surveys. These include: - integrity (whether the complaints process is fair, thorough, and objective); - legitimacy (how the complaints processes are perceived); - learning (feedback from the process contributes to improvements)." (Miller)

[16] See Buffone, et al: "Improving the Police Complaints System: Stakeholder Collaboration as a Vehicle for Systems Change." for insight into an exercise in this, including errors in their methodology and approaches, e.g. inviting police to the forum but not asking them to remove their weapons and vests, so the feedback environment was threatening to citizens.

[17] See Dunn: "The survey [in Cleveland, Ohio] found that the former complainants held overwhelmingly negative views of their experience with the citizen complaint and Police Review Board process."

civilians in relation to the police and how PARC can help address those needs/concerns. The materials should use plain, simple, direct language.

ii. We recommend that PARC materials be available at least in Spanish and perhaps in other languages such as Arabic and Kirundi. Additionally, a person able and willing to act as a Spanish-language translator should be present at PARC meetings.

iii. We recommend that PARC promotional materials be distributed to a variety of locations around the city so that civilians have a greater likelihood of coming across them, for example, at libraries, churches, grocery stores, gas stations, etc.

f. **PARC's Online Presence:**

i. PARC website should be updated to include votes of members, or this functionality (which isn't currently populated with votes) should be removed from the website if it is not utilized.

ii. Minutes of all meetings should also be posted on the website, rather than minutes of only the most recent meeting, as is currently the case.

iii. PARC meeting times/locations should be posted at least 30 days in advance on the PARC website in order to promote awareness of and attendance at the meetings. It is not sufficient to direct visitors of the PARC website to the City's Events Calendar, because that calendar is not searchable by PARC. As such, one would have to go individually through each day of each month on the calendar to find PARC meetings that may or may not yet be posted. Few people would take the time to do this, and if they did, they would likely end up frustrated.

iv. We recommend changing the name of the City of Knoxville PARC website to include the full title of the organization with the acronym in parentheses. If one searches for "Knoxville police review committee" on Facebook, currently only the KPD Facebook page shows up in the search. One must correctly type the acronym Knoxville PARC in order for the PARC Facebook page to show up.

g. **PARC Meetings:**

i. We recommend PARC invite a community leader to present on police-civilian relations in their community as a formal part of the agenda during every PARC meeting. This leader should be from the community in which PARC is meeting. Such a community leader presentation will help to provide the community perspective at PARC meetings, rather than just the police perspective. Effort should be made to find a community leader that understands and truly represents the views and interests of their community members, so their presentation can be accurate and

informative. Examples of such leaders might be religious leaders, non-profit leaders, community activists, neighborhood association leaders, etc. The community leader should sit at the table with the other speakers during the entire PARC meetings to show equity.

   ii. We recommend that PARC committee members provide their reports during PARC meetings in a more narrative way so it is easier for the audience to understand what they are talking about. Specific police terms and acronyms that may not be known commonly should be defined.

h. **Proactive PARC:** We recommend PARC establish a proactive focus on identifying and addressing underlying and systemic issues in policing in Knoxville rather than remaining reactive.[18][19]

   i. We understand that the Executive Director role can at times be considered proactive. We recommend enshrining the Executive Director's proactive role into the PARC Charter to ensure it is sustained across city administrations.

   ii. If there is a federal investigation or court case against a KPD officer or if a KPD officer's actions result in a conviction of a civilian being overturned but a corresponding complaint has not yet been brought to PARC by the complainant, we recommend that PARC proactively look into the matter. Too often the KPD has used the lack of a PARC or IAU complaint as an excuse to not address a matter, even when an officer has been convicted or chastised by the courts. (Eg., Officer Thomas Turner and Officer Richard White[20])

9. **PARC Director & Committee Members:**
   a. In addition to completing Citizen's Police Academy (2-1103e), the Executive Director and PARC committee members should complete both initial training and annual continuing education related to matters of civilian police review from a non-police perspective. For example, we recommend the PARC Executive Director and committee members complete training and attend conferences by

---

[18] "Approaches to police misconduct by oversight agencies also include a proactive focus on identifying and addressing underlying systemic problems within police organizations. However, a proactive approach to police misconduct is often neglected in the activities of civilian oversight mechanisms, though there are some good examples where this approach has been embraced" (Miller)

[19] See Dunn: "The very essence of a citizen complaint system is meant to give voice to the grievances of citizens. Citizen complaints against police are intended to serve as an early warning system to alert government officials and police administrators to potential problems in officer conduct, enabling administration to identify and address such problematic behavior before it reaches a critical stage."

[20] https://www.knoxnews.com/story/news/crime/2018/04/03/appellate-court-kpd-officer-third-time-illegally-detained-black-man-drug-probe/464615002/

organizations such as NACOLE (National Association for Civilian Oversight of Law Enforcement). If more funding is necessary to send the Executive Director and PARC committee members to NACOLE conferences, or to bring a NACOLE trainer to Knoxville, then we recommend that such funding be allocated. The Executive Director should pre-approve training and document completion of training.

b. As mentioned in recommendation 6.a.iv above, additional paid PARC staff should be hired in order to enable effective and timely independent PARC investigation of all complaints brought to PARC.

c. Members of the Committee (2-1103)

    i. The PARC Committee should include at least one person who has previously experienced the criminal justice system by arrest or incarceration and one person who is a high school or college student.

    ii. The PARC Committee should be appointed by a plurality of people, not just the Mayor. Other possibilities include independent appointments by City Council, The Office of Neighborhoods, etc.

    iii. PARC Committee members, in addition to not being employees of any governmental body, should not be the spouse, cohabitating partner, parent, or child of a current or former KPD law enforcement officer (LEO). They themselves should also not be a former LEO.

    iv. Members of the committee should reach out to the community they are purported to represent prior to each PARC meeting and report at the PARC meetings what they have learned/heard.

Recommendations for Future Consideration

While the above document outlines detailed recommendations in a wide variety of areas related to improving KPD and PARC policies and practices, we want to point out several other areas of importance not fleshed out in this document that we plan to explore in more detail in subsequent conversations and recommendation documents, including issues that apply to the KCSO.:

● **Elimination of money bail** - We support elimination of the money bail system and replacing it with more equitable alternative methods to ensuring individuals awaiting trial do not pose a flight risk. The existing money bail practice reinforces economic inequity in the criminal justice system by allowing people with the financial means to avoid pre-trial detention, while forcing others without the financial means to spend more time detained and away from their families, jobs, and communities.

- **PARC for KCSO** - We support expansion of PARC or establishment of a civilian review board to review civilian complaints related to the KCSO. Currently, individuals that have complaints against KCSO have no formal avenue for registering their complaints or seeking remediation.
- **Elimination of 287(g)** - We support ending KCSO's voluntary involvement with ICE through the 287g program and the intergovernmental services agreement under which KCSO provides bed space for ICE detainees.
- **Better tracking of data on the mental health status of Knox County Corrections Facility detainees -** More detailed data on the types of mental health and addiction challenges detainees face can help inform policy makers on who are in our detention facilities, what impacts policies are having on them, and where improvements need to be made. Data collected should include the number of detainees with mental illnesses, addictions, or other health problems; type/diagnosis and acuity of their conditions; their length of stay once incarcerated; their connection to treatment; and their rate of re-arrest. This data should be collected in such a way that it can be analyzed at a system level.[21]
- **Bring back face-to-face visits to Knox County Jail** - Since April 2014, the KCSO has kept residents of the Knox County jail from receiving in-person visits. Instead, jail visitors must interact with residents through a video kiosk located inside the facility, or pay $5.99 to set up a remote video call (with 50% of the revenue going to the County). KCSO has claimed the ban improves jail safety and security, but has provided no data to back up his claim. Meanwhile, the American Correctional Association instructs jails to adopt "family-friendly policies" that preserve in-person visitation wherever possible. We urge KCSO to bring back in-person visits to Knox County jail.
- **Review and consider rescinding ordinances that provide excessive discretion for making arrests:** Offenses such as disorderly conduct provide wide discretion for officers to make arrests. The City of Knoxville's panhandling ordinance criminalizes the unhoused. Consider reevaluating these ordinances to reduce unnecessary arrests.

Bibliography

NACOLE: http://www.nacole.org/
Charlotte, NC: http://charlottenc.gov/CityClerk/Pages/CitizensReviewBoard.aspx
New York City: https://www1.nyc.gov/site/ccrb/complaints/file-complaint.page

---

[21] These recommendations were inspired by information provided in the Justice Planners report to Knox County Commission as well as this article titled "Reducing the Number of People with Mental Illnesses in Jail: Six Questions County Leaders Need to Ask": https://stepuptogether.org/wp-content/uploads/2017/01/Reducing-the-Number-of-People-with-Mental-Illnesses-in-Jail_Six-Questions.pdf

Atlanta, GA: http://acrbgov.org/

Buffone, Sonya, Allison Chenier, Jennifer L. Schulenberg, and Damian Sycz. 2017. "Improving the Police Complaints System: Stakeholder Collaboration as a Vehicle for Systems Change." *American Journal of Criminal Justice : AJCJ* 42 (2): 293-313. doi:http://dx.doi.org/10.1007/s12103-016-9360-8. https://ezproxy.pstcc.edu:3443/login?url=https://search.proquest.com/docview/1892585105?accountid=34788.

> "All Forum recruitment, structure, and process activities were oriented around achieving five objectives. These were: 1. To engage newcomers, youth, racialized, and low-income persons in an open dialogue with all stakeholders on the new police complaints system. 2. To foster exploration on whether the mechanisms in place support raising awareness and education as critical elements of the system, investigate how this is being done, who is involved, and the measures in place to ensure accountability, accessibility, and transparency. 3. To bring together the community and experts across traditional boundaries of power, education, status, culture, and gender to work together to evolve the police complaints system. 4. To create an inclusive space for dialogue between the police, community, and policymakers to achieve the goal of identifying suggestions for system improvement. 5. To conduct a process evaluation of the Forum as a vehicle for collaborative systems change. The Forum was structured to foster engagement on issues related to public outreach awareness and education mechanisms, to investigate what is currently occurring throughout the investigation process, who is involved, and what active measures are in place to ensure accountability and transparency of the police complaints system. Delegates collaboratively identified the challenges and strengths of the current OIPRD structure and process to serve as the basis to make recommendations for system change."

Dunn, Ronnie A. 2010. "Race and the Relevance of Citizen Complaints Against the Police." *Administrative Theory & Praxis* 32 (4): 557-577. https://ezproxy.pstcc.edu:3443/login?url=https://search.proquest.com/docview/847543051?accountid=34788.

Miller, Joel and Cybele Merrick Vera Institute of Justice. "CIVILIAN OVERSIGHT OF POLICING: Lessons from the Literature." 2002. *Global Meeting on Civilian Oversight of Police.* https://storage.googleapis.com/vera-web-assets/downloads/Publications/civilian-oversight-of-policing-lessons-from-the-literature/legacy_downloads/Civilian_oversight.pdf