

Office of Professional Standards 2020 Annual Report and Analysis



Kalamazoo Public Safety

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Introduction

Kalamazoo Public Safety's (KDPS) Office of Professional Standards is responsible for the investigation of employee misconduct complaints, policy review, policy compliance, police accreditation, and hiring/recruiting. It additionally serves as a liaison between Kalamazoo Public Safety and the Citizen's Public Safety Review and Appeal Board (CPSRAB). The Office of Professional Standards is comprised of one to two Inspectors, who report to the Office of the Chief.

The following report is designed to summarize and analyze the 2020 internal affairs administrative investigations, as well as, the department's use of force incidents, vehicle pursuits and foot pursuits. This report serves to further the mission of the Office of Professional Standards by accurately and transparently presenting data as part of the meaningful review process. While this report provides data on the number of incidents in each area, it also aims to identify trends and evaluate the need for additional training or policy revisions.

Office of Professional Standards- Internal Affairs (MLEAC 1.3.1)

The mission of the Office of Professional Standards is to protect the public, the employee, and the department through fair, thorough, and proactive investigations of alleged misconduct. This mission is intended to accomplish three objectives:

- Protection of the public by identifying and effectuating corrective action of department personnel and changing procedures that negatively affect the quality of life in the City of Kalamazoo.
- Protection of the department by taking appropriate action so that misconduct of a few will not detract from the overall reputation of Kalamazoo Public Safety.
- Protection of the employee against false or malicious allegations of misconduct by ensuring fairness and accuracy in all investigations.

KDPS classifies its internal affairs investigations into three categories: Inquiries, Police-Citizen Relations (PCR) Complaints and Internal Investigations. Inquiries are typically handled by mid-level supervisors and are usually not investigated by the Office of Professional Standards. It should be noted that all inquiries and their respective outcomes are reviewed by the Office of Professional Standards to ensure consistency and fairness within the process. Furthermore, by monitoring inquiries we can analyze trends that may lead to larger issues if not addressed appropriately. PCR's and Internal Investigations are typically investigated by the Office of Professional Standards. An investigation can include interviewing the complainant, the involved officers, and reviewing camera footage to determine if policy violations exist that would warrant discipline or additional training.

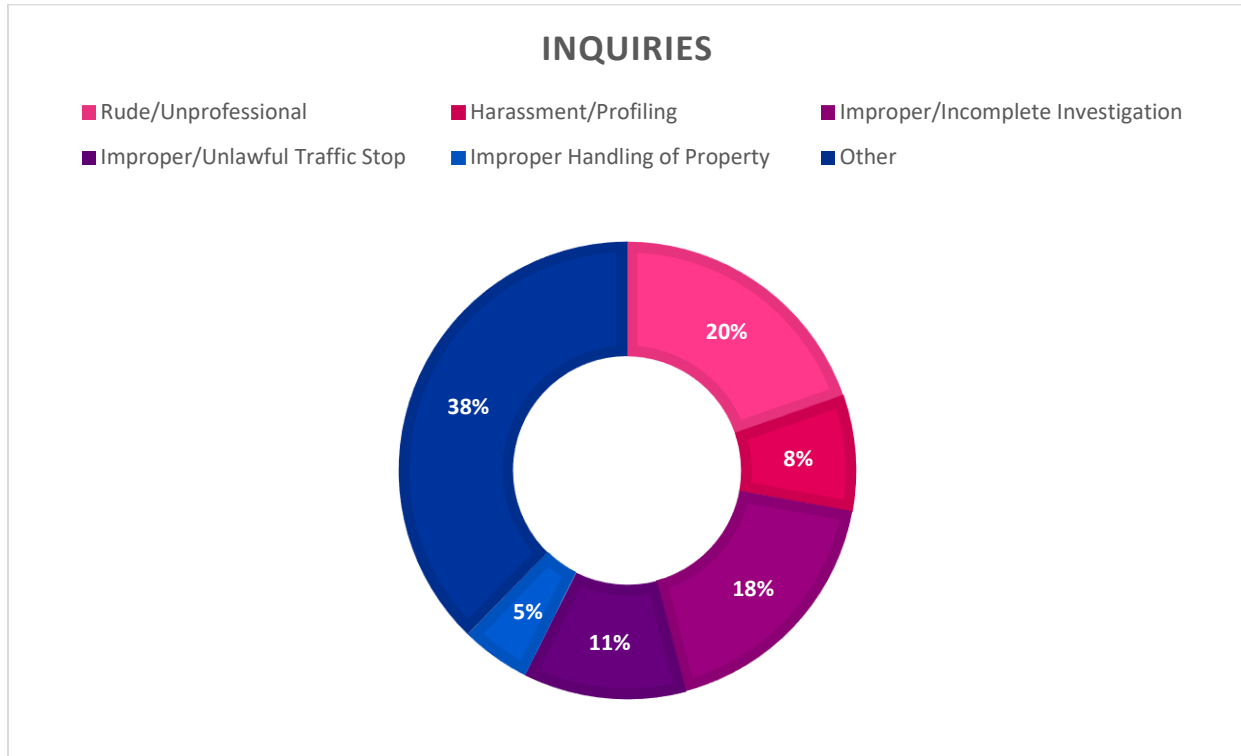


In the aggregate, the Office of Professional Standards handled oversight and/or investigation of 63 Inquiries, 37 PCR Complaints and 9 Internal Investigations. Taken together, this represents 153 complaints for the entire year. Given that KDPS handled 124,776 calls for service last year, the number of complaints per calls for service is ~0.12%. This represents an extremely low number of complaints based upon the number of citizen contacts KDPS has each year.

Summary of Inquiries

If a citizen desires to make a complaint against an officer, a supervisor will contact the complainant whenever possible to gain further information about the complaint. If the supervisor is able to make personal contact with the complainant and resolve the initial complaint by listening and providing a thorough explanation of the officer’s actions or KDPS policy/procedure, then the complaint can be documented as an “Inquiry” within the KDPS reporting system. If a complaint cannot be mutually resolved between the complainant and the supervisor, a PCR complaint will be opened for further investigation by the Office of Professional Standards. KDPS completed a total of 63 inquiries in 2020.

Inquiries can range from complaints of rudeness and inadequate report writing to complaints about officers’ driving and vehicle maintenance. The types of inquiries made to the department in 2020 are detailed further below.



The largest number of complaints made in 2020 was that an officer was rude and/or unprofessional in their interactions. This was followed closely by complaints that an officer conducted an incomplete or improper investigation. Complaints listed in the “other” category included officers not wearing masks (Covid19 precautions), delayed response to calls, driving concerns, and an improper search. Each of the allegations in the “other” category had 2 or less complaints in 2020.

Analysis of Inquiries

A deeper dive of these inquiries revealed that after an investigation by the assigned supervisor, there were 2 noted policy violations in relation to the complaint (1 for rudeness and 1 for conducting an incomplete investigation). A subsequent policy violation not relating to the complaint (failing to activate a body camera) was noted in 1 investigation. Two other investigations warranted training and/or mentoring as a corrective measure.

It should be noted that in an analysis of the inquiries, 7 of the allegations were reported to have occurred in an earlier year (2009, 2015, 2017, 2019). As these allegations were reported in 2020, they were included in this year-end report for transparency. During the analysis, the Office of Professional Standards did not identify any obvious concerns with training, equipment, and policy, or note any concerning trends with specific officers or overall officer behavior. When a minor violation was found, the direct supervisor implemented corrective measures with the involved officer(s).

It should be mentioned that KDPS received a few complaints throughout 2020 regarding mask usage by officers. Due to the Covid19 pandemic, Michigan Governor Whitmer issued several Executive Orders, mandating various Covid19 protocols. Officers were directed to utilize facial coverings, whenever feasible, in accordance with the Executive Orders. These Executive Orders changed throughout the year and were later found in October 2020 to be unconstitutional by the Michigan Supreme Court.

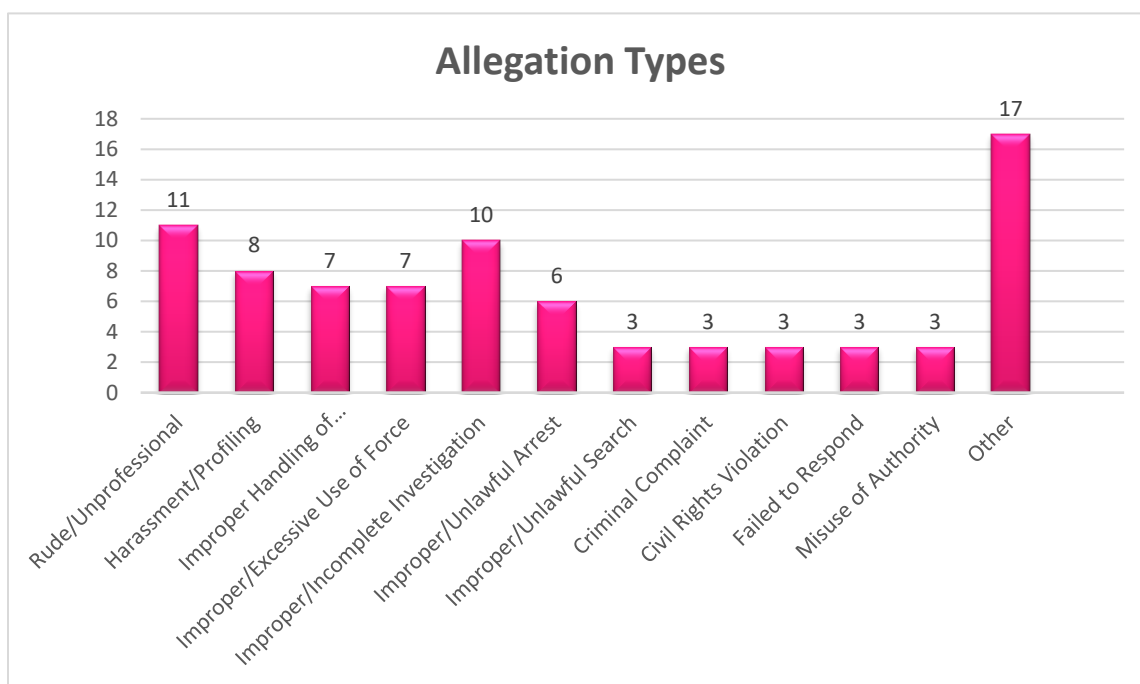
Summary of Police-Citizen Relations (PCR) Complaints

If an inquiry or minor PCR cannot be resolved satisfactorily with the complainant by a supervisor, the complaint is forwarded to the Office of Professional Standards for a formal investigation. Additionally, serious allegations such as filing false police reports or incidents dealing with mishandling of evidence are investigated as a PCR. In 2020, the Office of Professional Standards received 37 PCR complaints involving a total of 81 allegations made against officers (most PCR complaints have several allegations contained within them). As noted earlier, in the same year KDPS officers handled 124,776 calls for service. Using the above numbers, the amount of PCR complaints generated (37) during a call for service (124,776) in 2020 was extremely low (00.003%). In other words, approximately 1 PCR complaint is filed for every 3,372 calls for service handled. Two of the PCR investigations were in direct relation to the protests/civil unrest in



the City of Kalamazoo which occurred in May/June 2020 and were referred to the OIR Group for further investigation. That investigation is ongoing.

Of the 81 allegations contained in the PCR's made to KDPS, 79 were investigated by the Office of Professional Standards and forwarded to the Chief of Public Safety for final review and disposition (2 allegations were forwarded to the OIR Group for investigation). The below graph shows the general allegation types made against officers.



As illustrated, the biggest complaint areas made against officers in 2020 were that officers were rude/unprofessional or that they completed an incomplete/improper investigation. The “other” category was a combination of all the remaining complaints that were different from each other but were low frequency occurrences representing 2 or less allegations in 2020. Examples of the “other” category included allegations of an officer not taking proper Covid19 precautions, a citizen not being able to speak with a command officer, improper body worn camera usage and an officer failing to provide their name when asked.

During the complaint process, the Office of Professional Standards conducts an investigation into the allegation areas made by the complainant, makes disposition recommendations for the allegations, and forwards the completed investigation to the Chief of Public Safety for final review. The Chief of Public Safety can agree with the recommendations made by the Office of Professional Standards, can disagree with the recommendations made by the Office of Professional Standards, or can return the investigation back to the Office of Professional Standards for further investigation.



The Office of Professional Standards uses 5 distinct dispositions for PCR complaints when an investigation is completed. They are:

Exonerated: When the investigation determines that the alleged act occurred, but that the act was justified, lawful and/or proper.

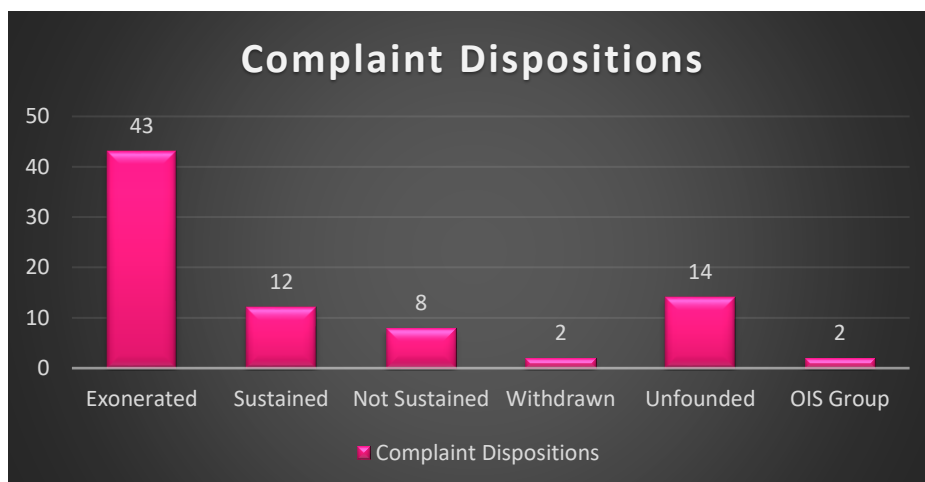
Unfounded: When the investigation determines that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Sustained: When the investigation determines sufficient evidence to establish that the act occurred and that it constituted misconduct.

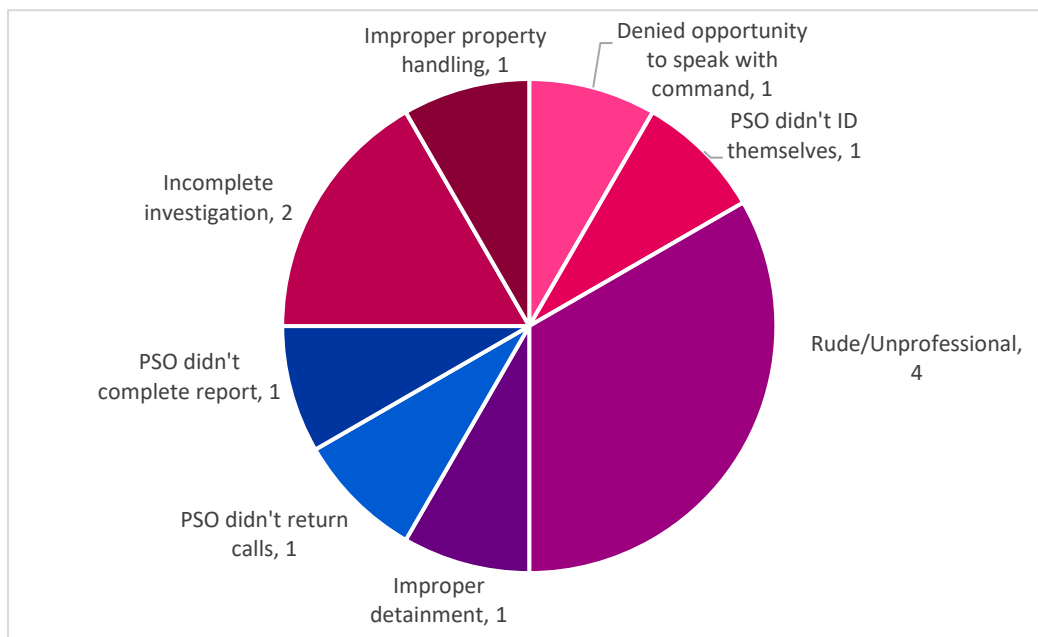
Not Sustained: When the investigation determines that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Withdrawn: When a complainant chooses to withdraw his/her complaint prior to the end of the investigation. The “withdrawn” disposition is rarely utilized by the Office of Professional Standards as investigators will typically continue an investigation and submit its findings to the Chief. The disposition is used when the lack of cooperation by the complainant leaves Professional Standards with no means to conclude the investigation without the cooperation of the complainant.

The Office of Professional Standards may also make a recommendation of “Misconduct Not Based Upon the Complaint.” This recommendation occurs when an investigation locates misconduct or improper job performance that was not alleged during the original complaint. An example of this would be a body camera violation. To remain transparent and accountable, the Office of Professional Standards investigates all potential policy violations found during an investigation and presents its finding to the Chief of Public Safety for final disposition. The following graph illustrates the dispositions that were found on all raised allegations in 2020.



Of the 79 allegations investigated by the Office of Professional Standards in 2020, 12 (15%) of the allegations were sustained against officers. Of the allegations that were sustained, all of them were for relatively minor policy violations which are found below.



Citizen's Appeal (CPSRAB)

For any complaint where the final disposition by KDPS is exonerated, not sustained, or unfounded, a complainant may appeal the disposition decision made by the Chief of Public Safety by having their case heard by the Citizen Public Safety Review and Appeal Board (CPSRAB).

In 2020, one PCR that was investigated by the Office of Professional Standards was appealed to the CPSRAB. After that appeal, CPSRAB recommended overturning the decision made by the Chief of Public Safety. The recommendation then went to the Kalamazoo City Manager for final determination.

Analysis of Police-Citizen Relations (PCR) Complaints

A meaningful review was conducted of each PCR complaint to examine officer performance, policy, equipment, and training to ascertain the need for changes in any one of those areas.

A review of the sustained PCR's did not reveal a clear-cut pattern as it related to officer performance. When a complaint was sustained, corrective measures were taken to address the issue with the involved officer(s). Corrective measures ranged from a coaching to written reprimands, depending on the nature of the policy violation and totality



of circumstances. The goal of corrective measures is to hold the involved officer(s) accountable to deter future events, but also to provide an opportunity to improve officer performance. KDPS utilizes progressive discipline when appropriate.

One specific PCR complaint identified a training issue within the department. The complaint was regarding an officer's enforcement of the sudden park closures in the City of Kalamazoo (due to Covid19). The investigation found that officers were given little forewarning of the park closures and were not provided with adequate direction on how to address complaints involving the parks. The global Covid19 pandemic presented challenges to both the City of Kalamazoo and KDPS where decisions were being made daily with little prior experience to draw upon for guidance. The City of Kalamazoo and KDPS maintained detailed records as they negotiated through the pandemic which will help both agencies be better prepared in the future. Further guidance and training were provided to officers after the training deficiency was identified.

The same PCR presented a unique opportunity to improve officer insight, performance, and community relations whereas the officer and the complainant were able to have a facilitated conversation which focused on restorative and productive conversation between the two community partners.

Individual training was also provided to involved officers when necessary to assist with the overall goal of improving officer performance. Training topics included the review of specific policies/procedures and de-escalation techniques. The meaningful review of PCR complaints did not identify any needs to change current equipment or policies.

Summary of Internal Investigations

The Office of Professional Standards is also tasked with investigations involving allegations of misconduct discovered internally, instances when deadly force is utilized and when officers are involved in off-duty incidents involving law enforcement that could bring discredit to the department. These types of investigations, while rare, tend to involve more serious allegations being made against an officer.

In 2020, the Office of Professional Standards completed 9 Internal Investigations into employee performance. An additional 3 investigations were forwarded to the City of Kalamazoo's Human Resources Department for investigation due to the type of allegation and/or the actors involved in the complaint. Of the 9 investigations completed by the Office of Professional Standards, 8 resulted in discipline of the involved officer. Of these 8 instances, 4 resulted in corrective action in the form of a suspension for a varied amount of days. In 1 instance, the involved employee resigned in lieu of termination from the department at the end of the investigation. In 3 cases, the involved employee received lesser forms of corrective measures to include training, a coaching, and/or a written reprimand.



In the 3 investigations conducted by Human Resources, as well as the 1 investigation conducted by the Office of Professional Standards, the involved employees were exonerated on all charges.

Analysis of Internal Investigations

During 1 internal investigation, the Office of Professional Standards identified a training deficiency with the involved employee; the employee received supplemental re-certification training in Operating While Intoxicated (OWI) investigations to ensure their continued success within the department. The same investigation identified a deficiency with a KDPS policy where best practices during OWI investigations were not included in the policy. The policy was updated to reflect current best practices. The Internal Investigations completed were for a variety of investigation types which did not indicate any overarching areas of deficiency within the department.

Office of Professional Standards- Use of Force (MLEAC 3.3.1)

Summary of Use of Force Incidents

The Office of Professional Standards is responsible for the review of all use of force incidents involving KDPS officers. Anytime an officer must use force at a level higher than routine handcuffing, they are required to complete a Use of Force report. The report is then forwarded thru the chain of command (Sergeant, Lieutenant, etc.) for review before ending up in the Office of Professional Standards. All use of force incidents are then reviewed again by an Inspector in Professional Standards. The review is intended to evaluate policy compliance and any training needs, equipment concerns, and policy changes that may come to light from the incident.

In 2020, officers used force during 355 incidents. This number is extremely low compared to the amount of calls for service handled by officers in 2020. This indicates that officers used force, on average, 1 time out of every 351 calls for service handled (0.28%). Historically, most use of force incidents occur when an officer is attempting to detain or arrest an individual. In 2020, KDPS made 3,412 arrests (on a total of 4,770 charges). This means that force would have been used in approximately 9.6% of these arrests.

As a rule, the amount of force used by an officer is predicated by the resistance a subject is displaying. KDPS utilizes the Michigan Commission on Law Enforcement Standards (MCOLES) Subject Control Continuum for basic guidelines regarding use of force, but also requires that all force used be “objectively reasonable” considering the totality of circumstances. KDPS also has a duty to intercede policy which requires officers to intervene and report if they observe another officer using force that is clearly beyond what is objectively reasonable for the circumstances.



Definitions

The MCOLES Subject Control Continuum utilizes the following definitions regarding Subject Action (“Resistance”) and Officer Response (“Force”).

Subject Action

Inactive Resistance- Resistance that may include psychological intimidation and/or verbal resistance (e.g., blank stare, clenching of fist(s), tightening of jaw muscles, etc.).

Passive Resistance- Any type of resistance whereby the subject does not attempt to defeat the officer’s attempts to touch and control the subject, but still will not voluntarily comply with verbal and physical attempts of control (e.g., dead weight, failure to obey verbal commands, etc.).

Active Resistance- Any action by a subject that attempts to prevent an officer from gaining control of the subject (e.g., pulling/pushing away, blocking, etc.).

Active Aggression- Physical actions/ assaults against the officer or another person with less than deadly force (e.g., advancing, challenging, punching, kicking, grabbing, wrestling, etc.).

Deadly Force Assault- Any force used against an officer or another person that may result in great bodily harm or the loss of life.

Officer Response

Officer Presence/Verbal Direction- Identification of authority; verbal direction; use of restraint devices

Compliance Controls- Soft empty hand techniques; compliance control devices

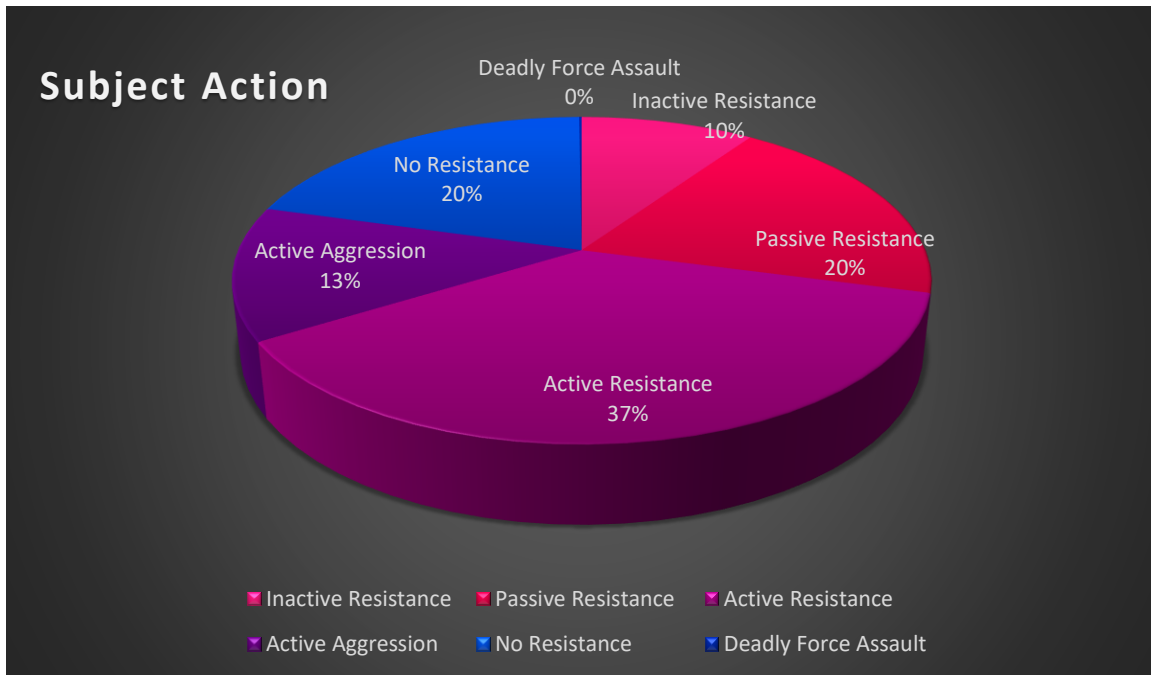
Physical Controls- Hard empty hand techniques

Intermediate Controls- Intermediate weapons

Deadly Force Response- Any force used by an officer that has a reasonable probability to cause death



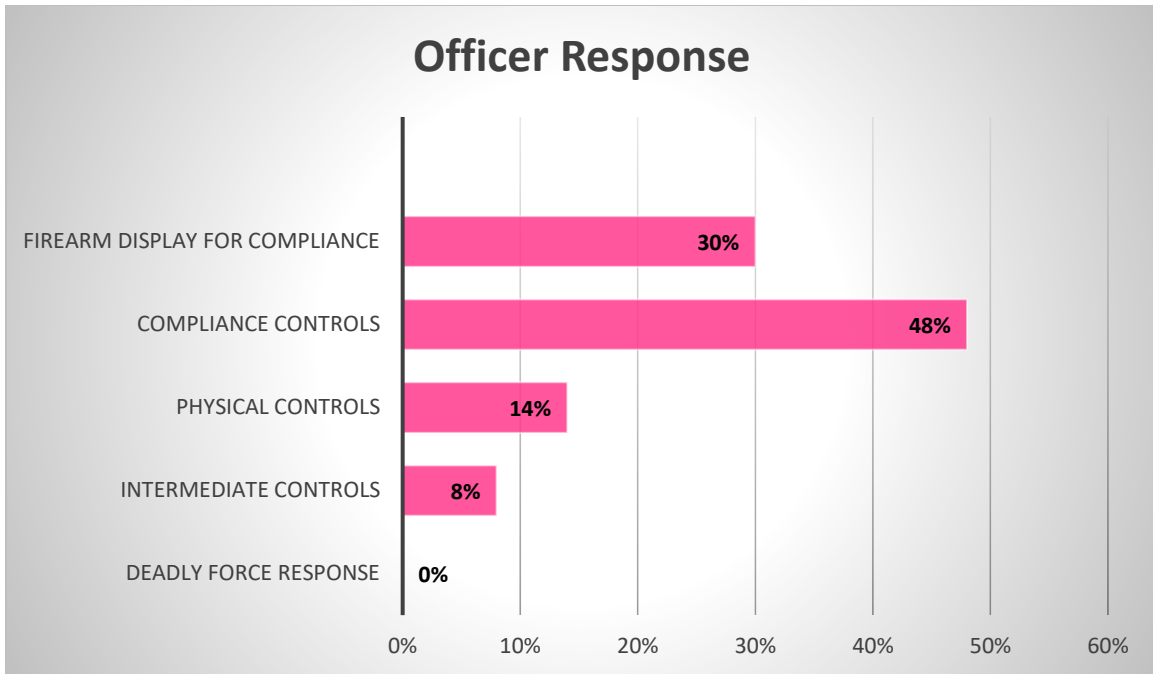
As previously noted, KDPS officers used force during 355 incidents in 2020. During these incidents, officers documented resistance levels on 565 occasions. This is notably higher than the total number of force incidents as a subject may demonstrate more than one type of resistance during an incident. The following chart demonstrates the documented Subject Actions in the aggregate faced by officers during this time frame.



As observed above, of the 565 Subject Actions documented in 2020, 358 (63%) were at the active resistance level or higher. The remaining Subject Actions were at a lower level of resistance or had no resistance at all. One item of note was that there were 145 incidents in which the officer documented that no resistance was faced. A majority of these instances occurred during felony stops on a vehicle where there was an articulable concern for officer safety based on the totality of circumstances. These constitute instances of where a firearm is displayed for compliance. Though it is not required to report firearm displays for compliance, KDPS has elected to collect and report firearm display data for the past several years to increase transparency.

As with the level of resistance (Subject Action) faced, an officer may use several different levels of force (Officer Response) in a single incident. The officer may start at a lower level of response and have to escalate that response to a higher level. Per policy, officers are required to report all types of force utilized. During this time period, there were 907 recorded Officer Responses used in the 355 incidents. This amounts to approximately 2.6 Officer Responses and/or levels of force being utilized in each use of force incident. The graph on the next page demonstrates the Officer Responses used in 2020.





Officers do not typically report officer presence/verbal direction in a use of force report as this category of Officer Response occurs in every use of force incident. The most common Officer Response, outside of officer presence/verbal direction, is to use a compliance control (48%). This can range from pressure points to wrist locks or having to physically maneuver a subject. The next common Officer Response is a firearm display for compliance (30%). As stated earlier in this report, officers can display their firearm in certain situations by policy to protect themselves or others. This display must be documented in a use of force report and there must be articulation on why the firearm display was necessary. The remaining types of force, consisting of physical controls and intermediate controls, were utilized in 22% of the Officer Responses and included actions such as strikes, take-downs, and the use of OC spray or a taser. Lastly, KDPS utilized a canine 3 times in 2020 to apprehend a subject. Circumstances surrounding the 3 canine apprehensions are noted below:

1. Canine apprehension was utilized for a fleeing/eluding suspect who was involved in a vehicle pursuit by the Kalamazoo County Sheriff's Department. The canine deployment resulted in the successful apprehension of the fleeing subject.
2. Canine apprehension was utilized during a K9 track for a home invasion suspect. The canine deployment resulted in the successful apprehension of the subject.
3. Canine apprehension was utilized for a parole absconder/armed robbery suspect who was reported to be armed with a firearm. The canine deployment resulted in the successful apprehension of the subject.



The Office of Professional Standards investigated all three apprehensions and found them to comply with law and KDPS policy.

All incidents where force must be utilized have the possibility of injury to both the subject and officer(s) involved. Studies have shown that injury rates are more prevalent for both the officer and the subject when officers must go hands-on with a subject. Injury rates tend to be lower when OC spray or a taser are utilized. During 2020, use of force incidents resulted in 60 officers and 78 subjects being injured. On 15 occasions where a subject was injured, the injury was documented as being a previous injury, not caused by the officer(s). In some of these incidents, both the officer and subject were injured. Officers sustained an injury in 17% of use of force incidents while a subject sustained an injury, or reported a previous injury, in 22% of use of force incidents. The majority of the injuries to both subjects and officers were minor in nature and consisted of an abrasion, pulled muscle, or laceration. Subjects and officers both received medical attention for their injuries whenever needed which consisted of minor first aid on scene, treatment by ambulance personnel on scene or treatment at a medical facility.

From incidents involving the use of force in 2020, subjects were charged for a criminal offense, and/or arrested on an arrest warrant, in 92% of the incidents. Instances where a subject was not charged included those experiencing mental health crisis where an officer intervened to provide medical or mental health care.

Analysis of Use of Force Incidents

As a MLEAC accredited police agency, a meaningful review must be conducted on every use of force incident. The meaningful review is an individualized assessment of the incident that evaluates whether policy was followed, whether discipline is warranted, whether training is required, if equipment changes are recommended and whether a change in a policy is recommended. A meaningful review is done by the involved officers' front-line supervisor. Each incident is additionally reviewed by the Office of Professional Standards for policy compliance.

Policy Compliance- None of the 355 use of force incidents resulted in a determination that the force used was inappropriate, excessive, or unjustified.

The Office of Professional Standards received 7 complaints where it was reported that officers had used force that was not justified. This is notably higher than the 3 complaints received in 2019. However, 4 of the 7 complaints were specifically related to civil unrest incidents occurring in May and August 2020 and should be considered atypical events. Formal investigations were conducted based on the complaints which are summarized below:



1. Complainant alleged officers used force while making an improper arrest. The investigation found that officers had made a legal arrest and that the force used was proper and within policy.
2. Complainant alleged improper force was used in a specific incident during a period of civil unrest within the City of Kalamazoo. The investigation found that the force used was proper and within policy.
3. Complainant alleged improper force was used in an arrest during a period of civil unrest within the City of Kalamazoo (the complainant was a witness only and was not directly involved). The investigation found that the force used was proper and within policy.
4. Complainant alleged improper force was used during an arrest. The investigation found that the force used was proper and within policy.
5. Complainant alleged improper force was used during an arrest. The investigation found that the force used was proper and within policy.
6. There were two additional complaints of improper force being used that were directly tied to the civil unrest that occurred within the City of Kalamazoo in May 2020. Both of these complaints were turned over to the OIR Group for further investigation. That investigation is ongoing.

Training- A review of the 2020 use of force incidents did not identify any training needs based solely on a deficiency found during this analysis. However, as a MLEAC accredited agency, KDPS performs yearly use of force training with all officers. This is done to maintain proficiency and familiarity with current policy and any updated case law.

Policy & Equipment Recommendations- The year-end analysis did not identify the need for any policy revisions to address the department's use of force. The 2020 review process did identify a significant equipment issue in respect to our reporting system which is addressed later in this report. The period of civil unrest within the City of Kalamazoo also identified an equipment issue as it related to the placement of body-worn cameras when wearing crowd management gear. This was addressed and remedied specifically with the crowd management team and was not indicative of a larger equipment issue.

During this analysis, the Office of Professional Standards noted a lack of consistency in the meaningful review language being utilized by front-line supervisors. Specifically, supervisors were not always documenting the results of their review of all four areas (training, discipline, equipment and policy). This area has been remedied with front-line supervisors who have been given examples of standardized language and are now required to use appropriate meaningful review language when submitting reports



to the Office of Professional Standards. Lastly, the OIR Group is conducting an independent analysis of KDPS' response to the civil unrest that occurred within the City of Kalamazoo in 2020. Their report may contain recommendations for additional training, policy revisions, and/or equipment changes that should be thoroughly examined and evaluated in 2021.

Office of Professional Standards- Vehicle Pursuits (MLEAC 3.5.2)

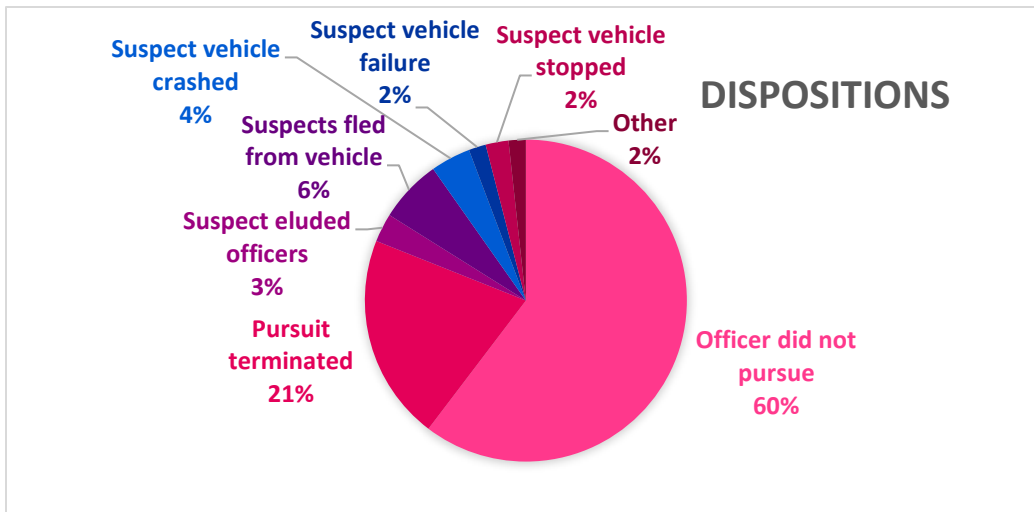
Summary of Vehicle Pursuits

Historically, KDPS has a low number of vehicle pursuits. It has been KDPS policy for several years that if a vehicle flees from an officer, the incident is documented on a vehicle pursuit form, regardless of whether the officer pursued the vehicle or not. The purpose of this documentation is so the department can show the number of times that we choose not to pursue a vehicle or don't pursue a vehicle due to it being against policy. By collecting this data, KDPS can show a pattern of behavior that demonstrates that our department is ultraconservative when it comes to vehicle pursuits.

KDPS policy requires officers and their supervisors to constantly monitor the conditions of a vehicle pursuit and to terminate the pursuit if the risks of continuing the pursuit begin to outweigh the benefits of capturing the suspect. Officers are required to take factors such as the nature/seriousness of the complaint, time of day, traffic conditions, weather, and vehicle speeds into consideration when making a determination to initiate and/or continue a vehicle pursuit.

In 2020, KDPS recorded 174 incidents in which a vehicle fled from an officer. KDPS officers chose not to pursue the fleeing vehicle during 105 of the incidents (60%). KDPS initiated vehicle pursuits during 69 incidents. In 27 of those incidents, the involved officer(s) elected to terminate the pursuit after its initiation after evaluating the totality of circumstances surrounding the pursuit. In 9 of the incidents, a command officer directed the officer(s) to terminate the pursuit after its initiation after evaluating the totality of circumstances surrounding the pursuit. In 5 of the incidents, the suspect vehicle eluded pursuing officers. The remaining 28 incidents were concluded by various means; suspects fled from the vehicle in 11 incidents, the suspect vehicle stopped in 4 incidents, the suspect vehicle crashed in 7 incidents, there was suspect vehicle failure in 3 incidents and the 'other' category was selected in 3 incidents.





Analysis of Vehicle Pursuits

As a MLEAC accredited police agency, a meaningful review must be conducted on every vehicle pursuit incident. The meaningful review is an individualized assessment of the incident that evaluates whether policy was followed, whether discipline is warranted, whether training is required, if equipment changes are recommended and whether a change in a policy is recommended. A meaningful review is done by the involved officers' front-line supervisor. Each incident is additionally reviewed by the Office of Professional Standards for policy compliance.

Policy Compliance- Of the incidents that occurred in 2020, 8 were deemed to not comply with KDPS policy. The initiation of the pursuit was not within policy during 2 of these incidents. In the other 6 incidents, the initiation of the pursuit was within policy, however, the officer(s) actions during the pursuit did not comply with policy. These incidents were addressed individually with the involved officer(s).

Policy and Equipment Recommendations- There were no recommendations to change policy. The only equipment recommendation was regarding the reporting platform which is discussed further below.

Training- During the meaningful review process, training was warranted on the 8 incidents that fell outside of KDPS policy. Training topics included a review of KDPS Policy 307 (Vehicle Pursuits) on when pursuits can be initiated, on the appropriate use of lights and sirens, about safe driving techniques during pursuits, and about appropriate officer safety tactics. An analysis of the noted training areas did not reveal any overt issues in relation to when an officer initiates a vehicle pursuit or in an officer deciding whether to continue or terminate a vehicle pursuit.



Discipline and/or Correction Action- Corrective action was warranted on the 8 incidents that did not comply with policy. Corrective actions included coachings, criticisms, written reprimands, and in one instance, a multiple day suspension. Corrective actions are based off the totality of circumstances surrounding each incident.

As with use of force reports, the Office of Professional Standards noted a lack of consistency in the meaningful review language being utilized by front-line supervisors. Specifically, supervisors were not always documenting the results of their review of all four areas (training, discipline, equipment and policy). This area has been remedied with front-line supervisors who have been given examples of standardized language and are now required to use appropriate meaningful review language when submitting reports to the Office of Professional Standards.

With regard to policy review, the KDPS policy on vehicle pursuits has been in place for several years. While there have been some minor revisions over time, the policy has remained constant in terms of when an officer may pursue a vehicle. During the 2020 meaningful review process, there were no incidents that led to a decision to review and/or revise the current policy.

In terms of training issues, there were no glaring issues relative to training that were not addressed individually with the involved officer(s). The Office of Professional Standards did note however that the department hasn't conducted formalized training on emergency driving in recent years. The Office of Professional Standards recommends that in 2021, instructors from KDPS conduct department-wide training that focuses on emergency driving techniques, legal ramifications, and KDPS policy.

Additionally, in the 2019 year-end analysis, it was noted that there was a lack of consistency in supervisor documentation when it came to pursuit policy violations. The Office of Professional Standards found that there was more consistency in documenting minor pursuit policy violations in 2020 than in years' past. The Office of Professional Standards respects however that each incident requires a fair, individualized assessment based off the totality of circumstances surrounding each incident. Corrective actions in 2020 have been the result of individualized assessments of each incident.

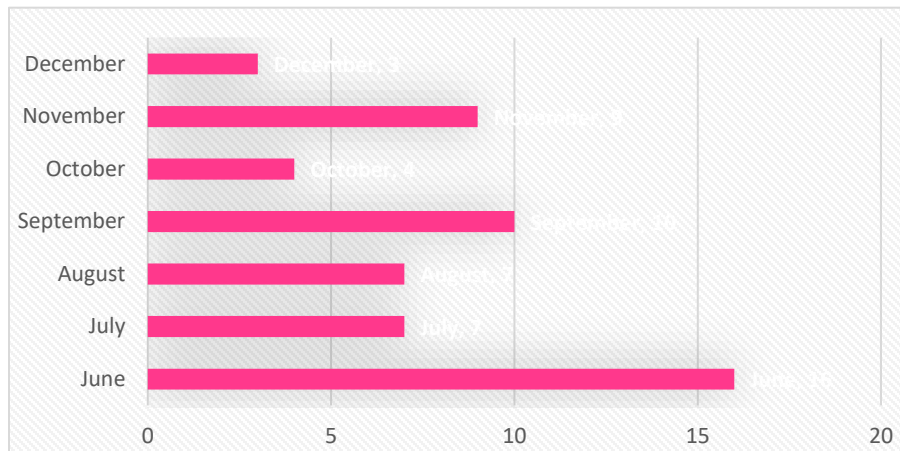
Office of Professional Standards- Foot Pursuits (MLEAC 3.5.7)

Summary of Foot Pursuits

On June 1, 2020, KDPS implemented Benchmark Analytics, an online reporting platform, for foot pursuit reporting. Utilizing the new reporting platform, 56 foot pursuits were recorded by KDPS officers between June 1, 2020 and December 31, 2020.



The following graph shows the occurrence of foot pursuits, by month. There was a significant increase in foot pursuits documented in June, which were a direct result of enforcement activities following civil unrest that occurred within the City of Kalamazoo.



The following violations were noted as being known before the 56 foot pursuits documented in 2020.



Officers pursued 59 subjects during the 56 foot pursuits. Of those 59 subjects, 50 were apprehended by officers. Of the remaining 9, 3 pursuits were terminated by the pursuing officer and 6 subjects evaded the pursuing officer(s).

Injuries were documented in 10 incidents. During 7 incidents, the pursued subject received minor injuries. In 3 incidents, an involved officer received minor injuries.

Analysis of Foot Pursuits

As a MLEAC accredited police agency, a meaningful review must be conducted on every foot pursuit incident. The meaningful review is an individualized assessment of the



incident that evaluates whether policy was followed, whether discipline is warranted, whether training is required, if equipment changes are recommended and whether a change in a policy is recommended. A meaningful review is done by the involved officers' front-line supervisor. Each incident is additionally reviewed by the Office of Professional Standards for policy compliance.

Policy Compliance, Policy Recommendations and Equipment Recommendations- There were no recommendations to change policy and/or equipment and all foot pursuits were found to comply with KDPS policy.

Training- During the meaningful review process, training was warranted on 10 occasions for the involved officer(s). Training topics included body-worn camera activation, giving appropriate verbal, ensuring vehicle safety, and using appropriate officer safety tactics during handcuffing and searching. The most common training topic was regarding consistent activation of body-worn camera devices. The department recognizes that most foot pursuits occur during rapidly evolving, dynamic events whereas camera activation is not always a top priority. Tactics that recommend early-camera activation when responding to calls for service have been highlighted. An analysis of the noted training areas did not reveal any overt issues in relation to when an officer initiates a foot pursuit or in an officer deciding whether to continue or terminate a foot pursuit. There were no incidents documented where an officer did not use reasonable judgment in their decision on whether or not to pursue.

Discipline and/or Correction Action- Corrective action was warranted on 1 occasion where an officer was coached/mentored about safe weapons' handling after a foot pursuit concluded.

As with use of force and vehicle pursuit reports, the Office of Professional Standards noted a lack of consistency in the meaningful review language being utilized by front-line supervisors. Specifically, supervisors were not always documenting the results of their review of all four areas (training, discipline, equipment and policy). This area has been remedied with front-line supervisors who have been given examples of standardized language and are now required to use appropriate meaningful review language when submitting reports to the Office of Professional Standards.

With regard to policy review, the KDPS policy on foot pursuits was implemented as part of the initial accreditation assessment. Previously, foot pursuits were only required to be captured within a criminal police report. As officers are becoming more familiar with the policy and reporting mechanisms, it is possible that minor policy revisions may be recommended in the future. However, during 2020, there were no incidents that led to a decision to review and/or revise the current policy.



Analysis of Reporting System

In respect to an overall analysis of our equipment as it relates to the meaningful review process, KDPS would be remiss to not mention our reporting system transition. On June 1, 2020, the department transitioned to using a pilot online reporting platform, Benchmark Analytics, to capture use of force incidents, vehicle pursuits, foot pursuits, and vehicle accidents. The goal of the pilot program was to examine whether the new reporting system would be a good long-term fit for the department.

While utilizing Benchmark Analytics, there were several operational issues reported internally about the program regarding its efficiency, operability, and overall reporting capabilities. As the department neared the end of the trial period for the pilot program, it was determined that Benchmark Analytics did not meet the functionality needs of the department. Additionally, concerns about the accuracy of the year-end data produced by Benchmark Analytics led to the department having to manually re-enter all data from June 1- December 31, 2020 into the previously used reporting system, before an analysis could be completed.

The department elected to transition back to the BlueTeam/IA Pro reporting system in early 2021. The department should provide appropriate training and resources to support this transition and to help increase its effectiveness.

Conclusion

By most accounts, KDPS is a well-trained and well-equipped department. In 2020, officers were able to de-escalate many situations resulting in a low amount of use of force incidents. Officers also displayed sound judgment and professionalism in their daily interactions when considering complaints made to the department and their overall compliance with policy during vehicle and foot pursuits. In 2021, the Office of Professional Standards will continue to review and analyze all data to improve the overall quality of service to the City of Kalamazoo.

