

Office of Professional Standards 2021 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 KDPS 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 2021 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, equipment updates, 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 misconduct. This mission is intended to accomplish three objectives:

- Protect 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.
- Protect the department by taking appropriate action so that misconduct of a few will not detract from the overall reputation of Kalamazoo Public Safety.
- Protect 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 Relation (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. PCRs and Internal Investigations are typically investigated by the Office of Professional Standards. An investigation can include interviewing the complainant and involved officers, conducting a site visit, obtaining



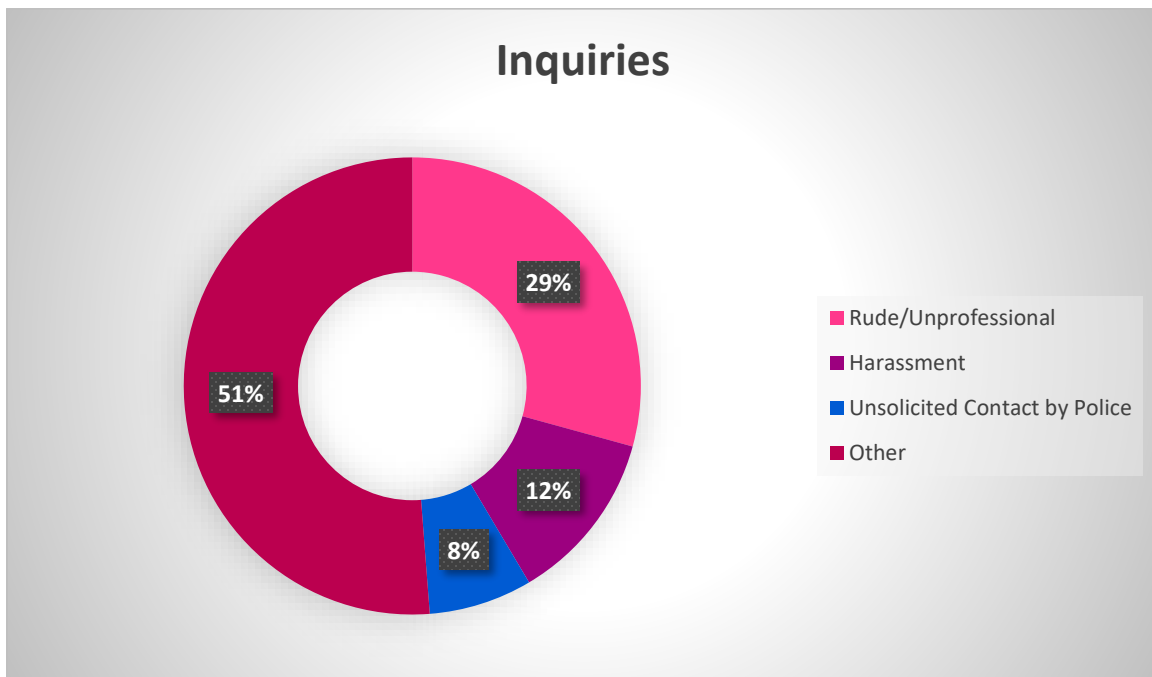
professional opinions, and reviewing camera footage to determine if policy violations exist that would warrant discipline or additional training.

In the aggregate, the Office of Professional Standards handled oversight and/or investigation of 41 Inquiries, 31 PCR Complaints and 12 Internal Investigations. Taken together, this represents 84 complaints for the entire year. Given that KDPS handled 129,319 calls for service in 2021, the number of complaints per calls for service is less than 1%. 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 41 inquiries in 2021.

Inquiries can range from allegations of rudeness and inadequate report writing to allegations of harassment and improper investigations. Many allegations can be quickly dispelled by the investigating supervisor through reviewing body-worn camera footage.



The above chart shows the allegation areas made in 2021 inquiries. The largest number of inquiries made in 2021 reported that an officer was rude and/or unprofessional in their interactions (29% of inquiries). This was followed by allegations that an officer was harassing the complainant without reason (12% of inquiries) or that an officer attempted contact with the complainant without reason (7% of inquiries). Allegations listed in the “other” category included officers not wearing masks (Covid19 precautions), delayed response to calls, release of property concerns, and an improper search. Each of the allegations in the “other” category had two or less complaints in 2021.

Analysis of Inquiries

A deeper dive into these inquiries revealed that after an investigation by the assigned supervisor, there were four incidents requiring corrective action in the form of discipline and/or training. Two of the incidents had a policy violation related to the complaint (both for rudeness) whereas the other two incidents had a policy violation not relating to the complaint (failing to activate a body camera). Training and/or mentoring was additionally provided as a corrective measure in all four incidents.

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). There was a 35% decrease in inquiries during 2021 from the 63 inquiries completed in 2020. There was no discernable trend to explain the decrease.

Summary of Police-Citizen Relation (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 2021, the Office of Professional Standards received 31 PCR complaints comprised of a total of 61 allegations made against officers (most PCR complaints have several allegations contained within them).

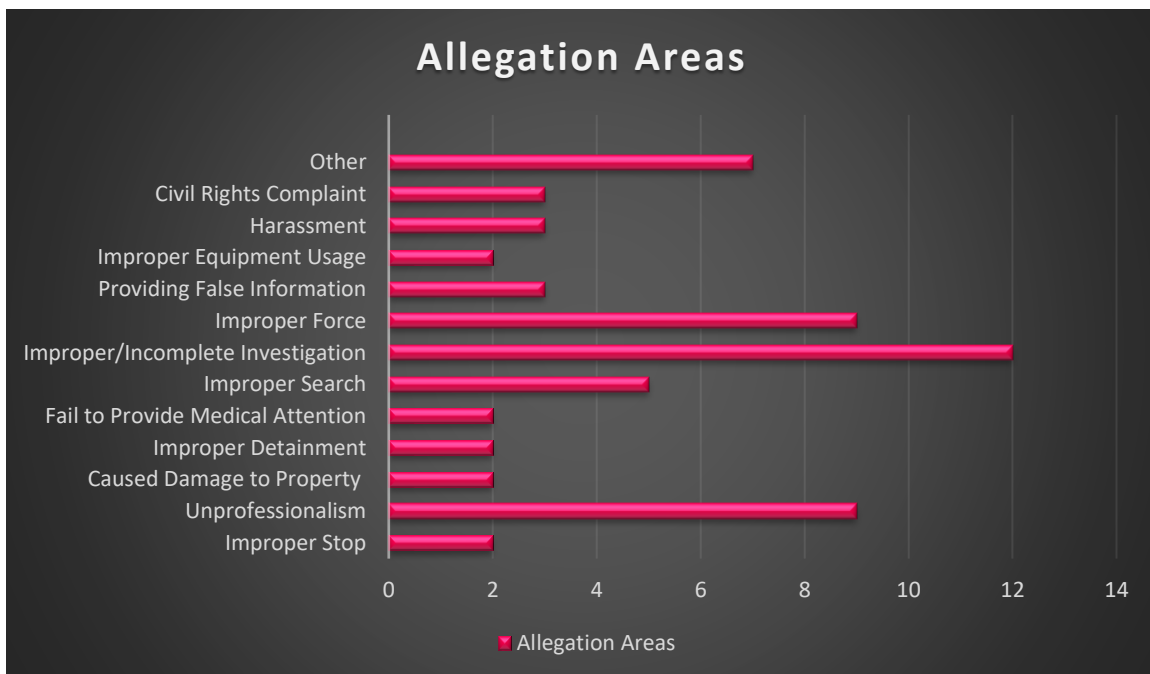
As noted earlier, in the same year KDPS officers handled 129,319 calls for service. Using the above numbers, the amount of PCR complaints generated (31) during a call for service (129,319) in 2021 was extremely low (<1%). In other words, approximately one PCR complaint is filed for every 4,171 calls for service handled.

In our 2020 report, the Office of Professional Standards highlighted that PCR complaints made in direct relation to the protests/civil unrest occurring in the City of Kalamazoo in May/June 2020 were referred to the OIR Group for further investigation. In August



2021, the OIR Group released their investigative report, as well as several recommendations regarding improvement opportunities. In their report, the OIR Group recommended that KDPS conduct investigations into the specific complaints made regarding the protests/civil unrest. In response to this recommendation, 10 investigations were opened, and assigned to the Office of Professional Standards for further investigation. All 10 investigations were completed and forwarded to the Chief of Public Safety for review and final disposition. As these investigations were reported in 2020 and focused on officer conduct that occurred in 2020, this report will not address those investigations.

All 61 allegations contained in the PCRs made to KDPS were investigated by the Office of Professional Standards and forwarded to the Chief of Public Safety for final review and disposition. The below graph shows the general allegation areas made against officers.



As illustrated, the biggest complaint areas made against officers in 2021 were that officers completed an incomplete/improper investigation, that officers were rude/unprofessional during an interaction or that officers used improper force. Allegations of an improper search, harassment, civil rights violation and providing false information were also reported, however, with less frequency. There were two allegations each in the areas of improper equipment usage, failing to provide medical attention, improper detainment, causing damage to property, and an improper stop.

The Other category was a combination of all the remaining allegations that were different from each other but were low frequency occurrences representing two or less allegations in 2021. Examples in the Other category included allegations that an officer improperly released information and a delayed police response.



During the complaint process, the Office of Professional Standards investigates the allegation areas made by the complainant, makes disposition recommendations for the allegations based on compliance with KDPS policies and procedures, 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 forward the report back to the Office of Professional Standards for further investigation.

The Office of Professional Standards uses (5) distinct disposition recommendations for PCR complaints. 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.

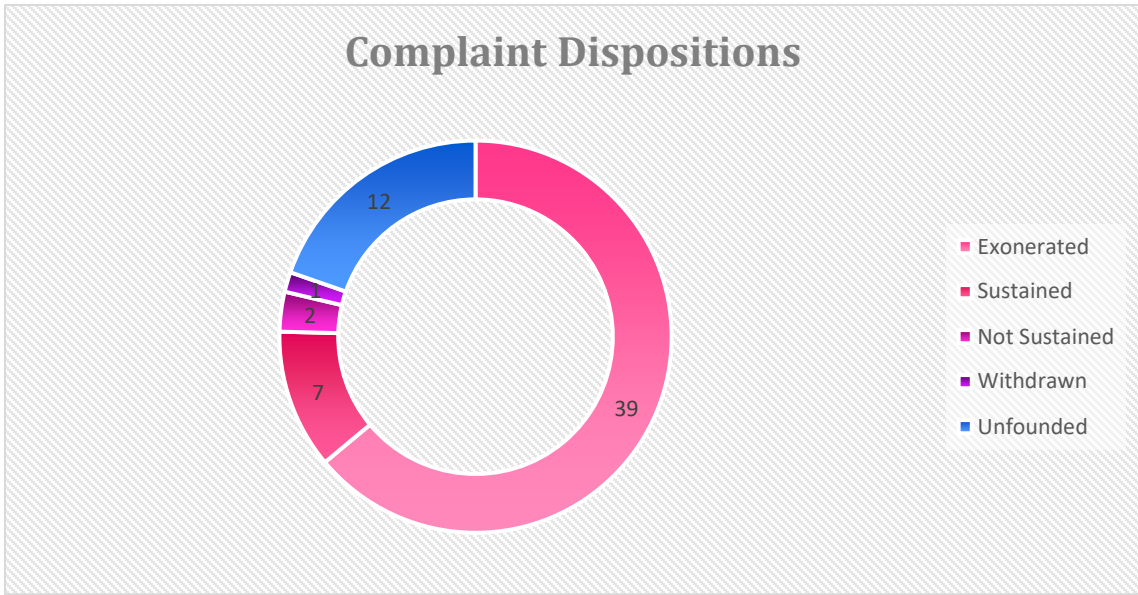
Sustained: When the investigation determines sufficient evidence to establish that the act occurred and that it constituted misconduct.

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

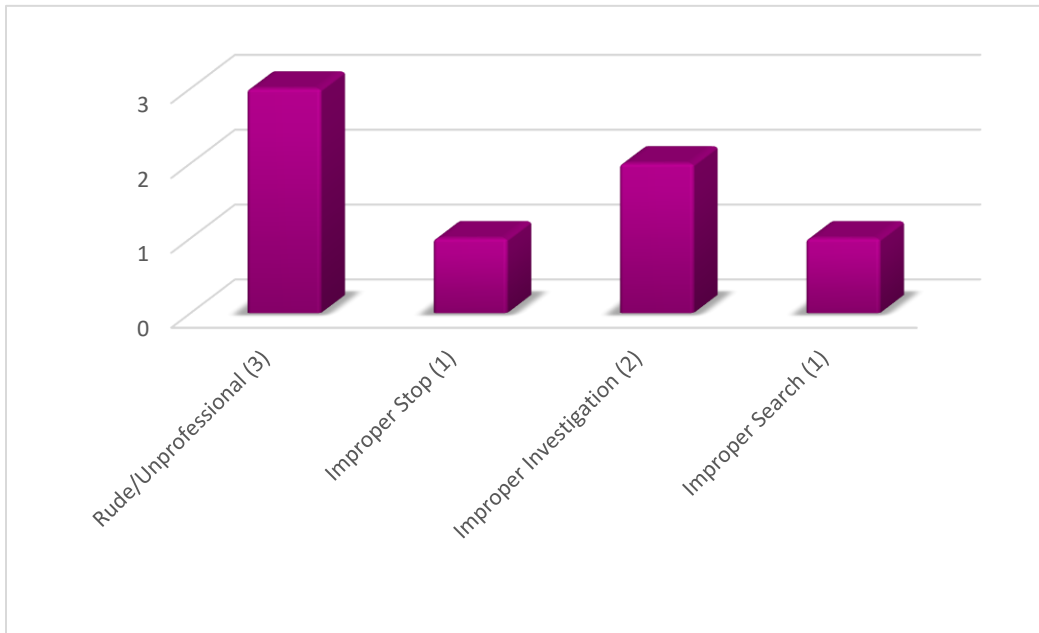
Withdrawn: When a complainant chooses to withdraw his/her complaint prior to the end of the investigation. The “withdrawn” disposition is rarely utilized by the Office of Professional Standards as investigators will typically continue an investigation and submit its findings to the Chief. This disposition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

The Office of Professional Standards may also make a disposition 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 2021.





Of the 61 allegations investigated in 2021, seven (11%) of the allegations were sustained against officers. Of the allegations that were sustained, all of them were for relatively minor policy violations which are noted below.



Citizens 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 Citizens Public Safety Review and Appeal Board (CPSRAB).

In 2021, two complaints were appealed to the CPSRAB. After both appeals, CPSRAB recommended sustaining the decision made by the Chief of Public Safety. The recommendations then went to the Kalamazoo City Manager for final determination.

Analysis of Police-Citizen Relation (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 of those areas.

A review of the sustained PCRs 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 actions ranged from an officer receiving training/coaching to a written reprimand, depending on the nature of the policy violation and totality of circumstances. The goal of corrective action 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 performance deficiency with a particular employee where additional resources/training were provided in the form of a conference report. Conference reports are meant to improve deficiencies in core policing areas to improve officer insight, performance, and community interactions.

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.

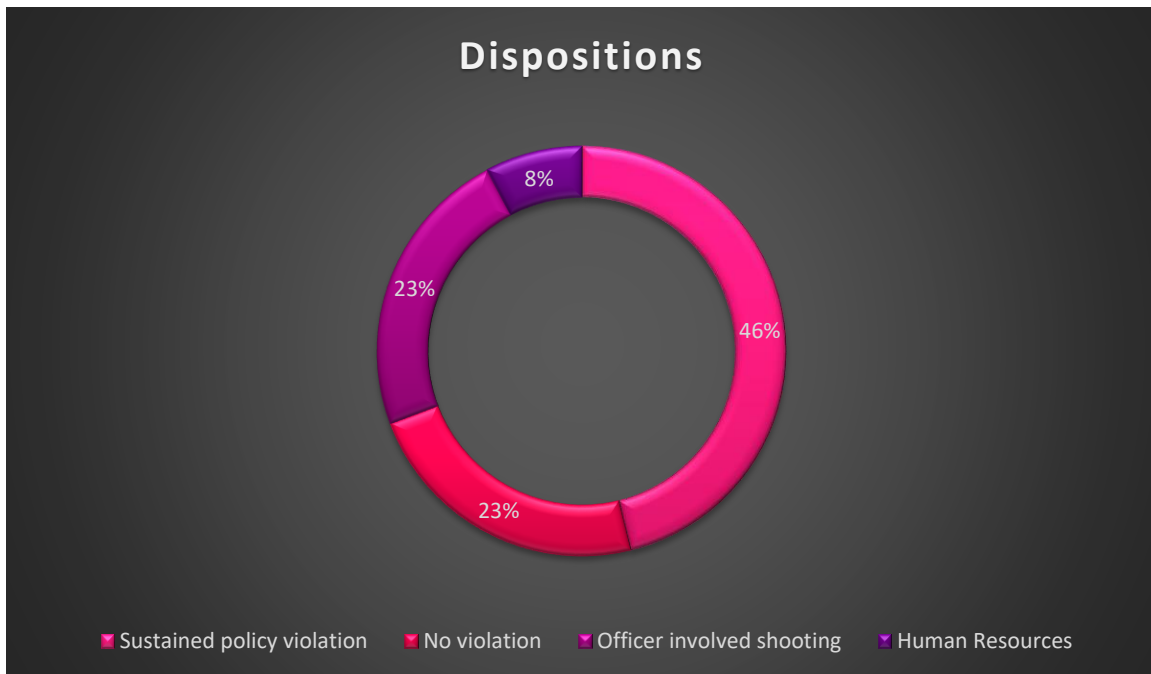
There was a 16% decrease in PCR complaints (25% decrease in allegations) during 2021 from the 37 complaints (81 allegations) filed in 2020. There was no discernable trend to explain the decrease.

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 2021, the Office of Professional Standards conducted 12 internal investigations into the actions of KDPS officers. One additional incident was forwarded to the City of Kalamazoo’s Human Resources Department for investigation. Of the investigations completed by the Office of Professional Standards, six documented policy violations resulting in the issuance of various corrective measures that included training, written reprimands, suspensions, a resignation (in lieu of termination) and a termination. Three investigations found no policy violations. The remaining three investigations were the result of Officer-Involved Shooting (OIS) incidents. The actions of officers in all three OIS investigations were found to comply with KDPS policy and received clearance from the Kalamazoo County Prosecutor’s Office. The investigation conducted by Human Resources resulted in corrective action which was completed outside of the Office of Professional Standards.



Analysis of Internal Investigations

During one internal investigation, the Office of Professional Standards identified multiple areas of improvement within the department and provided recommendations to the Chief of Public Safety for implementation. The recommendations included policy revisions, equipment changes, establishing audit procedures, training requirements, meaningful review updates, and administrative leave improvements. Many of the recommendations will be implemented in 2022.

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 uses 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 the Office of 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 2021, officers used force beyond a firearm display in 362 incidents. This number is extremely low compared to the number of calls for service handled by officers in 2021. This indicates that officers used force on average, one time out of every 357 calls for service. Historically, most Use of Force incidents occur when an officer is attempting to detain or arrest an individual. In 2021, KDPS made 3,008 arrests (on a total of 4,092 charges). This means that force would have been used in approximately 12% of arrests. If firearm displays are included in this number, officers used force in 474 incidents.

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.

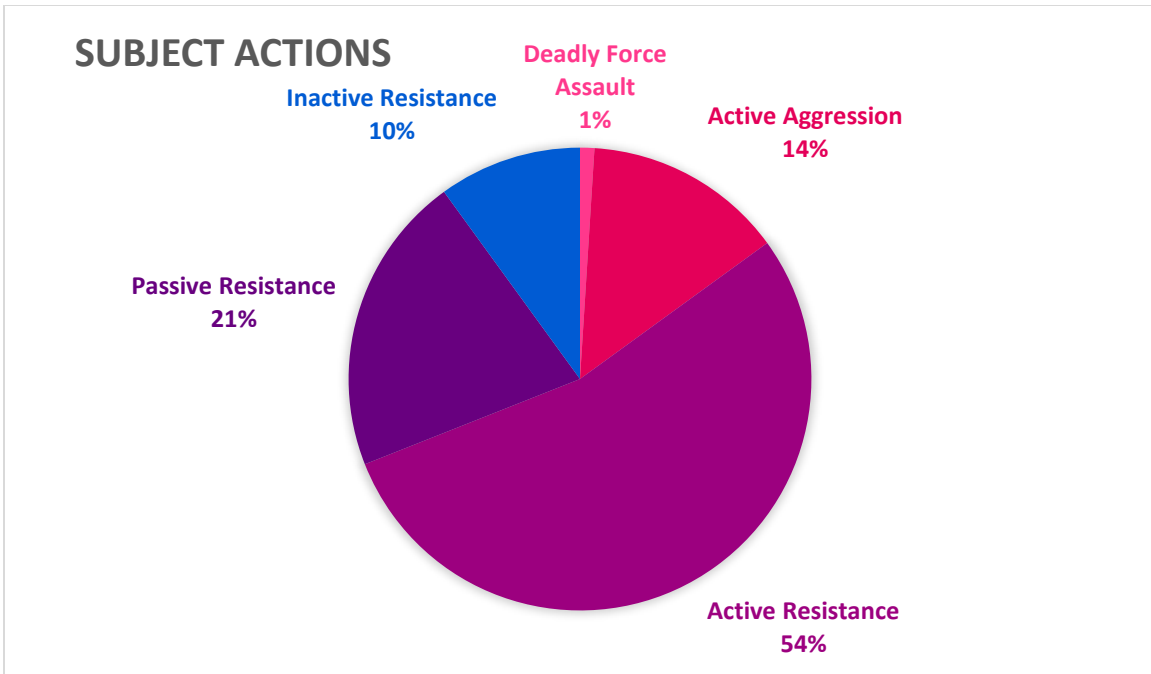
Deadly Force Response- Any force used by an officer that has a reasonable probability to cause death.

In 2021, KDPS elected to separate incidents into two categories to depict the actions of officers more accurately: Show of Force incidents and Use of Force incidents. Show of Force incidents are limited to when an officer displays a firearm for compliance only, and no other force is used. Use of Force incidents encompass all incidents where force is used above compliant handcuffing. Use of Force incidents might also include a firearm display for compliance, in connection with other types of officer response. Officers can display their firearm in certain situations by policy to protect themselves or others. This display must be documented in an appropriate Show of Force or Use of Force report, depending on the situation, and there must be articulation on why the firearm display was necessary.

In 2021, there were a compiled 474 Show of Force and Use of Force incidents. Of these, 112 were documented as Show of Force incidents, while 362 were documented as Use of Force incidents.

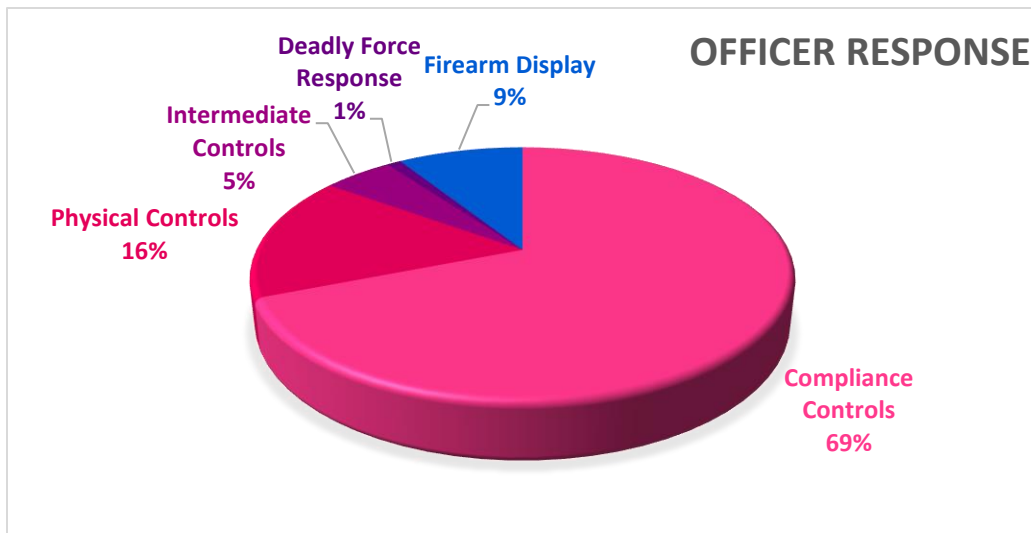
Of the 362 documented Use of Force incidents, officers documented 628 resistance levels by the subjects involved. This is notably higher than the total number of force incidents as a subject may demonstrate more than one type of resistance during an incident. The following chart demonstrates the documented Subject Actions in the aggregate faced by officers during this time frame.





As observed above, of the 628 Subject Actions documented in 2021, 432 (69%) were at the active resistance level or higher. The remaining Subject Actions were at a lower level of resistance.

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 or deescalate their response to a higher or lower level. During this time period, there were 934 recorded Officer Responses used in the 362 incidents, absent verbal direction and officer presence. This amounts to approximately 2.6 Officer Responses and/or levels of force being utilized in each Use of Force incident. The graph below demonstrates the Officer Responses used in 2021.



Officer Responses do not include officer presence/verbal direction 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 (69%). This can include using pressure points and wrist locks or having to physically maneuver a subject. The next common Officer Response is physical controls (16%). This includes strikes and takedowns. The remaining types of force, consisting of firearm displays for compliance, intermediate controls, and deadly force assault were utilized in 15% of the Officer Responses and included actions such as the use of OC spray or a taser, or using force with a reasonable likelihood to cause death. This number also includes situations where a firearm was displayed for compliance in connection with another type of Officer Response. Additionally, KDPS utilized a canine 1 time in 2021 to apprehend a subject.

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 2021, Use of Force incidents resulted in 75 officers and 99 subjects being injured. In some incidents, both the officer and subject were injured. Officers sustained an injury in 21% of Use of Force incidents while a subject sustained or reported an injury in 27% of Use of Force incidents. The majority of the injuries to both subjects and officers were minor in nature and consisted of abrasions, sprain/strain, pain, and/or lacerations. 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 and/or treatment at a medical facility.

From incidents involving the Use of Force in 2021, subjects were charged for a criminal offense, and/or arrested, in 97% of the incidents. Instances where a subject was not charged included those experiencing a 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. A 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 needed. 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/Discipline- Two of the 362 Use of Force incidents in 2021 resulted in a determination that the force used was inappropriate, excessive, or unjustified. Both instances resulted in an internal investigation and the involved officer(s) received corrective action in the form of discipline.

The Office of Professional Standards received eight external complaints where it was reported that officers used force that was not justified. Formal investigations were conducted based on the complaints which are summarized below:

1. Complainant alleged that officers hurt his arm while detaining him and failed to provide him medical attention. The investigation found that officers legally detained the complainant and that no force was used during the detainment. The complainant did not report any injuries to officers on scene, therefore, medical attention was not requested. The allegations were not sustained.
2. Complainant reported that his “chest and wrists hurt” after being taken into custody. The investigation found that the complainant was legally detained, and then tried to flee on foot. The officer responded by using a compliance control technique, which was effective in stopping his resistance. The use of force was proper and within policy. The involved officer was exonerated of misconduct.
3. Complainant reported that officers assaulted him, causing injury to his arm. The investigation found that officers pushed the complainant backwards to stop an assault on a third party and stop the complainant from shining a light into their eyes creating an officer safety issue. The use of force was proper and within policy. The actions reported to have caused the injury did not occur. The involved officers were exonerated of misconduct.
4. Complainant reported that excessive force was used in an incident he did not witness, nor was involved in. The investigation found a female was legally arrested and minimal force was used to stop the subject’s active resistance. The use of force was proper and within policy. The involved officer was exonerated of misconduct.
5. Complainant reported that excessive force was used in an incident he did not witness, nor was involved in. The investigation found a male was legally arrested and minimal force was used to stop the subject’s active resistance. The use of force was proper and within policy. The involved officer was exonerated of misconduct.



6. Complainant reported officers assaulted him while placing him in a patrol vehicle and then drove recklessly to cause him injury. The investigation found a male was legally arrested and minimal force was used to stop the subject's active resistance. The male then refused to sit up in the patrol vehicle, causing himself to move around. The officer obeyed all traffic laws and did not drive recklessly. The use of force was proper and within policy. The involved officer was exonerated of misconduct.
7. Complainant reported that excessive force was used in an incident she witnessed, but was not involved in. The investigation found a male was legally arrested and an open hand strike was used to stop the subject's active aggression towards officers. The use of force was proper and within policy. The involved officer was exonerated of misconduct.
8. Complainant reported that she was "attacked" by an officer, "slammed" to the ground, and refused medical attention. The investigation found that officers legally arrested a female who pepper sprayed an officer. Minimal force was used to stop the subject's active aggression. Medical personnel were on scene and spoke with the complainant. The use of force was proper and within policy. The involved officers were exonerated of misconduct. Note, this incident counted as two improper force complaints in the PCR data.

Policy Recommendations- There were no policy recommendations made during the meaningful review process, and the year-end analysis did not identify the need for any policy revisions relating to the department's use of force.

Equipment Recommendations- There were no equipment recommendations made during the meaningful review process, however, equipment issues were noted four times during the meaningful review process. The equipment issues were related to malfunctions of KDPS recording systems (in-car and body-worn cameras) and a vehicle malfunction. These issues were reported in a limited capacity and were individually addressed when they occurred. The year-end analysis did not identify any notable equipment concerns impacting the department's use of force.

Training- During the meaningful review process, training was warranted in 63 incidents. Training occurred on an individual level. Training is often conducted to improve operational soundness, efficiency, and officer safety, and does not always indicate a deficiency. The analysis did not identify a department-wide deficiency or trend, however, did identify areas where overall training could be improved. These areas include giving clear commands, improving radio traffic, focusing on officer



safety, and taking control of situations. These training areas were provided to the KDPS training division for additional focus in future training.

Additionally, it was noted that several officers received training on body-worn camera activation, often forgetting to promptly activate their cameras when involved in rapidly evolving situations. Recognizing that not all situations allow immediate camera activation, and not wanting officers to prioritize camera activation over officer safety in dynamic situations, KDPS is piloting a new camera program in 2022 which allows more automatic activation triggers. For example, the program may allow automatic camera activation in a variety of situations to include when a firearm or taser is displayed and when a police vehicle's lights are activated. The pilot program should also allow retroactive activation of the camera system during critical incidents.

Although the 2021 analysis did not identify any training needs based solely on a deficiency found during this analysis, 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.

Office of Professional Standards- Vehicle Pursuits (MLEAC 3.5.2)

Summary of Vehicle Pursuits

Historically, KDPS has a low number of vehicle pursuits each year, despite the growing number of vehicles that from flee from officers. 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. In 2021, KDPS updated our reporting system and is now able to track incidents where a suspect vehicle flees, but is not pursued, on a fleeing/eluding form, as opposed to a vehicle pursuit form. The purpose of this documentation is so that the department can demonstrate the number of times that we choose not to pursue a vehicle when weighing the totality of the circumstances against potential community risk. By collecting this data, KDPS can also show a pattern of behavior that demonstrates that our department is ultraconservative when it comes to vehicle pursuits.

In 2021, KDPS recorded 258 incidents in which a vehicle fled from an officer. This is a significant increase from the 174 recorded incidents in 2020 (33% increase). KDPS officers chose not to pursue the fleeing vehicle in 183 of these incidents (71%), as the initiation of a vehicle pursuit did not comply with KDPS policy, or the risk of a pursuit did not outweigh the reward.

KDPS initiated a pursuit in 75 incidents (29%). Pursuits were most often initiated in response to a non-violent felony crime (68% of pursuits), whereas violent felony



crimes accounted for 27% of pursuit initiations, followed by 5% being initiated for other reasons. A majority of the pursuits initiated traveled less than 2 miles in total distance (80%) and were terminated based on changing pursuit conditions (67%). Of the remaining pursuits, the suspect vehicle stopped in 12% of incidents, or the pursuit ended in various other means to include a vehicle crash, vehicle failure, or suspect evading the police (21% of the incidents). Officers utilized a tire deflation device (stop sticks) in 8% of the vehicle pursuits, to end the pursuit safely and quickly.

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 deciding to initiate and/or continue a vehicle pursuit.

Analysis of Vehicle Pursuits

As a MLEAC accredited police agency, a meaningful review must be conducted on every vehicle pursuit and is completed by the involved officers' front-line supervisor. Each incident is additionally reviewed by the Office of Professional Standards for policy compliance.

A meaningful review is an individualized assessment of the incident that evaluates whether policy was followed/ whether discipline is warranted, whether training is needed, if equipment changes are recommended and whether a change in a policy is needed. If a deficiency or violation is found after an individualized assessment, corrective actions are taken. Corrective actions are based on the totality of circumstances surrounding each incident.

Policy Compliance/Discipline- For vehicle pursuits that occurred in 2021, correction action in the form of discipline was warranted in three cases. In two cases, the involved officer(s) were issued a criticism, while in one case, the involved officer was issued a written reprimand, based on progressive discipline. In one instance, the officer pursued a vehicle outside of policy which resulted in discipline. In the other two, the discipline was a result of the officers' actions during the pursuit, such as failing to properly activate equipment or driving without due care. These incidents were addressed individually with the involved officer(s).

Policy Recommendations- 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 2021 meaningful review process, there was one recommendation made to revise the vehicle pursuit policy to allow officers to use a vehicle intercept



maneuver. This recommendation was taken into consideration, in correlation to an internal affairs investigation. Following the review, the pursuit policy was revised in February 2022 to include the use of a vehicle intercept, in limited situations. The revision of the pursuit policy also included a mandatory training component.

Equipment Recommendations- There were no recommendations to change equipment during the meaningful review process, however, equipment issues were noted four times during the meaningful review process. The equipment issues were solely related to malfunctions of the in-car recording system in a limited capacity, which were individually addressed when they occurred.

Training- During the meaningful review process, training was warranted in 28 incidents, to include the three incidents where discipline was issued. Training is often conducted to improve operational soundness, efficiency, and officer safety, and does not always indicate a deficiency. 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, about using proper radio communications, and about using 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. However, recurring training topics included radio communications and safe driving techniques.

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 has not conducted formalized training on emergency driving in recent years. The Office of Professional Standards recommends that in 2022, instructors from KDPS conduct department-wide training that focuses on emergency driving techniques, radio communications, legal ramifications, and KDPS policy.

Additionally, although not required by accreditation standards, KDPS has elected to conduct a meaningful review on all fleeing/eluding incidents as well, to ensure compliance with our pursuit policy. In 2021, 20 incidents were flagged during the meaningful review process as resulting in one or more of the following: discipline, training, a policy recommendation, or an equipment malfunction/recommendation. Of these 20 incidents, four resulted in discipline due to a violation of policy. These incidents were addressed individually with the involved officer(s) and included additional mentoring/training. Three incidents provided minor equipment recommendations or documented equipment malfunctions that were reviewed and remedied. Two incidents gave recommendations for a policy revision which were reviewed by the Chief of Public Safety, and later implemented. Lastly, 19 of the incidents required additional training/mentoring.



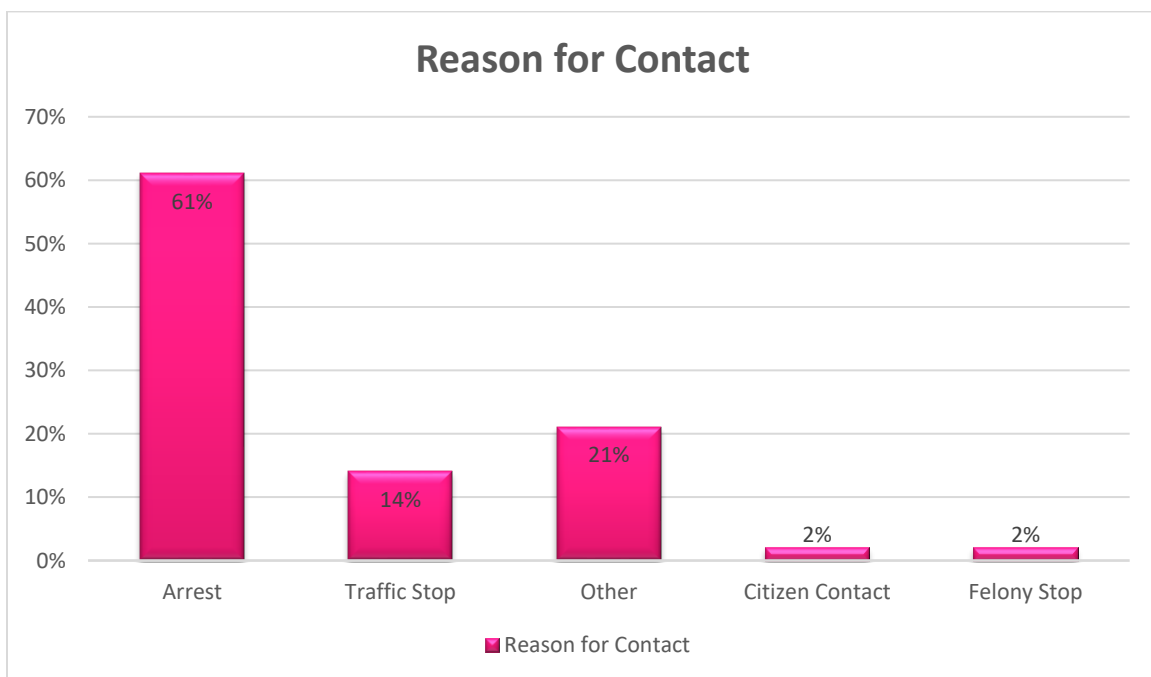
Training/mentoring is conducted for actions that do not rise to the level of a policy violation but could benefit from additional feedback to increase officer safety and operational soundness. The training involved policy review and discussions on officer safety and defensive driving tactics, body camera activation, de-escalation techniques, identifying crime elements, and improving radio communications. The meaningful review process for the fleeing/eluding incidents did not identify any trends or concerns with officers' response as it relates to policy comprehension and compliance, any specific training concerns, or any concerns with any individual officers. Any violations or concerns that were noted were addressed individually and remediated through corrective measures, which included training, mentoring, and/or discipline.

Office of Professional Standards- Foot Pursuits (MLEAC 3.5.7)

Summary of Foot Pursuits

Due to a change in reporting platforms, foot pursuits are now captured within the Use of Force module and are meaningfully reviewed simultaneously during the Use of Force review. As such, the Office of Professional Standards is unable to delineate certain Foot Pursuit data from overall Use of Force data.

In 2021, KDPS documented 100 foot pursuits. The pursued subject was arrested in 85 of the incidents. The following violations were noted as being the reason for officers attempting contact with the pursued subject.



In 11 incidents, an officer received minor injuries. In 22 incidents, the pursued subject received minor injuries. In 9 incidents, both the pursued subject and officer



received minor injuries. Please note however that most of these injuries are likely the result of officers having to use force and not the foot pursuit specifically, as both are captured in the same module.

Analysis of Foot Pursuits

As a MLEAC accredited police agency, a meaningful review must be conducted on every foot pursuit incident. A 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 needed. 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/Discipline, Policy Recommendations and Equipment Recommendations- There were no recommendations to change policy and/or equipment during the meaningful review process and all foot pursuits were found to comply with KDPS policy. Additionally, the analysis did not note any deficiencies in the policy or equipment issues pertaining to foot pursuits that should be addressed.

Training- During the meaningful review process, training specific to foot pursuits was warranted in seven incidents. Training occurred on an individual level and included giving clear verbal commands, improving radio traffic, and taking better control of situations to possibly prevent a foot pursuit. Training is often conducted to improve operational soundness, efficiency, and officer safety, and does not always indicate a deficiency. The analysis did not identify any department-wide deficiencies or trends. Additionally, 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 to pursue.

Operational Changes

In 2020, 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 of concern was remedied in 2021 with front-line supervisors being given examples of standardized language and a training video being provided regarding the proper submission of reports and meaningful review language.



In our 2020 report, KDPS additionally highlighted serious concerns with the Internal Affairs reporting platform (a pilot program). Ongoing concerns with the program resulted in KDPS transitioning away from the platform in early 2021. KDPS elected to return to using BlueTeam/IA Pro to capture data as it relates to use of force incidents, vehicle pursuits, foot pursuits, vehicle accidents, and internal affairs records. Prior to the transition in February 2021, KDPS performed an upgrade to the system which improved end-user and administrator functionality. Additionally, the Office of Professional Standards created three training videos specific to end-user report entries that were administered through Target Solutions, our online training platform. The Office of Professional Standards has received positive feedback from officers regarding the transition. It should be noted however that all data entered prior to the transition had to be manually re-entered into BlueTeam.

Conclusion

By and large, the 2021 analysis demonstrated that officers display sound judgment and professionalism in their daily interactions and that KDPS is a well-trained and well-equipped department. In 2022, the Office of Professional Standards will continue to review and analyze all data to improve the overall quality of service that we provide to the City of Kalamazoo.

