

Kalamazoo Dept of Public Safety OFFICE OF PROFESSIONAL STANDARDS Annual Report and Analysis



2022

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Introduction

The Kalamazoo Department of 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 Inspector who reports to the Office of the Chief.

The following report is designed to summarize and analyze the 2022 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 collected 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



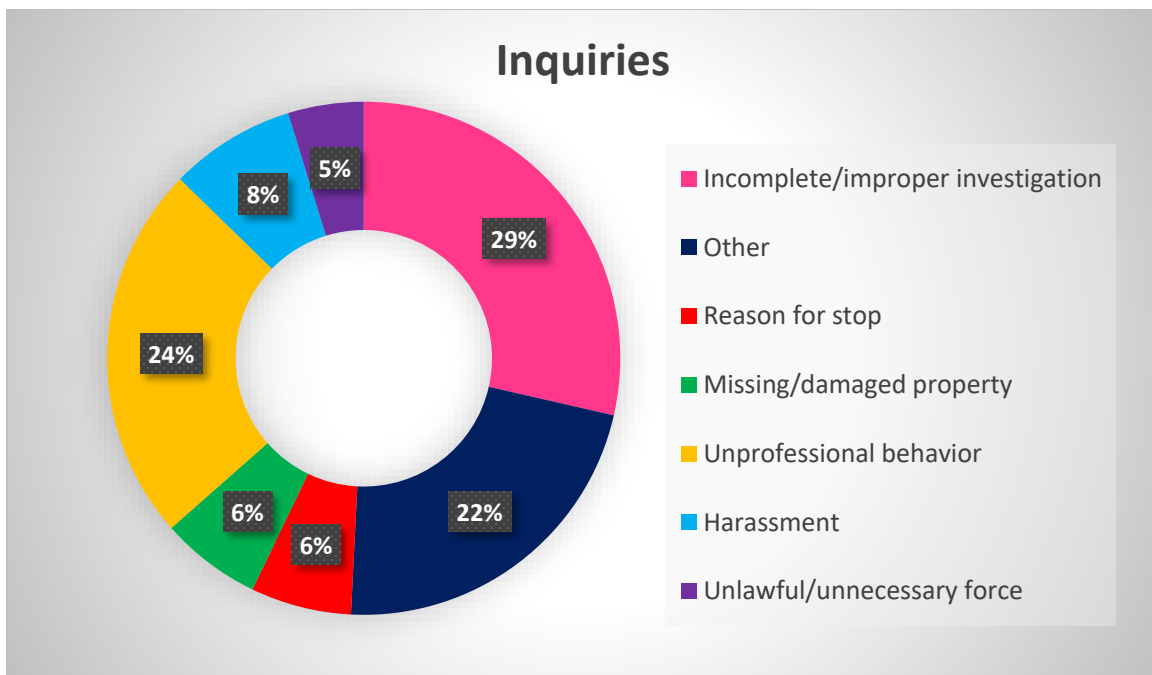
professional opinions, and reviewing camera footage to determine if policy violations exist that would warrant discipline or additional training.

In the aggregate, the Office of Professional Standards handled oversight and/or investigation of 63 Inquiries, 51 PCR Complaints and 7 Internal Investigations. Taken together, this represents 121 complaints for the entire year. Given that KDPS handled 127,771 calls for service in 2022, the number of complaints per calls for service is less than .001%. 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 to gain further information about the complaint. If the supervisor can make personal contact with the complainant and resolve the initial complaint by listening to the allegations, and providing a thorough explanation of the officer’s actions, KDPS policy/procedure, or circumstances of an incident, 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 2022.

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 2022 inquiries. The largest number of inquiries made in 2022 alleged that an officer conducted an incomplete or improper investigation (29%). This was followed by unprofessional behavior, which includes allegations of rudeness. The “Other” category includes allegations about improper towing of vehicles, an officer’s failure to have a supervisor respond to a scene, release of property concerns, and issues with employees unrelated to their employment, among several others. Each of the allegations in the “Other” category had two or less complaints.

Analysis of Inquiries

A deeper dive into these inquiries revealed that after an investigation by the assigned supervisor, there were nine incidents requiring corrective action in the form of discipline and/or training. Three of the incidents had a policy violation related to the complaint. Training and/or mentoring was additionally provided as a corrective measure in all nine incidents.

During the analysis, the Office of Professional Standards did not identify any larger 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 53% increase in inquiries during 2022 from the 41 inquiries completed in 2021. There was no discernable trend to explain the increase. It is worth noting that 2020 saw 63 inquiries; 2019, 53, and 2018, 68. 2021’s 41 inquiries appears to be an outlier.

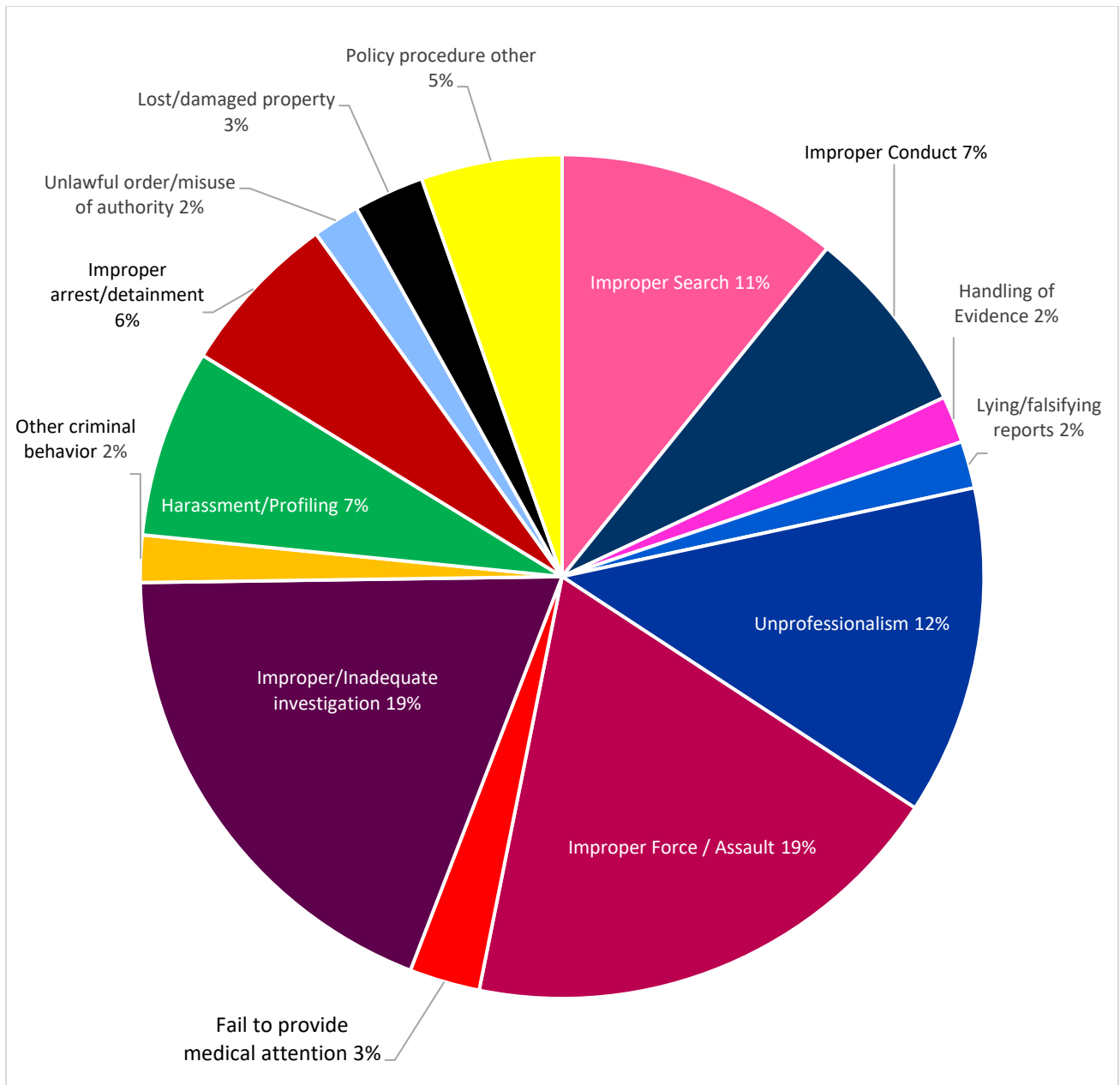
Summary of Police-Citizen Relation (PCR) Complaints

If an inquiry 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 providing false information, bias-based policing, or incidents dealing with mishandling of evidence are typically investigated as a PCR. In 2022, the Office of Professional Standards received 51 PCR complaints comprised of a total of 117 allegations made against officers (most PCR complaints have several allegations contained within them – one PCR alone accounted for 12 allegations).

As noted earlier, KDPS officers handled 127,771 calls for service in 2022. Using the above numbers, the number of PCR complaints per call for service was less than .001%, or approximately one PCR complaint for every 2,505 calls for service handled.

All 117 allegations contained in the PCRs 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 2022 were that officers (1) used improper force, or (2) completed an incomplete/improper investigation. Allegations of unprofessionalism, harassment, improper search, and improper conduct (e.g., threats, conduct unbecoming) were also reported; however, with less frequency.

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 or disagree with the recommendations or can send the report back to Professional Standards for further investigation.

The Office of Professional Standards uses five 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.

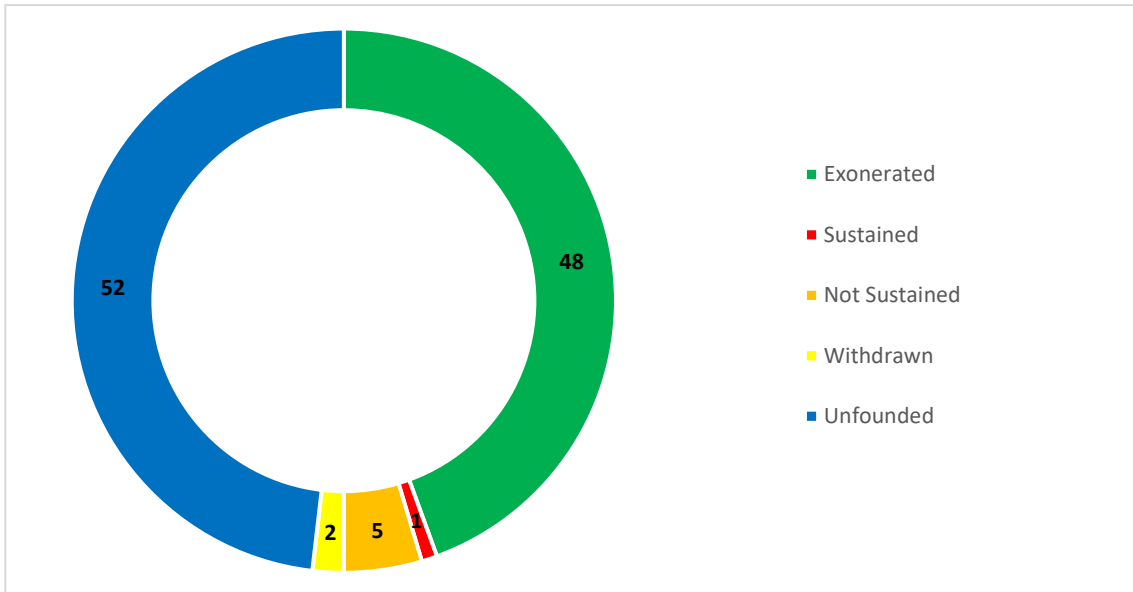
Sustained: When the investigation determines sufficient evidence to establish that the act occurred and that it constituted misconduct.

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 2022.





Of the 117 allegations investigated in 2022, two allegations were sustained against officers. One was an allegation of unprofessionalism; the second, a policy violation related to search practices. There is currently one 2022 PCR being reviewed by the Chief. This PCR contains two allegations.

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 2022, two complaints were appealed to the CPSRAB. After the first appeal, CPSRAB recommended sustaining the decision made by the Chief of Public Safety. After the second, the Board recommended overturning the Chief’s decision on two of three allegations. The Board’s recommendations were sent to the Kalamazoo City Manager for final determination.

Analysis of Police-Citizen Relation (PCR) Complaints

There was a 64% increase in PCR complaints (87% increase in allegations) during 2022 from the 31 complaints (62 allegations) filed in 2021. There was no discernable trend to explain the increase. For comparison of prior years, 2020 saw 38 PCRs filed; 2019, 22, and 2018, 26.



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.

As allegations in only two PCRs were sustained in 2022 (so far; one complaint is still under review), there is not enough data to examine patterns of improper behavior. In both sustained complaints, corrective measures were taken to address the issue with the involved officer. In one of them, a department-wide training module is being developed to prevent the officer's behavior (relating to social media use) from occurring again. The goal of corrective action is to hold the involved officer(s) accountable to deter future events and to provide an opportunity to improve officer performance. KDPS utilizes progressive discipline when appropriate.

However, there were several excessive force or assault complaints resulting from officers using hand strikes while in physical altercations with persons resisting arrest. While none of the complaints related to the use of strikes were sustained against the involved officers (a hand strike is allowed under policy and law, based on the situation), KDPS still examined how use-of-force training could be improved to give officers the skills to take resisting persons into custody more efficiently without having to resort to striking. The result was the implementation of a robust defensive tactics training program that included having a dedicated defensive tactics instructor and training space available to all officers several days per week.

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 2022, the Office of Professional Standards conducted seven internal investigations into the actions of KDPS officers. One of these investigations is still open. Of the six investigations *completed* by the Office of Professional Standards, eight documented policy violations were found, which resulted in the issuance of two suspensions and two resignations (in lieu of termination). Two investigations found no policy violations. One of the cases in which the officer was cleared was an officer-Involved Shooting (OIS) incident. The involved officer was cleared by both Professional Standards and the Kalamazoo County Prosecutor.



Analysis of Internal Investigations

During one internal investigation, the Office of Professional Standards identified an area of improvement (concerning officers' duties while assigned to a specific post) which was immediately addressed by divisional command.

The year's internal investigations were initiated for a variety of issues, and no overarching deficiency areas were identified.

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 through the chain of command (i.e., from officer to sergeant, then to lieutenant) for review before ending up in the Office of Professional Standards. All use of force incidents are then reviewed again by Professional Standards. The layers of review allow for multiple perspectives to evaluate each incident for policy compliance, training needs, equipment concerns, and potential policy changes.

In 2022, officers used force *beyond a firearm display* in 426 incidents. This number is extremely low compared to the number of calls for service handled by officers. This indicates that officers used force on average, one time out of every 300 calls for service. Historically, most use of force incidents occur when an officer is attempting to detain or arrest an individual. In 2022, KDPS made 3,520 arrests. This means that force would have been used in approximately 12% of arrests.

As a rule, the amount of force used by an officer is predicated on a person's level of resistance against them. 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.

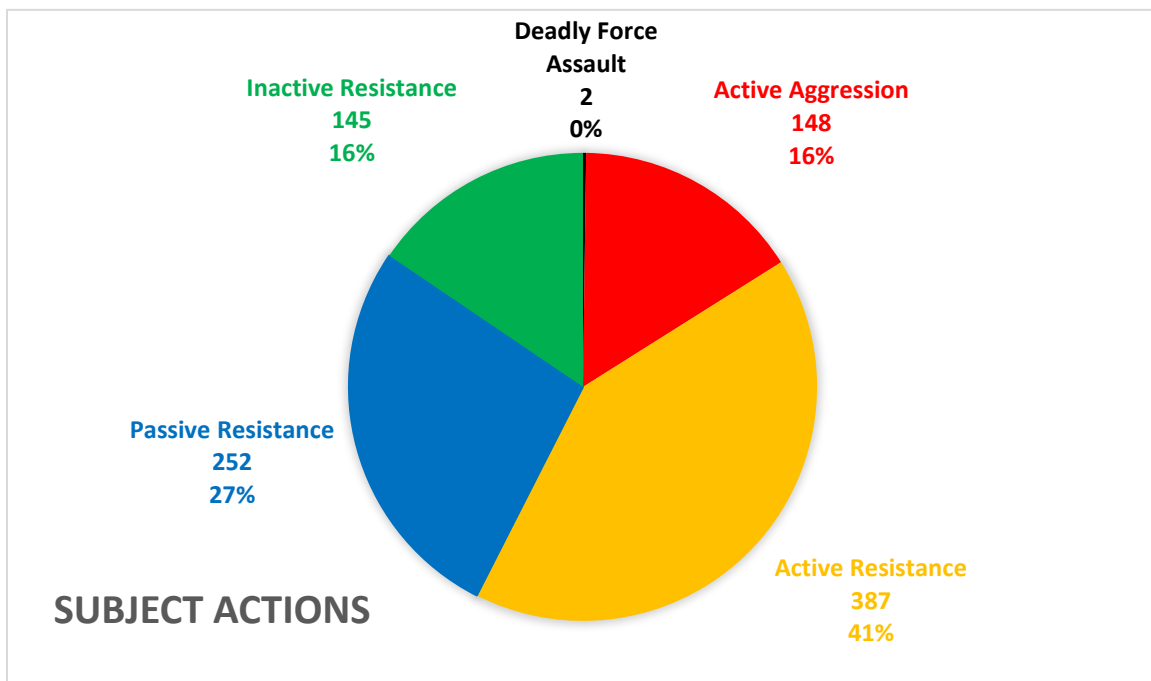
Deadly Force Response - Any force used by an officer that has a reasonable probability to cause death.

KDPS separates force 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 2022, there were a compiled 559 show of force and use of force incidents. Of these, 133 were documented as show of force incidents, while 426 were documented as Use of Force incidents.

Of the 426 documented use of force incidents, officers documented 935 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 timeframe.



As observed above, of the 935 subject actions documented in 2022, 537 (57%) were at the active resistance level or higher. The remaining subject actions were at a lower level of resistance.

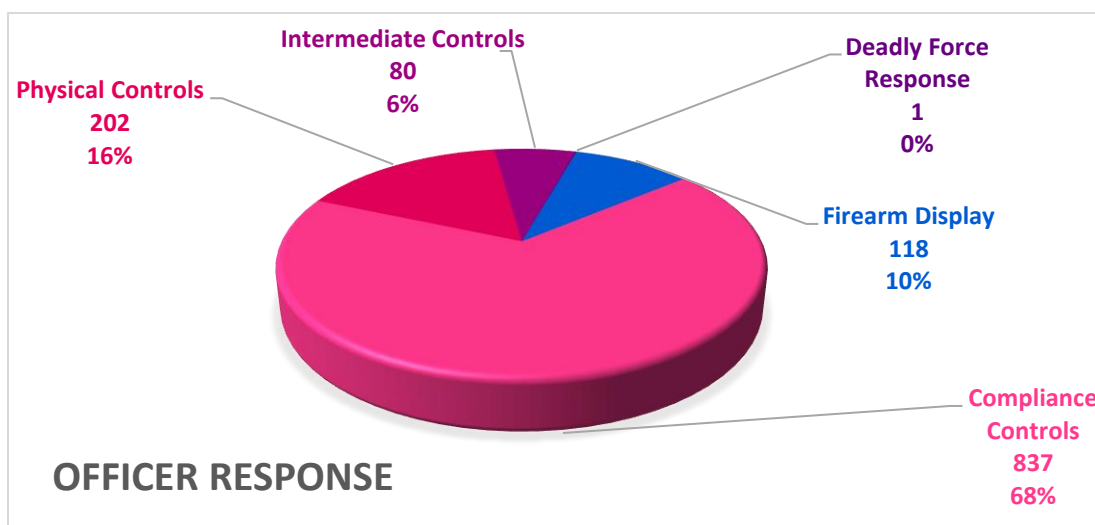
As with the level of resistance (subject action) faced, an officer may use several different levels of force (officer response) in a single incident. The officer may start at a lower level of response and escalate or deescalate their response to a higher or lower level. During 2022, there were 1,238 recorded officer responses used in the 426 incidents, absent verbal direction and officer presence. This amounts to approximately 2.9 officer responses and/or levels of force being utilized in each use of force incident. The graph below demonstrates the officer responses used in 2022.



Officer responses do not include officer presence/verbal direction as this category of 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 (68%). 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. Firearms were displayed in 118 incidents (10%), and intermediate controls (e.g., use of impact weapons, Taser, OC spray) were used in 6% of incidents. Deadly force was used in one incident, and a canine was used twice to apprehend a subject.

All incidents where force must be utilized have the possibility of injury to both the subject and officer(s) involved. Injuries are more prevalent for both the officer and the citizen when officers must go hands-on with them. Injury rates tend to be lower when OC spray or a Taser are utilized. During 2022, officers were injured in 107 use of force incidents; citizens, in 106. The majority of the injuries to both citizens and officers were minor in nature and consisted of abrasions, sprain/strain, pain, and/or lacerations. Citizens 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 2022, subjects were charged for a criminal offense, and/or arrested, in 85% of the incidents. Instances where a subject was not charged included those experiencing a mental health crisis where (1) an officer intervened to provide medical or mental health care, where the citizen escaped an officer's attempts to take them into custody (e.g., fled on foot) and was not identified, or when unique circumstances existed where an arrest was not appropriate.



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, discipline is warranted, training is required, equipment changes are recommended, or 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 - None of the 426 Use of Force incidents in 2022 resulted in a determination that the force used was inappropriate, excessive, or unjustified.

The Office of Professional Standards received 12 external complaints in which it was reported that officers used unjustified force. Formal investigations were conducted based on the complaints. These investigations are summarized below:

1. Complainant alleged that officers kicked him in the head and ribs during his detainment during a felony assault investigation. The investigation found that officers were able to handcuff the complainant without issue and used no force during his arrest. The allegations were determined to be unfounded.
2. Complainant alleged that officers shot and killed her son, who was armed and had expressed suicidal ideations, while he stood outside an apartment complex. At the conclusion of the event, the complainant's son shot himself in the head, resulting in his death. The allegation was determined to be unfounded.
3. Complainant alleged that officers used excessive force by displaying their firearms and then breaking her thumb. Officers were serving a search warrant upon the complainant's residence at the time, and were permitted by policy and law to display their firearms. As soon as the residence was cleared of possible threats, the firearms were holstered. The complainant was handcuffed during this incident, but officers used no force and even provided her with two sets of cuffs (linked together) to ensure her comfort while the residence was searched. The complainant never made a complaint to officers at the time of this incident about an injury to her thumb, and there was no evidence they caused the injury. The officers were exonerated of the complainant's allegations.



4. Complainant alleged that an officer assaulted him during a traffic stop. Officers stopped a vehicle and had the complainant step out of the car. One of the involved officers, who is no longer employed by KDPS, was on an early phase of field training with his field training officer. The trainee took hold of the complainant's arms to handcuff him to detain him. His field training officer, who did not believe it was necessary at that time to handcuff the complainant (though lawful and allowed by policy), stopped the trainee. There was no unlawful intent on the part of the trainee, and his actions did not violate policy. The allegation was determined to be unfounded.
5. Complainant alleged that an officer elbowed him while walking past him during an investigation. The moment of the alleged assault was caught on a nearby officer's body-worn camera. The video refuted the complainant's claims, and his allegation was ruled unfounded.
6. Complainant alleged that an officer used excessive force by tackling her, ignoring her claims that she could not breathe, and pulling up on her arm to cause pain in her shoulder and wrist. The investigation found the arresting officer's use of force (a takedown) during this lawful arrest was within policy, the involved officers minimized the time the complainant was on the ground, and that the arresting officer's actions post-arrest were appropriate for the complainant's level of resistance against him. The officer was exonerated of the complainant's allegations.

The complainant also alleged that an officer intentionally tried to injure her by slamming on his brakes while she was in custody in the back of his cruiser. The investigation showed that the officer slammed on his brakes after nearly running a stop sign that was blocked by a truck. The officer was exonerated of the complainant's allegation.

7. Complainant alleged that officers used excessive force during her arrest for domestic assault. Body-worn camera video showed that officers muscled the complainant's arms behind her back, which was appropriate for her level of resistance. The complainant also alleged that an officer grabbed her throat during the arrest, but body-worn camera video showed this did not occur. Officers were exonerated of the allegations.
8. Complainant alleged that an officer used unlawful force against him by shoving him. The investigation found that the complainant had approached an unlocked cruiser that the officer was standing nearby. Body-worn camera



video showed the complainant ignored the officer's lawful orders to back away from the cruiser. The officer then extended his arm to create space between him and the complainant so that he could lock the cruiser and roll up the window. There was no shoving or pushing caused by the action. The officer was exonerated of the complainant's allegation.

9. The complainant, an uninvolved third party who observed a social media video of an arrest, alleged that officers used excessive force. The investigation found that officers used appropriate force to stop the subject's resistance. The involved officers were exonerated of misconduct.
10. The complainant, an uninvolved third party who observed a social media video of an arrest, alleged that an officer used excessive force during an arrest in the midst of an active fight in which the subject was an active participant. The investigation determined that the officer, who only moments before observed this female striking another person, saw her squaring up to a school employee whose back was turned to her. The officer performed a takedown to prevent an imminent assault to the employee. The officer was exonerated of the allegation of excessive force (and the complainant's allegation of assault was determined to be unfounded).
11. Complainant alleged that an officer assaulted him by tackling him and punching him during an arrest. The investigation found that the officer, who had responded to a call of a person carrying a firearm, used appropriate force by performing a takedown, then later a single strike, in response to the complainant's aggressive resistance toward him. The single strike changed the subject's behavior and allowed him to be swiftly taken into custody. The assault allegation was determined to be unfounded.
12. Complainant alleged that an officer assaulted him by punching him, unprovoked, then punching him again after he fled on foot. The investigation determined that first "punch" did not occur, and that two subsequent strikes were appropriate and within policy based on the complainant's aggressive actions toward the officer. The assault allegation was determined to be unfounded.

Policy Recommendations – One policy recommendation was made during the meaningful review process, which suggested strengthening policy related to officers using the assistance of hospital security officers to control combative persons at hospital facilities.



Equipment Recommendations - There were eight equipment issues noted during the meaningful review process, however, no recommendations were made. All equipment issues noted were related to malfunctions of body-worn cameras (BWCs). These includes BWCs not syncing to the cruiser, BWCs falling off uniforms, shutting off accidentally, or having issues with correctly recording audio. These concerns are being addressed as KDPS searches for a new BWC system, which will include more secure mounting and more reliable syncing with in-car recording systems.

Training - During the meaningful review process, training was warranted in 42 incidents. Training occurs on an individual level, and is often conducted to improve operational soundness, efficiency, and officer safety. Training does not always indicate a deficiency. The analysis did not identify a department-wide deficiency or trend, however, did identify several areas where overall training could be improved. These areas include subject control (defensive tactics, handcuffing techniques, and maintaining positive control of persons under arrest) and giving clear, direct verbal commands. These training areas were provided to the KDPS Training Division for additional focus in upcoming training. As noted earlier, the Training Division began a lengthy subject control / defensive tactics training program for officers at the beginning of 2023 which aims to address some of the issues noted in the 2022 analysis.

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. In 2022, KDPS recognized that not all situations allow immediate camera activation, and not wanting officers to prioritize camera activation over officer safety in dynamic situations, piloted several new body-worn camera platforms. Some of these cameras incorporated more automatic activation triggers (e.g., when a firearm or taser is displayed, when a officer approaches another person whose body camera is already activated). Some of these systems also allow for retroactive activation of the camera system after-the-fact. Replacing an entire recording system (including body-worn and in-car cameras) is no small task, and KDPS continues work on which system will serve the department best in the long term.

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 relative to the number of drivers who choose to 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. In 2021, KDPS updated its reporting process to track incidents where a vehicle flees from officers, but the officer chooses not to pursue. The purpose of this documentation is to demonstrate that officers weigh the totality of the circumstances along with potential community risk when making a pursuit decision.

In 2022, KDPS recorded 217 incidents in which a vehicle fled from an officer. KDPS officers chose not to pursue the fleeing vehicle in 127 of these incidents (59%), as the initiation of a vehicle pursuit did not comply with KDPS policy, or the risk caused by a potential pursuit was too great.

KDPS initiated a pursuit in 91 incidents (41% of total). 70% of those pursuits were initiated in response to a non-violent felony crime (e.g., stolen vehicle), whereas violent felony crimes accounted for 27% of pursuit initiations, followed by 3% being initiated for other reasons. Most pursuits initiated traveled less than 2 miles in total distance (66%), and most (63%) were terminated by the officer or supervisor (typically based on changing pursuit conditions). Of the 34% that were not terminated, the suspect driver stopped in 14% of incidents, or the pursuit ended in various other ways, including a vehicle crash or vehicle failure. Officers were able to utilize forced intervention (spikes, vehicle intercepts) in 4% of 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 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 2022, corrective action in the form of discipline was warranted in four cases. In two, written reprimands were issued. In the other two, the officers received written criticisms. In one of these incidents, the officer pursued a vehicle outside of policy which resulted in discipline. In the other three, discipline was a result of the officers' actions during the pursuit, primarily driving without due care. These incidents were addressed individually with the involved officer(s).

Policy Recommendations – 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. The pursuit policy was revised in February 2022 to include the use of a vehicle intercept, in limited situations, as a tactic to prevent pursuits or safely bring them to an end. This revision also included a mandatory training component.

Equipment Recommendations- There were no recommendations to change equipment during the meaningful review process, however, one equipment issue regarding an in-car camera audio malfunction was noted during the meaningful review process.

Training - During the meaningful review process, training was warranted in 31 incidents, which included the four 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, and using proper radio communications. 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.

There were no training issues that were not addressed individually with the involved officer(s). However, the Office of Professional Standards recommends that in 2023, instructors from KDPS conduct department-wide training (not just to officers in training) to reinforce safe and proper emergency driving techniques, radio communications, legal considerations, 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 2022, 13 incidents were flagged during the meaningful review process as resulting in one or more of the following: discipline, training, a policy



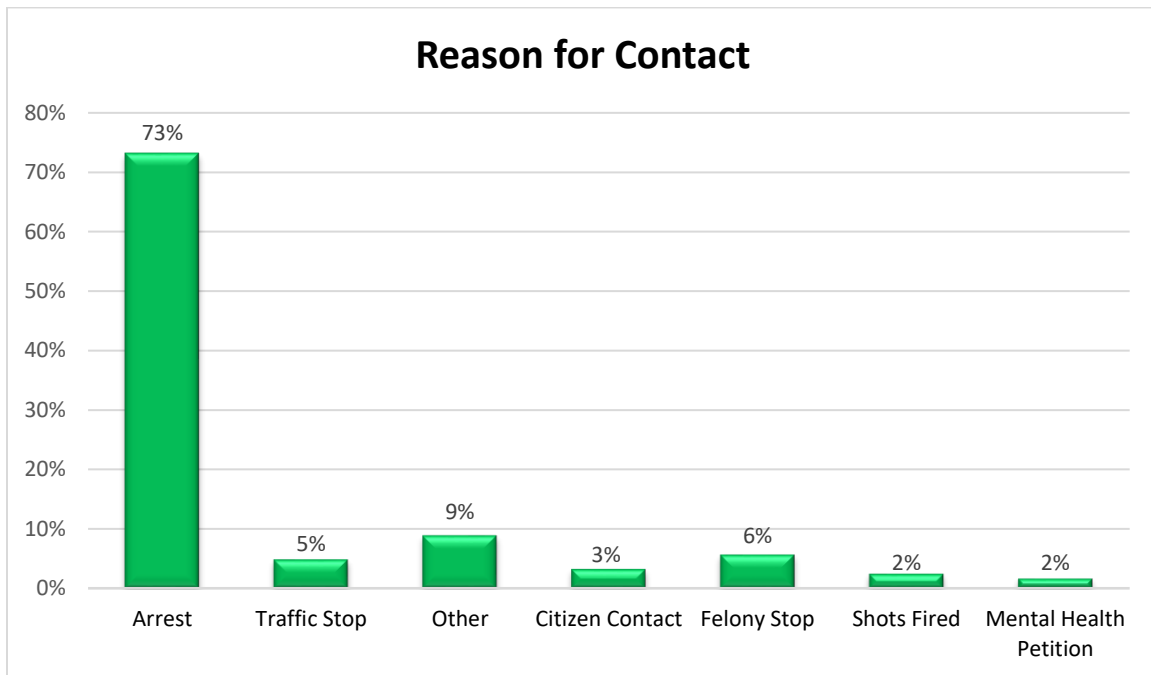
recommendation, or an equipment malfunction/recommendation. Of these 13 incidents, none resulted in discipline due to a violation of policy. However, all 13 incidents included identified training needs that were addressed individually with the involved officer(s). These training points included practicing safe driving tactics, both with and without emergency equipment activated, quicker recognition that a vehicle is fleeing, and improving radio communications. One incident highlighted an equipment malfunction that was remedied.

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 reviewed as a part of 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 2022, KDPS documented 125 foot pursuits. The pursued subject was arrested in 91 of the incidents. The following violations were noted as the reasons officers attempted contact with the pursued subject.



Officers were injured in 40 incidents, and the pursued subject sustained injuries in 36 incidents. Please note however that most of these injuries were 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 - There were no recommendations to change policy during the meaningful review process and all foot pursuits were found to comply with KDPS' policy.

Equipment – The meaningful review process noted some equipment issues related to officers' body-worn camera. Specifically, a new camera being tested by officers fell off the officers' uniforms on two occasions.

Training - During the meaningful review process, training specific to foot pursuits was warranted in 15 incidents. Training occurred on an individual level and included giving clear verbal commands, improving radio traffic, and taking better control of situations to potentially *prevent* a foot pursuit. Additional training areas, such as defensive tactics / subject control, were covered in the use of force section of this report.

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 larger issues in relation to when an officer initiates a foot pursuit or in an officer deciding whether to continue or terminate a foot pursuit.

Operational Changes

The most significant operational change as a result of data gleaned in 2022 was the institution of a revised defensive tactics / subject control training program. This was covered in the use of force portion of this report; however, it is worth noting that this change was brought about as a result of the department's meaningful review process, as well as citizen complaints.

Body-worn cameras (BWC) were frequently flagged as an equipment issue throughout the year. BWCs are an extremely important tool in capturing an incident and the officer's actions; however, they are of no use if they fall off an officer's uniform or



accidentally deactivate. The department is currently searching for a new BWC platform that addresses some of the issues raised with our current camera system. The selection process for new cameras is no small task, as multiple systems must be tested, with several weeks of testing per system, to create reliable comparison data.

Conclusion

By and large, the 2022 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 2023, 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.

