



Statement from Kalamazoo Department of Public Safety
Chief Karianne Thomas regarding the MLIVE article,
Use-of-force policies from major Michigan police agencies fail to meet anti-brutality demands

July 22, 2020

The MLIVE article that ran Wednesday, July 22, 2020 contends that the Kalamazoo Department of Public Safety's (KDPS) Use of Force Policy meets 3 of the 8 mandates by the 8 Can't Wait campaign for police reform (an early version of the MLIVE article stated KDPS met 2 of the standards). Our review of KDPS's policies and procedures indicates that KDPS meets 7 of the 8 criteria.

The methodology used by MLIVE was to send FOIA requests to twelve law enforcement departments around the state and then have a member of the 8 Can't Wait campaign evaluate each department's use of force policy as to whether it aligns with the 8 policy reforms that the campaign values.

It should be noted that KDPS has more than 300 policies and procedures which govern all our department's work and interactions with the public. The MLIVE article only examined one policy (Use of Force). Had the other policies and procedures been examined the reviewers would have found a closer alignment with 8 Can't Wait.

KDPS is committed to working with the Kalamazoo community to ensure transparent, equitable treatment of all. Although the wording of KDPS's policies may not exactly match the Campaign's, KDPS is implementing most of the ideals of the 8 Can't Wait campaign, as well as other best practice initiatives such as President Obama's 21st Century Policing Task Force Report.

The following explains how we believe KDPS meets these policies.

(language in italics is from the MLIVE article)

1. *REQUIRE DE-ESCALATION - Officers must de-escalate situations, where possible, by communicating with subjects and using other techniques to reduce the likelihood that force will be used.*

All KDPS policies that address use of force mention the use of de-escalation techniques as the preferred resolution. The policies address de-escalation and

the preference to talk to suspects as opposed to use force. Additionally, the department has one of the state's most-respected instructors in Crisis Intervention Training in Executive Lt. Rafael Diaz. KDPS meets this requirement of the 8 Can't Wait campaign.

2. *HAS USE OF FORCE CONTINUUM - A force continuum restricts the most severe types of force to use in the most extreme situations, with policy restrictions for use of each police weapon and tactic that is employed.*

Policy 300.3.2 clearly outlines that KDPS officers utilize the Michigan Commission on Law Enforcement Standards' (MCOLES) Use of Force Continuum. The MCOLES Use of Force Continuum is taught throughout the state of Michigan to law enforcement officers regardless of employer. The 8 Can't Wait requires that the use of force continuum restricts the most severe types of force to use in the most extreme situations, and this is what the MCOLES continuum does. In the continuum, and with all KDPS Use of Force incidents, the amount of force used should be in proportion to the level of resistance faced. This is how officers at KDPS are trained and evaluated each day. KDPS meets this requirement of the 8 Can't Wait campaign.

3. *BAN CHOKEHOLDS AND STRANGLEHOLDS - Chokeholds and other neck restraints banned in all situations.*

This is an example where KDPS policy is more restrictive than what is requested by the 8 Can't Wait campaign. KDPS policy 300.3.3 states, "In the instance when force is used, public safety officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted."

It is important to point out that while KDPS does not specifically use the words "chokeholds" and "strangleholds," it uses the terminology that "**any technique**" that restricts blood flow or respiration to the head should not be used. It is the department's contention that KDPS's more restrictive language clearly prohibits the use of any technique which restricts blood or oxygen to the head area. KDPS meets this requirement of the 8 Can't Wait campaign.

4. *REQUIRES WARNING BEFORE SHOOTING - Requires officers to give a verbal warning in all situations, when feasible, before using deadly force.*

KDPS meets this standard according to MLIVE and 8 Can't Wait.

5. *RESTRICTS SHOOTING AT MOVING VEHICLES - Bans officers from shooting at moving vehicles unless occupants of the vehicle are using deadly force (not including the vehicle)*

KDPS policy 300.5.1 states, "Shots fired at or from a moving vehicle are rarely effective. Public Safety Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants, if feasible. A public safety officer should only discharge a firearm at a moving vehicle or its occupants when the public safety officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the public safety officer or others. Public Safety Officers should not shoot at any part of a vehicle to disable the vehicle."

This directive clearly restricts the shooting at a moving vehicle to only two scenarios: a) the officer, or others, are unable to move out of the way of an oncoming car due to the space or restricted movement placed on the officer (e.g., a narrow alleyway which prevents the officer from moving out of the way of the oncoming car) or b) when the vehicle itself is not the method utilized in the deadly force assault on the officer (e.g., the occupants are firing a weapon out a moving vehicle at the officer). The 8 Can't Wait campaign allows for option b) but not option a). To ban officers from the option to use deadly force in the example used for option a) places an unacceptable risk to our officers and the public.

KDPS's policy is clear: the first priority is to avoid at all costs possible, the use of deadly force at a moving vehicle, by moving to get out of the way of that vehicle. However, in the remote chance that an officer cannot move out of the way due to their surroundings they must be allowed to have the last resort option of lethal force to try and eliminate the immediate threat of great bodily harm or death to themselves. KDPS meets this requirement of the 8 Can't Wait campaign.

6. *REQUIRES EXHAUST ALL OTHER MEANS BEFORE SHOOTING - Officers must exhaust all other alternatives, including not using force and using less lethal force, before using deadly force.*

KDPS does not meet this standard as it is written by 8 Can't Wait, but this standard contradicts the other 8 Can't Wait requirement of having a use of force continuum (see #2).

The MCOLES Use of Force Continuum does not require an officer to try every available force option available prior to resorting to lethal force. The continuum requires a proportional response to the resistance faced. It is dangerous to require officers to use hand techniques, or physical controls (two of the lower forms of force response) on a subject that points (or worse fires) a firearm at an officer or others. The continuum would support the use of immediate deadly force by the officer in that situation. In 2019, KDPS officers were ambushed by a shooter inside BioMat. Officers entered the building and were immediately fired

upon before they could even begin to go through escalating levels of force. The **only** available response was deadly force by the officers in that real example.

7. *DUTY TO INTERVENE - Officers must intervene and stop excessive force used by other officers and report any such incidents to a supervisor immediately.*

KDPS meets this standard according to MLIVE and 8 Can't Wait.

8. *Requires Comprehensive Reporting. Officers must report every time they use force or threaten to use force against civilians, which includes when an officer points a firearm at someone.*

KDPS meets this standard according to MLIVE and 8 Can't Wait.

Additional information on KDPS's policies, initiatives and other programs can be found at www.kalamazoocity.org/kdpstransparency .