

All Recommendations

Recommendation	Assigned	Deliverable, Decision or Recommendation	Status
1 In determining arrest strategies in a crowd control management context, KDPS should focus on contemporaneous misconduct such as assaultive and/or destructive behavior, rather than other potential justifications such as outstanding arrest warrants.	Chief's Office	Addressed in Policy 430 Update (430.5) "KDPS recognizes that crowds are heterogenous, consisting of participants with different social identities and different levels of tolerance or support for unlawful behavior. Public Safety Officers and supervisors must understand the importance of differentiating between violent members of the crowd and peaceful protestors."	Policy update is complete
2 KDPS should work with other City officials and community representatives to assess its strategy for addressing criminal misconduct in the context of larger scale unrest, so that those responsible for assaultive and criminal conduct are targeted and those who are exercising their First Amendment rights are not impacted by less selective approaches such as tear gas.	Chief's Office / CMO	Addressed in Policy 430 Update (430.5) "Any public assembly of individuals or groups, lawful or unlawful, may require support and/or intervention by law enforcement. Depending upon the situation, the graded and differentiative response of law enforcement can range from observation and crowd management strategies, to crowd intervention and control strategies. The police response to each assembly or protest is different and will require law enforcement's flexibility, creativity, discipline, and patience."	Completed
3 KDPS and the City's leadership should examine its tactics in engaging with the curfew protest group on Tuesday evening, and consider the applicability of coordinated arrests as a potential alternative tool to chemical munitions.	Operations / CMO	Completed	Completed
4 KDPS should modify its policy to ensure that field supervisors are consulted before officers arrest or detain journalists or legal observers for violations of police zones, curfews, or other nonviolent offenses in the context of protests or demonstrations.	Chief's Office	Addressed in Policy 430 Update (430.5) "After a police line has been established, clearly identified media will be permitted to carry out their professional duties inside the police zone unless their presence or actions would unduly interfere with ongoing enforcement operations. When practical, members of the media determined to be interfering with law enforcement operations will be given a warning and the opportunity to move to an area where they are no longer causing the interference. Arrest or detention of a media member will only be as a last resort and require approval of a supervisor. Self-identified legal observers and crowd monitors do not have the same legal status as the professional media and are, therefore, subject to all laws and orders similar to any other person. The on-scene commander may allow a legal observer or crowd monitor to remain inside the police zone if circumstances permit and if their presence would not interfere or intervene with the enforcement operations. Arrest or detention of a legal observer or crowd monitor for a non-violent offence will require the approval of a supervisor. Any arrest or detention of a member of the media, self-identified legal observer or crowd monitor will be immediately reported to Incident Command. Incident Command will continuously evaluate the need to maintain a police zone based on the dynamics of the incident, including balancing the need to maintain the safety of the public and property along with people right to publicly assemble."	Completed
5 KDPS should provide training to supervisors on the need to exercise discretion prior to approving arrests of journalists and legal observers for nonviolent offenses in the context of them covering protests or demonstrations.	CMT / Operations Command Staff	On going training	On Going Training
6 KDPS should develop policy or protocol prohibiting Office of Professional Standards personnel from submitting reports in support of prosecution based on their investigation of public complaints of misconduct made against officers or other KDPS personnel.	Professional Standards	Addressed in Policy 1011 Update (1011.6.2 (F)) "Typically, the Office of Professional Standards will not submit criminal reports in support of prosecution in response to misconduct complaints reported to the Department. When a criminal complaint may be warranted, the assigned investigator will consult with the Chief of Public Safety, or their designee, for approval."	Policy update is complete

7	KDPS and the City's leadership should engage with the community as it considers the circumstances required to declare a police zone in the context of crowd management. The resulting guidelines should be publicized in a way that provides City residents and stakeholders a clear understanding of under what circumstances KDPS will declare a police zone in response to protest activity.	Chief's Office / CMO	Addressed in Policy 430 Update (430.5) <i>"In the event a group or portion of a group becomes involved in violent or riotous behavior, the priority for KDPS is to protect lives and property and restore conditions to normal as rapidly and efficiently as possible. The rapid deployment of resources to contain and arrest those responsible for violent, riotous, or unlawful behavior and the dispersal of unlawful groups will help accomplish the Department's crowd control primary objectives. When circumstances require crowd dispersal, the dispersal should generally not occur until control resources are in place to assist in managing the dispersed crowd, as unlawful conduct is extremely dynamic and mobile. Crowd dispersal strategies should only be used when immediate action is necessary to stop violence and/or property damage and/or sufficient resources are not present to ensure public safety."</i>	Conmpelled
8	KDPS should utilize their vehicle PA system or alternative audio system to clearly and loudly communicate with crowds, especially when issuing dispersal orders or other instructions.	Chief's Office	Addressed in Policy 430 Update (430.5) <i>"The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area, and documented by audio, video, and the incident report."</i>	Policy update is complete
9	KDPS should create written protocols to ensure that any dispersal orders or other instructions to the crowd are recorded and documented as proof that such orders were effectively given.	Chief's Office	Addressed in Policy 430 Update (430.5) <i>"The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area, and documented by audio, video, and the incident report."</i>	Policy update is complete
10	KDPS and the City's leadership should develop principles around when imposition of a police zone is appropriate in the protest context.	Chief's Office	Addressed in Policy 430 Update (430.5) <i>"In the event a group or portion of a group becomes involved in violent or riotous behavior, the priority for KDPS is to protect lives and property and restore conditions to normal as rapidly and efficiently as possible. The rapid deployment of resources to contain and arrest those responsible for violent, riotous, or unlawful behavior and the dispersal of unlawful groups will help accomplish the Department's crowd control primary objectives. When circumstances require crowd dispersal, the dispersal should generally not occur until control resources are in place to assist in managing the dispersed crowd, as unlawful conduct is extremely dynamic and mobile. Crowd dispersal strategies should only be used when immediate action is necessary to stop violence and/or property damage and/or sufficient resources are not present to ensure public safety. Establishment of a Police Zone- When initial attempts of de-escalation and voluntary dispersal are unsuccessful, the Incident Commander or designee will establish a Police Line or Police Zone as authorized in City Ordinance 22-51."</i>	Policy update is complete
11	KDPS should evaluate its policy and training around police zones to ensure sufficient emphasis on flexibility and continual re-assessment of exigencies and other circumstances.	Chief's Office / CMT / Operations Command Staff	Addressed in Policy 430 Update (430.5) <i>"Incident Command will continuously evaluate the need to maintain a police zone based on the dynamics of the incident, including balancing the need to maintain the safety of the public and property along with people right to publicly assemble."</i>	Policy update is complete going Training On

<p>12 KDPS, in collaboration with its community, should determine a clear protocol for dispersal orders with the goal of gaining voluntary dispersal prior to issuing formal dispersal orders.</p>	<p>Chief's Office / CMO</p>	<p>Addressed in Policy 430 Update (430.5) "Establishment of a Police Zone- When initial attempts of de-escalation and voluntary dispersal are unsuccessful, the Incident Commander or designee will establish a Police Line or Police Zone as authorized in City Ordinance 22-51. Prior to taking enforcement actions, the on-scene commander will:</p> <p>a) MMake a clear, standardized announcement to the gathering that the event is an unlawful assembly (citing violations being committed) and a police zone has been established.</p> <p>b) TThe announcement will include:</p> <ul style="list-style-type: none"> • Boundary areas or streets where the police zone will be in effect. • A warning that all persons remaining within the police zone or who enter the police zone will be arrested. • Potential Law Enforcement actions including the use of chemical irritants that will take place if illegal behavior continues. • Designated dispersal routes. • An established timeframe before the police zone is in effect allowing the participants the opportunity to leave. • Final warning before actions to disperse the crowd are taken. <p>c) The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area, and documented by audio, video, and the incident report.</p> <p>d) Incorporate a contingency or "release plan" to allow vulnerable or distressed persons or those who are inadvertently caught up in the established police zone to exit without repercussions."</p>	<p>Policy update complete</p>
<p>13 KDPS should ensure that its personnel are regularly briefed and advised on its policy requirement that any dispersal orders instruct the crowd on appropriate dispersal routes.</p>	<p>Chief's Office / CMT / Operations Command Staff</p>	<p>Addressed in Policy 430 Update (430.5)</p> <p>"The announcement will include:</p> <ul style="list-style-type: none"> • Boundary areas or streets where the police zone will be in effect. • A warning that all persons remaining within the police zone or who enter the police zone will be arrested. • Potential Law Enforcement actions including the use of chemical irritants that will take place if illegal behavior continues. • Designated dispersal routes. • An established timeframe before the police zone is in effect allowing the participants the opportunity to leave. • Final warning before actions to disperse the crowd are taken." 	<p>On going Training</p>
<p>14 KDPS policy and training regarding dispersal orders should be revised to require personnel officers to include express warnings about the potential use of force should the order be defied.</p>	<p>Operations</p>	<p>Addressed in Policy 430 Update</p>	<p>On going Training</p>
<p>15 KDPS should publish a new dispersal order and "notices of intent" to include clearer and more detailed instructions in their public announcements, include the new language in Department policy where applicable, and train officers regarding this new language.</p>	<p>Operations</p>	<p>Addressed in Policy 430 Update - Completed</p>	<p>Completed</p>
<p>16 KDPS, in collaboration with its PIO and the City's leadership, should continue to work on the above-listed public communication strategies related to crowd management and, when complete, communicate these to its community and train officers accordingly.</p>	<p>Chief's Office / CMO</p>	<p>Addressed in Policy 430 Update (430.5) and the City's communication policy..."Communication is the principal mechanism by which KDPS can discover the aims of the event organizers and how to best facilitate these aims. Communication is also the best way for KDPS to learn about potential public order or public safety problems and try to prevent them together with event organizers and participants. Ongoing communication with event organizers, City Commission, community stakeholders, media and others, before, during and after public protests, demonstrations, and rallies play an important role with the success of the event. KDPS will follow the City's First Amendment Assembly Communications Strategy."</p>	<p>Policy update is complete</p>

17	KDPS should continue to develop effective tracking mechanisms for less lethal munitions, including the munition bag recommended in its After Action Report and a tracking log to specifically track how many of which types of munitions are used and by whom.	CMT	Check out logs. Pre-assembled munitions bags with security ties. Squad Leader will communicate with Incident Command after each deployment incident.	Completed
18	During the planning and debriefing phase of any anticipated First Amendment protest activity, KDPS should stress the need to effectively report uses of force and the effective use of body-worn cameras and include those tasks in any operations plans.	Professional Standards / Operations	Addressed in Policy 430 Update - (430.6) and (424.6a) added specific verbiage to body Camera Policy. "A Use of Force Report is required when an officer(s) becomes involved in an isolated incident with an individual during a crowd control situation, which goes beyond the mission of the skirmish line. Additionally, a Use of Force Report is required for any deployment of any chemical or impact munitions." "The recorder should be activated in any of the following situations: (a) All enforcement and investigative contacts including stops, search warrants, field interview situations, and field operations during first amendment assemblies"	Completed
19	KDPS should consider ways to prioritize and facilitate effective and comprehensive reporting related to uses of force by its personnel in the specific context of crowd management/crowd control, so as to overcome some of the inherent challenges to timeliness and specificity.	Professional Standards	Addressed in Policy 300.6 Update "300.6 REPORTING THE USE OF FORCE Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident as outlined in KDPS Policy 314, Report Preparation"	Completed
20	KDPS should formally address the wide-scale lapses in adherence to the body-worn camera policy that occurred during the May 30 to June 2 operational period.	Professional Standards	Requirement was made after the June protest. Added verbiage to Policy 424.6a "The recorder should be activated in any of the following situations: (a) All enforcement and investigative contacts including stops, search warrants, field interview situations, and field operations during first amendment assemblies"	Completed
21	KDPS should revise its use of force policies to either specially define "riotous" or eliminate the terminology from its policies.	Chiefs Office	Addressed in Policy 430 Update (430.4). Removed from 304.10..... "The responsibility of public safety officers is to objectively determine at what juncture a demonstration or assembly leaves the realm of legal protest and becomes an abridgement of the rights of others. It is important for supervisors and officers to understand the definition of an unlawful assembly to determine the appropriate police response. MCL 752.543 Defines unlawful assembly as when a "person to assemble or act in concert with 4 or more persons for the purpose of engaging in conduct constituting the crime of riot, or to be present at an assembly that either has or develops such a purpose and to remain thereat with intent to advance such purpose." MCL 750.541 Defines the crime of riot as "5 or more persons, acting in concert, to wrongfully engage in violent conduct and thereby intentionally or recklessly cause or create a serious risk of causing public terror or alarm." MCL 750.542 Defines incitement to riot as "for a person or persons, intending to cause or to aid or abet the institution or maintenance of a riot, to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence, or the unlawful burning or destroying of property, or the unlawful interference with a police officer, peace officer, fireman or a member of the Michigan national guard or any unit of the armed services officially assigned to riot duty in the lawful performance of his duty."	Policy update is complete
22	KDPS should work with City leadership and community representatives to establish the circumstances for which different crowd control techniques should be authorized.	Chief's Office / CMO	Completed	Completed

23	KDPS should review its overlapping policies in the arenas of First Amendment assemblies, specific force options, and crowd control to ensure consistency and address existing ambiguities.	Chief's Office	<p>Reviewed and added section 430.6 USE OF FORCE</p> <p><i>"During crowd control situations, police officers may be required to physically engage individuals who exhibit conduct ranging from uncooperative to violent behavior. In these situations, officers may have to utilize force to move crowd members who do not respond to verbal directions, control violent individuals, or to effect an arrest. When the use of force is appropriate in a crowd control situation, only that force reasonable to make an arrest or disperse a crowd should be used. There are no exceptions to the Department's Use of Force Policy for crowd control situations. Officers may use only that force which is objectively reasonable. Verbalization should be used throughout the operation in an attempt to gain compliance. In determining the appropriate amount of force, officers shall evaluate each situation in light of the facts and circumstances of each particular case, including, but not limited to the seriousness of the crime(s), the level of threat or resistance presented by the individual(s) and the danger to the community."</i></p>	Completed
24	KDPS should conduct a detailed analysis regarding whether the use of control devices, including pepper balls, on June 1 and 2 was consistent with Department policy and expectations.	Operations	In Progress	Completed
25	KDPS should assess its deployment of pepper balls toward individuals who are laying on the ground with an understanding of how that creates the potential for striking the head.	CMT / Operations	<p>Addressed in Policy 304 Update (304.8).... <i>"to prevent the use of "skip fire" deployment of pepper ball to passive protesters."</i></p>	Policy update is complete
26	KDPS should assess its policies and training regarding appropriate force deployments on passive individuals who are laying on the ground.	CMT / Operations	<p>Addressed in Policy 430 Update (430.6) <i>"Chemical agents will not be used on individuals involved in a protest who are only displaying passive behavior and do not immediately appear to be a present threat to the safety of the department and public while considering the totality of the situation at hand."</i></p>	Policy update is complete
27	KDPS should revisit its policy on the use of tear gas to better define – and narrow – its authorization in the crowd control context, and to require a level of aggressive action on the part of crowd members prior to deployment.	CMT / Operations	<p>Addressed in Policy 430 Update (430.5) <i>"The use of any Department approved chemical agent or munition with the intent of crowd dispersal during a crowd control incident requires the approval of the Chief or designee. Chemical agents include CS (2-chlorobenzylidene malononitrile), OC spray and inert smoke. Before using any chemical agent, tactical consideration should be given to wind direction, safety equipment for officers, and the potential non-effectiveness of the chemical agent. The use of CS as a dispersal agent will only be authorized in situations where crowd behavior is demonstrating active aggression or destruction of property and immediate action is necessary to stop violence and/or property damage. The availability and timely deployment of sufficient resources to ensure public safety will also be considered. OC chemical spray agent assigned to individual officers may be used to control an uncooperative suspect in an isolated incident when the officer reasonably believes and can articulate that the use of OC was reasonable."</i></p>	Policy update is complete
28	KDPS should consider increased transparency practices related to uses of force or other high-profile incidents, such as releasing requested body-worn camera footage to the public as soon as practicable.	CMO / PIO	Currently in practice	Completed

29	The City should work to create a protocol for ensuring adequate safety and support to responding agencies as they respond to large-scale events, looking to the experiences of other cities as possible models.	Chief's Office	Added to Policy 430.9 MUTUAL AID and MULTI-AGENCY COORDINATION <i>"The size and magnitude of an event/incident requiring law enforcement response will dictate the need for multi-agency coordination and cooperation's to efficiently provide adequate mutual aid resources. Critical elements of applying mutual aid to an event should include pre-event planning (if possible), well-defined missions and objectives, specific equipment needs, identified staging areas and incident facilities, adequate briefings, and incident actions plane, use of force considerations, communications plan, arrest protocols and logistical support, including safety and support plans for non-law enforcement personnel operating in the field. All requests for mutual aid will be coordinated through incident command and follow established ICS/NIMS"</i>	Completed
30	KDPS should implement a system to track the deployment and count of responding mutual aid personnel in real-time.	Chief's Office	KDPS has implemented an emergency management software to plan and monitor in "real-time" personnel and resources during any incident.	Completed
31	KDPS should develop a mutual aid agreement with partner agencies that, at a minimum, requires assisting agencies to document and share information regarding incident reports, arrest reports, and uses of force.	Chief's Office	Mutual aid agreement is completed and sent to mutual aid partners for review. Report request is not and have not been an issue.	Completed with Portage and Kalamazoo- Township
32	KDPS should, as part of their after action review process, request and receive the after action or incident reports from any agency that provided mutual aid, both to inform their internal review and determine if any future action is needed.	Chief's Office	Addressed in Policy 430 Update (430.10) <i>"The Incident Commander should designate a member to assemble full documentation of the event, to include:</i> <ul style="list-style-type: none"> • <i>After Action and Incident reports from assisting agencies"</i> 	Policy update is complete
33	The City's leadership should work with KDPS and its community to establish agreed upon guidelines for when to call in the National Guard and publicize these to the community in advance of future events.	Chief's Office / CMO	Completed	Completed
34	KDPS should reach out to other law enforcement agencies who experienced similar civil unrest in the summer of 2020 and review after action reports from other jurisdictions to identify best practices that could be imported to Kalamazoo in responses to future protest activity.	Operations / Chief's Office	Reviewed several after action reviews from protests across the country. The practice of evaluating other cities' failures and successes against KDPS' current practices will continue indefinitely as new reports and events occur.	Completed
35	In addition to unit-specific reports, KDPS should consider a more robust and comprehensive, Department-wide After Action review process that evaluates incidents in a more holistic fashion with an eye toward future incidents.	Chief's Office	Addressed in Policy 430 Update (430.10.1) AFTER-ACTION REPORTING <i>"The Operations Division Commander or designee when appropriate, should prepare a comprehensive after-action report of the event, explaining all incidents where force was used, to include:</i> <ul style="list-style-type: none"> (a) <i>Date, time and description of the event.</i> (b) <i>Actions taken and outcomes (e.g., injuries, property damage, arrests, costs).</i> (c) <i>Problems identified.</i> (d) <i>Significant events.</i> (e) <i>Recommendations for improvement, and opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances. Recommendations should include a holistic view with an eye towards future incidents."</i> 	Policy update is completed
36	KDPS should create a system to track After Action Report recommendations to ensure that those recommendations are implemented and/or considered in future incidents.	Chief's Office	Addressed in Policy 430 Update (430.10.1) <i>"Operations Command will review all post event recommendations and report the findings to the Chief's Office within 30 days of the event. The Chief's Office will ensure that all actionable recommendations are implemented or addressed within 90 days of the event."</i>	Policy update is completed
37	KDPS should handle each complaint as a unique matter, unless there is clear rationale for combining complaints into one file, which KDPS should document and communicate to the complainants.	Professional Standards	Addressed in Policy 1011 Update (1011.4.2) <i>"KDPS should handle each complaint as a unique matter unless there is clear rationale for combining complaints into one file. If complaints are combined, it should be documented and communicated with the complainant(s) accordingly."</i>	Policy update is completed
38	KDPS should ensure that at the end of any complaint investigation, complainants are advised of the findings.	Professional Standards	No Policy Change Needed. In Current Policy 1011 (1011.10.3) <i>"For PCR complaints, the Chief of Public Safety or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint and provided information on how to file an appeal with the Citizens Public Safety Review and Appeal Board (CPSRAB)."</i>	Completed
39	KDPS should follow its formal complaint review process for complaints within the statute of limitations, regardless of any third-party evaluation.	Professional Standards	Addressed in Policy 1011 Update (1011.3) <i>"Complaints will be handled in accordance with KDPS' complaint process, regardless of any third-party (independent) investigation."</i>	Completed

40	KDPS should complete formal investigations of all complaints filed by members of their public and communicate the results to complainants.	Professional Standards	Complete	Completed
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- Complete
- KDPS - In Progress
- Community Engagement - In progress
- KDPS / CMO - Inprogress
- KDPS Training

9/1/2022