

## CITY COUNCIL STUDY SESSION MINUTES

June 16, 2020

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a virtual study session at 5:00 p.m. hosted in the Municipal Building Council Chambers on the 16th day of June, 2020, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Bierman, Carter, Hall, Holman, Petrone, Scanlon, Scott, Wilson, and Mayor Clark

ABSENT: None

Item 1, being:

### PRESENTATION AND DISCUSSION OF THE NORMAN POLICE DEPARTMENT BUDGET AND ASSOCIATED PROGRAMS.

Mr. Kevin Foster, Police Chief, highlighted the Norman Police Department's (NPD) general community partnerships that include Citizens Police Academy; Volunteer Programs for NPD; Norman Neighborhood Watch; National Night Out; Juvenile Intervention Program; Love Works Leadership Camp; Safety Town; Police Activities League; Flashlight Walks; Crime Free Multi-Housing; Coffee with a Cop; July 4th Parade; Holiday Parade; Veterans Day Parade; Hide Lock Take; Fight Crime; Invest in Kids; Municipal Juvenile Court Team; Xenia Institute for Social Justice; Community Partnership Days; Grill and Chill (Oklahoma University National Association for the Advancement of Colored People); CareTrak (in conjunction with Sun Beam Family Services to help track individuals with dementia, Alzheimer's or other illness that could walk off and get lost); Salvation Army/Bell Ringing; Teaching, Education, and Mentoring (TEAM); Chili Supper for the Christmas Store; Virtue Center; Car Seat Installs and Checks; CarFit (educates senior citizens on the right fit with the right car); Handle with Care; Police Explorer Program; Special Needs Alert and Identification Program; Homeless Resource Expos; Cleveland County Drug Court; and Cleveland County Mental Health Task Force.

Boards that NPD participates on include PFLAG; Salvation Army; United Way; Big Brothers/Big Sisters; Norman Arts Council; Meals on Wheels; Parents Helping Parents; Boy Scouts of America; Virtue Center; Full Circle; and Community Services Building, Inc. (CSBI).

Chief Foster said NPD Academy training includes Cultural Awareness; Racial Intelligence Training and Education (RITE); Community Policing and Crime Prevention; Ethics; Spanish; Community Group Talks (Islam Society/Parents and Friends for Lesbians and Gays (PFLAG, BBBS, etc.); De-escalation (Integrating Communication, Assessment, and Tactics (IACT)); and Communicating with the Deaf.

Chief Foster said continuing training includes Council on Law Enforcement Education and Training (CLEET) that requires 25 hours of continuing education annually, two hours of that training be mental health related, and officers must qualify with firearm annually. He said there is also In-service Training and in 2018, the entire NPD went through RITE training, in 2019, ICAT,

and in 2020, Gender Bias/Procedural Justice/Hate Crimes/Bias based calls for service. Other training consists of daily training bulletins where a policy is reviewed and examples are given on application of that policy and the NPD will continue to review its policies and training to align them with best practices from around the country.

The NPD does not train nor authorize the use of “chokeholds” or “strangleholds” as the terms are commonly used. The NPD does allow for the use of properly applied “Carotid Control Holds” under limited and demonstrated proficiency. The NPD’s Oath, Code of Ethics, and Code of Conduct, as well as several other policies, require that officers recognize and respect the value of all human life and dignity without prejudice to anyone. Since a significant expectation of the officers is the ability to peacefully resolve emotionally charged, confrontational, and violent situations, de-escalation techniques are incorporated in every aspect of training. He said policies specifically require de-escalation techniques to be incorporated in training and circumstances involving conducted energy devices, firearms, and emergency detentions. Policies also incorporate Verbal Judo, ICAT, and other more specific de-escalation models on a continuing basis.

Chief Foster said the use of force is limited to that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Deadly force (not simply shooting, but ANY force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury) is only justified in the following instances:

- To protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury
- To stop a fleeing suspect when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended

A verbal warning should precede the use of deadly force, where feasible, and the officer must have exhausted all alternative avenues before shooting.

The NPD also requires any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances to intercede to prevent the use of unreasonable force. Further, the policy incorporates the mandatory duty to make a written report of excessive force and any officer who fails to make the required report or who knowingly makes a materially false statement shall be guilty of a misdemeanor.

Chief Foster said an officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there is no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. While policy is also clear that officers should move out of the path of an approaching vehicle, an outright and categorical ban would be short-sighted as vehicles themselves are used as weapons. He said officers have been disciplined in the past for shooting at moving vehicles.

Any use of any force is limited to that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a law enforcement purpose. Attempting to use a continuum that requires a specific progression of force in all situations fails to allow for the fact that officers are often forced to make split-second decisions about the amount of force that is reasonably necessary for a particular situation often with limited information and tense, uncertain, and rapidly evolving circumstances. An officer's response must be reasonable to the resistance encountered in a specific situation rather than a static, one-size-fits-all model.

Any use of force must be reported promptly and since the term "force" means the application of physical techniques or tactics, the application of a control device, or the presentation of a conducted energy device or firearm toward another person, the department requires additional reporting in other situations, e.g., presenting or threatening the use of a canine or other control devices.

Chief Foster said in answer to some questions he received, the University of Oklahoma Police Department (OUPD) has 40 Commissioned Officers; all complaints to NPD are posted online in the open data portal; all use of force data is posted online in the open data portal; NPD provides shoot/don't shoot training regularly that incorporates de-escalation; all benchmark data is online in the "About Us" section; and the NPD Policy Manual is online in the "Requests and Services" section.

Mayor Clark asked if officers have ethics training and Chief Foster said yes, "Ethical Policing is Courageous" started in New Orleans and addresses the duty to act. If anyone, including officers, see something that is not right, they must speak up and ethics training reinforces that. He said NPD is looking at revising the hiring process, more specifically to look at bias within the hiring process. He said the entire department will participate in the John J. College survey, where John J. College will review NPD's data to help improve areas needed. NPD is also looking at a survey with Bias Link for feedback and possible ideas for training to help with bias issues.

Mayor Clark said it is important to hire from a diverse pool of applicants and Chief Foster said applications come in from across the country and NPD is always looking for better ideas on how to recruit a more diverse population. Mayor Clark asked how many academies are held each year and Chief Foster said one.

Councilmember Holman asked about the policy of shooting at a fleeing suspect and Chief Foster said officers can only stop a fleeing suspect when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended.

Councilmember Holman asked how many officers per year report inappropriate action of another officer and how often is that followed up with some type of action taken and Chief Foster said NPD receives several complaints from officers and civilians. He said all complaints are investigated as any other case would be and if the action is deemed inappropriate, the officer is disciplined. Councilmember Holman asked for a demonstration of a carotid hold and an officer demonstrated that for Council.

Councilmember Wilson said she understands the intentions of a carotid hold, but some officers have a lot of adrenaline going at the time they are using this hold, which concerns her. She said in the Marconia Kesse incident, what did officers do to remove him from hospital property, was it use of force? She would like to see if there is an audit of these types of situations. Chief Foster said use of force goes through an entire chain of command and, generally, the line supervisor may review the body camera from the event first then it goes through several other departmental reviews including Internal Affairs Division (IAD). He said all data is downloaded into the system server with limited access. Councilmember Wilson asked if IAD report their findings to another agency or is it limited to IAD and Chief Foster said it is just NPD's information and no other agency is involved. Councilmember Wilson said she would like to see all use of force events reviewed by an outside source for input and transparency.

Councilmember Bierman asked which category handling or communicating with individuals with mental health issues fall under and Chief Foster said it falls under many categories, e.g., community policing, ethics training, etc., but all officers have specific mental health training. Of the 25 hours required by CLEET annually, two of those hours are mental health related training. Councilmember Bierman said she would like to see additional training in the Police Academy that is specific to mental health.

Councilmember Bierman would also like to see annual RITE training because annual training on all of the issues officers deal with on a regular basis is important. She asked how officers are evaluated on their own mental health and Chief Foster said officers are evaluated after critical incidents (required) and it is suggested they be evaluated after other incidents, e.g., car accidents involving death or traumatic incidents involving a child. He said officers can be referred to outside professional assistance, if needed. Councilmember Bierman said officers should be evaluated on an annual basis and would like to know what that would cost because she will be discussing a possible requirement for that in upcoming Council Oversight Committee meetings.

Councilmember Petrone asked if all officers are trained on the proper way to use a carotid hold and Chief Foster said yes, there is ongoing training on the proper way to perform the hold. Councilmember Petrone said in 2017, the Fraternal Order of Police (FOP) stated all neck holds should be banned entirely and there are a lot of cities that are banning carotid holds and asked Chief Foster's opinion on that. Chief Foster said some offenders seem to have super human strength and energy so getting them under control and getting medication administered for whatever drug they may be on sometimes requires this type of use of force. He said if medication is not administered quickly, it could be a matter of life or death for the person on the drug. He said NPD is open to discussion on whether or not to ban the hold, but it is only used in extreme cases, i.e., two to three times per year.

Councilmember Petrone asked if "no knock" warrants are legal in Norman and Chief Foster said yes, but a Judge must sign the warrant. Councilmember Petrone said a lot of citizens in Norman are gun owners and would like to see "no knock" warrants banned and Chief Foster agreed and said "no knock" warrants create scary, high risk situations for both police and citizens so this is something he would be very open to considering.

Councilmember Petrone asked the primary job of School Resource Officers (SROs) and Chief Foster said the number one reason is safety, but it is a bigger role than that. It is a role of connecting with the students and letting them see a police officer in a positive light. He said making those

connections with students, allows the officers to have a better chance of students giving them information being passed around through Snapchat or other social media sites, e.g., someone threatening to harm themselves or others, before it happens. Councilmember Petrone asked if there is a policy manual for SROs online and Chief Foster said there is a procedural manual. Councilmember Petrone said in order for the public to better understand the role of the SROs, she would encourage more public education.

Councilmember Scanlon said he supports frequent mental health evaluations of officers and getting them the help they need. He has witnessed officers trained in mental health working with citizens who have mental health issues and those officers do a great job, but all officers need continuous training on mental health. He has also witnessed SROs in action and they have a positive role model mentoring relationship with the students and play a significant role in the lives of the students.

Councilmember Scott asked how police overtime is handled, what is the process, and what is the transparency and accountability regarding police overtime. Chief Foster said overtime has to be approved by the officer's supervisor for a variety of reasons, e.g., special events. He said sometimes officers become involved in a situation toward the end of their shift that will go longer than anticipated, which requires overtime.

Councilmember Scott asked if the police support the Citizens Advisory Board (CAB), who reports to CAB, and how often do they meet. Chief Foster said the police run IAD cases through CAB for feedback as well as policy decisions for recommendations. He is the one that communicates with CAB as well as IAD and the Board meets monthly. He said CAB appoints their own members (nine) for a two-year term and have bylaws that are available online.

Councilmember Hall asked the policy for using body cameras and Chief Foster said every time the officer is in contact with a citizen that has called for service or if the officer is in a conversation that goes beyond the normal parameters of a social conversation, the body camera should be activated.

Items submitted for the record

1. PowerPoint presentation entitled, "Norman Police Department – Community Programs and Partnerships"
2. Norman Police Department Review of Services
3. Community Partnerships
4. Business Partnerships

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ADJOURNMENT

The meeting was adjourned at 6:45 p.m.

ATTEST:

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City Clerk

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Mayor