

Strickland Administration MPD Improvement Outcomes June 24, 2020

Below are the key outcomes agreed to during our meetings with clergy and concerned citizens:

#1 - MPD Has Policies in Place for 8 of 8 can't wait

1. *Ban Chokeholds and Strangleholds—BANNED—POLICY IN PLACE*

Choke holds of any kind are strictly prohibited during the course of effecting an arrest or after a subject has been handcuffed. This would include the use of hands, arms, knees, feet or one's body weight to restrict a subject's ability to breathe. This prohibition is outlined in MPD Policy and Procedure and is supported by the following state law:

TCA § 38-3-121. Choke holds; restrictions on use (2019): No law enforcement officer shall use a choke hold or other similar respiratory restraining maneuver, with or without the use of a police baton, on any suspect, defendant or other person unless other methods of restraint are ineffective. Nothing in this section shall be construed to prohibit the use of the lateral vascular maneuver.

While the above statute does not prohibit the use of the lateral vascular maneuver, MPD officers are prohibited from using this self-defense technique. *The only exception for the use of any choke hold would be if an officer was otherwise justified to do so in self-defense where the officer has been attacked with deadly force, is being threatened with the use of deadly force, or where the officer has probable cause and reasonably perceives an immediate threat of deadly force.*

2. *Require De-escalation—REQUIRED— POLICY IN PLACE*

Officers are required and trained to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force. De-escalation enables an officer when practicable to initiate specific actions to defuse an event where the use of force would be legally justified at that time. This may be accomplished through both verbal and tactical actions which may include: containment, securing backup, using cover or requesting CIT.

3. *Require warning before shooting—REQUIRED WHEN FEASIBLE— POLICY IN PLACE*

Where feasible, the officer has identified himself/herself as a police officer and given warning such as, "STOP--POLICE--I'LL SHOOT," that deadly force is about to be used unless flight ceases; AND If all other means of apprehension available to the officer under the attendant circumstances have been exhausted.

4. *Exhaust all alternatives before shooting—REQUIRED— POLICY IN PLACE*

Officers shall use only the **NECESSARY** amount of force that is consistent with the accomplishment of their duties, and must exhaust every other reasonable means of prevention, apprehension, or defense before resorting to the use of deadly force.

5. *Duty to intervene*—**REQUIRED— POLICY IN PLACE**

Any member who directly observes another member engaged in dangerous or criminal conduct or abuse of a subject shall take reasonable action to intervene. A member shall immediately report to the Department any violation of policies and regulations or any other improper conduct which is contrary to the policy, order or directives of the Department. For sworn employees this reporting requirement also applies to allegations of uses of force not yet reported.

6. *Ban shooting at moving vehicles*—**ONLY WHEN DEADLY FORCE IS AUTHORIZED— POLICY IN PLACE**

The use of DEADLY FORCE is prohibited: From or at any moving vehicle, except in a case where an officer has probable cause to believe that the suspect committed a violent felony and the poses a direct threat of serious bodily injury or death to other persons if not immediately apprehended. If the officer is in the path of the vehicle, the officer's first responsibility, if possible, is to move from the path of the oncoming vehicle, as shooting the driver of a moving vehicle raises the danger from an uncontrolled vehicle. Officers should not intentionally place themselves in the path of a moving vehicle or reach inside of a moving vehicle; or in any case, where the officer does not have a clear field of fire and cannot be reasonably certain that only the suspect will be hit and that the potential for harm to innocent persons is minimum.

7. *Require use of force continuum*—**REQUIRED— POLICY IN PLACE**

MPD RESPONSE TO RESISTANCE CONTINUUM

1. Physical Presence
2. Verbal Warnings
3. Verbal Commands
4. Chemical Agents
5. Empty Hands Control (Soft and Hard)
6. Impact Weapons/Less Lethal Weapons/MPD Canine
7. Deadly Force

Officers must be aware that this is a dynamic continuum where an officer can be justified in instantly escalating from the lowest level of force to Deadly Force without having to stop and utilize each and every step in between. The Officer can also de-escalate from a higher level of force to one of the lower levels without stopping at each lower level. The Officer's experience and training are his guides as to which level of force to use in each situation.

8. *Require comprehensive reporting*—**REQUIRED— POLICY IN PLACE**

It is the responsibility of all officers utilizing both deadly and less than lethal force to complete a Response to Resistance Form. The Response to Resistance incident will be submitted to the supervisor for approval prior to the end of the officer's shift. The

Supervisor will ensure that the report has been completed, and will review the incident for any departmental concerns regarding policy and procedures, training, equipment and/or officer conduct.

#2: MPD Ban on no-knock search warrants

MPD agrees to ban no-knock search warrants.

#3: CLERB Improvements

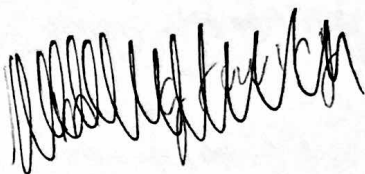
Strickland administration will locate additional funding within budget to increase funding for CLERB marketing and communications, training for staff and board members, and also hiring an additional part-time resource for CLERB.

#4: Posting of CLERB and Civil Service Board Openings

Strickland administration will post CLERB and Civil Service Board Openings on www.memphistn.gov.

#5: Receive recommendations for expanding MPD Implicit Bias Training

MPD has provided current implicit bias training to meeting attendees and have requested recommendations on how to improve training.

A handwritten signature in black ink, appearing to be "Michael J. Strickland", is located at the bottom left of the page.